

chapter T-8

COLONIZATION LAND SALES ACT

*Chapter T-8 is replaced by the Act respecting public agricultural lands (chapter T-9.1). (1982, c. 13, s. 57).
1982, c. 13, s. 57.*

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REPEAL SCHEDULE

1. *The Minister of Agriculture, Fisheries and Food, hereinafter called “the Minister”, shall have charge of the carrying out of this act.*

R. S. 1964, c. 102, s. 1; 1973, c. 22, s. 22; 1979, c. 77, s. 21.

DIVISION I

GENERAL PROVISIONS

2. *The Minister shall have charge of the administration and sale of the colonization lands put under his control by the Government.*

R. S. 1964, c. 102, s. 2.

3. *The Government may pass such orders as are necessary to carry out the provisions of this act or to meet cases which may arise and for which no provision is made.*

R. S. 1964, c. 102, s. 3.

4. *Such orders shall be published in the Gazette officielle du Québec and in such newspapers as the Minister may direct, and shall be laid before the Legislature within the first ten days of the then next session.*

R. S. 1964, c. 102, s. 4.

5. *No such order shall be inconsistent with this act, save that the powers given to the Minister may be exercised by the Government, and shall be subject to any order-in-council regulating or affecting the same.*

R. S. 1964, c. 102, s. 5.

6. *Any affidavit required under this act or intended to be used in reference to any claim, business or transaction, may be taken before any judge, or the 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 Minister or the Deputy Minister; or any officer or agent of the Minister, or any land surveyor appointed by the Minister to inquire into or take evidence or report in any matter submitted to or pending before such Minister, or, if made outside Québec, before the mayor or chief magistrate of, or the British Consul in, any city, town or other municipality.*

R. S. 1964, c. 102, s. 6.

DIVISION II

AGENCIES AND AGENTS

7. *For the purpose of the sale of colonization lands, and matters connected therewith, the Government may divide Québec into agencies and sub-agencies, and may increase or diminish the number of such agencies or sub-agencies.*

R. S. 1964, c. 102, s. 7.

8. *The word “agent” wherever it occurs in this act shall mean an agent for the sale of colonization lands.*

R. S. 1964, c. 102, s. 8.

9. *The powers and duties of such agents for colonization lands shall comprise the sale and locating of all colonization lands offered for sale; the collection of arrears due; the settlement of difficulties arising from conflicting claims; the inspection of lands; the protection of the public domain within their respective agencies from trespassers and depredators; and such other duties as the Minister may think proper to assign them.*

Such powers shall be exercised and such duties shall be performed under the direction of the Minister.

R. S. 1964, c. 102, s. 9.

10. *The inspectors must visit and inspect every agency and sub-agency at least twice a year, and, in addition, whenever an inspection is ordered by the Minister. Such inspectors shall see that the books of the agency are kept in good order and that all entries that should be made therein have been so made. He shall instruct the agent in his duties and place him in a position to perform the same intelligently and punctually.*

He shall hear complaints made against the agents in the course of his inspections, and make complete inquiry respecting such complaints.

He shall, without delay, report each inspection and inquiry to the Minister.

R. S. 1964, c. 102, s. 10.

11. *No local agent shall, within his agency, directly or indirectly, unless under an order of the Government, which shall not be for more than two hundred acres, purchase any land which he is appointed to sell, or become owner of or interested in any such land, during the time of his agency; and any such purchase or acquiring of interest shall be void.*

R. S. 1964, c. 102, s. 11.

12. *No other person holding an office or employed in the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation shall, while holding such office or employment, unless under an order of the Government, purchase, directly or indirectly, any right, title or interest in any colonization land, either in his own name, or through any other person, or in the name of any other person in trust for himself, or take or receive any fee or emolument for negotiating or transacting any business connected with his office or employment; and any title or interest thus obtained shall be null and void.*

Any person contravening this section or section 11, shall forfeit his office or employment and be liable to a fine of \$400, to be recovered in an action by any person suing for the same.

R. S. 1964, c. 102, s. 12; 1973, c. 22, s. 22; 1977, c. 5, s. 14; 1979, c. 77, s. 21.

13. *Any agent knowingly and falsely informing or causing to be informed, any person applying to him to locate or purchase any land within his division or agency, that the same has already been located, assigned or purchased, shall be liable therefor, to the person so applying, in the sum of \$5 for each acre of land which the person so applying offered and was entitled to locate or purchase, to be recovered by action in any court of competent jurisdiction.*

R. S. 1964, c. 102, s. 13.

14. *Whenever it appears 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 any application for the purchase of such land or for an occupation license.*

R. S. 1964, c. 102, s. 14.

15. *Any such agent refusing or neglecting to report to the Minister, within eight days thereafter, his reasons for such refusal to sell, locate, or put under license, as the case may be, any such land, shall be liable therefor to the applicant in the sum of \$5 for each acre of land which such applicant offered and was entitled to locate or purchase or to have put under license to him, to be recovered by action in any court of competent jurisdiction.*

R. S. 1964, c. 102, s. 15.

DIVISION III

SALE OF COLONIZATION LANDS

16. *The sale of colonization land shall be made upon the conditions prescribed by the Government, either for colonization purposes or for any other purpose deemed in the interest of colonization or agriculture.*

The letters patent shall not be issued until the prescribed conditions have been fulfilled.

In the case of land on which there is a maple-grove workable as a sugary, the letters patent may be issued even if the clearing conditions have not been fulfilled.

No timber shall be cut before the issue of the letters patent, save for clearing, for firewood or for building and fencing purposes; and any timber cut in contravention of this provision shall be deemed to have been cut without a permit on public land.

The Government may, however, issue letters patent one year after the issue of the location ticket, for public land cleared of timber; provided all the conditions of settlement fixed by law or any order-in-council have been previously fulfilled.

The Government may issue letters patent in favour of occupants of public lands, for the quantity of acres they occupy without a title, who, before the 19th of March, 1921 (date of the coming into force of chapter 43 of the statutes of 1921), have fulfilled all conditions of payment and settlement on the said lands, and who have put under cultivation an area of at least fifty per cent.

The Government may recommend the gratuitous issuance of letters patent in favour of any settler who is the holder for agricultural purposes of one or more lots forming part of the Indian reserves disappropriated as such, when such holders have any title from the Governor of Canada, the Government of Canada or a minister of such Government, provided that any sum remaining due by the holders of such lots under the title granted by the federal authority be paid to the Gouvernement du Québec.

The letters patent issued in accordance with the preceding paragraph shall be subject to the terms, conditions and restrictions contained in ordinary letters patent relating to the concession of colonization lands, and shall in every other respect be governed by the laws applicable thereto.

R. S. 1964, c. 102, s. 16; 1977, c. 5, s. 14.

17. *Upon such conditions and at such prices as may be fixed by law or by the Government, the agent shall be bound to sell one lot for colonization purpose to any bona fide settler at least eighteen years of age who applies therefor.*

No land or lot or part of any land or lot not yet placed under location ticket on the 15th of February, 1924, and situated at less than sixty feet from the boundary line between Canada and the United States of America, or from any interprovincial boundary line between Québec and the Province of Ontario or New Brunswick, shall be placed under location ticket nor conceded, except subject to the provisions of section 18 of the Lands and Forests Act (chapter T-9).

No sale of more than one hundred acres shall be made to the same person. However, such limit may be exceeded

(a) if the lot concerned contains more than one hundred acres according to survey, in which case it may be sold as surveyed; or

(b) in the case of lots or parts of lots the union of which is necessary to constitute a suitable establishment; or

(c) when, as a result of the natural or artificial irregularity of the ground and in order to facilitate the rational development of a lot not containing more than one hundred acres, or of a lot as surveyed, it is necessary to add to the same another lot or part of another lot.

No such sale shall exceed an area of two hundred acres.

Every sale made by such agents shall take effect from the day on which it is made; but if the location ticket contain any clerical error, misnomer or misdescription of the land, the Minister may cancel such location ticket and order a new and corrected one to be issued, which shall take effect from the date of the first one.

R. S. 1964, c. 102, s. 17.

18. *In the cases of subparagraphs b and c of the third paragraph of section 17, the sale must be previously authorized by the Minister.*

R. S. 1964, c. 102, s. 18.

19. *Whosoever has obtained for settlement, either under any law existing previous to the coming into force of the Revised Statutes of Québec, 1977, or under this act, the number of acres of land then permitted to be sold, may not obtain more until half of the arable land which he holds has been put under cultivation.*

R. S. 1964, c. 102, s. 19.

20. *A person who wishes to obtain a colonization lot must sign a declaration according to form 1. Such declaration must be made on oath taken before an officer specially authorized by the Government to administer such oath.*

R. S. 1964, c. 102, s. 20.

21. *The Government 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.*

R. S. 1964, c. 102, s. 21.

22. *The Minister 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 an occupation license or location ticket; and such person, or his assignee, by an instrument registered under this act 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 has been revoked or cancelled, maintain suits at law against any wrong-doer or trespasser, as effectually as he could do under a patent from the Crown.*

Such occupation license or location ticket shall be prima facie evidence of possession by such person or his assignee under an instrument registered as aforesaid, in any such suit.

R. S. 1964, c. 102, s. 22.

23. *Every occupation license granted, and every certificate of sale or receipts for money received on the sale of public land, and every location ticket granted or made by the Commissioner of Crown Lands or any of his agents, previous to the 23rd of April, 1860, so long as the sale or grant to which such occupation license, 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 an occupation license mentioned in section 22.*

R. S. 1964, c. 102, s. 23.

24. *All occupation licenses, 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 of December, 1875 by the Commissioner of Crown Lands 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 inure to the benefit of 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 an occupation license mentioned in section 22.*

R. S. 1964, c. 102, s. 24.

25. *All occupation licenses, certificates of sale or receipts for moneys paid on the sale of public lands, and all location tickets issued and signed by an agent in favour 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 Minister an instrument in the form of an occupation license in conformity with section 22.*

R. S. 1964, c. 102, s. 25.

26. *No lot sold or otherwise granted for colonization purposes from the 1st of July, 1909 to the 19th of March, 1921, inclusive, may, for five years counting from the date of the location ticket, be sold by the holder of the location ticket, nor otherwise alienated, wholly or partly, except by donation inter vivos, or by will, in the direct line ascending or descending or in the collateral line, or by abintestate succession or by donation in a marriage contract, or by will in favour of a consort; and, in such cases, the donee, legatee or heir shall be subject to the same prohibition as the original acquirer.*

Nevertheless, any other transfer made after the 1st of July, 1909, during the five years counting from the date of the location ticket, shall be valid if it has previously been authorized by the Minister on proof, to his satisfaction, that such transfer is in the interest of colonization; the new acquirer shall be subject to the same prohibition as the original acquirer.

Every transfer made in contravention of this section shall be null ab initio as between the parties, and shall entail the cancellation of the sale or grant of the lot.

The prohibition in this section shall not apply from and after the date of the issue of the letters patent, when they are issued before the expiration of the five years.

R. S. 1964, c. 102, s. 26.

27. *No lot sold or otherwise granted for colonization purposes after the 19th of March, 1921, may, for six years from and after the date of the location ticket, be sold by the holder of the location ticket, nor otherwise alienated or transmitted, in whole or in part, except by donation in a marriage contract or by will, in favour of a relative within the order of succession, or by abintestate succession, or by will in favour of a consort, and in such case the donee, the legatee or heir shall be subject to the same prohibition as the original holder.*

Every alienation or transmission of land held under location ticket, by donation in a marriage contract or by will in favour of a consort, prior to the 19th of March, 1921, shall be valid if it be not null or voidable for some other reason.

The Minister may, nevertheless, allow any other transfer or alienation within six years of the date of the location ticket, upon proof, to his satisfaction, that such transfer or alienation is in the best interests of colonization. The new holder shall be subject to the same prohibition as the original holder. Every transfer or alienation so authorized since the 1st of July, 1909, shall be valid.

Every transfer made in contravention of this section shall be null ab initio as between the parties, and shall entail the cancellation of the sale or grant of the lot.

The prohibition in this section shall not apply from and after the date of the issue of the letters patent when they are issued before the expiration of the six years.

R. S. 1964, c. 102, s. 27.

28. *No lot sold or otherwise granted for colonization purposes after the 15th of March, 1933, may, before the issuing of the letters patent, be sold by the holder of the location ticket or otherwise alienated or transmitted, in whole or in part, except by donation in a marriage contract or by will in favour of a relative within the heritable degree, or by abintestate succession, or by will in favour of a consort, and, in such case, the donee, the legatee or the heir shall be subject to the same prohibition as the original holder.*

The Minister may, nevertheless, allow or approve any transfer or alienation before the issuing of the letters patent, upon proof, to his satisfaction, that such transfer or alienation is in the interests of colonization. The new holder shall be subject to the same prohibition as the original holder.

Every transfer made in contravention of this section shall be null ab initio as between the parties, and shall entail the cancellation of the sale or grant of the lot.

R. S. 1964, c. 102, s. 28.

29. *A register shall be kept in the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, in such form as the Minister may deem convenient, in which must be registered summarily:*

(a) At the diligence of the Minister, the sales or grants of colonization lands for which letters patent have not yet been issued;

(b) At the diligence of the parties interested:

(1) The transfers made by the original purchasers or grantees of their rights to any public lands acquired by purchase, grant, location, lease or occupation license, and for which letters patent have not been granted;

(2) The transfers made by the heirs or assigns of such first purchasers or grantees, if the titles under which they have a right to the possession of such lands have been duly registered under this act, or if their names have been substituted by the Minister in the books of his Department;

(3) The transfers made by means of a sale for taxes under the Municipal Code (chapter C-27.1);

(4) The transfers made by means of judicial sales, in cases in which such sales may lawfully take place, and if effected upon the first purchaser or upon his heirs or assigns, within the meaning of paragraph 2 of this section.

The officers effecting the sales mentioned in paragraphs 3 and 4 of this section must without delay give notice thereof to the Minister.

R. S. 1964, c. 102, s. 29; 1973, c. 22, s. 22; 1977, c. 5, s. 14; 1979, c. 77, s. 21.

30. *In order that it may be received and registered, every transfer mentioned in paragraphs 1 and 2 of section 29 must:*

(1) Be passed before a notary; or

(2) Be made by private writing 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 Québec or dead—by the affidavit of any other person proving the death or absence of such witnesses, and their signatures, or that of the person who so made the transfer;

And must contain no resolutive clause or right of redemption, condition, obligation or charge which has not been previously settled or discharged, either actually or by agreement or consent of the parties.

R. S. 1964, c. 102, s. 30.

31. *No transfer, however, mentioned in paragraph 1 or 2 of section 29, may, except by leave of the Minister, be registered, if it be not satisfactorily shown that the conditions of sale, concession or location, lease or occupation license have been duly fulfilled.*

The registration of a transfer in virtue of this section shall not exempt the transferee from fulfilling all conditions of sale to which the original acquirer was bound.

R. S. 1964, c. 102, s. 31.

32. *Every transfer registered shall be numbered and have endorsed thereon a certificate signed by the Minister or Deputy Minister, or other person authorized for that purpose, mentioning the date of the registration, and be deposited as vouchers, in the archives of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation.*

Immediately after the registration, the name of the transferee shall be substituted in the books of the Department for the name of the transferor.

R. S. 1964, c. 102, s. 32; 1973, c. 22, s. 22; 1977, c. 5, s. 14; 1979, c. 77, s. 21.

33. *Transfers so registered shall take effect from the date of their registration, as against others that have not been registered, or have subsequently been presented for registration.*

R. S. 1964, c. 102, s. 33.

34. *No person shall obtain letters patent from the Crown for more than three hundred acres of land for colonization purposes, by means of transfer from the original purchaser or grantee of a lot of land acquired from the Crown, or from the assigns of such original purchaser or grantee.*

This section shall not apply to the case in which lots originally acquired from the Crown have passed, by abintestate succession, or by will, or by judicial sale or by sale for municipal or school taxes, to those who apply for the letters patent.

Every person applying for the issue of letters patent under a transfer registered in the Department must declare under oath, according to the form prescribed by the Minister, the number of acres of land he holds, if any, under letters patent, when he makes his application. In such case, in virtue of such transfer, no new letters patent shall be granted for more land than is sufficient to make up the maximum of three hundred acres.

Nevertheless, for certain regions of Québec and for particular purposes, the Government may extend to a maximum of five hundred and fifty acres the limit of three hundred acres contemplated by this section.

R. S. 1964, c. 102, s. 34.

35. *Whosoever applies for letters patent for public land and finds that he is unable to produce a deed of transfer with the formalities required for registration, may furnish such proof as the Minister may deem requisite in support of his application; and, in such case, if, according to the evidence, the application be found just and equitable, the name of the petitioner shall be substituted for that of the preceding purchaser.*

R. S. 1964, c. 102, s. 35.

36. *In letters patent, issued at the request of a petitioner unable to furnish titles or sufficient proof as aforesaid, the use of the following terms, without naming any one in particular: “to the legal representatives of (name of the purchaser or grantee)” shall be valid.*

“Legal representatives” mean all those who may have any rights whatever to the property under the Civil Code.

R. S. 1964, c. 102, s. 36.

37. *No timber dues shall be exacted on any timber cut by settlers on lots regularly acquired by location ticket from the Crown, provided such timber be cut in good faith upon that part which the settler is obliged to clear to fulfil his obligations.*

The Government may make regulations to determine the conditions on which settlers shall benefit by such exemption from timber dues, and the dues payables when such conditions are not fulfilled.

R. S. 1964, c. 102, s. 37.

38. *For five years after the issue of the letters patent, any person acquiring the right to cut wood upon the uncleared part of any lot sold for colonization purposes must pay double timber dues to the Crown.*

This provision shall be inserted in the letters patent.

R. S. 1964, c. 102, s. 38.

39. *For twenty years after the issue of the letters patent, an area of fifteen per cent of each lot conveyed by the Crown for colonization purposes must be kept wooded for the domestic use of the owner or occupant.*

In case of contravention, the latter must pay to the Crown double timber dues.

This provision shall be inserted in the letters patent.

Failure to fulfil the conditions set forth in section 38 and in this section shall in no case involve the cancelling of the letters patent.

R. S. 1964, c. 102, s. 39.

DIVISION IV

CANCELLATION

40. *If the Minister be satisfied that any purchaser, grantee, lessee or locatee 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 the sale, grant, location, lease or occupation license, or if the sale, grant, location, lease or occupation license have been or be made or issued by mistake, or contrary to the law or to the regulations, he may cancel such sale, grant, location, lease or license, and resume the land therein mentioned, and dispose of it as if no sale, grant, location, lease or license thereof had ever been made.*

The provisions of this section have applied and shall continue to apply to every such sale, grant, location, lease or license made prior to the chapter 11 of the statutes of 1869, section 20.

R. S. 1964, c. 102, s. 40.

41. *The cancellation under section 40 shall effect complete forfeiture of all moneys paid by the purchaser, grantee, occupant or lessee, whether on account or in full payment of any sale, grant or location or any lease or occupation license, as well as any expenses or improvements laid out or made on the land or lands therein*

mentioned. The Minister may, nevertheless, grant such compensation or indemnity as he may consider just and equitable.

R. S. 1964, c. 102, s. 41.

42. *Such right of cancellation shall not be deemed an ordinary right of resolution of a contract for non-fulfilment of conditions. It shall not be subject to article 1537 of the Civil Code, and may always be exercised, as occasion may require, whatever time may have elapsed since the sale, grant, location, lease or occupation license.*

R. S. 1964, c. 102, s. 42.

43. *No cancellation under section 40 shall be made before a notice is given by the Minister, or by an agent authorized by him, in the manner hereinafter indicated.*

R. S. 1964, c. 102, s. 43.

44. *Such notice shall be posted by the agent, or by any person authorized by him, on the door of the church or chapel or other public building nearest to the lots in question. It shall be sent by post-card to the purchaser, grantee, locatee, or lessee of any public land or his assigns mentioned in section 40.*

The notice shall state that the cancellation shall take place, if necessary, at any time after fifteen days from the date of the posting.

During such fifteen days the owner or occupant of the lot may set forth his reasons against such cancellation.

R. S. 1964, c. 102, s. 44.

45. *Nothing contained in the preceding sections shall affect any of the provisions of the Mining Act (chapter M-13).*

R. S. 1964, c. 102, s. 45.

46. *If any purchaser, grantee, lessee or other person refuse or neglect to deliver up possession of any land after revocation or cancellation of the sale, grant, location, lease or occupation license thereof, or if any person being wrongfully in possession of the same refuse to leave or deliver up possession thereof, the Attorney General may, by a petition served upon the occupant of the land with at least six full days' notice of the date of its presentation, 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.*

Such petition shall be heard summarily, in term or out of term, on the date fixed by the notice or on any other subsequent date, as close thereto as possible, to which the judge may adjourn the hearing.

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, the judge shall grant an order upon the purchaser, grantee, lessee or person in possession to leave such land and deliver up possession of same to the Minister or person authorized by him to receive the same.

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 by the Minister for execution, shall execute the same in like manner as he would execute such writ in an action of ejectment or in a possessory action.

Thirty days after the expiration of the delay for execution, all the constructions and improvements made on the land described in the order, as well as all moveable property thereon, shall become the property of the Crown without indemnity.

The proceedings contemplated in this section shall be deemed summary matters, and the costs shall be those of a first class action in the Provincial Court.

R. S. 1964, c. 102, s. 46; 1965 (1st sess.), c. 17, s. 2.

47. *Except in the exercise of a right or some duty imposed by law, no person shall pass over public lands or remain or erect constructions thereon.*

Without prejudice to any other recourse, every infringement of this section shall be punishable, upon summary proceeding, by a fine of \$5 to \$50 and costs, or by imprisonment for not more than two months in default of payment, and, in the event of a subsequent offence, by imprisonment for ten to thirty days in addition to the said penalties.

Any officer generally or specially authorized by the Minister to supervise the carrying out of this section, or any constable, may arrest, without warrant, any person in the act of contravening this section and bring him or cause him to be brought forthwith before a justice of the peace.

R. S. 1964, c. 102, s. 47.

48. *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 or act done by or by the authority of the Minister.*

R. S. 1964, c. 102, s. 48.

DIVISION V

LEGAL PROCEEDINGS

49. *All arrears or sums whatever due to the Government by reason of the sale of public land for colonization purposes may be recovered by an ordinary action, brought in the name of the Crown, before any court of competent jurisdiction.*

R. S. 1964, c. 102, s. 49; 1977, c. 5, s. 14.

50. *If, in any such suit, the defendant fail to appear or to plead, proceedings may be had and judgment may be rendered therein according to the provisions of the Code of Civil Procedure.*

R. S. 1964, c. 102, s. 50.

51. *In all such suits, in case of contestation, the burden of proof shall be upon the defendant.*

R. S. 1964, c. 102, s. 51.

52. *Notwithstanding article 32 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. The defendant may not, in such actions, plead any immoveable rights, annual rents or matters wherein rights in future may be affected.*

R. S. 1964, c. 102, s. 52; 1965 (1st sess.), c. 80, a. 1.

DIVISION VI

REGISTRATION OF LETTERS PATENT

53. *All letters patent of the Crown, whereby any grant of the colonization lands in Québec is made for colonization purposes, shall be delivered to the person entitled thereto by the Minister of Agriculture,*

Fisheries and Food, a copy thereof being previously recorded in a register to be kept for that purpose by the Registrar of Québec or his Deputy, without any other entry or registration.

R. S. 1964, c. 102, s. 53; 1973, c. 22, s. 22; 1979, c. 77, s. 21.

54. *The minister may require that the certificate of the performance of the conditions of settlement, requisite for the obtaining of letters patent of a lot acquired from the Crown, shall be given under oath by the persons chosen by the Minister to give such certificate, and according to the form supplied by the Minister.*

R. S. 1964, c. 102, s. 54.

DIVISION VII

LETTERS PATENT ISSUED IN ERROR

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

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 letters patent.

If the correction can be easily made in the letters patent without cancelling them, the Minister may do so and notify the Registrar of Québec thereof, in order that such correction be so made in the registration of said letters patent.

The authority of the Minister of Agriculture, Fisheries and Food is substituted for that of the Minister of Energy and Resources in the case of letters patent issued for colonization purposes before the 19th of March, 1921.

R. S. 1964, c. 102, s. 55; 1973, c. 22, s. 22; 1979, c. 77, s. 21; 1979, c. 81, s. 20.

56. *Whenever inconsistent grants or letters patent have been issued for the same land through error, and in all inconsistent cases of sales or appropriations of the same land, the Minister may, in case of sale, cause the purchase money to be repaid with interest. When the land has passed from the original purchaser or grantee, 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 the Minister may seem just and equitable under the circumstances.*

No such claim shall be entertained unless made within five years from the discovery of the error.

R. S. 1964, c. 102, s. 56.

57. *Whenever, by reason of incorrect survey or error in the books or plans of the Department, or in the letters patent, any parcel of land granted, sold or appropriated under location ticket, letters patent or other title contains less in superficial area than that attributed to it in the deed of concession therefor, the Minister may order the repayment of the purchase money of so much land as is deficient to the grantee or to the subsequent purchaser, provided it be shown that the latter was ignorant of a deficiency at the time of his purchase, and, in both cases, with interest thereon from the time of the application to the Minister for such repayment.*

Such repayment may be made in money or in land or in land-scrip, as the Minister may direct. In case of an original free grant, the Minister may replace it by a free grant of other land, equal in value to the land so intended as a free grant at the time such grant was made.

No such claim shall be entertained unless application be made within five years from the date of the letters patent, nor unless the deficiency be equal to one-tenth of the whole quantity mentioned in the deed of concession.

R. S. 1964, c. 102, s. 57.

58. *All compensation awarded under sections 56 and 57, except where land is specially assigned therefor by the Minister, shall be treated as moveable property and dealt with accordingly.*

R. S. 1964, c. 102, s. 58.

59. *Letters patent granted by the Crown may be declared null or set aside by the Superior Court for the causes and in the manner prescribed by the Code of Civil Procedure.*

The Government may, however, with the consent of the owner in writing, annul the letters patent whenever advantageous for colonization and when there is no charge upon the lot.

R. S. 1964, c. 102, s. 59.

DIVISION VIII

PREMIUMS FOR CLEARING, PLOUGHING AND RESIDENCE

60. *The Minister of Agriculture, Fisheries and Food may pay, out of the credits voted annually by the Legislature for such purpose, colonization premiums to encourage settlers to clear their lots and plough them and reside thereon. The Government may adopt all such regulations as it may deem expedient to determine the conditions to be fulfilled in order to earn such premiums. Such premiums shall be unassignable and unseizable.*

R. S. 1964, c. 102, s. 60; 1973, c. 22, s. 22; 1979, c. 77, s. 21.

61. *The Minister is authorized to cause the classification of public lands to be made in order to determine those which are suitable for cultivation or which must be used for colonization. Such classification, however, shall have effect only after having been approved by the Government.*

R. S. 1964, c. 102, s. 61.

62. *The Government may, on the recommendation of the Minister, reserve and appropriate, among the lands under the control of the said Minister, a lot for religious premises and burial grounds, in every colonization parish and cancel such appropriation at any time, as it may deem expedient.*

It may make free grants for the aforesaid purposes, provided that such lots shall in no case exceed one hundred acres, and that the purpose and use for which such grants are made be stated in the letters patent.

Nevertheless the Minister of Agriculture, Fisheries and Food may, upon such conditions as are deemed expedient, authorize the grantee to dispose of the whole or part of any lot so granted, when it is no longer required for the aforesaid purposes.

R. S. 1964, c. 102, s. 62; 1966-67, c. 41, s. 1; 1973, c. 22, s. 22; 1979, c. 77, s. 21.

DIVISION IX

SPECIAL PROVISION

63. *This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).*

1982, c. 21, s. 1.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 102 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter T-8 of the Revised Statutes.

