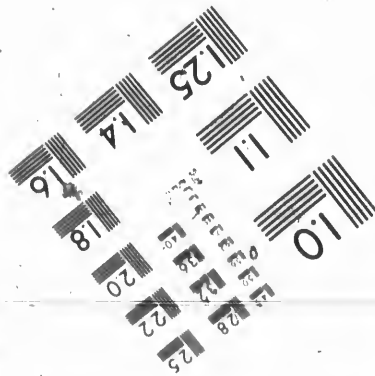
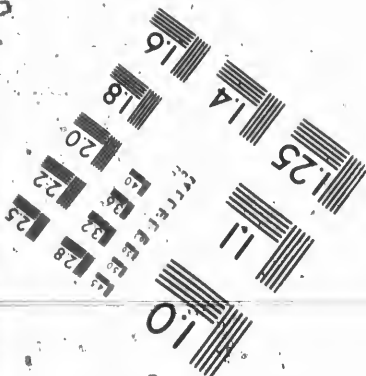
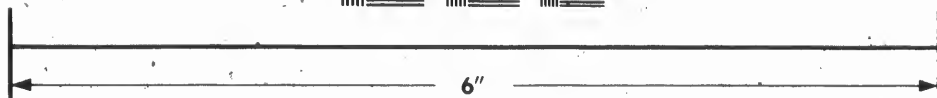
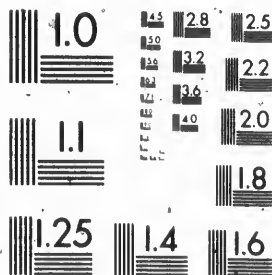


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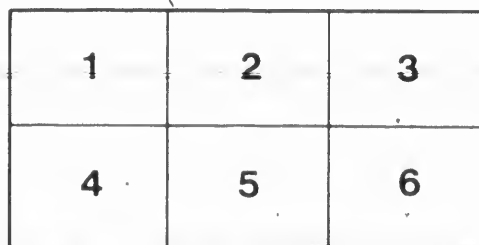
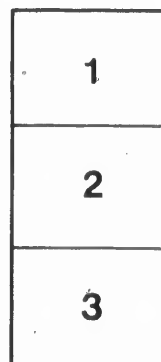
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DEPARTMENT
OF
CROWN LANDS

L A W S

Respecting the Sale of Public Lands, Woods and Forests,
and Escheats

*(From the Revised Statutes of the Province of Quebec,
with Amendments)*

QUEBEC :

1896

TABLE OF CONTENTS.

REVISED STATUTES

OF THE

PROVINCE OF QUEBEC

TITLE IV.

PUBLIC DEPARTMENT

| | ARTICLES |
|-------------------------------------------------|----------|
| CHAP. VI.—DEPARTMENT OF CROWN LANDS AND MATTERS | |
| CONNECTED THEREWITH..... | 1236 |

PART FIRST.

DEPARTMENT OF CROWN LANDS.

| | ARTICLES. |
|----------------------------------------------------------|-----------|
| SEC. I.—The Commissioner and his functions..... | 1236 |
| SEC. II.—Assistant commissioner and others officers..... | 1242 |
| § 1. Their appointment..... | 1242 |
| 2. Powers and duties of assistant commissioner..... | 1244 |
| SEC. III.—Agencies and agents. | 1247 |
| § 1. Agencies..... | 1247 |
| 2. Agents..... | 1248 |

PART SECOND.

MATTERS CONNECTED WITH THE DEPARTMENT.

| | | |
|------|-------------------------------------------------------------------------------|-------|
| SEC. | IV.—Public lands, Jesuits' estates and other property.. | 1250 |
| § | 1. Declaratory and interpretative..... | 1250 |
| | 2. General provisions..... | 1251 |
| | 3. Free grants of public lands..... | 1262 |
| | 3a. Free grants to fathers and mothers of twelve children..... | 1267a |
| | 4. Sales and licenses of occupation and assignment thereof..... | 1268 |
| | 5. Sale of sugaries..... | 1282 |
| | 6. Forfeiture of claims and enforcement of forfeiture..... | 1283 |
| | 7. Jesuits' estates and other property..... | 1297 |
| | 8. Letters-patent for public lands and the registration thereof..... | 1298 |
| | I. Registration of letters-patent..... | 1298 |
| | II. Letters-patent issued in error..... | 1299 |
| | 9. Leasing of the Peninsula of Manicougan..... | 1307 |
| SEC. | V.—Woods and forests on public lands..... | 1309 |
| § | 1. Cutting of timber..... | 1309 |
| | I. Licenses to cut timber..... | 1309 |
| | II. Obligations of parties obtaining licenses. ... | 1315 |
| | III. Penalty on persons cutting timber without license..... | 1322 |
| | IV. Resisting seizure—Removing timber seized—Condemnation of such timber..... | 1326 |
| | v. Sale of timber limits..... | 1334 |
| | ° VI. Powers and duties of holders of timber limits..... | 1337 |
| | 2. Timber dues and imputation thereof..... | 1342 |
| | 3. Protection of forests against fire..... | 1344 |
| | I. Provisions applicable to the whole Province..... | 1344 |
| | II. Provisions applicable to the northeastern portion of the Province..... | 1353 |
| | IIIa. Fire Districts..... | 1353a |
| | III. Miscellaneous..... | 1354 |

TABLE OF CONTENTS

III

| | | |
|------|----------------------------------------------------------|-------|
| | 4. Forest trees and the planting and cultivation thereof | 1359 |
| SEC. | va.—Culling and measurement of timber cut upon | |
| | Crown lands..... | 1368a |
| § | 1. Declaratory and interpretative | 1368a |
| | 2. Board of examiners for cullers..... | 1368c |
| | 3. Licenses to cullers and their duties..... | 1368h |
| SEC. | vi.—Escheats and property confiscated to the Crown.. | 1369 |

1250
1250
1251
1262
1267a

1268
1282
1283
1297

1298
1298
1299
1307
1309
1309
1309
1315

1322

1326
1334
1337
1342
1344
1344

1353
1353a
1354

12
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stream
46 V

REVISED STATUTES

OF THE PROVINCE OF QUEBEC.

TITLE IV.

CHAPTER SIXTH.

DEPARTMENT OF CROWN LANDS AND MATTERS CONNECTED
THEREWITH.

PART FIRST.

THE DEPARTMENT OF CROWN LANDS.

SECTION I.

THE COMMISSIONER AND HIS FUNCTIONS.

1236. The Commissioner of Crown Lands, validly designated in this chapter under the name of Commissioner, has the administration and direction of the Department of Crown Lands. B. N. A. Act, 1861, ss. 63, 92, 134 and 135; 32 V., c. 11, s. 1. Administration of Commissioner.

1237. His functions, powers and duties are the following: Powers, duties and functions.

1. He has, throughout the Province, the oversight, control and management of everything connected with the administration and sale of the public lands belonging to the Province, and of the timber and wood thereon. B. N. A. Act, 1867, s. 92.

2. He has the management of escheats. 48 V., c. 10, s. 1.

3. Fisheries on the banks of non-navigable rivers and streams, and lakes in the Province are under his control. 46 V., c. 8.

CROWN LANDS' DEPARTMENT

4. The carrying out of the game laws is also under his supervision. 47 V., c. 25.

5. The preparation of official plans and books of reference is under his direction. C. C. 2166 et seq; 32 V., c. 25; 38 V., c. 15; 49-50 V., c. 11.

6. He has control over everything connected with the administration and sale of mining lands in the Province. 43-44 V., c. 12.

7. He administers the property of the Jesuits' Estates, Crown Domain, and of the Seigniorie of Lauzon. 36 V., c. 8, s. 5.

8. He performs all the duties and executes all the powers of the Surveyor-General of the late Province of Canada, in respect of matters connected with this Province. 32 V., c. 11, s. 3.

Annual report.

1238. The Commissioner annually lays before the Legislature, within ten days after the beginning of each session, a report of the proceedings of the Department during the year then next preceding. 32 V., s. 11, s. 8.

Lists of public lands for sale to be published.

1239. He causes lists of the public lands for sale in the several townships in the Province to be made out from time to time, and advertised and published as he deems most advisable for ensuring general information. 32 V., c. 11, s. 34.

Lists of public lands sold to be transmitted yearly to secretary-treasurers of municipalities.

1240. He shall transmit, as early as possible in each year, to the secretary-treasurer of every county municipality, a list of the public lands sold, granted, leased, appropriated or set apart to any person, or for which licenses of occupation have been granted in such county municipality, during the year next preceding, and for which no patents have issued.

Liability of such lands for taxes, &c.

Such lands shall be liable for the assessed taxes in the townships in which they respectively lie, from the date of such sale, license or appropriation; and the purchaser, at the sale of any such lands for taxes, shall, as heretofore, have in the lands so sold the same rights only as the person entitled to claim under the Crown at the time of such sale.

Notice of cancellation of sales, &c., to be given to secretary-treasurers and registrars; effect as to taxes.

2. He shall, in like manner, apprise each such secretary-treasurer of the cancellation of any license of occupation, sale, grant, lease, location or appropriation, and the registrar of every county and registration division, of the cancellation of any patent of land within such county and

registration division, from which time, until resold, leased, or regranted, the land affected shall cease to be liable to taxes. 32 V., c. 11, s. 35.

1211. The powers and duties of the department and office of the Surveyor General of the late Province of Canada, in so far as regards the exercise and performance thereof within the Province, are exercised and performed by the Commissioner, or by any assistant or clerks in his department or office, or by any person whom he, by any instrument in writing under his hand, authorizes to that effect, and under such name or designation of office, as he may fix, as effectually as they might have been exercised or performed by the Surveyor General. 32 V., c. 11, s. 3, § 2.

Powers and duties of the Surveyor General to be exercised and performed by the Commissioner.

SECTION II.

ASSISTANT COMMISSIONER AND OTHER OFFICERS.

§ 1.—*Their Appointment.*

1212. The Lieutenant-Governor in Council appoints an assistant commissioner of Crown Lands, who is validly designated in this chapter under the name of assistant commissioner.

Appointment of assistant commissioner.

2. He further appoints all the officers, clerks and messengers necessary for the proper administration of the Department. 32 V., c. 11, s. 4; 36 V., c. 8, § 1.

Other departmental officers.

1213. He may, from time to time, appoint officers and agents to carry out this chapter and orders in council under it.

Other officers.

Such officers and agents are paid in such manner and at such rates as may be prescribed by order in council. 32 V., c. 11, s. 4.

How paid.

§ 2.—*Powers and Duties of Assistant Commissioner.*

1211. Without prejudice to the control of the Commissioner, the assistant commissioner has the superintendence of the other officers, clerks, messengers or servants, and the general control of all the affairs of the Department; his orders shall be executed in the same way as those of the Commissioner himself, and his authority shall be deemed to be that of the head of the Department, so that he can validly affix his signature, in his said quality, and thereby

His duties and powers.

give force and authority to all acts, receipts, permits of occupation, contracts or deeds of sale, location tickets, letters-patent, adjudications, revocations of sales, or locations, and all other documents whatsoever, which are or may be within the jurisdiction of the Department.

Revocation of powers.

2. It is lawful for the Lieutenant-Governor in Council, from time to time, whenever he may deem it expedient, to revoke, wholly or in part, the powers of the assistant commissioner.

He shall be sworn.

3. Before entering on the duties of his office, the assistant commissioner shall take an oath faithfully to discharge the same.

Oath, before whom taken.

Such oath is administered by the Commissioner, or any person appointed by the Lieutenant-Governor for that purpose. 36 V., c. 8, s. 1.

Assistant commissioner and agents to give security.

1215. The Lieutenant-Governor in Council shall require, from the assistant commissioner and from every agent appointed under him, security for the due performance of his duty. 32 V., c. 11, s. 6.

During his absence, &c., a substitute shall be named.

1216. During the illness or absence of the assistant commissioner, the head of the Department shall appoint another officer to temporarily perform his duties; and notice of such appointment shall be given in writing to each officer and clerk of the Department. 36 V., c. 8, s. 2.

SECTION III.

AGENCIES AND AGENTS.

§ 1.—*Agencies.*

Division of Province into agencies.

1217. For the purposes of this chapter, the Province is divided into seventeen agencies, designated respectively as follows, viz: the Coulonge agency, the Gatineau agency, the Petite Nation agency, the Magog agency, the St. Francis agency, the Arthabaska agency, the Chaudière agency, the Montmagny agency, the Grandville agency, the Rimouski agency, the Bonaventure agency, the Gaspé agency, the Saguenay agency, the Lake St. John agency, the St. Charles agency, the St. Maurice agency, and l'Assomption agency; and the Lieutenant-Governor in Council may, from time to time, determine or change the limits of any such agencies respectively, or increase or diminish the number thereof (*). 32 V., c. 11, s. 5 and 55-56 V., c. 18, s. 1.

(*) See orders in council, for limits of agencies and sub-agencies.

§ 2.—*Agents.*

1218. Every Crown lands' agent may, if the same become necessary owing to the extent of his agency or the pressure of his business, appoint a deputy to assist him in the performance of his duties; but such appointment, to be valid, must be approved by the Commissioner.

Power of Crown lands' agent to appoint deputy. Approval of Commissioner required.

Every such deputy shall perform the duties of the agent, in case of the absence or sickness of that officer, and all other duties that may be assigned to him by the Commissioner. 45 V., c. 10, s. 1:

Duties of deputy.

1219. The duties of agents shall comprise the sale and locating of all public lands offered for sale, the granting of licenses to cut timber thereon or upon such lands as have been set apart for the purpose, the collection of arrears due, the settlement of conflicting claims, inspection of lands, the protection of the public domain within their respective agencies from trespassers and depredators, and such other duties, not inconsistent with this chapter, as the Commissioner may, from time to time, think proper to assign them, and such duties shall be performed under the direction and in conformity with the instructions of the Commissioner. 32 V., c. 11, s. 9.

Duties of agents.

PART SECOND.

MATTERS CONNECTED WITH THE DEPARTMENT.

SECTION IV.

PUBLIC LANDS, JESUITS' ESTATES AND OTHER PROPERTY.

§ 1.—*Declaratory and Interpretative.*

1250 The term "public lands" shall be held to apply to lands heretofore designated or known as Crown lands and clergy lands, which designation for the purposes of administration shall still continue. 32 V., c. 11, s. 46.

Defining the term "public lands."

§ 2.—*General Provisions.*

Lieutenant-Governor in Council may make orders for carrying out this chapter.

1251. The Lieutenant-Governor in Council may, from time to time, make such orders as are necessary to carry out the provisions of this chapter according to their obvious intent, or to meet cases which may arise and for which no provision is made by this chapter. 32 V., c. 11, s. 10, § 2.

Orders to be published.

1252. Such orders shall be published in the Quebec Official Gazette and in such newspapers as the Commissioner may direct, and shall be laid before the Legislature within the first ten days of the session next after the date thereof.

Orders not to be inconsistent with this chapter and exercise of powers thereunder.

No such order shall be inconsistent with this chapter, save that the powers, herein given to the Commissioner of Crown Lands, may be exercised by the Lieutenant-Governor in Council and shall be subject to any order in council, regulating or affecting the same from time to time. 32 V., c. 11, s. 10, § 2.

Before whom affidavits under this chapter may be made.

1253. All affidavits required under this chapter, or intended to be used in reference to any claim, business or transaction in the Department of Crown Lands may be taken before any judge or prothonotary, or clerk of any court, or any justice of the peace, or any commissioner for taking affidavits in any of the courts, or the Commissioner or the assistant commissioner, or any officer or agent of the Commissioner, or any sworn land surveyor appointed by the Commissioner to inquire into or take evidence or report in any matter submitted or pending before such Commissioner, or, if made out of the Province, before the mayor or chief magistrate of, or the British Consul in, any city, town or other municipality. 32 V., c. 11, s. 36.

Lieutenant-Governor, may, by proclamation, annex gores, &c., to adjacent townships.

1254. Whenever there is any gore or small tract of land or island, which is not included in the original survey and description of any township, and is of too limited extent to form a township by itself, the Lieutenant-Governor may, by proclamation, annex such gore or tract of land to any township, to which it is adjacent, or partly to one, and partly to another of any two or more townships to which it is adjacent, as he deems expedient; and, from and after the day appointed in such proclamation, or from the date thereof, if no other day be therein appointed for the purpose, the tract of land thereby annexed to any township shall form part thereof. 32 V., c. 11, s. 37.

Attested on part of departmental records.

1255. Extracts from any records, documents, books or papers belonging to or deposited in the said Department,

attested under the signature of the Commissioner or of the assistant commissioner, shall be competent evidence in all cases in which the original records, documents, books or papers could be evidence. 32 V., c. 11, s. 38.

1256. No resident agent for the sale of public lands shall, within his agency, directly or indirectly, unless under an order of the Lieutenant-Governor in Council, which shall not be for more than two hundred acres, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his agency, and any such purchase and acquiring of interest shall be void. 32 V., c. 11, s. 7.

1257. No other person holding an office or employed in the department shall, while holding such office, or employment, directly or indirectly, unless under an order of the Lieutenant-Governor in Council, purchase any right, title or interest in any public land, either in his own right, or by the interposition of any other person, or in the name of any other person in trust for himself, or shall take or receive any fee or emolument for negotiating or transacting any business connected with the duties of his office or employment.

2. Any title or interest thus obtained shall be null and void, and any person contravening this or the preceding article shall forfeit his office or employment and be liable to a penalty of four hundred dollars to be recovered in an action of debt by any person suing for the same. 32 V., c. 11, ss 7 and 39.

1258. If any agent shall knowingly or falsely inform, or cause to be informed, any person applying to him to locate or purchase any land within his division and agency, that the same has already been located, assigned or purchased, such agent shall be liable therefor to the person so applying, in the sum of five dollars for each acre of land which the person so applying offered and was entitled to locate or purchase, to be recovered by action of debt in any court of record having jurisdiction for that amount. 32 V., c. 11, s. 40.

1259. Whenever it shall appear to any agent that any land within his agency or division, at his disposal under existing regulations to sell or locate or to put under license, should be withdrawn from the list of lands so disposable within his agency or division, such agent may provisionally refuse to permit any person applying to him, to purchase

any such land, or, where entitled, to locate the same, or to put it under license to him. 32 V., c. 11, s. 42.

Agent neglecting to report to Commissioner.

1260. If any such agent shall refuse or neglect to report to the Commissioner, within eight days thereafter, his reasons for such refusal to sell, locate, or put under license, as the case may be, any such land, such agent shall be liable therefor to the person so applying in the sum of five dollars for each acre of land which the person so applying offered and was entitled to locate or purchase or to have put under license to him, to be recovered by action of debt in any court of record having jurisdiction for that amount. 32 V., c. 11, s. 41.

Hindering bidders at sales of public lands by intimidation, &c., how punished.

1261. If any person or persons shall, before or at the time of the public sale of any of the lands of the Province, by intimidation, combination, or unfair management, hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale, every such offender, his, or their aiders and abettors, shall, for every such offence, and, on conviction thereof, be liable to a fine not exceeding four hundred dollars, or imprisonment for a term not exceeding two years, in the discretion of the court. 32 V., c. 11, s. 42.

§ 3.—Free Grants of Public Lands.

Free grants limited.

1262. Unless as provided in this chapter, no free grant of public land shall be made. 32 V., c. 11, s. 11.

Determination of claim arising under repealed acts, orders in council, &c.

1263. Any claim to land arising under any act or under any order in council, or other regulation of any Government, shall be determined by the Commissioner, subject to such arrangement and order in respect to improvements on any particular lands, as the Commissioner may think just; or the same may be satisfied by issuing, to the party thereto entitled, land-scrip redeemable in Crown lands, to such an amount as the Commissioner may find just. 32 V., c. 11, s. 12.

Determination of military claims, &c.

1264. No claim for land arising from militia, military or United Empire Loyalist rights, shall be entertained, unless the same was actually located or admitted, or proof sufficient, in the opinion of the Commissioner, furnished in support thereof before the fourteenth day of June, eighteen hundred and fifty-three, and no land or other scrip or certificate entitling parties to purchase land, issued prior to

the said date, not presented and established in the office of the Commissioner of Crown Lands before the first day of January, one thousand eight hundred and sixty-two, shall be recognized and redeemed. 32 V., c. 11, s. 12.

1265. The Lieutenant-Governor in Council may appropriate any public lands as free grants to actual settlers upon any public roads opened through the said lands in any new settlements, under such regulations as shall, from time to time, be made by order in council; but no such free grant shall exceed one hundred acres. 32 V., c. 11, s. 13.

Free grants may be made to settlers on or near roads in new settlements.

1266. The Lieutenant-Governor in Council may set apart and appropriate such of the Crown lands as he deems expedient for the sites of wharves or piers, market-places, gaols, court houses, public parks or gardens, town-halls, hospitals, places of public worship, burying-ground, schools, agricultural exhibitions or for other like public purposes, or for model or industrial farms; and, at any time before the issue of letters-patent therefor, may revoke such appropriation as seems expedient.

Lands may be set apart for certain public purposes and free grants thereof made in trust.

He may make free grants for the purposes aforesaid, the trust and uses to which they are to be subject being expressed in the letters-patent. 32 V., c. 11, s. 14.

1267. No such grant shall be for more than ten acres in any one instance, for any one of the purposes aforesaid, except for a model or industrial farm, a site for the construction of a chapel or church, or the erection of a cemetery, and in such case such grant shall not exceed one hundred acres.

Extent of land to be granted.

If the grant is for the construction of a chapel or church or the erection of a cemetery, it shall not be for more than fifty acres in any one township, if there be, at the time of making such grant, but one religious denomination in such township sufficiently numerous to benefit by such grant, and one hundred acres to be apportioned between the several denominations, where there are more than one, sufficiently numerous as aforesaid. 32 V., c. 11, s. 14; 36 V., c. 8, ss. 3 and 8.

Extent of land to be granted for chapels, &c.

" § 3 a.—Free grants to fathers and mothers of twelve children.

1267a. Fathers and mothers of families, being British subjects, domiciled in this Province, having twelve children

Certain fathers and mothers en-

titled to free
grant of pub-
lic lands

living, born in lawful wedlock, have a right to a grant subject to the ordinary conditions of settlement of one hundred acres of land selected, in the manner hereinafter determined, out of the public lands, fit for cultivation, for sale and disposable at the time of selection, in the township, parish or unorganised territory in which such fathers and mothers have their domicile, or, if there are no such lands therein, then in the township, parish or unorganized territory nearest to such domicile. 55-56 V., c. 19, s. 2 and 58 V., c. 17, s. 1.

Who is to
make applica-
tion therefor,
&c.

1267b. When the father is living, he alone makes application for and selects the one hundred acres of which he require the concession; but when the father is dead, the mother makes such application and selection. 55-56 V., c. 19, s. 2.

Application
how made
and to be ac-
companied
with what
certificates,
&c.

1267c. The application is made to the Commissioner of Crown Lands, by petition, accompanied by the certificate of the marriage of the petitioning husband or wife, a certificate drawn up in accordance with form A of this paragraph, or in accordance with any other equivalent form, attested under oath before a justice of the peace or a commissioner of the Superior Court, establishing the number and names of the petitioner's children, and a certificate from the parish priest (*curé*), missionary or minister of the parish of his domicile, corroborating the truth of the allegations of his petition. In case the latter have not sufficient personal knowledge of the facts alleged by the petitioner, the certificate last mentioned may be given by any person or persons having such knowledge of the facts or some of the facts; and, in case compliance with the formalities is impossible, the Commissioner may accept any proof that he may deem sufficient. 55-56 V., c. 19, s. 2.

Duty of Com-
missioner on
receipt of ap-
plication.
Selection of
lot.

1267d. After examining the petition and certificates, the Commissioner decides whether the petition is founded and notifies such decision to the petitioner who then selects the hundred acres of land as above and notifies his selection to the Commissioner. 55-56 V., c. 19, s. 2.

Granting of
location to
applicant.

1267e. Upon being notified of the selection by the petitioner, the Commissioner gratuitously grants, one hundred acres of the land chosen, to the father and mother or to the one who survives, by location ticket, subject to the conditions of settlement, according to form B hereunto annexed, or such other form as the Lieutenant-Governor in council may substitute therefor.

It is however lawful for the Commissioner to refuse the grant of the lot chosen, if such lot be a mining lot or if there be merchantable timber thereon; in such case the petitioner may proceed to choose another lot, the whole subject to the provisions of article 1343. of the Revised Statutes, as replaced by the act 55-56 Victoria, chapter 18, section 4.

2. As soon as the father, surviving mother or one, or more of their children, donees or legatees have proved to the Commissioner, by a certificate from the Crown Lands agent, a forest ranger or land surveyor, that the conditions of settlement required by the location ticket have been complied with, he shall order the issue of letters-patent for the lands so granted.

3. Fathers or mothers who have not complied with the conditions of settlement in the terms of the location ticket and who, for that reason have incurred the loss of their hundred acres by the cancellation of their free grant, shall not be allowed to make another choice. 58 V., c. 17, s. 2.

1267f. Unless for municipal and school taxes, or for building and repairing of churches and parsonages, no lot of land granted under the authority of this law, nor the improvements made thereon, shall be seized for a debt due by the father and mother to whom it has been conceded, nor can it be sold, hypothecated nor otherwise alienated by such father and mother, except by gift *inter vivos* or by will in favor of one or more of the children of such father and mother. 55-56 V., c. 19, s. 2.

1267g. Books shall be kept in the Department of Crown Lands, showing:

1. The number and date of the free grant;
2. The names and surnames of the fathers and mothers acknowledged as having a right to such grant, as well as their residence and calling;
3. The name of the township and the number of the lot and of the range of the lands chosen;
4. The date of the location ticket;
5. The number of the order authorizing the issue of letters-patent;
6. The date of the letters-patent. 58 V., c. 17, s. 3.

1267h. The Lieutenant-Governor in Council may make the regulations that may be necessary to meet unforeseen cases and for the more efficient working of this law. 55-56 V., c. 19, s. 2.

CERTIFICATE OF THE FATHER OR MOTHER OF A FAMILY THAT HE OR SHE HAS TWELVE CHILDREN LIVING.

(Signature)

A. B.

Father (*or* mother) of the family. .

Sworn before me at
this day of 18
 (Signature) C. D.

Justice of the Peace,
or Commissioner of the
Superior Court.

55-56 V., c. 19. Form A.

FORM B.

Province of Quebec,

Free grant of one hundred acres to fathers and mothers of twelve children living.

(1) The act 55-56 V., c. 19, s. 3, enacts as follows :

The petitions submitted, the certificates and proof furnished, and all other useful proceedings already made to obtain such free grants, may avail for the same purposes under this act.

(2) The act 58 V., c. 17, s. 4, enacts as follows :

Nothing in this act contained shall, in any manner, affect the acquired rights of fathers and mothers already recognized under the authority of the "Twelve children act" and of previous acts.

Location ticket.

authorized to take possession.
of the lot of land No.

is hereby

containing one hundred acres, and to occupy the same,
subject however to the following conditions :

1. He shall take possession of such lot within six months
from the date of this ticket and continue to reside thereon
and to occupy it either himself or by others, during at least
two years from that time.

2 He shall, within four years, at the most, clear and
cultivate at least one tenth of this lot, and erect a suitable
house on it, at least sixteen feet by twenty.

3. No timber shall be cut upon the land before the issue
of letters-patent, except for clearances, heating, buildings
and fences ; and all timber cut in contravention of this
condition shall be considered as having been cut without
license upon public lands. Further, this location shall be
subject to the timber licenses now in force, and the ticket
holder shall be obliged to comply with the laws and regu-
lations respecting public lands, woods and forest, mines
and fisheries in this Province.

4. Letters Patent shall not, in any case, be issued before
the fulfilment of the above conditions.

Given under my hand, at the
Department of Crown Lands,

At Quebec, this
day of , 189 .

Assistant-Commissioner of
Crown Lands.

58 V., c. 17. Form B.

§ 4.—*Sales and Licenses of Occupation and Assignment
thereof.*

1268. With the exception of lands subject to section
ninth of this chapter, respecting mines, the Lieutenant-
Governor in Council may, from time to time, fix the price
per acre of public lands, and the terms and conditions of
sale and of settlement and payment. 32 V., c. 11, s. 15 ;
43-44 V., c. 12, s. 154.

Agents bound to grant location tickets for lands asked for, if for sale and not already granted.

Proviso.

1269. Upon the conditions and for the price regulated and established by the Lieutenant-Governor in Council, the Crown land's agent, if there is no contestation, is bound to grant a location ticket to any person who asks to purchase a lot of public lands for colonization purposes, if the lot asked for is for sale and not already granted.

Such grant is, however, subject to the approval of the Commissioner, and shall not prejudice the right of the latter to sell the lands under the Mining Act as well as fire-wood lots under existing regulations and sugary lands. 51-52 V., c. 15, s. 1.

Licenses of occupation to be issued to intending settlers, their effect.

1270. The Commissioner may issue, under his hand and seal, to any person who has purchased, or may purchase, or is permitted to occupy, or has been entrusted with the care or protection of any public land or to whom a free grant was made, an instrument in the form of a license of occupation, and such person, or the assignee, by an instrument registered under this chapter or any other law providing for registration in such cases, may take possession of and occupy the land therein comprised, subject to the conditions of such license, and may thereunder, unless the same shall have been revoked or cancelled, maintain suits at law against any wrongdoer or trespasser, as effectually as he could do under a patent from the Crown.

Effect of permit as to prior licenses to cut timber.

Such license of occupation shall be *prima facie* evidence of possession by such person or the assignee under an instrument registered as aforesaid in any such suit, but the same shall have no force against a license to cut timber existing at the time of the granting thereof. 32 V., c. 11, s. 16.

Licenses of occupation, certificates, receipts and location tickets issued before 23 April 1860, to have the same effect.

1271. Every license of occupation granted, and every certificate of sale or receipt for money received on the sale of public land, and every location ticket granted or made by the Commissioner or any of his agents, previous to the twenty-third day of April, one thousand eight hundred and sixty, so long as the sale or grant, to which such license of occupation, receipt, certificate or location ticket relates, is in force and not rescinded, shall have the same force and shall inure to the benefit of the party to whom the same was granted or to the assignee by instrument registered as aforesaid, in the same manner and to the same extent as the instrument in the form of a license of occupation mentioned in the preceding article. 32 V., c. 11, s. 17.

Effect of documents signed by an agent.

1272. All licenses of occupation, certificates of sale, or receipts for moneys paid on the sale of public lands, and

all location tickets granted or drawn up before the 24th December, 1875, by the Commissioner or any of his agents, so long as the sale or concession, to which they relate, is in force and has not been rescinded, shall have the same force and effect and shall equally benefit the person in whose favor the same have been granted, or his heirs and legal representatives in virtue of an instrument registered in conformity with the foregoing provisions, in the same manner and to the same degree, as the instrument in the form of a license of occupation specified in article 1270. 39 V., c. 10, s. 2.

1273. All licenses of occupation, certificates of sale, or receipt for moneys paid on the sale of public lands, and all location tickets issued and signed by any Crown Lands' agent, in favor of any person who has purchased public lands, shall have the same effect in respect of such person and his assigns, and shall confer upon them the same rights, powers and privileges, in relation to the lands for which they have been issued, and shall subject them to the same conditions, as if such person had obtained from the Commissioner an instrument in the form of a license of occupation in conformity with article 1267. 39 V., c. 10, s. 1. Effect of documents already signed.

1274. There shall be kept in the Crown Lands' office, a register to be kept to enter transfers in which shall be registered by memorial at the request of the parties interested;

1. The transfers made by the original purchaser or locatees of their rights to any public lands acquired from the Crown by purchase, grant, location, lease or permit of occupation, and for which letters-patent have not been granted; By original purchasers

2. The transfers made by the heirs or assigns of such first purchasers, or locatees, if the titles, under which they have a right to the possession of such lands have been duly registered under this chapter, or if their names have been substituted by the Commissioner in the books of his department; By heirs, &c., of first purchasers;

3. The transfers made by means of a sale under the operation of the Municipal Code for taxes; Under sales for taxes;

4. The transfers made by means of judicial sales, in cases in which such sales can lawfully take place, and if effected upon the first purchaser or upon his heirs or assigns, within the meaning of the second paragraph of this article. Transfer by judicial sales.

Report of certain sales to be made to Commissioner

The officers effecting the sales mentioned in paragraphs 3 and 4 of this article must without delay give notice thereof to the Commissioner. 45 V., c. 10, s. 3; 52 V., c. 16, s. 1.

Transfers to be registered must :

1275 In order that they may be received and registered, the transfers mentioned in the first two paragraphs of the preceding article shall :

Be passed before a notary ; or made by private writings duly witnessed, &c.

1. Be passed before a notary according to the formalities prescribed by article 1208 of the Civil Code, or

2. Be made by private writings in presence of two witnesses and be accompanied by the affidavit of one of such witnesses stating the place and date at which it was passed, the name, residence, and occupation of each witness, or, if the witnesses be absent from the Province or dead, by the affidavit of any other person proving such death or absence, and their signatures, or that of the person who made the transfer, and

Be absolute.

3. Contain no resolatory clause or faculty of redemption, conditions, obligations or charges which have not been previously settled or discharged, either actually or by agreement or consent of parties. 45 V., c. 10, s. 3.

Transfers cannot be registered if certain conditions be not fulfilled.

1276 In no case, however, mentioned in the preceding provisions, unless by leave of the Commissioner, shall any transfer be registered, unless it be satisfactorily shewn that the conditions of sale, concession or location, lease or license of occupation have been duly fulfilled. 45 V., c. 10, s. 3.

Requisite endorsements on transfer.

1277 Every transfer registered shall be numbered and have endorsed thereon a certificate signed by the Commissioner, or his assistant or other person authorized to that effect, mentioning the date of the enregistration, and be deposited in the archives of the Department of Crown Lands as a voucher. 45 V., c. 10, s. 3.

Deposit of transfer.

Substitution of names after enregistration.

1278 Immediately after the registration, the name of the transferee shall be substituted in the books of the Department for the name of the person effecting the transfer. 45 V., c. 10, s. 3.

Effect of registered transfer.

1279 Transfers so registered shall take effect from the date of the registration, as against others that have not been registered or which have subsequently been presented for registration. 45 V., c. 10, s. 3.

If transfers cannot be produced.

1280 Whoever requires letters-patent for a public land and finds that he is unable to produce a deed of trans-

fer, with the formalities required for registration, may furnish such proof as the Commissioner may deem requisite in support of his application; and, in such case, if according to the proof, the application be found just and equitable, the name of the petitioner shall be substituted for that of the preceding purchaser. 45 V., c. 10, s. 3. Proof required

1281. It is hereby declared and enacted that the letters-patent, heretofore issued at the request of a petitioner unable to furnish titles or sufficient proof as aforesaid, have validly issued by making use of the following terms, without naming any one in particular "to the legal representatives of (name of the purchaser or transferee)"; and that, similar letters-patent may still be issued in the same manner by making use of the same terms. Certain letters-patent declared valid.

2. By the words "legal representatives," must be understood all those who may have any rights whatever to the property under the Civil Code. 45 V., c. 10, s. 3. Interpretation of "legal representatives."

§ 5 — *Sale of Sugaries.*

1282. The Commissioner may dispose of lots suitable only for the working of sugaries upon Crown lands without obliging the purchasers to fulfil thereon the conditions of settlement. Sale of sugary lands.

Such sales, which shall in no case include more than one hundred acres to the same person, must be made upon a special valuation determined by the Commissioner upon the report of the agents after an inspection made at the expense of the purchaser, at a price which cannot be less than seventy-five cents per acre. Conditions and number of acres to be sold.

The purchaser has not the right to cut or dispose of any wood other than that necessary for his own use. 51-52 V., c. 15, s. 2. Right to cut wood for use only.

§ 6. — *Forfeiture of Claims and Enforcement of Forfeiture.*

1283. If the Commissioner be satisfied that any purchaser, grantee or locatee or lessee of any public land, or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated or neglected to comply with any of the conditions of sale, grant, location or lease, or of the license of occupation; or if any such sale, grant, location or lease or license of occupation have been or be made or issued in error or mistake, he may cancel such sale, grant, location, lease or license, and resume the land therein mentioned, and dispose of it. Sale, &c., of land, may be cancelled in case of fraud or error.

as if no sale, grant, location or lease thereof had ever been made. 32 V., c. 11, s. 20.

Revocations
to effect a
complete for-
feiture of
moneys paid

1284. The preceding article shall be interpreted as giving to the revocation made by the Commissioner, in virtue thereof, the effect of a full and complete forfeiture of all moneys paid by the purchaser, grantee, occupant or lessee, whether on account of, or in full payment of any sale, grant, location, lease or permit of occupation, or any expenses or improvements laid out or made on the land or lands therein mentioned; but the Commissioner may, nevertheless, in all such revocations, grant such compensation or indemnity as he may consider just and equitable. 36 V., c. 8, ss. 6 and 9.

Nature of
right of revo-
cation and
when it may
be exercised

1285. The right of revocation, so conferred on the Commissioner, shall not be deemed an ordinary right of dissolution of contract for non-fulfilment of conditions; it shall not be subject to the provisions of article 1537 of the Civil Code, or to the rules therein mentioned, and may always be exercised, as occasion may require, whatever time may have elapsed since the sale, grant, location, lease or license of occupation. 36 V., c. 8, ss. 6 and 9.

Notice of can-
celling of sale
or grant.

1286. No cancelling of any sale or of any grant, location or permit of occupation of public lands shall, however, be made before a notice is twice given in the Quebec Official Gazette mentioning the lots subject to cancellation and the date upon which it shall take place. 45 V., c. 10, s. 4.

Posting of
such notice.

1287. The Crown Lands' agent, on receipt of the Quebec Official Gazette, containing such notice, shall be obliged to post a notice setting forth that such cancelling is to take place, or have it posted on the door of the church nearest to the lots in question and, in addition, to notify the holders of location tickets or their assigns under registered transfers, by letter or postcard, if they be present and he knows their address. 45 V., c. 10, s. 4.

Notification
to holders, &c.

Delay to effect
such cancel-
ling.

1288. Such cancelling cannot take place until after sixty days from the posting up of the said notice at the church door. 51-52 V., c. 15, s. 3.

Power of pur-
chaser to op-
pose cancel-
ling.

1289. During such sixty days it shall be lawful for the purchaser, his heirs or assigns, to represent, by petition, to the Commissioner or the Lieutenant-Governor in Council, the reasons for which he thinks such cancelling should not take place; the Commissioner or the Lieutenant-Governor in Council shall decide the question after considering the

merits of the reasons so alleged in support of such petition. 45 V., c. 10, s. 4 ; 51-52 V., c. 15, s. 3.

1290. Nothing contained in articles 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1286, 1287, 1288, and 1289, shall affect any of the provisions of the mining law being section ninth of this chapter. 45 V., c. 10, s. 5. Mining law not affected.

1291. When any purchaser, lessee, or other person, refuses or neglects to deliver up possession of any lands after revocation or cancellation of the sale, grant, location, lease or license of occupation thereof, or when any person is wrongfully in possession of public land and refuses to vacate or abandon possession of the same, the Commissioner may apply to a judge of the Superior Court having jurisdiction in the district in which the land lies for an order in the nature of a writ of possession. Mode of obtaining possession, if settler refuse to deliver up land on revocation of license, &c.

The judge, upon proof to his satisfaction that the right or title of the person to hold such land has been revoked or cancelled as aforesaid, or that such person is wrongfully in possession of public land, shall grant an order upon the purchaser, lessee or person in possession, to deliver up the same to the Commissioner or person by him authorized to receive the same. Issue of order of possession.

Such order shall have the same force as a writ of possession ; and the sheriff, or any bailiff or person to whom the same may be entrusted for execution by the Commissioner, shall execute the same in like manner as he would execute such writ in an action of ejectment or in a possessory action. 32 V., c. 11, s. 21. Effect of order.

1292. When, by law or by any deed, lease or agreement, relating to any of the lands therein referred to, any notice is required to be given, or any act to be done, by or on behalf of the Crown, such notice may be given and act done by, or by the authority of the Commissioner. 32 V., c. 11, s. 22. How notice shall be given.

1293. All arrears or sums whatever due to the Government by reason of the sale or lease of public land, or of any timber thereon, may be recovered by an ordinary action of debt, brought in the name of the Crown, before any court of competent jurisdiction. 32 V., c. 11, s. 23. Recovery of sums due the Crown.

1294. If any such suit, the defendant fail to appear or to plead, proceedings may be had and judgment may be rendered therein as in summary actions instituted for the payment of specific sums of money. 32 V., c. 11, s. 24. Judgment by default in certain cases.

Onus of proof. **1295.** In all such suits, in case of contestation, the burden of proof shall lie upon the defendant. 32 V., c. 11, s. 24.

Jurisdiction, procedure and costs. **1296.** Notwithstanding articles 1054, 1055 and 1058 of the Code of Civil Procedure, such actions shall, as regards the jurisdiction of the court, procedure and costs, be dealt with as if they were purely personal actions in which the Crown is not concerned, and not relating to titles to land or tenements, annual rents, or matters wherein rights in future may be bound. 32 V., c. 11, s. 25.

§ 7.—*Jesuit's Estates and other Property.*

Certain estates declared to be under control of Crown Lands' Departement. **1297.** The estates forming part of the public domain, known as the "Jesuits' Estates," "Crown Domain," "Seignior of Lauzon," continue to be under the direct control of the Crown Lands' Department, and the provisions of this chapter, in so far as may be practicable, shall apply to the said estates; and all deeds, titles, contracts, and other documents relating to them, made and executed by said Department, are deemed as good and valid in law, to all intent and purposes whatsoever. 36 V., c. 8, s. 5.

§ 8.—*Letters-Patent for Public Lands and the Registration thereof.*

I—REGISTRATION OF LETTERS-PATENT.

Letters patent for lands to be delivered to parties entitled thereto. **1298.** All letters-patent of the Crown, whereby any grant of the waste or other public lands in the Province is made, shall be delivered to the person, thereto entitled, a copy thereof only being previously recorded in a register to be kept for that purpose by the Provincial Registrar or his deputy, without any other entry or enrolment. C. S. L. C., c. 39, s. 1. *

II—LETTERS PATENT ISSUED IN ERROR.

Erroneous patents may be cancelled and correct ones issued when there is no adverse claim. **1299.** Whenever letters-patent have been issued to or in the name of the wrong party, through mistake in the Department of Crown Lands, or contain any clerical, error or misnomer, or wrong description of the land thereby intended to be granted, the Commissioner (there being no adverse claim,) may direct such defective letters-patent to be cancelled and correct ones to be issued in their stead.

* See articles 709 et seq. of Revised Statutes as to registration of letters-patent by the Provincial Registrar.

Such corrected letters-patent shall relate back to the date of those so cancelled, and have the same effect as if issued at the date of such cancelled patent. C. S. L. C., c. 39, s. 15 ; 32 V., c. 11, s. 26.

Value of corrected letters-patent.

1300. In all cases in which grants or letters-patent have issued for the same land, inconsistent with each other through error, and in all cases of sales or appropriations of the same land, inconsistent with each other, the Commissioner may, in case of sale, cause a repayment of the purchase money, with interest, or when the land has passed from the original purchaser or has been improved before the discovery of the error, or when the original grant or appropriation was a free grant, he may, in substitution, assign land or issue scrip entitling the party to purchase Crown lands of such value and to such extent as to him, the Commissioner, may seem just and equitable under the circumstances.

In cases of double or inconsistent grants, the purchase money may be repaid with interest, or other land may be assigned, or scrip certificate may be granted.

No such claim shall be entertained unless it be preferred within five years from the discovery of the error. 32 V., c. 11, s. 27.

Proviso.

1301. Whenever, by reason of false survey, or error in the books or plans of the Department of Crown Lands, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Commissioner may order the purchase money of so much land as is deficient, with the interest thereon from the time of the application therefor, or, if the land have passed from the original purchaser, then the purchase money which the claimant, provided he was ignorant of a deficiency at the time of his purchase, has paid for so much of the land as is deficient, with interest thereon from the time of the application therefor, to be paid to him in land or in money, or in land scrip, as he, the Commissioner, may direct, or, in case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant at the time such grant was made ; but no such claim shall be entertained unless application has been made within five years from the date of the patent, or unless the deficiency is equal to one-tenth of the whole quantity mentioned in the grant. 32 V., c. 11, s. 28.

Compensation for deficiency of land by reason of false survey or error in departmental books or plans.

Proviso.

1302. All compensation awarded under the two preceding articles, except where land is especially assigned therefor by the Commissioner, and all claims therefor shall be treated as personal property and dealt with accordingly. 32 V., c. 11, s. 45.

Compensation etc., considered as moveable property.

Letters-pat-
ent may be an-
nulled in cer-
tain cases.

1303. Any letters-patent granted by the Crown may be declared null and be repealed by the Superior Court ;

1. Where such letters-patent were obtained by means of some fraudulent suggestion, or where some material fact has been concealed by the patentee, or with his knowledge or consent ;

2. When they have been granted by mistake, or in ignorance of some material fact ;

3. When the patentee, or those claiming under him, have done or omitted to do some act in violation of the terms and conditions upon which such letters-patent were granted, or, for any other reason, have forfeited their rights and interests, in such letters-patent. 32 V., c. 11, s. 29.

At whose
suit.

1304. All demands for annulling letters-patent may be made by suits in the ordinary form, or by *scire facias*, upon information brought by the Attorney General, or any other officer duly authorized for that purpose. 32 V., c. 11, ss. 30 and 31; 50 V., c. 7, s. 6.

Procedure in
such suits.

1305. The information is served upon the person who holds or relies upon such letters-patent, and is heard, tried and determined in the same manner as ordinary suits. 32 V., c. 11, ss. 30 and 31.

Appeal.

1306. An appeal lies from the final judgment rendered upon such information, provided the writ of appeal issues within forty days from the rendering of the judgment. 32 V., c. 11, s. 32.

§ 9.—Leasing of the Peninsula of Manicougan.

Commis-
sioner may
lease certain
parts of Mani-
cougan
Peninsula.

1307. The Lieutenant-Governor in Council may, on report of the Commissioner of Crown Lands, authorize the said Commissioner to lease, to any person or corporation, for any and all purposes, the whole or any part of that portion of ungranted and unoccupied territory in the Province known as the Manicougan Peninsula, not exceeding forty-five square miles, and the beach surrounding the same for a period of ten years or less, either at a fixed rental or at a percentage of the net proceeds derived by the lessees therefrom, if the territory so leased is used for manufacturing or commercial purposes. 49-50 V., c. 32, s. 1.

Rights not to
be interfered
with, &c.

1308. The lease shall in no way interfere with the right of actual occupants, and shall be subject to such other terms and conditions as may be imposed. 49-50 V., c. 32, s. 1.

WOODS AND FORESTS

23

SECTION V.

WOODS AND FORESTS ON PUBLIC LANDS.

§ 1.—*Cutting of Timber.*

I.—LICENSES TO CUT TIMBER.

1309. The Commissioner of Crown Lands, or any officer or agent under him authorized to that effect, may grant licenses to cut timber on the ungranted lands of the Crown at such rates, and subject to such conditions, regulations and restrictions as may, from time to time, be established by the Lieutenant-Governor in Council, and of which notice shall be given in the Quebec Official Gazette. C. S. C., c. 23, s. 1.

Granting of licenses to cut timber on Crown Lands.

1310. No license shall be so granted for a longer period than twelve months from the date thereof; and if, in consequence of any incorrectness of survey or other error or cause whatsoever, a license be found to comprise lands included in a license of a prior date, the license last granted shall be void in so far as it interferes with the one previously issued.

Period of license. As to interfering with licenses.

The holder or proprietor of the license so rendered void, shall have no claim upon the Government for indemnity or compensation by reason of such avoidance. C. S. C., c. 23, s. 1.

1311. The licenses shall describe the lands upon which the timber may be cut, and shall be deemed to confer, for the time being on the nominee, the right to take and keep exclusive possession of the lands so described, subject to such regulations and restrictions as may be established. C. S. C., c. 23, s. 2.

Form of license its legal effect.

1312. Such licenses shall vest in the holders thereof all rights of property whatsoever in all trees, timber and lumber cut within the limits of the license during the term thereof, whether such trees, timber and lumber are cut by authority of the holder of such license, or by any other person with or without his consent. C. S. C., c. 23, s. 2.

Property, &c., in trees vested in licensee.

1313. Such licenses shall entitle the holders thereof to seize or to cause to be seized, in revendication or otherwise, such trees, timber or lumber where the same are found in the possession of any unauthorized person and

Power of licensee to seize timber cut in trees, pass, &c.

also to institute any action or suit against any wrongful possessor or trespassers, and to prosecute all trespassers, and other offenders to punishment, and to recover the damages suffered. C. S. C., c. 23, s. 2.

Proceedings pending when the license expires.

1314. All proceedings pending at the expiration of any such license may be continued to final termination as if the license had not expired. C. S. C., c. 23, s. 2.

II.—OBLIGATION OF PARTIES OBTAINING LICENSES.

Return to be made by persons obtaining licenses.

1315. Every person obtaining a license shall, at the expiration thereof, make to the officer or agent granting the same, or to the Commissioner, a return of the number and kinds of trees cut, and of the quantity and description of saw logs, or of the number and description of sticks of square timber, manufactured and carried away under such license. C. S. C., c. 23, s. 3.

Return to be sworn to.

1316. Such statement shall be sworn to by the holder of the license, or by his agent, foreman, or chief managing man, before a justice of the peace. C. S. C., c. 23, s. 3.

Penalty for neglect to furnish statement.

1317. Any person refusing or neglecting to furnish such statement, or evading or attempting to evade any regulation made by order in council, shall be held to have cut without authority, and the timber made shall be dealt with accordingly. C. S. C., c. 23, s. 3.

Timber liable to payment of dues may be followed until paid.

1318. All merchantable timber cut under license shall be liable for the payment of the Crown dues thereon, so long as wheresoever the said timber or any part of it may be found, whether in the original logs or manufactured into deals, boards or other stuff.

Power of officer to seize timber.

All officers or agents entrusted with the collection of such dues may follow all such timber and seize and detain the same wherever it is found, until the dues are paid or secured. C. S. C., c. 23, s. 4; 51-52 V., c. 15, s. 7.

The giving of deeds or notes not to affect the lien on timber.

1319. Bonds or promissory notes taken for the Crown dues, either before or after the cutting of the timber, as collateral security or to facilitate collection, shall not, in any way, affect the lien of the Crown on the timber, but the lien shall subsist until the said dues are actually discharged. C. S. C., c. 23, s. 5.

Sale of timber for non payment of dues.

1320. If any timber so seized and detained for non-payment of Crown dues remain for two months in the

custody of the agent or the person appointed to guard the same, without the dues and expenses being paid, the Commissioner may order a sale of the said timber to be made, after a notice of fifteen days has been given at the place where the seizure was effected. 58 V., c. 18, s. 1.

1321. The balance of the proceeds of such sale, after retaining the amount of dues and costs incurred, shall be handed over to the owner or claimant of such timber. C. S. C., c. 28, s. 6. Balance to be handed over

III.—PENALTY ON PERSONS CUTTING TIMBER WITHOUT LICENSE.

1322. If any person, without authority, cut or employ or induce any other person to cut, or assist in cutting any timber of any kind on any public lands, or remove or carry away or employ or induce or assist any other person to remove or carry away any merchantable timber of any kind, so cut from any of the public lands aforesaid, he shall not acquire any right to the timber so cut, or any claim to any remuneration for cutting, preparing the same for market, or conveying the same to or towards market. Penalty on persons cutting timber without license.

When the timber or saw logs made have been removed out of the reach of the officers of the Department of Crown Lands, or it is otherwise found impossible to seize the same, he shall, in addition to the loss of his labor and disbursements, forfeit a sum of three dollars for each tree, (rafting stuff excepted,) which he is proved to have cut or caused to be cut or carried away. If the timber have been removed.

Such sum shall be recoverable with costs, at the suit and in the name of the Commissioner or resident agent in any court having jurisdiction in civil matters to the amount of the penalty. C. S. C., c. 23, s. 7. Recovery of penalty.

1323. In all such cases, it shall be incumbent on the party charged to prove his authority to cut; and the averment of the party seizing or prosecuting that he is duly employed, under the authority of this chapter, shall be sufficient proof thereof, unless the defendant prove the contrary. C. S. C., c. 23, s. 7. Party accused must prove the granting of license.

1324. Whenever satisfactory information, supported by Timber affidavit made by one more persons before a justice of the peace or before any other competent party, is received by the Commissioner or any other officer or agent of the Department of Crown Lands, that any timber or quantity of timber has been cut without authority on public lands, and describing where the said timber can be found, the Timber alleged to be unlawfully cut, may be seized on a sufficient affidavit, &c.

said Commissioner, officer or agent, or any one of them, may seize, or cause to be seized, in Her Majesty's name, the timber so reported to be cut without authority, wherever it is found, and place the same under proper custody, until a decision can be had in the matter, in the manner prescribed by act 1328 and 1329. C. S. C., c. 23, s. 8, and 58 V., c. 18, s. 2.

As to timber
so cut and
mixed up
with other
timber.

1325. Where the timber, so reported to have been cut without authority on public lands, has been made up with other timber into a crib, dram or raft, or, in any other manner, has been so mixed up at the mills or elsewhere as to render it impossible or very difficult to distinguish the timber so cut on public lands without license, from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority on public lands, and shall be liable to seizure and forfeiture accordingly until satisfactorily separated by the holder. C. S. C., c. 23, s. 8.

IV.—RESISTING SEIZURE—REMOVING TIMBER SEIZED—CONDEMNATION
OF SUCH TIMBER.

Seizing officer
may command
assistance.

1326. Any officer or person seizing timber, in the discharge of his duty, may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized. C. S. C., c. 23, s. 9.

Burden of
proof that
dues have
been paid.

1327. Whenever any timber is seized for non-payment of Crown dues or for any other cause of forfeiture, or any prosecution is brought for any penalty or forfeiture, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the public lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes, the same or the party bringing such prosecution. C. S. C., c. 23, s. 10.

Timber seized
to be con-
demned if not
claimed
within a
certain time.

1328. All timber seized shall be deemed to be condemned, unless the person, upon whom it was seized or the owner thereof, within fifteen days of the seizure, gives notice to the Commissioner that he claims the whole or part thereof, and that the said timber so seized, or part thereof, is not liable to any Crown dues.

Affidavit
in support of
claim.

The notice shall be accompanied by an affidavit taken before a justice of the peace, or any other person authorized

to receive affidavits under article 1253, attesting the truth of the facts alleged by the claimant.

In default of such notice, the Commissioner may order the seizing officer to proceed with the sale of the timber seized after a previous notice of fifteen days given in the place where the seizure was effected." 58 V., c. 18, s. 3.

" 1329. If, during the fifteen days after the notice given under the preceding article, the Commissioner has not given up to the claimant the timber seized, the latter shall, within eight days, make an opposition to the seizure in the same manner as oppositions to annual and to withdraw are made under the Code of Civil Procedure.

The opposition shall further be previously received by a judge having jurisdiction in the district in which the timber has been seized.

The judge shall, if he receives it, makes on the opposition an order upon the seizing officer to return the proceedings on the seizure before the court having jurisdiction, or any judge of such court, within eight days after service to be made upon him of such opposition accompanied by the judge's order.

The opposition shall not be received, unless a deposit of one hundred dollars shall have been made by the opposant as security for costs, in the office of the court to which the judge belongs, who is competent to make the order mentioned in the preceding clause.

The opposant may during the proceedings, obtain possession of the timber seized upon giving two good and sufficient sureties, previously approved by the Commissioner, to pay the value of the timber, if it should be condemned.

The bond shall be taken in the name of the Commissioner of Crown Lands, to Her Majesty's use, and shall be delivered up to and kept by the Commissioner.

If the timber be condemned, the value thereof is forthwith paid to the Commissioner or agent, otherwise such bond shall remain in force.

The opposition is heard and decided in term or in vacation, according to the ordinary practice of the court in summary matters." 58 V., c. 18, s. 4.

1330. All timber cut without license, at any distance not exceeding ten miles from the international frontier lines of this Province, dividing it from the United States, or from the lines which divide it from the neighboring Province, as soon as it shall have been established that the said timber has been cut unlawfully, and that a due seizure thereof has been made, may be at once sold by the

Sale in default of claim being produced.

Procedure by claimant after notice.

Reception of opposition by judge.

Order to be made by judge.

Deposit to be made with opposition.

Opposant may obtain timber by giving security.

How bond to be made.

If timber is condemned payment of value.

Procedure to be summary.

Timber unlawfully cut near frontier lines may be sold without the usual notice or delay.

person to that end duly authorized, without his being obliged in regard thereto, to give the notice and delay required, in analogous circumstances, for any other part of the Province. C. S. C., c. 23, s. 11; 36 V., c. 9, s. 9.

Forfeiture of,
timber in case
of fraud.

1331. Every person, availing himself of any false statement or oath to evade the payment of Crown dues, shall forfeit the timber on which dues are attempted to be evaded. C. S. C., c. 23, s. 12.

Certain
licenses and
liens pre-
served.

1332. Nothing herein shall, in any way, invalidate or affect licenses granted before the thirtieth day of May, 1849, or any obligation then contracted for payment of Crown dues under such licenses, or invalidate the lien of the Crown on any timber cut upon public lands, within the limits of the Province on that day, and upon which the dues theretofore exacted have not been paid, notwithstanding any bond or promissory note taken for the amount of such dues. C. S. C., c. 23, s. 14.

Power of
Commissioner to issue
licenses to
cut timber.

1333. The Commissioner of Crown Lands always has the power of issuing licenses to cut timber, subject to the privilege of their being renewable, annually, for any fixed period of years, and, in that respect, as well as in all other respects, the modifications of the Crown timber regulations, sanctioned by the Lieutenant-Governor in Council, by order in council, bearing date the second day of October, one thousand eight hundred and sixty-eight, as published in the Canada Gazette, are hereby confirmed and declared to be and to have always been legal. 32 V., c. 12, s. 1.

V.—SALE OF TIMBER LIMITS.

Limits to be
sold by
auction.

1334. All timber limits, comprised within the unoccupied territory of the Crown belonging to the Province, shall be sold by auction 36 V., c. 9, s. 1.

Time place &
manner of
sale.

1335. Sales under the preceding article, which shall be conducted by any officer of the Department of Crown Lands, or by any other person, who shall, to that end, receive instructions from the Commissioner, are held at the place and in the manner specified in the *Quebec Official Gazette* and the newspapers to that end specified by the Commissioner, which notice shall be published for at least thirty days before the sale.

Publication
of notice of
sale.
For how long

Short notice in
certain cases.

However, in the case of limits of small extent or of small value, the Upper and Lower Ottawa agencies excepted, and when it is in the public interest to expedite the sale, the Commissioner may sell, after notice of fifteen

days, published as prescribed in the preceding clause. 58
V., c. 18, s. 5.

1336. Such notice shall contain a description of the limits to be sold, their situation, and the upset price fixed for each, after they shall have been explored and valued approximately by the Department; there shall also be deposited in the Department of Crown Lands, or in the office of the timber agent for the locality in which such sale is to take place, a plan of the territory in which such limits and those adjoining them are situated. Such plan shall remain open to public inspection during the whole period which elapses between the publication of the notice and the day fixed for the sale. 36 V., c. 9, s. 3.

What notice shall contain.
Plan to be deposited.
To be open to inspection.

VI.—POWERS AND DUTIES OF HOLDERS OF TIMBER LIMITS.

1337. The Commissioner, or any authorized agent, shall, at all times, have free access to, and be permitted to examine the books and memoranda, kept by any licensee, showing the quantity of lumber in board measure sawn by him from logs on his timber limits; and the failure to produce such books and memoranda when required so to do, will subject such licensee to a forfeiture of his right to a renewal of his license. 36 V., c. 9, s. 11.

Commissioner may at all times inspect books of any licensee.

1338. The holders of timber limits shall have the right, during the winter to haul lumber and provisions across the property of persons holding lands within their limits; provided that they shall be liable to indemnify the owners for any damage they may cause. 36 V., c. 9, s. 12.

Licensees may haul timber over lands within their limits. Proviso.

§ 2.—Timber dues and imputation thereof.

1312. No timber dues are to be exacted on any timber cut by settlers on lots regularly acquired by location ticket from the crown, and which are paid up in full, provided such lots are occupied in good faith, and the settlements duties necessary for obtaining letters-patent are performed thereon.

Timber dues not to be exacted in certain cases.

(b.) Timber dues, as fixed by the regulations of the department, are however exacted on all timber cut, for the purpose of clearing, by settlers residing on lots regularly acquired by location ticket from the crown and which are not paid for in full, and the proceeds of such dues are imputed upon the balance due in capital and interest upon the price of the lot for which they are paid in up to the

Timber dues to be exacted in certain cases.
Application thereof.

Articles 1339, 1340, 1341 are abrogated by 55-56 V., c. 18.

Application of Surplus. amount of such balance, and the surplus, if any, shall be returned to such settlers, should the Lieutenant-Governor in Council so determine.

Imputation of timber dues in certain cases.

(c.) In the case of settlers who have heretofore not taken out their location tickets, but who are occupants in good faith of lots belonging to the crown, and on which they have performed the settlement duties required before the issue of letters-patent, the Lieutenant-Governor in Council may, in his discretion, impute the timber dues, chargeable on timber cut by such occupants in the process, of clearing only, upon the sum due the crown for the price of such lots and the occupation thereof and may return the balance of such dues, if any, to such occupants.

Power of commissioner to withdraw from license certain lots.

2. It shall always be lawful for the Commissioner to withdraw from any timber license, any lots unsuitable for cultivation and recognized as such after inspection, and upon which there is, in the opinion of the Commissioner no appreciable merchantable timber, and to dispose of such lot as firewood lots or sugary lands. 51-52 V., c. 15, s. 8, and 52 V., c. 16, s. 2, and 55-56 V., c. 18, s. 3.

Lots sold for settlement to be taken out of license and when.

1343. All lots sold or located by the authority of the Commissioner of Crown Lands, prior to the date of any licence to cut timber for any territory, wherein such lots are situated, are to be held as excepted from such license; but any lots so sold or located within such territory, after the date of any such license, shall cease to be subject to such license, only after the thirtieth day of April next following, and whenever the sale of any such lot is cancelled, the said lot shall be restored to such license. 55-56 V., c. 18, s. 4.

§ 3.—Protection of Forests against Fire.

I—PROVISIONS APPLICABLE TO THE WHOLE PROVINCE.

No one to set fire to trees, &c., standing.

1344. No person shall, at any time, set fire to or cause to burn any tree, shrub or other plant, growing or standing in any forest, or at a distance of less than one mile from any forest. 34 V., c. 19, s. 1.

Prohibition to set fire to wood, &c.

1345. No person shall, in the forest or at a distance of less than a mile from a forest, set fire to, or cause to burn, any pile of wood, branches or brushwood, or any tree, shrub or other plant, or any black loam or light soil, or any trunks of trees, or trees that have been felled, at any period during the year.

It however shall be permitted for the purpose of clearing lands at any time, except between the first of July and the first of September in each year. 45 V., c. 11, s. 1. ^{Exception for clearings.}

1346. Notwithstanding the preceding provisions, it shall be lawful to make a fire in or near the forest to obtain warmth, and for cooking or other necessary purposes, or for all industrial purposes, such as the manufacture of tar, turpentine, charcoal, or making of ashes, for the manufacture of pot or pearl ash, providing that the obligations and precautions imposed by the following article are observed. ^{Fires may be made for certain purposes. Proviso.}
34 V., c. 19, s. 3.

1347. Every person who shall, between the fifteenth of May and the fifteenth of October, make a fire in the forest or at a distance of less than half a mile therefrom, for the purposes mentioned in the preceding article, must : ^{Precautions to be observed by persons making fires.}

1. Select the locality in the neighborhood of which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees ; ^{Selection of locality ;}

2. Clear the place in which he is about to light his fire, by removing all vegetable matter, dead wood, branches, brushwood and dry leaves from the soil within a radius of twenty-five feet, as regards fires made for the necessities of any industry, as mentioned in article 1346, and within a radius of four feet as regards fires made for the other purposes mentioned in the said article ; ^{Clearance of the place within a certain radius.}

3. Totally extinguish the fire before quitting the place. ^{Extinguishing the fires.}
34 V., c. 19, s. 4.

1348. All locomotive engines, used on any railway which passes through any Crown forests, shall, by the company using the same, be provided with and have in use all the most improve and efficient means used to prevent the escape of the fire from the furnace or ash pan of such engines. ^{Locomotives to have appliances to prevent fire escaping from furnace, &c., and to have bonnets on smoke-stacks.}

The smoke-stack of each locomotive so used shall be provided with a bonnet or screen of iron or steel wire netting ; the size of the wire used in making the netting to be not less than number nineteen of the Birmingham wire gauge, or three sixty-fourth parts of an inch in diameter, and such netting shall contain, in each square inch, at least eleven wires each way at right angles to each other, that is in all twenty-two wires to the square inch.
46 V., s. 10, s. 6 ; 51-52 V., c. 15, s. 10.

Duty of engine-drivers in this respect.

1349. It shall be the duty of every engine-driver, in charge of a locomotive engine, passing over any such railway, to see that all such appliances above mentioned are properly used and applied, so as to prevent the unnecessary escape of fire from any such engine as far as it is reasonably possible to do so. 46 V., c. 10, s. 7; 51-52 V., c. 15, s. 10.

Penalty on railway company for contravention.

1350. Any railway company, running or permitting any locomotive engine to be run in violation of the provisions of this subsection, shall be liable to a penalty of one hundred dollars for each offence, to be recovered with costs in any court of competent jurisdiction. 46 V., c. 10, s. 8; 51-52 V., c. 15, s. 10.

Railway companies to clear their roadway of combustibles under penalty.

1351. All railway companies, whose lines pass through any forest lands, shall be bound, under penalty of one hundred dollars, recoverable in the manner provided in the preceding articles, and subject in addition to the liability for all damages caused by fires originating from sparks issuing from their locomotives, to clear off from the sides of their respective roadways all combustible materials, by burning the same or otherwise.

Proof in suits for penalty.

It shall not be necessary, in any such action for penalty or damages, to prove the name or number of the locomotive or the name of the engineer or fireman in charge of the same. 46 V., c. 10, s. 9; 51-52 V., c. 15, s. 10.

Justices of the peace ex-officio.

1352. For the purposes of the foregoing provisions, all agents for the sale of Crown lands, employees of the Department of Crown Lands, sworn land surveyors, and woodrangers employed by the Department of Crown Lands, shall be *ex-officio* justices of the peace.

Jurisdiction.

Any justice of the peace, before whom has been proved any contravention of the provisions of this subsection, may impose the penalty above set forth. 46 V., c. 10, s. 10; 51-52 V., c. 15, s. 10.

II.—PROVISIONS APPLICABLE TO THE NORTH EASTERN PORTIONS OF THE PROVINCE.

Penalty for kindling fires in certain places at certain times.

1353. Whoever at any time, between the first day of June and the thirtieth day of September of any year, kindles, makes or places any fire in or near any woods, trees, shrubbery, brushwood, boughs, cuttings, on any wooded, or on any wild or uncultivated land, at any place north of the river and gulf of St. Lawrence, to the east or north of the Saguenay river, to the limits of Canada, or on

any of the islands, below or to the eastward of Red Island, within the said river or gulf—whereby the fire spreads or extends through standing trees, brushwood, or scrub, or boughs, or in the moss, or peat lands to a distance exceeding one arpent, shall incur a penalty not exceeding one hundred dollars, and shall besides be responsible to the Crown or whoever may be the owner of the land for all damages occasioned by such fire.

Every master or other person, having employees or servants, who shall order or counsel his said employees or servants, or give them permission, to kindle or make a fire as above mentioned, shall incur a penalty not exceeding one hundred dollars, over and above all costs, and whatever damages may result from the said fire; and, in default of payment, may be condemned to imprisonment for not more than three months.

Penalty on masters or other persons counseling their servants, &c., to make fires, &c.

2. Nothing in this article contained shall prevent proprietors, or those having licenses to cut timber or wood, from burning the wood, trees or brushwood, on their own land, or otherwise using fire to clear their land, without injury or prejudice to their neighbors. 32 V., c. 37, s. 6.

Prov'so: as to burning for clearance.

III FIRE DISTRICTS.

"1353a The lieutenant-Governor in Council may, by proclamation, declare any portion of the province to be a "Fire District" within the intent and for the purposes of the present law.

Fire districts may be erected by proclamation.

Such proclamation shall be published in the *Quebec Official Gazette*.

Publication thereof.

The territory which shall be known as a "Fire District," shall cease to be a fire district upon the publication of a proclamation of the Lieutenant-Governor in Council, revoking the one creating it. 58 V., c. 19, s. 2.

Effect thereof

"1353b. No person shall set or cause to be set or started any fire in or near the woods, within any such fire district, between the first day of April and the first day of November, in any year. Nevertheless, a bona-fide settler, under a location-ticket or letters-patent from the Crown, may do so, for the purpose of clearing land at any time, except in fire district number one, between the first day of May and the fifteenth day of September, and in the other fire districts, between the first day of July and the first day of September. 58 V., c. 19, s. 2.

Fire not to be set in fire district during certain times. Exception.

Section 1 of the act 58 V., c. 19, enacts as follow:

The act 52 Victoria, chapter 17, is repealed: but such repeal does not affect the erection of fire districts thereunder, nor the general superintendant and officers appointed thereunder, who shall continue to perform their duties under this act.

Railway companies and timber licenses to place men at disposal of superintendent

" **1353c.** It shall be the duty of every railway company, during the construction and the operating of its line through any fire-district, and of every person holding a license to cut timber in any territory included in any fire-district, to place at the disposal of the general superintendent of forest fires, any number he may see fit of their employees for the purposes of aiding in the enforcement of this law ; and the said employees shall be under the sole and exclusive control and direction of the said superintendent and bound to execute his orders.

Pay and expenses of such men.

The salaries and expenses of such employees shall be borne by the railway company, the licensee and the Commissioner of Crown Lands, jointly. 58 V., c. 19, s. 2.

Penalty for refusal to comply with requirements of act.

" **1353d.** Whosoever unlawfully neglects or refuses to comply with the requirements of this act in any manner whatsoever, shall be liable, upon a conviction before any justice of the peace, to a penalty not exceeding two hundred dollars, and not less than twenty-five dollars over and above the costs of prosecution, and in default of payment the offender shall be imprisoned in the common gaol for a period not exceeding three months. 58 V., c. 19, s. 2.

When suit to be brought.

" **1353e.** Every action for any contravention of this act shall be commenced within three months immediately following the commission thereof. 58 V., c. 19, s. 2.

Application of fines.

" **1353f.** All fines and penalties imposed and collected under this act shall belong one-half to the prosecutor and one-half to Her Majesty for the public use of this Province. 58 V., c. 19, s. 2.

Powers of justices of the peace.

" **1353g.** Any justice of the peace who shall himself view any contravention of this act may arrest the offender or cause him to be arrested without warrant, and impose the penalty therefor without other proof ; and for the purposes of this law all agents for the sale of Crown lands, all employees of the Department of Crown Lands, all sworn land-surveyors, and all fire and wood-rangers employed by the Department of Crown Lands shall be *ex-officio* justices of the peace. 58 V., c. 19, s. 2.

Civilisation for damages not interfered with

" **1353h.** Nothing in this act shall be held to limit or interfere with the right of any party to bring and maintain a civil action for damages occasioned by fire. 58 V., c. 19, s. 2.

Employment of men to

" **1353i.** The Commissioner of Crown Lands is authorized to employ, between the first day of April and the first

day of November, for the purpose of enforcing the provisions of this law, such number of men as he may deem necessary, and, in each fire-district so established, he shall name a general superintendent of forest fires. 58 V., c. 19, s. 2.

carry out of act.
Appointment of general C. superintendent.

III.—MISCELLANEOUS.

1354. Any person who shall throw or drop on the ground, or any place whatsoever, whether in the forests, open fields, or other places, any chemical match, ashes of a pipe, cigar or part of a cigar, or any other burning substance or who shall discharge any fire-arm, shall be bound, under the pains and penalty imposed by the next article for his neglect so to do, completely to extinguish, before leaving the spot, the fire of such match, ashes of a pipe, cigar or part of a cigar or the wadding of such fire-arm or such burning substance. 34 V., c. 19, s. 5, and 58 V., c. 19, s. 3.

Persons dropping, burning substances shall extinguish them at once.

1355. Any person contravening any of the provisions of the preceding article shall be liable, upon conviction before any justice of the peace, to a penalty not exceeding fifty dollars, and in default of payment of the said penalty and costs of suit, with or without delay, to be imprisoned in the common gaol of the district wherein he shall be convicted, for a period not exceeding three months, unless the said penalty and costs of suit, together with the costs of apprehension and conveyance of the said offender to the said common gaol, be sooner paid, or to be imprisoned in the said common gaol, for a period not exceeding three months. 34 V., c. 19, s. 6.

Penalty, &c., for contravention.

1356. Any person of full age may prosecute for any contravention of this subsection, and one half of the penalty, in case of conviction shall belong to the prosecutor, and the other half to the Government of this Province to form part of the consolidated revenue fund. 34 V., c. 19, s. 7.

Who may prosecute. Application of penalty.

1357. Every such suit shall be commenced within the three months, immediately following such contravention, and not afterwards. 34 V., c. 19, s. 8.

Limitation of prosecution.

1358. Any justice of the peace, who shall himself view any contravention of the above articles 1354 and 1355, may impose the penalty therefor without other proof, and, for the purposes of the said articles, all agents for the sale of Crown lands, all employees of the Department of Crown Lands, all sworn land surveyors, and all wood-rangers em-

Justices or certain officers may impose penalty on view.

ployed be the Department of Crown Lands shall be *ex-officio* justices of the peace. 34 V., c. 19, s. 9.

§ 4. — *Forests trees and the Planting and Cultivation thereof.*

Proprietors,
&c., planting
their land to
certain extent
with trees
entitled to
land order.

Form of such
order and pri-
vileges there-
under.

Conditions of
issue of order.

Cultivation of
root crops
among trees
not to prevent
land orders
being issued.

Land order is
transferable.

Void after
certain time.

Only one
order for land
planted.

Lieutenant-
Governor in
Council may
make certain
regulations.

May appoint
"Arbor Day."

1359. Whosoever, being the proprietor of, or in possession as proprietor or as usufructuary of any land, shall plant any part of such land, not less than one acre in extent, with forest trees, shall be entitled to receive, in respect of every acre of land so planted, a land order, in the form of the schedule hereunto annexed, which shall authorize him to purchase, to such an amount not exceeding twelve dollars, any of the public lands, which may be open for sale within the Crown Lands, agency in which such trees shall have been planted, or should there be no such agency, then in the nearest agency, subject to the laws and regulations for the time being in force regulating the sale and disposal of public lands.

No order shall be issued until it be satisfactorily shown that the land has been devoted to purposes of planting for at least three years, that the trees are in a vigorous and healthy state, and that the land is securely fenced against both sheep and cattle.

Provided always that, if root crops be cultivated among the forest trees planted on any land, such land shall not, by reason only of such crops being cultivated be deemed to be not devoted only to purposes of tree-planting according to this subsection. 45 V., c. 13, s. 1.

1360. Every such land order is transferable and shall be exercised within two years from the date thereof, and, if not exercised within such period, shall be absolutely null and void, and no renewal thereof shall be granted. 45 V., c. 13, s. 2.

1361. No land, once planted, shall entitle the planter to more than one order in respect of the same. 45 V., c. 14, s. 3.

1362. The Lieutenant-Governor in Council may, from time to time, make regulations respecting:

1. The number and description of trees to be planted in each acre;
2. The number of years during which the trees so planted shall be preserved and not cut down;
3. The other terms and conditions to be fulfilled by persons claiming a land order.

The Lieutenant-Governor in Council may, by proclamation, appoint a day to be observed as "Arbor Day," for the planting of forest trees. 45 V., c. 13, s. 4.

1353. Such regulations may be altered or repealed, without however affecting any right acquired thereunder. Regulations may be changed, &c. 45 V., c. 13, s. 5.

1364. The Commissioner shall, whenever any such land order has been offered him in payment of the purchase money of public lands, mention the same upon the back of such land order and shall give to the holder of such land order a receipt or certificate, which shall have the same effect as if the purchase money of such land had been paid in cash, according to law and the regulations respecting public lands. Land order may be used to purchase lands and how. 45 V., c. 13, s. 6.

1365. When the land order has been fully exercised, it shall be given up to the Commissioner. Return of land order. 45 V., c. 13, s. 7.

1366. No land can be acquired under this subsection unless it is of fifty acres in extent and does not exceed two hundred acres; but, if any person be entitled to a land order for less than fifty acres, he may pay the balance in money, under the same terms and conditions as public lands are acquired. Extent of land to be acquired. 45 V., c. 13, s. 8.

1367. The planting of seeds, nuts or cuttings shall be considered a compliance with the provisions of this subsection. Certain planting to be a compliance with subsection. 45 V., c. 13, s. 9.

1368. This subsection shall come into force by proclamation of the Lieutenant-Governor in Council in such parts of the Province as shall be fixed in such proclamation or by any other proclamation to be thereafter issued. Subsection in force by proclamation. 45 V., c. 13, s. 10.

SCHEDULE REFERRED TO IN ARTICLE 1359.

In the exercise of the powers in me vested by subsection sixth of section fifth of chapter sixth of title fourth of the Revised Statutes of the Province of Quebec, respecting forest trees and the planting and cultivation thereof, I hereby authorize _____ of _____, to purchase _____ in the district of _____, to the amount of _____ dollars, any of the public lands in the Crown Lands' agency of _____ open for sale or selection, without payment in cash therefor, subject, however, to the provisions in the said subsection contained.

CROWN LANDS' DEPARTMENT

Dated at _____, the _____ day of _____, 18 _____.

(Signature).

Commissioner of Crown Lands.

45 V., c. 13, Schedule.

SECTION 14.

CULLING AND MEASUREMENT OF TIMBER CUT UPON CROWN LANDS.

" § 1.—*Declaratory and interpretative.*

1368a. In this act, which may be cited as the Quebec Cullers' Act :

Interpretation
of "Log."

1. The expression "log" includes all logs of timber, of every kind and size, whether round, square or otherwise ;

"Culler."

2. The expression "culler" means any person employed or engaged in measuring logs of any kind of timber, for construction or other purposes, cut upon Crown Lands or subject to any dues whatsoever for the purposes of administration or revenue ;

Stipendiary
magistrate.

3. The expression "stipendiary magistrate" means any district magistrate, police magistrate, judge of the sessions and any magistrate having jurisdiction over the whole Province. 54 V., c. 14, s. 1.

Certain acts
and regulations
not repealed

" 1368b. This act shall not be interpreted as repealing the present laws and regulations of the Crown Lands Department except in so far as they are inconsistent with the provisions thereof. 54 V., c. 14, s. 1.

" § 2—*Board of examiners for cullers.*

Appointment
of board of
examiners.

1368c. The Lieutenant-Governor in Council may appoint a board of examiners for cullers, consisting of three skilled persons, two of whom shall be officers of the Department of Crown Lands, for the purpose of examining candidates for licenses to cull and measure timber cut on Crown Lands or on which the Crown has rights to exercise, or dues to collect for administrative or revenue purposes. 54 V., c. 14, s. 1.

1368d. In addition to the duties aforesaid, the members of the boards are bound to perform the other duties which may be assigned to them by the Lieutenant-Governor in Council. Duties of members of board.

Two of the members of the board constitute a *quorum* thereof. 54 V., c. 14, s. 1. Quorum of board.

1368e. Before entering on his duties, each examiner shall take, before a justice of the peace, the affidavit contained in from A of this act, which affidavit shall, as soon as taken, be transmitted to the Commissioner of Crown Lands. 54 V., c. 14, s. 1. Oath of office of members.

1368f. The Lieutenant-Governor in Council may authorise the payment, to each member of the board of examiners of a sum not exceeding four dollars per day while such examination lasts. 54 V., c. 14, s. 1. Payment of members.

1368g. The board of examiners shall sit at such places and dates as may be fixed by the Commissioner of Crown Lands. Meetings of board when and where to be held.

At the close of the examinations, or as soon after as may be, the board shall transmit to the Commissioner of Crown Lands the names of such as they believe are trust worthy and of good character, who have passed a satisfactory examination and are recommended as being qualified to perform the duties of culler. Report by board.

Candidates shall present themselves on the day fixed for the sitting of the examiners as aforesaid, after giving notice to that effect to the Commissioner of Crown Lands and paying therewith the sum of four dollars as an examination fee. 54 V., c. 14, s. 1. Candidates to be present on day fixed.

§ 3. - *Licenses to cullers and their duties.*

1368h. The Commissioner of Crown Lands may issue a cullers' license, according form B of this act, to any person reported as competent by the board of examiners. 54 V., c. 14, s. 1. Issue of cullers license

1368i. Before receiving the license mentioned in the preceding article, the candidate shall take the oath of office contained in from C of this act. Oath to be taken before receiving license.

Such oath shall be taken before a justice of the peace and be transmitted to the Commissioner of Crown Lands. 54 V., c. 14, s. 1. Before whom to be taken.

None but
licensed cul-
lers to act.

1368j. No person other than a culler licensed under this act shall make measurements of timber cut upon Crown Lands or upon which the Crown may have dues to receive for administrative or revenue purposes, except when the Commissioner is satisfied that the services of a licensed culler are not procurable; in which case he may issue a special license to a competent person, authorizing him to act as culler after taking the prescribed oath.

Duration of
special license

Such special license shall not extend beyond the first day of July next following its date. 54 V., c. 14, s. 1.

Duty of culler.

1368k. Every culler shall measure, fairly and correctly, to the best of his skill, knowledge and ability, all timber of whatsoever kind he may employ to measure under this act, making such deductions as are necessary to allow for defects and taken note of the timber rejected as worthless, commonly called "culls," the whole in accordance with the laws and regulations of the Department of Crown Lands. 54 V., c. 14, s. 1.

Books &c., to
be submitted
to inspection
of Crown
timber agent.

1368l. Licensed cullers shall submit their books and records of measurement for the inspection of the Crown timber agents when called upon to do so and furnish any information and documents which the Department of Crown Lands or its agents may require. 54 V., c. 14, s. 1.

Returns by
cullers.

1368m. At the end of each season, it shall be the duty of every culler to make a sworn return upon forms supplied by the Department of Crown Lands or its agents.

What to con-
tain.

Such report shall contain the number of pieces of timber measured and accepted, the quantity and quality of the timber, the lengths and diameters and also the number of the pieces rejected as worthless. 54 V., c. 14, s. 1.

Cancellation
of license.

1368n. Should any culler neglect or refuse to comply with the provisions of this act or of any regulations made under it, the Commissioner of Crown Lands may cancel his license.

Effect thereof.

From and after the cancelling of such license, such culler cannot thereafter cull or measure timber cut on Crown Lands or on which the Crown may have dues to collect for the above mentioned purposes, under penalty of a fine of not less than ten nor more than fifty dollars, with costs, to be recovered on summary conviction before a stipendiary magistrate or in default of payment thereof imprisonment of one or three months at the discretion of the magistrate, in the common gaol of the district in which the offence was committed. 54 V., c. 14, s. 1.

1378. The license of every culler who wilfully makes false measurements, illegally rejects timber or makes false returns for the purpose of deceiving or defrauding the Province may be cancelled. Cancelling of licenses.

After the cancelling of the license, no such culler shall have the right to perform his duties as such, under penalty of a fine of not less than twenty nor more than one hundred dollars, recoverable on summary conviction before a stipendiary magistrate or, in default of payment, of an imprisonment of one or three months at the discretion of the Court, in the common gaol of the district where the offence was committed." 54 V., c. 14, s. 1. Penalty for performing duties after license cancelled.

FORM A.

OATH OF OFFICE OF EXAMINERS OF CULLERS.

I do solemnly swear that I will perform the duties of examiner of cullers to the best of my knowledge and ability; that I will conduct the examination of candidates for licenses as cullers of timber, without fear, favor or affection, and recommend for licenses only those persons who have proved their fitness to discharge the duties of culling and measuring logs of any kind of timber (for construction or otherwise) cut on Crown Lands or subject to any dues for administrative and revenue purposes.

A. B.,

Examiner of cullers.

Sworn before me at
this day of
18 .

C. D. Justice of the peace.

54 V., c. 14. Form A.

The Statute 54 V., c. 14, s. 2, enacts as follows:

The Commissioner of Crown Lands shall, within at least two months after the sanction of this act, cause to be sent to all holders of timber licenses and purchasers of limits, a notice of the day, date and place at which are to be held the examinations of candidates for licenses to cull timber, under this act, and may give all other notices which he may deem advisable in the newspapers or otherwise.

FORM B.

LICENSE TO CULLERS.

To

of the district of

By virtue of the authority vested in me by the "Quebec Cullers' Act". I hereby authorize you to act as culler and measurer of timber cut upon Crown Lands or subject to any dues whatsoever for administrative or revenue purposes.

This license shall continue in force during good pleasure.

Giving at

this

day

in the year of Our Lord, 18

(Signed),

Commissioner of Crown Lands.

54 V., c. 14. Form B.

FORM C.

OATH OF OFFICE TO BE TAKEN BY THE CULLER BEFORE
RECEIVING HIS LICENSE.

I

do solemnly swear that I will perform the duties of culler without fear, favor or affection, that I will cull and measure correctly all timber cut upon Crown Lands or on which there may be any dues whatsoever to be collected by the Crown for administrative or revenue purposes, and that I will make true returns of the same to the Department of Crown Lands or its agents when so required.

C. D.

Sworn before me,

at this
day of 18

54 V., c. 14. Form C.

SECTION VI.

ESCHEATS AND PROPERTY CONFISCATED TO THE CROWN.

1369. Property that has devolved or shall devolve upon the Crown by escheat and property confiscated for any cause whatever, except for crime, are under the control of the Commissioner of Crown Lands. 48 V., c. 10, s. 1.

1370. Such property may be sold, ceded and transferred by the Lieutenant-Governor in Council upon such conditions as he may impose. 48 V., c. 10, s. 2.

1371. The Lieutenant-Governor in Council may also dispose of the whole or part of such property gratuitously, with or without conditions, in favor of any person whatever, with the view either of transferring it to some person having claims to exercise or equitable rights against the person who had been proprietor, or to carry out the intentions or wishes of such person, or to reward those who discovered or made known the existence of such property. 48 V., c. 10, s. 3.

1372. The Lieutenant-Governor in Council may also dispose of, gratuitously or by onerous title, in the manner regulated by articles 1370 and 1371, all interest in, rights over or pretensions to the said property; and the transferee may in his own name apply to the courts to be placed in possession and adopt all proceedings which the Crown might adopt. 48 V., c. 10, s. 4.

1373. This section does not apply to confiscated or escheated property with respect to which there exist special statutes. 48 V., c. 10, s. 5; 51-52 V., c. 13, s. 7.

