

No. 58.

4th Session, 6th Parliament, 24 Victoria, 1861

BILL.

An Act for the protection of the Creditors
of Locatees of the Lands of the Crown.

Received and read, first time, Wednesday, 3rd
April, 1861.

Second reading, Monday, 8th April, 1861.

Mr. PRICE.

QUEBEC:

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ST. URSULE STREET.

An Act for the protection of the Creditors of Locatees of the
Lands of the Crown.

WHEREAS it is expedient for the security of the Creditors of
locatees of the lands of the Crown, to render lots or portions of
lots held by such locatees, under "Location Tickets" or "Permits of
Occupation," liable to be taken in execution by creditors of such
5 locatees, and to be validly sold, or to be mortgaged and hypothecated in
favor of any such creditors; subject, however, to the privilege of the
Crown for any balance due of the purchase money, or interest accrued
thereon, of such lands; Therefore Her Majesty, by and with the advice
and consent of the Legislative Council and Legislative Assembly of
10 the Province of Canada, in Parliament assembled, enacts as follows:

I. All lots or portions of lots held under "Location Tickets," or
"Permits of occupation," shall be subject to be taken in execution at
the suit of any Creditor of the locatee thereof, and to be validly sold,
hypothecated and mortgaged by the locatee thereof; the whole in the
15 same manner and to the same extent, and subject to the same rules of
law and of procedure, as if such lots or portions of lots had been granted
by the Crown by Letters Patent: Provided always, that no confirmation
of Title, Sheriff's sale or licitation, nor any mortgage or hypothecation,
shall in any respect affect the rights of the Crown to the purchase
20 money and interest, should any such be due upon such lots or portions
of lots, or the right to declare forfeited such "permits of occupation"
or "location tickets," in default of payment of such purchase money;
but, as regards the Crown, the effect of such confirmation of Title,
Sheriff's sale, licitation, mortgage or hypothec, shall extend only to the
25 rights of the locatee or occupant in the land held under the Location
Ticket or Permit of occupation.

II. This Act shall apply to Mortgages or Hypothecs heretofore
created upon lands held under "Location Tickets" or "Permits of
Occupation," provided that such Mortgage or Hypothec has been duly
30 registered previous to the registration of any transfer or sale by any such
locatee to any party or parties, of his, her, or their claim or pre-
emptive rights to the same property or properties.

III. This shall apply only to the lands of the Crown in Lower Canada.

Preamble.

Rights of locatee to be subject to sale, hypothec, &c.

Proviso: rights of the Crown not to be affected:

Act to apply to former sales.

Act limited to L. C.