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No. 11.

2nd Session, 7th Parliament, 26 Victoria, 1863.

BILL.

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

Received and read, first time, Friday, 27th
February, 1863.

Second reading, Monday, 2nd March, 1863.

Mr. PRICE.

QUEBEC:
PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSE & LEMIEUX, 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 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 Assembly of Canada, enacts as follows:—

1. 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 same manner and to the same extent, and subject to the same rules of law and 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 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, or to any remedy for the enforcement as against the purchaser or any other person whomsoever, of any of the conditions contained in such "Permit of Occupation" or "Location Ticket;" and, as regards the Crown, the effect of such confirmation of title, Sheriff's sale, licitation, mortgage or hypothec, shall extend only to the rights of the locatee or occupant in the land held under the "Location Ticket" or "Permit of Occupation;" But in case of any sale thereof under execution, the Sheriff's deed or other evidence of purchase shall be subject to the same rules as to the notification thereof to the local agents for the sale of Crown Lands, as are now applicable, or may be hereafter made applicable, to voluntary assignments of "Location Tickets" or "Permits of Occupation."

2. This Act shall apply to mortgages or hypothecs heretofore created upon lands held under "Location Tickets" or "Permits of Occupation," provided that the mortgage or hypothec has been duly 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.

3. This Act 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.

Notice to local agents of the Crown.

Act to apply to existing cases.

Act limited to L. C.