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THE
SEIGNIORIAL ACTS:

VIZ :

THE SEIGNIORIAL ACT OF 1854,

16 VICT. CAP. III.

THE SEIGNIORIAL AMENDMENT ACT OF 1855,

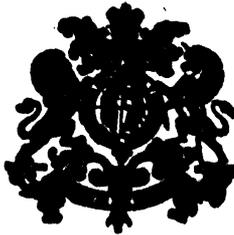
18 VICT. CAP. CIII.

THE SEIGNIORIAL AMENDMENT ACT OF 1856,

19 VICT. CAP. LIII.

WITH

COPIOUS INDEX.



Crown:

PRINTED BY S. DERBISHIRE AND G. DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

1856.



DEPARTMENT
OF
AGRICULTURE,
OTTAWA.

ANNO DECIMO-OCTAVO
VICTORIÆ REGINÆ.

C A P. III.

An Act for the abolition of feudal rights and duties
in Lower Canada.

[Assented to 18th December, 1854.]

WHEREAS it is expedient to abolish all feudal ^{Preamble}
rights and duties in Lower Canada, whether
bearing upon the *Censitaire* or upon the Seignior, and
to secure fair compensation to the latter for every
lucrative right which is now legally his, and which he
will lose by such abolition; And whereas in considera-
tion of the great advantages which must result to the
Province from the abolition of the said Feudal Rights
and duties and the substitution of a free tenure for that
under which the property subject thereto hath hereto-
fore been held, it is expedient to aid the *Censitaire* in
the redemption of the said charges, more especially as
regards those which while they press most heavily on
industry and enterprize, cannot from their very nature
be otherwise made immediately redeemable without
grievous hardship and injustice in many cases: Be it
therefore enacted by the Queen's Most Excellent Ma-
jesty, by and with the advice and consent of the
Legislative Council and of the Legislative Assembly
of the Province of Canada, constituted and assembled
by virtue of and under the authority of an Act passed
in the Parliament of the United Kingdom of Great
Britain and Ireland, and intituled, *An Act to re-unite
the Provinces of Upper and Lower Canada, and for the
Government of Canada*, and it is hereby enacted by
the authority of the same, as follows:

I. The Act passed in the eighth year of Her Ma- ^{Act 8 V.}
jesty's Reign, intituled, *An Act the better to facilitate* c. 42,
1.

optional commutation of the tenure of lands en roture in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu roturier, and the Act passed in the twelfth year of Her Majesty's Reign, and intituled, An Act to amend the Act passed in the eighth year of Her Majesty's Reign, intituled, 'An Act the better to facilitate optional commutation of the tenure of lands en roture in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu roturier,' shall be and they are hereby repealed in so far as regards the Seigniories to which this Act applies: but deeds of commutation granted or other things done under them shall remain in full force and have the same effect as if the said Acts had not been repealed.

And 12 V. c. 49,

Repealed as regards Seigniories to which this Act extends.

DETERMINATION OF THE PRICE TO BE PAID BY SEIGNIOR AND CENSITAIRE FOR THE COMMUTATION OF THE TENURE OF THEIR PROPERTY.

Governor to appoint Commissioners.

II. It shall be lawful for the Governor to appoint Commissioners under this Act, and from time to time to remove them, and to appoint others in the place of any so removed, or dying or resigning office; and each of the said Commissioners shall, before entering upon the duties of his office, take and subscribe, before a Judge of the Superior Court, the following oath:

Their oath of office.

"I, _____, swear that I will faithfully, and without partiality, fear, favor or affection, perform my duty as Commissioner under the Seigniorial Act of 1854."

Remuneration.

III. The said Commissioners shall receive for their services under this Act, and for their necessary expenses and disbursements, such compensation as shall be allowed to them respectively by the Governor, and no other fees or emoluments whatsoever.

Commissioners to act in the Seigniories assigned to them respectively.

IV. Each of the said Commissioners shall and may act as such in any part of Lower Canada, and they shall be aiding to each other, so that any one of them, if need be, may continue and complete the work begun

by any other of them ; but subject to this provision the Governor may, from time to time, assign the Seignior or Seigniories in and for which each of them shall act. (*See also 18 Vict. Chap. 103, s. 6.*)

V. It shall be the duty of each of the said Commissioners to value the several rights hereinafter mentioned, with regard to each Seignior which shall be assigned to him as aforesaid by the Governor, and to draw up in tabular form in triplicate, a Schedule of such Seignior, shewing :

They shall make a Schedule of each Seignior, shewing :

1. The total value of the Seignior, that is to say, of all the property and lucrative rights which the Seignior holds as such, whether as Seignior *dominant* of any fief held of him as such Seignior or otherwise, including in such total value, the value of the rights of the Crown ;

The total value of the Seignior ;

2. The value of the rights of the Crown in the Seignior, including the value of the *droit de quint*, and all other valuable rights of the Crown therein as Seignior *dominant*, or by reason of any reservation in the original grant of the Seignior, and any difference between the absolute value in *franc-aleu roturier* of all unconceded lands, waters and water powers in the Seignior, and appertaining thereto, and the value of the Seignior's rights therein, as they may be ascertained by the decisions of the Judges, under the provisions hereinafter made. (*See also 19 Vict. Chap. 53, s. 3.*)

The value of the rights of the Crown therein ;

3. The value of the lucrative rights of the Seignior *dominant*, of whom the Seignior for which the Schedule is made may be held, if the Seignior be an *arrière-fief* ;

And of those of any other Seignior *dominant* ;

4. The yearly value of the Seigniorial rights upon each land, that is to say, each parcel of land originally conceded as a separate lot, or actually owned at the time of making the Schedule by a separate person ; entering severally,—the yearly value of the *lods et*

The yearly value of the Seigniorial rights on each lot ;

ventes,—the yearly value (if any) of the *droit de banalité*, and of the exclusive right to build mills in the Seignior, as distinguished from the right to the water powers, if such rights be recognized by the decision of the Judges who are to enquire of the same as hereinafter provided, but not otherwise,—the yearly value of the *cens et rentes* and other fixed rights, and of any other legal charges to which the land may be subject ; but the *droit de retrait* shall not be deemed a lucrative right ;

The extent of each lot ; 5. The extent of such land according to the title of the owner, if produced, and whether it is held for agricultural purposes, or is a mere emplacement or building lot ;

How the charges on any lot shall be determined ; 6. In determining the Seigniorial charges to which each land is subject, the Commissioner shall be guided by the title of the owner from the Seignior, subject to the decision of the Judges hereinafter mentioned, if such decision shall in any way limit the rights of the Seignior under the said title ; and in the absence of the title of the owner, the Commissioner shall determine the extent of the land and the Seigniorial charges to which it is subject by such Books, Plans, *procès-verbaux*, or other secondary evidence as he may be able to procure ;

And its extent ;

How each lot shall be described in the Schedule ; 7. Each land shall be described in the Schedule by the number, and concession, under which it stands in the land-roll of the Seignior, (or if it bear no such description therein, then by the best brief designation the Commissioner can assign to it,) and the name of the owner as it appears on the land-roll, and in default of information on any of the said points, the Commissioner may describe it in such manner as he may think most convenient, provided he assign to each land a separate and distinct number ;

Commuted lands how to be entered. 8. The Commissioner shall also include in the Schedule all lands in regard to which the Seigniorial

Rights have been commuted, and write opposite thereto the word "Commutated" only.

VI. In order to determine the value of the Seigniorial rights on lands held *en roture*, the Commissioner shall observe the following rules, namely :

1. The amount of the *cens et rentes* and annual charges shall be taken as the yearly value thereof ; and if any of such rents or charges be payable in grain, fowls or other provisions or fruits of the earth, their average value shall be computed according to the average price of articles of the same kind, taken from the books of the merchants nearest to the place, or ascertained in any other manner the Commissioner shall think most equitable ; to establish such average year, the fourteen years immediately preceding the period at which the valuation is made, shall be taken, the two highest and the two lowest shall be struck out, and the average year shall be established on the ten remaining years ; the value of the personal labour (*corvées*) shall be estimated in the same manner ;

Cens et rentes and annual charges.

Average year.
2. In order to establish the yearly value of the casual rights, an average year of their value shall be computed for each of the two classes of lands hereinafter mentioned, upon the ten years immediately preceding the passing of this Act, and the amount of the valuation of the said average year shall be the yearly value of the said casual rights for all the lands in the Seigniority of the same class ; and the Commissioners in estimating the yearly value of the *lods et ventes* in any Seigniority, shall distinguish those accruing on lands held as *emplacements* or building lots or for other than agricultural purposes, which shall form one class, from those on lands held for agricultural purposes, which shall form another class ; and the Commissioner shall apportion the yearly value of the *lods et ventes* on each class, upon the lands belonging to that class, charging each land with a portion thereof proportionate to its value with regard to lands held as

Casual rights.

Value of *lods et ventes* on agricultural lands and on *emplacements* to be distinguished.

How apportioned.

As to *rente* representing *lods et ventes* under deed of commutation.

emplacements or building lots, or for other than agricultural purposes, and proportionate to its extent with regard to lands held for agricultural purposes: and any *rente* expressly charged in any Deed of partial commutation under the Acts hereby repealed, as an indemnity to be paid by the *Censitaire* instead of *lods et ventes*, shall be held to represent the value of the right to *lods et ventes* on the land referred to, and shall be entered and dealt with in all respects accordingly. (See also 19 Vict. Chap. 53, s. 1.)

Droit de banalité.

3. In order to establish the yearly value of the *droit de banalité* and the exclusive right of having mills in the Seignior, (independently of the right of the water power,) if any such rights be recognized by the said Judges as aforesaid, the Commissioner shall estimate the probable decrease (if any) in the nett yearly income of the Seignior from his mills, to arise from the loss of such right, and the said sum shall be deemed the yearly value of such right, and shall be apportioned upon the lands subject to the said right in proportion to their extent;

Other rights.

4. Any other rights shall be valued according to the revenue or profits which may have accrued therefrom to be ascertained by the Commissioner in such manner as he shall deem most equitable; and shall be charged upon the lands subject thereto respectively;

Yearly value of all rights to be converted into a *rente constituée*, on each land.

5. The yearly value of each class of rights upon each land, shall become a *rente constituée* charged upon the same as the compensation payable to the Seignior thereof, and the total amount of such *rentes constituées* on any land, after the deduction to be made therefrom as hereinafter provided, shall be payable to the Seignior yearly, at the time and place where the *cens et rentes* on such land are now payable, unless it be otherwise agreed between the Seignior and the *Censitaire*, and shall accrue from the day on which notice of the deposit of the Schedule of the Seignior shall be given in the *Canada Gazette*, on which day

When payable.

the present *cens et rentes* and other annual charges upon the land shall cease to accrue; and both they and the *rentes constituées* under this Act shall accrue rateably for any broken period less than a year, during which they may exist;

As to broken periods.

6. The value of the rights of the Seignior *Dominant* in any *arrière-fief*, shall form the capital of a *rente constituée* payable yearly by the Seignior of the *arrière-fief*, on the day of the date of the publication in the *Canada Gazette* of the notice of the deposit of the Schedule of such *arrière-fief*, and accruing from the day of such publication; but out of the moneys coming to the Seignior of the *arrière-fief*, from the Provincial aid hereinafter mentioned, a sum bearing the same proportion to the whole of such moneys as the value of the rights of the Seignior *Dominant* in such *arrière-fief* bears to the value set upon the Seigniorial rights of the Seignior *servant* in such *arrière-fief*, shall belong to the Seignior *Dominant*, and his said *rente constituée* shall be diminished by the amount of the yearly interest at six per cent. per annum, of the sum so coming to him out of the said Provincial aid;

Value of the rights of Seignior dominant to be the capital of a *rente constituée* payable to him.

His share in the fund provided by this Act.

7. And in estimating the value of the casual rights of the Crown in relation to each Seignior, the Commissioners shall be guided, as nearly as possible, by the same rules as are hereby prescribed for the determination of the yearly value of the casual rights of the Seigniors.

Repealed by
19 Vict. Chap.
53, s. 2.

Casual rights of the Crown, how valued.

VII. Before beginning to prepare the Schedule for any Seignior, the Commissioner entrusted with that duty, shall give public notice of the place, day and hour, at which he will begin his inquiry; and such notice shall be made by placards and publications in the English and French languages, at the door of every parish Church in such Seignior, during four consecutive Sundays at the conclusion of divine service in the forenoon, or by placards in both languages, posted during four consecutive weeks, in the most frequented place in any Seignior in which there shall be no church. (See also 18 Vict. Chap. 103, s. 6.)

Notice by the Commissioner before commencing his inquiry.

He may enter upon lands for the purposes of the inquiry. VIII. It shall be lawful for the Commissioner to enter upon all lands situate in the Seigniorie the Schedule whereof is to be made by him, in order to make such examination thereof as may be necessary, without his being subject in respect thereof to any obstruction or prosecution, and with the right to command the assistance of all Justices, Peace Officers and others, in order to enter and make such examination, in case of opposition.

Powers of the Commissioners obtaining information.

Punishment of persons refusing to appear before them, or to give information.

IX. The said Commissioners, and each of them separately, shall have full power and authority to examine on oath any person who shall appear before them, or any of them, either as a party interested or as a witness, and to summon before them, or any of them, all persons whom they or any of them may deem it expedient to examine upon the matters subject to their consideration, and the facts which they may require to ascertain in order to carry this Act into effect, and to require any such person to bring with him and produce before them or any of them any Book, Paper, Plan, Instrument, Document or thing mentioned in such summons, and necessary for the purposes of this Act: And if any person so summoned shall refuse or neglect to appear before them, or before the Commissioner who shall have summoned him, or appearing, shall refuse to answer any lawful question put to him, or to produce any such Book, Paper, Plan, Instrument, Document or thing whatsoever which may be in his possession, and which he shall have been required by such summons to bring with him or to produce, such person shall for every such refusal or neglect incur a penalty of not less than ten nor more than fifty pounds currency, payable to Her Majesty, to be recovered with costs upon summary plaint by such Commissioner before any Judge of the Superior or Circuit Court, and in default of immediate payment shall, by warrant of such Judge, be apprehended and committed to the Common Gaol of the District for a period not exceeding one calendar month.

(Repealed by 19 Vict. Chap. 53, s. 4.)

X. Whenever the Commissioner charged with the making of the Schedule of a Seignior shall be of opinion that the rules prescribed in this Act for determining any value which he is hereby required to determine, do not form an equitable basis for determining the same, or when the Seignior, or not less than twelve *Censitaires* of the Seignior, shall call upon the said Commissioner in writing, within a period not exceeding eight days after the day fixed for the commencement of the inquiry by the Commissioner, requiring that *experts* be appointed to determine the value of the Seigniorial rights therein, the said Commissioner shall call a public meeting of the *Censitaires* of the Seignior, at such place therein, and on such day and at such hour, as shall be specified in the public notice thereof, which he shall give in the manner prescribed by this Act with respect to the commencement of his inquiry, for the purpose of appointing two *experts*, one of whom shall be appointed by the Seignior and the other shall be elected by the majority of the *Censitaires* present at such meeting; and in case the Seignior or his agent, shall not be present at the said meeting, or being present, shall refuse or neglect to appoint an *expert*, the said Commissioner shall appoint one on behalf of the Seignior, and such *expert* shall have the same powers as he would have had if he had been appointed by the Seignior, and in the event of the *Censitaires* refusing or neglecting to appoint an *expert* on their behalf, the Commissioner shall in like manner appoint an *expert* to act for them;

Value may be estimated by *Experts* if required by Seigniors or *Censitaires*.

How such *Experts* shall be appointed.

2. The two *experts* so appointed shall have and exercise the same powers with respect to the valuation of the Seigniorial rights as could be exercised by the Commissioner himself, except that they shall not in any case be bound by the rules aforesaid; and the said two *experts* shall appoint a third *expert*, but in case the two *experts* shall not agree upon the person to be the third *expert*, then any Judge of the Superior Court in the District in which the Seignior or the greater part thereof lies, shall, on the application of either *expert*, after three clear days' notice to the other, appoint such third *expert*: and the sums fixed by any two of such *experts* as the yearly value of the Seigniorial rights respectively, shall be taken by the Commissioner as the value thereof, and shall be apportioned by him in the manner hereinbefore prescribed, upon or among the lands subject to such rights; and the Commissioner shall mention in the Schedule that the value was determined by *Expertise*;

Powers of *Experts*.

They shall not be bound by the foregoing rules.

Third *Expert*.

The value fixed by them to be entered in the Schedule.

Sole *Expert*
may be chosen.

Commissioner
may be sole or
third *Expert*.

Case of *Ex-*
ports dying,
&c., provided
for.

And if the
Commissioner
be the *Expert*.

Fees of
Experts.

Commissioner
excepted.

Notice that
Schedule is
ready for in-
spection.

Inspection and
correction of
errors.

(Repealed by 19 Vict. Chap. 53, s. 4.)

3. Provided that when the Seignior and the *Censitaires* shall agree to appoint and elect, or shall appoint and elect one and the same *expert*, such sole *expert* shall have the same powers as the three *experts* would have had, and his decision shall be final: And provided also, that the Commissioner may be appointed either third *expert* or sole *expert*;

4. In the event of one of the said *experts* dying, becoming incapacitated, or refusing to act, the appointment or election of another in his stead shall be proceeded with in the manner above prescribed, excepting that it shall not be necessary to call a public meeting of the *Censitaires* for the appointment of an *expert* in the stead of the person representing the Seignior; but if the Seignior refuse, or neglect during eight days to appoint another *expert*, after having been required to do so by the Commissioner, the Commissioner shall appoint an *expert* on behalf of the said Seignior;

5. If the Commissioner be appointed third *expert* or sole *expert*, then if he be prevented from acting by any cause, the Commissioner who shall be directed by the Governor to continue the proceedings in the Seigniori, shall be third *expert* or sole *expert* in the place of the former Commissioner;

6. The said *experts* shall be entitled to receive, out of the funds provided by this Act, such fees as the Commissioner shall deem proper to tax, provided that they do not exceed the sum of fifteen shillings for each day of necessary attendance. And the said fees shall be paid by the Receiver General upon the certificate of the Commissioner.

XI. The said Commissioner, immediately after the making of the Schedule of a Seigniori, shall give eight days' public notice in the manner prescribed by the seventh Section of this Act, that such Schedule will remain open for the inspection of the Seignior and the *Censitaires* of the Seigniori during the thirty days following the said notice;

and during that time the Commissioner may correct any error and supply any omission which may be pointed out to him by any party interested, or which shall come to his knowledge in any other manner, but he shall not alter any value determined by *expertise* without the consent of the majority of the *experts* or of the sole *expert*;

(Repealed by 19 Vict. Chap. 53, s. 5.)

2. The proprietor or possessor of the Seigniority Who may appear either in person or by his agent, before the Commissioner, for the purpose of having any error corrected which may have crept into the said Schedule; and for the like purpose the *Censitaires* of the Seigniority may appear before the said Commissioner by their agent to be appointed by a majority of the *Censitaires* of the Seigniority present at a meeting called for that purpose by any three or more of the *Censitaires* thereof, eight days' public notice thereof having been previously given in the manner prescribed in the seventh section of this Act;

3. But no Schedule shall be completed until the Judges of the Special Court shall have given judgment upon the Questions to be submitted as hereinafter mentioned; and in the event of the decisions pronounced by the said Special Court, being reversed or altered upon appeal to the privy Council, the Commissioners forming the Court of Revision of Schedules hereinafter mentioned shall alter and amend the Schedules accordingly.

(See also 19 Vict. Chap. 53, ss. 5 & 8.)

XII. It shall be lawful for the Governor, by letter under the signature of the Provincial Secretary, to select from the Commissioners so to be appointed, four of their number, of whom any three shall form a Court for the revision of Schedules made under this Act, and in like manner from time to time to remove them and to appoint others in the place of any so removed, dying, resigning office or being incapacitated to act. (See also 19 Vict. Chap. 53, s. 9.)

2. The decision of any two of the Commissioners selected, whether the others be present or not, on any matter relating to the revision of any Schedule made under this Act, shall be final;

3. In making such revision the Commissioners shall proceed summarily, but they may order any evidence to be adduced which they may think requisite to enable them to pronounce a correct decision, and for that purpose shall have the same powers as in making a Schedule;

Not to revise
their own
Schedule.

4. No Commissioner so selected shall sit in revision of any Schedule made by him. (*Amended by 19 Vict. Chap. 53, s. 6.*)

When and
how a revision
may be ob-
tained.

How Sched-
ules shall be
referred to
them for
revision.

(*Repeated by 19 Vict. Chap. 53, s. 7.*)

5. And no revision of any Schedule shall be allowed unless application be made for the same within fifteen days from the expiration of the time allowed under the Eleventh Section of this Act for the correction thereof by the Commissioner by whom it was made; and every such application shall be made by a Petition presented on behalf of the party interested to the Governor, specifying the objections made to such Schedule and the amendments demanded, and praying for the revision thereof;

6. Upon the receipt of any such Petition, the Provincial Secretary shall refer the same to the Commissioners forming the Court of Revision aforesaid, whose duty it shall be, after having given eight days' notice in the manner provided by the seventh Section of this Act, to proceed to revise the Schedule therein mentioned, and if they find any error to correct the same, in so far as, but no farther than, it shall have been so specially objected to; But they shall not alter any value determined by *expertise* without the consent of the majority of the *experts* or of the sole *expert*.

(*See also 19 Vict. Chap. 53, ss. 8 & 9.*)

Costs against
party wanton-
ly requiring a
revision.

7. The said Court of Revision may award and tax costs against any party who may in their opinion have demanded or opposed the revision of the Schedule without reasonable cause, and such costs may be recovered on the certificate of any one of the said Commissioners as a debt due by the party against whom they shall have been awarded, to the party in whose favour they have been taxed.

Notice of
completion
and deposit of
Schedule with
the Receiver
General.

Triplicates
how disposed
of.

XIII. As soon as the Schedule of a Seigniorial shall be completed in the manner hereinbefore provided, the Commissioner who shall have made it shall transmit a triplicate thereof to the Receiver General of this Province; he shall deposit another triplicate in the office of the Superior Court in the district in which the Seigniorial is situate, or if such Seigniorial be situate in two Districts, then in the office of the said Court in

that District in which the greater part of such Seigniority is situate; and shall retain the other triplicate in his hands until it shall be otherwise provided by law; and he shall give public notice of his having so deposited the same, in the terms of the form A, annexed to this Act, or in other terms of like import in the English and French languages in the *Canada Gazette*, or other newspaper recognized as the Official Gazette of the Province, and in at least one newspaper published in the District in which such Seigniority or the greater part thereof is situate, or if there be no newspaper published in such District, such notice shall be so published in the nearest District wherein one or more newspapers are published. And the Clerk of the Superior Court shall furnish copies of or extracts from such Schedule duly certified in the usual form, to any person applying for the same, and may demand three pence currency for every hundred words or figures in any such copy or extract; and he shall also furnish one copy of every such Schedule on demand to the Seignior of the Seigniority to which it relates, and the costs thereof shall be paid out of the funds provided by this Act; and all such copies and extracts, whether in words or figures, shall be deemed authentic, and shall serve as *prima facie* proof of all matters therein set forth.

Copies and extracts to be furnished.

Fee therefor.

Their legal effect.

ABOLITION OF FEUDAL RIGHTS AND DUTIES.

XIV. Upon, from and after the date of the publication in the *Canada Gazette*, or other Official Gazette as aforesaid, of a notice of the deposit of the Schedule of any Seigniority as aforesaid, every *Censitaire* in such Seigniority shall by virtue thereof hold his land in *franc-aleu roturier*, free and clear of all *Cens, Lods et Ventés, Droit de Banalité, Droit de Retrait* and other feudal and Seigniorial duties and charges whatever, except the *Rente constituée* which will be substituted for all Seigniorial duties and charges; and every Seignior shall thereafter hold his domain and the unconceded lands in his Seigniority, and all water powers and real

Upon the publication of the notice of deposit of the Schedule of a Seigniority, all lands therein to be held in franc-aleu.

And the Seignior to be free from Quint, &c., to the Crown.

estate now belonging to him, in *franc-aleu roturier*, by virtue of this Act, and the same and the *Rentes Constitutes* payable to him under this Act by his *Censitaires*, or by any Seignior of whose Fief or Seigniority he is the Seignior *Dominant*, shall be held and enjoyed by him free and clear of all *Quint*, *Relief* or other feudal dues or duties to the Crown or to any Seignior *Dominant* of whom his Fief or Seigniority is now held; subject always, both as regards Seignior and *Censitaire*, to the provisions of this Act: Nor shall the Seignior as such after the said time be subject to any onerous obligation towards his *Censitaires*, or be entitled to any honorary rights, nor shall any land be thereafter granted by any Seignior to be held by any other tenure than *franc-aleu roturier*, or subject to any mutation fines or other feudal dues; Provided always, that no Seignior shall concede or alienate any part of the uncondeded lands in his Seigniority, until after the notice of the deposit of the Schedule thereof has been given as aforesaid, and any such concession or alienation shall be null and void. (*Amended by 19 Vict. Chap. 53, s. 17.*)

No Seigniorial right or duty to remain or be established.

Proviso : Seigniors not to concede before the Schedule is completed.

Certain powers as to taking land for mills, to remain if made after the Deed of Concession.

Proviso : Owner of land adjoining a water power may demand it in certain cases.

XV. But no right which any Seignior may have acquired by any legal stipulation entered into before the passing of this Act, by any deed subsequent to the deed of concession, to take any land for the purpose of using the water power adjoining the same and belonging to such Seignior, on paying for such land the full value thereof and of all improvements thereon, shall cease by reason of the passing of this Act, but the same shall remain in full force: Provided always, that the owner of any land adjoining any water power so acquired by the Seignior, and not then used by him, may, at any time after the expiration of one year from the passing of this Act, demand the right to use such water power from the Seignior on paying him the full value of such right, which value, if not agreed upon, shall be fixed by Arbitrators, one to be named by the owner of such land, another by the Seignior, and the third by the other two, or if they disagree,

then by a Judge of the Superior Court or of the Circuit Court, and the award of any two of them shall be conclusive; and upon payment or tender to the Seignior of the value awarded, the owner of such land shall have the right to use such water power in the manner mentioned in the demand thereof and in the said award.

DETERMINATION OF THE LEGAL RIGHTS OF THE
SEIGNIOR AND CENSITAIRE.

XVI. And in order to avoid as far as may be possible, unnecessary expense, uncertainty and delay in the valuation of the several rights aforesaid, and in the completion of the Schedules of the Seigniories respectively, and all errors as to matters of law on the part of the Commissioners under this Act, Her Majesty's Attorney General for Lower Canada, shall, as soon as may be practicable after the passing of this Act, frame such Questions to be submitted for the decision of the Judges of the Court of Queen's Bench and of the Superior Court for Lower Canada, as he shall deem best calculated to decide the points of law, which will, in his opinion, come under the consideration of the said Commissioners, in determining the value of the rights of the Crown, of the Seignior, and of the *Censitaires*, and he shall file a copy of such Questions in the Office of the said Court of Queen's Bench, and cause a copy thereof to be transmitted by Post to each of the Judges of the said Courts;

2. The said Questions shall then be published at least once a week, during six consecutive weeks, in the *Canada Gazette*, with a notice to all concerned that they have been filed as aforesaid, and are submitted for the decision of the said Judges;

3. The said Judges shall take the said Questions into consideration, and shall hear the Attorney General or Solicitor General, and such Counsel as such Attorney General or Solicitor General may deem it advisable to

associate with them, at as early a time as may be practicable after the expiration of thirty days from the last publication of the said Questions in the *Canada Gazette*; and it shall be the duty of the said Judges to give the consideration of the said Questions and the hearing thereof such precedence over other matters before them, and to adopt such other measures with regard to them, as will ensure a decision thereon at as early a period as may be conveniently practicable;

Seigniors may file counter-questions and propositions.

4. Any Seignior may, at any time before the end of the said period of thirty days after the last publication of the said Questions, or with leave of the said Judges at any time before the hearing thereon, cause an appearance to be filed for him in the Office of the Court of Queen's Bench, in the matter of the said Questions, and having caused such appearance to be so filed, shall be entitled to be heard by his Counsel upon such Questions, and may submit any supplementary or counter-questions and may append to every such Question, a Statement of the Proposition or Propositions he intends to maintain with regard thereto; but no more than five Counsel shall be heard on the part of all the Seigniors so appearing except by special permission of the Court, and if more claim to be heard, the Judges shall decide between them which shall be heard;

Number of Counsel limited.

And so may *Censitaires*.

5. The *Censitaires* of any Seignior acting by their Agent to be elected in the manner provided by the eleventh Section of this Act, may also in like manner and within a like delay cause an appearance to be filed for them in the Office of the said Court, and having so done shall be entitled to be heard by their Counsel upon the questions filed by the Attorney General as well as upon any questions or propositions filed by any Seignior, and may submit supplementary or counter-questions or propositions to those of the Crown or of any Seignior; but no more than five Counsel shall be heard on the part of all the *Censitaires*, unless by the special permission of the Court, and if

Number of Counsel limited.

more claim to be heard, the Court shall decide between them which shall be heard ;

6. No publication or service of any such supplementary or counter-questions or propositions shall be necessary, but the same shall be printed, and, when they are filed, at least fifty copies thereof shall be delivered to the Clerk of Appeals, who shall give copies to the Attorney General and to the Advocates appearing for Seigniors or *Censitaires* ;

Copies of counter-questions, &c., to be furnished to all parties.

7. From the expiration of the said thirty days after the last publication of the said Questions, the matter shall be dealt with by the said Judges, as if an appeal were pending and inscribed and ready for hearing, in which the said Questions had arisen for decision, but no case, or pleadings, or other proceeding than such as are herein prescribed shall be required previously to such hearing ; no technical objection of procedure shall be entertained, and if any question arise as to the proceedings in any matter not provided for by this Act, the Judges sitting shall *instanter* make such order therein as shall seem most equitable and convenient ;

How the questions shall be heard, &c.

8. The decision and opinions of the said Judges shall be *motivées* and delivered as in a judgment on a case in appeal in which all the Questions had arisen and were put in issue, but without any further sentence in favor of the Crown the Seigniors or the *Censitaires*, whether as to costs or otherwise. (See also 19 *Vict. Chap. 53, s. 14.*)

Form of Decisions.

9. The decision so to be pronounced on each of the said Questions and Propositions shall guide the Commissioners and the Attorney General, and shall in any actual case thereafter to arise, be held to have been a judgment in appeal *en dernier ressort* on the point raised by such Question, in a like case, though between other parties ; Provided always, that it shall be competent to the said Judges to render separate decisions upon any particular question or questions ; And

Effect of decisions. Provis.

2.

Proviso : in what case an appeal shall lie.

provided also, that if, as to any such decision, there be any dissentient Judge, either party may, within one month, by summary petition duly notified to the others, appeal from such decision to Her Majesty in Her Privy Council; but otherwise, there shall be no appeal from any such decision;

Special Session to be held for the purposes of this Act.

10. The Governor may at any time and from time to time by Proclamation, direct a Special Session of the said Judges to be held at the City of Quebec or at the City of Montreal, and to commence on the day to be named for that purpose in such Proclamation, which shall be issued at least twenty clear days before the commencement of such Special Session; and to any such Special Session all the provisions of the Act constituting the said Court of Queen's Bench, and of the law with regard to the ordinary terms of the said Court (*Appeal side*) shall apply; except that at every such Special Session, nine of the said Judges shall be a Quorum: and the Questions to be proposed under this Act, and no other business, shall be taken up at such Session; and such Special Session shall continue until no further matter or proceeding relating to this Act shall be before the said Judges, who shall at such Session form a special Court for the purposes of this Act; Provided always, that if for the purpose of holding any term, either of the Court of Queen's Bench or Superior Court, it become necessary to suspend the sittings of such Special Session the Judges shall adjourn such Special Session to the first convenient day after the close of such term; and the said Special Court may, after hearing all parties on the various matters submitted to them, adjourn for the purpose of rendering judgment only, to any day thereafter, on and after which day they may adjourn for the like purpose; and such adjournments for rendering judgment may be to any day during or between any terms of the said Court of Queen's Bench or Superior Court; And provided also, that it shall be lawful for the Governor, by any proclamation directing such Special Session, to

Quorum.

Duration.

Proviso.

Adjournment for rendering judgment.

Proviso :
Terms of other
Court may be

suspend or postpone any Term or Terms of either of the said Courts, or to alter the duration thereof; and also to name any Circuit Judge or Judges, or Barrister or Barristers of at least ten years' standing at the Bar of Lower Canada, to be and act as Assistant Judges of the said Courts, or of either of them, during the pendency of any such Special Session and of all adjournments thereof and for such term of time before or after as he may deem necessary; and every person so named shall, for the term of such appointment, have all the powers of a Judge of the Court whereof he shall have been named an Assistant Judge, except the powers given by this Act. The presiding Judge at every such special session shall be the Chief Justice of the Court of Queen's Bench if present; if absent, the Chief Justice of the Superior Court, and in the absence of both Chief Justices, the Senior of the Puisné Judges of the Court of Queen's Bench then present.

suspended,
&c., or As-
sistant Judges
appointed.

Who shall
preside at such
Special Ses-
sion.

**PROVINCIAL APPROPRIATION FOR RELIEF OF CENSITAIRES
AND EXPENSES OF THIS ACT.**

XVII. The emoluments and disbursements of the Commissioners who shall be appointed under this Act, with the expenses to be incurred under the same, shall be paid out of the Consolidated Revenue Fund of this Province, by Warrant of the Governor: and a sum not exceeding in the whole what shall remain of the amount hereinafter limited after deducting therefrom the said emoluments, disbursements and expenses, may likewise be paid out of the said Fund for the purpose of this Act: and it shall be lawful for the Governor in Council to cause any sum or sums not exceeding in the whole the sum required for defraying the expenditure authorized by this Act, to be raised by Debentures to be issued on the credit of the said Consolidated Revenue Fund, in such form, bearing such rate of interest, and the principal and interest whereof shall be payable out of the said Fund at such times and places as the Governor in Council shall

Expenses
under this Act
how paid.

Fund for other
purposes of
this Act.

Money may
be raised by
Debentures.

think most advantageous for the public interest: and the moneys so raised as aforesaid shall make part of the said Consolidated Revenue Fund of this Province: Provided always, that the total amount of moneys to be paid whether in money or debentures, under this Act, shall not exceed by more than one hundred and fifty thousand pounds, the sum of which the average yearly proceeds of the other sources of Revenue hereinafter mentioned (upon an average of the last five years) would be the yearly interest at six per cent. per annum added to the value of the Crown's rights in the Seigniories affected by this Act.

Proviso:
Total amount
limited.

Special appro- XVIII. The moneys arising from the following
propriated money sources of Revenue, shall be and are hereby specially
from certain appropriated to make good to the said Consolidated
sources. Revenue Fund, the amount which may be taken out of the same for the purpose of paying the sum charged upon it under the next preceding section, that is to say:

Crown right's All moneys arising from the value of the rights of
in Seigniories. the Crown, from *droits de Quint* and other dues, in or upon the Seigniories of which the Crown is Seignior *Dominant*, and which are to be commuted by this Act as such value shall be fixed by the Schedules of the said Seigniories respectively, and all arrears of such dues;

Lauzon. All moneys arising from the Revenues of the Seigniori of Lauzon, or from the sale of any part of the said Seigniori which may hereafter be sold, and all arrears of such Revenues;

Auctionduties. All moneys arising from Auction Duties and Auctioneers' Licenses in Lower Canada;

Shop Licenses. All moneys arising in Lower Canada from licenses to sell spirituous, vinous or fermented liquors by retail in places other than places of Public Entertainment, commonly called Shop or Store Lisences;

All moneys which shall arise from Tavern Licenses in Lower Canada, after the present charges on that Fund shall have been paid off, except however such portion of that Fund as shall be levied in the Townships;

Tavern Licenses in certain cases.

And separate accounts shall be kept of all moneys arising from the sources of Revenue aforesaid, and of the moneys disbursed under this Act, allowing interest on both sides at the then current rate on Provincial Debentures, to the end that if the sums payable out of the Consolidated Revenue Fund under this Act, shall exceed in the whole the total amount of the sums arising from the sources of Revenue so specially appropriated and any interest allowed thereon as aforesaid, a sum equal to such excess may and the same shall be set apart, to be appropriated by Parliament for some local purpose or purposes in Upper Canada.

Separate accounts to be kept with a view to an appropriation for Upper Canada purposes.

XIX. The Special Fund constituted as aforesaid for the purposes of this Act, shall, after deducting the expenses incurred under this Act, be appropriated in aid of the *Censitaires* in the several Seigniories, in the following manner:

How the money hereby appropriated shall be applied in aid of the *Censitaires*.

2. The sum to be established as the value of the right of the Crown in each Seigniorie as aforesaid, and the difference between the absolute value in *franc-aleu roturier* of all unconceded lands, waters and water powers in the Seigniories and the value of the Seigniors' rights therein, shall be appropriated in aid of the *Censitaires* of such Seigniorie in reduction of the *rentes constituées* representing the *lods et rentes* or other mutation fines therein, by an equal per centage of reduction on each such *rente*;

Value of Crown rights in each Seigniorie to be given the *Censitaires* therein, in reduction of commutation for *lods et rentes*.

3. The remainder of the said Special Fund shall be apportioned by the Receiver General (among the several Seigniories to which this Act extends,) giving to each an equal per centage on the total amount of the constituted rents established by the Schedule of

Remainder among all the Seigniories in proportion to the charges on each.

How the aid shall be applied :

each such Seignior, after deducting the value of the Crown's rights therein ; And the sum as apportioned to each Seignior shall be applied by the Receiver General in the following order, which shall be the order of charges thereon :

To redemption of commutation money of *lods et ventes* ;

1st. To the redemption of so much of the said *rentes constituées* representing the *lods et ventes* or other mutation fines in the Seignior as may remain after the reduction made by the application of the value of the Crown's rights as aforesaid, by an equal per centage of reduction on such remaining *rentes* in such case ;

Of Banality ;

2dly. To the redemption of the *rentes constituées* representing the Banality in the Seignior, by an equal per centage of reduction on each such *rente* ;

Of *cens et rentes* exceeding 1d. per arpent ;

3dly. To the redemption of the *rentes constituées* representing the *cens et rentes* and other charges on lands held for Agricultural purposes in the Seignior, by an equal per centage of reduction on each such *rente constituée*, exceeding the rate of one penny half penny per annum, *per arpent* ;

Reduction of *rente* in any case ;

4. The reduction of such *rentes constituées* shall always be in proportion to the capital sum applied to effect such reduction, the reduction being equal to the legal interest of such capital ;

Sum apportioned to belong to the Seigniors.

5. The sums so apportioned for each Seignior shall belong to the Seignior thereof, subject always to the right of the Seignior *Dominant*, and shall be dealt with in every respect, as moneys paid in redemption of the *rentes constituées* mentioned in the Schedule of such Seignior, subject to the Special provisions hereinafter made.

APPLICATION OF MONEYS ARISING FROM THE REDEMPTION OF SEIGNIORIAL RIGHTS, &c.

Oppositions to be filed by persons having claims on Seigniories.

XX. Every proprietor of a Seignior who shall have within his *mouvance* another or several fiefs, (unless the value of his rights has been entered

in the Schedule thereof), and every person having an hypothecary claim on any Seigniorly the Schedule relative to which shall be deposited in the office of the Clerk of the Superior Court in the District in which such Seigniorly or part thereof is situate, must, for the preservation of his privileges, within six months from the date of the notice in the *Canada Gazette* of the deposit of the Schedule of such Seigniorly, file an opposition to the distribution of all moneys arising or which may arise from the redemption of the Seigniorial rights in such Seigniorly; every such opposition shall be filed in the said office and have effect for thirty years, unless sooner withdrawn, or by Judgment of the Court dismissed; and if any such opposition be renewed within a less time than thirty years, the opposant shall only be entitled to the costs of one single opposition; and while such opposition shall so remain in force, any *Censitaire* who shall pay the capital or redemption money, of the *rente constituée* to the Seignior, shall do so at his peril, and on pain of being liable to any such opposant for any loss he may thereby sustain.

Effect and duration of opposition.

XXI. All minors, interdicted persons and married woman, even in the case of dower not yet open (*non encore ouvert*,) and all who have entailed or contingent rights, by themselves or their tutors, curators, husbands or others, who may act for them, shall be also required, for the preservation of their privileges, to file their opposition to the distribution of all such moneys in the manner provided in the next preceding section: but tutors, curators, husbands or others who shall have neglected to file such oppositions shall, nevertheless, continue to be responsible towards the persons under their charge or authority for any loss which may result from their negligence in the said behalf.

What parties must file oppositions to preserve their privileges.

XXII. If after the expiration of six months, from the date of the first publication in the *Canada Gazette* of the Notice * by the Receiver General * of the Deposit of

In default of opposition, Seignior may receive his share of the fund, &c.

* These words are repealed by 19 Vict. Chap. 53, s. 19.

the Schedule of the Seignior in which such land is situate, the possessor of such Seignior produce to the Receiver General a certificate, granted by the Clerk of the Superior Court for the District in which the Schedule relative to such Seignior, or a triplicate thereof, is deposited, stating that there is no opposition to the payment of the redemption moneys in such Seignior, the said Receiver General shall pay to the said Seignior, on his giving a duplicate receipt therefor, the amount of any moneys coming to such Seignior out of the special Fund hereinbefore mentioned, with interest thereon, at six per cent. per annum, to be computed from the date of the said notice, and thereafter the Seignior shall have full right to receive the price of the *rentes constituées* in his Seignior directly from the *Censitaires*, and to deal with such *rentes* as he shall see fit.

And the capital of the *rentes constituées*.

How money in Receiver General's hands shall be dealt with in case of opposition filed.

XXIII. Whenever the Receiver General shall have ascertained the amount of money coming to any Seignior out of the Special Fund hereby appropriated in aid of the *Censitaires* and there shall be an opposition filed as aforesaid to the distribution of such money, the Receiver General shall deposit a certificate of the said amount in the hands of the Clerk of the Superior Court in the District wherein the Schedule relative to the said Seignior, shall have been deposited; and the said Court shall make the distribution of the said moneys among the opposants, according to the order of their hypothecs, and the preference of their respective privileges; and the Receiver General shall pay the same to the Clerk of the Court to be distributed according to such order, but the interest on any sum coming to a Seignior, and in the Receiver General's hands, shall always be payable to such Seignior.

Corporations, tutors, &c., empowered to pay off the capital of *rentes constituées* under this Act.

XXIV. All persons holding in mortmain, corporations, tutors, curators and administrators possessing lands held *en roture*, or persons holding entailed lands the *rentes constituées* upon which may be redeemed with advantage to those whom they represent, may

effect the redemption of any *rente constituée* under the provisions of this Act by paying the price of redemption out of the moneys of those whom they represent: Provided that tutors, curators and usufructuary proprietors (*usufruitiers*) and holders of entailed lands, observe the formalities required by law in the alienation of the property of the persons whose rights shall be represented by them; but persons holding in mortmain and corporations shall not be required to observe any other formality in or before the redemption of any such *rente constituée* than those prescribed by this Act. Proviso.

XXV. And it shall be lawful for the several religious or ecclesiastical communities, holding in mortmain Fiefs or Seigniories in Lower Canada, to invest from time to time, as they shall see fit, in any lands or tenements in this Province, or in any public or private securities in this Province, which they shall deem most advisable or advantageous to their respective communities, any sums of money that may accrue to them from the redemption of any *rente constituée* created under this Act, or out of the Special Fund appropriated by this Act. Religious communities holding Seigniories may invest commutation money in real estate.

DESTINATION AND LEGAL CHARACTER OF PROPERTIES AND RIGHTS HEREAFTER TO REPRESENT SEIGNIORIES.

XXVI. In respect of all rights acquired in, to or upon, any Seignior before the publication in the *Canada Gazette* of the notice * of the Receiver General * of the deposit of the Schedule of any Seignior * in his hands, * and for the preservation whereof an opposition shall have been filed within six months from the date of the said publication, all lands and real rights which at and immediately before the passing of this Act were held by the Seignior as part of his Seignior, all rights secured to him under the Schedule thereof, all *rentes* under this Act to be created, all moneys to arise from the redemption of any such *rentes*, or to be received by the Seignior out As respects claims existing before the notice of deposit of the Schedule, and for which oppositions shall be filed, the *rentes constituées* shall be dealt with as the Seignior.

* These words are repealed by 19 Vict. Chap. 53, s. 19.

As regards other rights, the said *rentes* shall be distinct properties.

of the aid granted by this Act to the *centitaires* towards the redemption of Seigniorial rights, duties and dues, and all properties and rights so by such Seignior acquired as to represent such moneys, shall be held and taken as though attached to the *domaine* of such Seignior, and as representing such Seignior: but in respect of all rights thereafter to accrue, or for the preservation whereof no opposition shall have been filed within the delay aforesaid, all such lands, rights, *rentes* and moneys shall be held and taken to be, and shall be to all intents separate and independent properties and rights; and it shall not be requisite that any person, in order to the holding, recovery or enforcement of any thereof, should qualify himself as being, or as ever having been, a Seignior.

Privileges for securing such *rentes*.

No more than five years' arrears to be recoverable.

XXVII. All *rentes constituées* to be created under this Act, shall have the same privileges *ex causâ* as the right of the *bailleur de fonds*, and the like preference over all other hypothecary claims affecting the land, as any Seigniorial dues upon or arising out of such land would have had previous to the redemption of the said dues, without any registration in any Registry office to that end; but the Creditor shall not have the right to recover more than 'five years' arrears of any such rent; and in default of moveables out of which the amount of any judgment for such arrears, though amounting to less than Ten Pounds currency, may be levied, execution may issue against such land after a delay of one year from the date of such Judgment, and not sooner.

In what cases any such *rentes* shall be redeemable.

XXVIII. Every *rente constituée* established by virtue of this Act, shall always be redeemable by consent of the owner of the land and of the Seignior, in cases where the Seignior has the right to the capital thereof for his own use, and not otherwise; but if the Seignior be entailed (*substituée*) or held by a tutor, curator or usufructuary proprietor (*usufruitier*), and an opposition be filed and then in force, the *rentes* and arrears

only shall be received, subject always to the exception in the next following section, which shall apply to all cases of redemption of such *rentes*. (See also 18 Vict. cap. 103, s. 1.)

XXIX. Provided always, that it shall not be lawful to redeem any such *rente constituée* except by the consent of the Seignior having the right to the capital thereof for his own use, at any other time in any year than the day on which such *rente* is payable; But provided also, that at any time, and whether the Seignior have or have not the right to the capital of the *rentes constituées* under this Act, for his own use, it shall be lawful for the *Censitaires* in any Seignior to redeem by one payment all the said *rentes constituées* then remaining in the Seignior, and in such case the redemption money shall be paid to the Seignior, if there be then no opposition filed as aforesaid and in force; and if there be such opposition, then it shall be paid to the Receiver General, and shall be dealt with in all respects as money coming to the Seignior out of the Special Fund appropriated in aid of the *Censitaires*; and the paying of such redemption money shall always be one of the purposes for which money may be raised on the credit of the Consolidated Municipal Loan Fund for Lower Canada, under any law in force for raising money on the credit of such Fund: and the redemption money under this Section shall always be the capital sum of which the *rentes* redeemed shall be equal to the legal interest, unless another rate be agreed upon by the *Censitaires* and a Seignior having the rights to such redemption money, for his own use. (See also 18 Vict. cap. 103, s. 1.)

Such *rentes* shall be redeemable in every case if paid off at once for the whole Seignior.

How the redemption money shall be dealt with.

Money may always be raised for this purpose on the credit of the Municipal Loan Fund.

MISCELLANEOUS PROVISIONS.

XXX. No sale under Writ of Execution (*par décret*) shall have the effect of liberating any immovable property then or theretofore held *à titre de cens*, and so sold, from any of the rights, charges, conditions or reservations established in respect of such immove-

Décret not to purge Seigniorial rights or any *rente constituée* representing them.

able property in favor of the Seignior, due before the completion of the Schedule of the Seigniority in which such property lies, or from any *rente constituée* payable thereon under such Schedule, but every such immoveable property shall be considered as having been sold subject thereafter to all such rights, charges, conditions or reservations, without its being necessary for the Seignior to make an opposition for the said purpose before the sale.

Opposition for such rights or *rente* to be null.

XXXI. If notwithstanding the provisions of this Act, any opposition *afin de charge* be made hereafter for the preservation of any of the rights, charges, conditions or reservations mentioned in the next preceding section of this Act, such opposition shall not have the effect of staying the sale, and the Opposant shall not be entitled to any costs thereon, but it shall be returned into Court by the Sheriff after the sale, to be dealt with as to law may appertain.

Seignior's privilege for arrears before commutation maintained.

XXXII. The Seignior of whom any land the tenure of which shall be commuted under this Act, was held, shall be maintained in his privileges and hypothecs on the land, for the payment of all arrears of Seigniorial rights lawfully due at the time of such commutation.

CERTAIN LANDS DECLARED TO BE AND TO HAVE BEEN HOLDEN IN FRANC-ALEU ROTURIER.

Lands heretofore commuted to be held in *franc-aleu*.

XXXIII. All lands which any Seignior has, by any Act (*Acte*) or Deed in writing heretofore executed, released or agreed to release from all Seigniorial rights in consideration of the payment of any sum of money or of any annual rent, are hereby declared to be and to have been from the day of the date of every such Act (*Acte*) or Deed, free from all such Seigniorial rights and holden in *franc-aleu roturier*; but the Commissioners, for the purpose of making the Schedules of Seigniories in which any such lands are situate, shall deal with all such lands as if they were now held *en roture*, and when the same

Rentes imposed on them may be re-deemed, &c.

are liable to an annual rent, shall establish and specify in the Schedule the capital of every such rent, in order that the same may be redeemed by the person liable therefor, in the same manner as any *rente constituée* established by this Act.

XXXIV. All lands upon which mortmain dues (*des droits d'indemnité*) have been paid to any Seigneur, and which have not been sold or conceded since such payment to parties holding otherwise than in mortmain, are hereby declared to be and to have been from the day of the date of such payment or of any Act (*Acte*) or Deed in writing, binding the owner to pay the same, released from all Seigniorial dues and duties and held *en franc-aleu roturier*, but subject to the payment of a *rente constituée* equal to the *cens* and rent legally due thereon.

Certain lands on which mortmain dues have been paid, to be held in franc-aleu, &c.

INTERPRETATION AND EXTENT OF THIS ACT.

XXXV. And, for the interpretation of this Act—Be it enacted, That none of the provisions of this Act shall extend to the wild and unconceded lands in Seigniories held by the Crown in trust for the Indians nor to the Seigniories held by the Ecclesiastics of the Seminary of St. Sulpice of Montreal, nor to either of the Fiefs Nazareth, Saint Augustin, Saint Joseph, Closse and Lagauchetière, in the City and County of Montreal, nor to any other *arrière-fief* depending upon (*relevant de*) any of the said Seigniories, nor to the Seigniories of the late Order of Jesuits or other Seigniories held by the Crown and not above mentioned, nor to the Seigniories held by the Principal Officers of Her Majesty's Ordnance,

Act not to extend to certain Seigniories.

Seigniorie of the Seminary of St. Sulpice, and certain fiefs held of it.

Crown and Jesuits' Seigniories.

nor to any lands held *en franc-aleu noble* and granted under and by virtue of the Act of the Parliament of the late Province of Lower Canada passed in the third year of the Reign of His late Majesty King George the Fourth, and intitled: *An Act for the relief of certain censitaires or grantees of La Salle and others therein mentioned, possessing lands within the limits of the Township of Sherrington:*

Ordnance Seigniories

Certain lands in Sherrington.

Act of L. C., 3 G. 4, c. 14.

Repealed by 18 Vict. Chap. 103, s. 7.

Proviso : Provided always, that the Governor in Council may if he shall see fit, grant to the *Censitaires* of the Crown Seigniories the Revenues whereof belong to the Province, (including the Seigniories of the late order of Jesuits), upon commutation of their lands, equal advantages and relief as are hereby granted to the *Censitaires* of Seigniories not excepted from the operation of this Act. (*See also 18 Vict. Chap. 103, s. 8.*)

Governor may grant equal advantages to Censitaires in Crown Seigniories.

Act not to affect arrears, &c. XXXVI. Nothing herein contained shall affect the right to, or the recovery of, any arrears of Seigniorial dues accrued before the passing of this Act, or shall give any person whomsoever any right of action for the recovery of money or other value paid by him or his predecessors in the form of rents or other Seigniorial dues, or for the recovery of damages which he may pretend to claim for the privation of any right of which he may deem that he has been illegally deprived by his Seignior, unless he would have had such right of action if this Act had not been passed; nor shall any thing in this Act be construed to weaken or to support any claim of any Seignior or of any *Censitaires* to any right claimed by or for them respectively, at the hearing on the questions and propositions to be submitted under this Act to the Judges for their decision, but the same shall be decided by the law as it stood immediately before the passing of this Act.

Seignior's rights to be determined as they stood before the passing of this Act.

Interpretation of words : XXXVII. The word "Seignior," wherever it occurs in this Act, shall be construed as meaning any part of a Fief, *arrière-fief* or Seignior held by a single individual, or by a Corporation, or held by several persons in common (*par indivis*) as well as the whole of a *fief*, *arrière-fief*, or Seignior, except in such parts of this Act in which the words "*arrière-fief*" and "*Seignior*" are made use of to distinguish the *Fief dominant* from the *fief servant*; and the word "Seignior" shall be construed as meaning any Corporation, or any sole proprietor, and all persons who are proprietors in common (*par indivis*) of any part of a *Fief*,

Seignior ;

arrière-fief or Seignior, as well as any person or Corporation, being sole proprietor, and all persons, proprietors jointly and *par indivis* of the whole of any such *Fief*, *arrière-fief*, or Seignior: the words "Seignior" and "*Censitaire*" shall apply to the owner of any *rente constituée* created under this Act, and the person charged therewith, respectively, as well as to the owner of and person charged with the rights and duties represented by such *Rente*; the words "Seigniorial Rights," whenever they occur in this Act shall include and be construed as including all rights, duties, charges, obligations, and Seigniorial or feudal dues whatsoever; the word "Land" shall mean any lot, piece or parcel of land, and shall include the buildings thereon constructed, and all its appurtenances.

Seignior and
Censitaire;

Seigniorial
rights;

Land.

XXXVIII, The Legislature reserves the right of making any provision, declaratory or otherwise which may be found necessary for the purpose of fully carrying out the intent of this Act; which intent is declared to be,—to abolish as soon as practicable, all feudal or Seigniorial rights, duties and dues, substituting therefor *rentes constituées* of equal value,—to grant to the Seignior a fair indemnity, and no more, for all the lucrative rights which the law gives him, and which this Act will abolish,—to preserve the rights of third parties, unless such rights be lost by their own neglect or laches;—and to aid the *censitaire* out of the Provincial Funds in the redemption of those Seigniorial charges which interfere most injuriously with his independence, industry and enterprise; and every enactment and provision of this Act shall receive the most liberal construction possible with a view to ensure the accomplishment of the intention of the Legislature, as hereby declared.

Right to
amend this
Act in further-
ance of its in-
tent reserved.

Its intent
declared.

XXXIX. The "Interpretation Act" shall apply to this Act.

Interpretation
Act to apply.

Short Title. XL. This Act shall be known, cited and referred to as "The Seigniorial Act of 1854."

Extent of Act. XLI. This Act shall apply to Lower Canada only.

FORM A.

[Public notice is hereby given that the Schedule (*of the fief, arrière-fief or of the Seignioriy*) of (*name of fief, arrière-fief or Seignioriy*) shewing the *rentes constituées* into which the feudal and Seigniorial rights, dues, charges, obligations and rents due and payable upon each land in such (*fief, arrière-fief or Seignioriy*) are converted, is completed, and that a triplicate thereof has been deposited in the office of the Receiver General, and another in the office of the Superior Court in the District of _____ and that the third remains in the possession of the undersigned.

(*Here give the name of the locality in which the Commissioner is sitting, and the date.*)

A. B. } Commissioner under
the Seigniorial Act of
1854.

(*See also generally 18 Vict. Chap. 103, and 19 Vict. Chap. 53.*)



ANNO DECIMO-OCTAVO
 VICTORIÆ REGINÆ.

CAP. CIII.

An Act to amend the Seigniorial Act of 1854.

[Assented to 30th May, 1855.].

WHEREAS it is expedient to amend *The Seigniorial Act of 1854*, so as to facilitate the operation thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Preamble.
18 V. c. 3.

I. Notwithstanding any thing in the twenty-eighth and twenty-ninth Sections or in any other part of the said Act contained, any constituted rent (*rente constituée*) established by virtue thereof in any Seigniorie, in relation to which an opposition shall have been filed under any of the provisions of the said Act, may, at any time be redeemed by payment to the Receiver General of the Capital thereof with interest computed up to the date of such redemption:

Rente constituée in Seigniories in respect of which oppositions are filed may be redeemed, and how.

2. And the Receiver General shall dispose of all such moneys as follows:

If they accrue in a Seigniorie in relation to which opposition has been made on the ground that such

If the opposition be founded on a substitution.

Seigniority is entailed (*substituée*) or held by a curator, tutor or other person holding in trust for others, and not as absolute proprietor (*iure proprietario*), the Receiver General shall, on the day in each year on which the *rente* would have become due if it had not been redeemed, and so long as such entail (*substitution*) or tenancy in trust (*fidéicommis*) shall subsist, pay to the person entitled to the revenue of the Seigniority, interest upon the capital of all such *rentes* at the rate of six *per centum per annum*, and he shall pay the capital thereof at the expiration of the substitution, or tenancy in trust, to such person as shall be designated by the Judgment of the Court before which such opposition shall have been made: Provided always, that it shall be lawful for the said Court, on petition of such curator, tutor or other person holding in trust for others, at any time before the expiration of the substitution or tenancy in trust, to order that such capital, or any portion thereof, shall be by such curator, tutor or other person, laid out and invested in real or immoveable property to be designated in the order, and thereupon it shall be lawful for the Receiver General to pay the sum mentioned in such order to the person or party therein designated as the vendor of such real or immoveable property or as otherwise entitled to receive the price thereof, and thereafter such real or immoveable property shall be subject to all such and the same trusts (*fidéicommis*) or entails (*substitutions*) as the Seigniority in respect to which the same was so ordered to be acquired as aforesaid.

Proviso.

Court may on petition order the money to be laid out in the purchase of real estate to be held on the same conditions to which the money itself was subject.

And if upon hypothecary claims.

And if they accrue in a Seigniority in relation to which such opposition has been made by reason of hypothecary claims thereon, and not upon the ground of the same being entailed or held in trust as aforesaid, the Receiver General shall deal with such moneys in the same manner as with money accruing to the Seignior out of the Special Fund appropriated by the said Act in aid of the *Censitaires*;

3. And in every Seigniorship the Seignior whereof shall have the right to receive the capital of the *rentes constituées* to be established under the said Act, such *rentes* may be redeemed without the consent of the Seignior by payment of the capital thereof to the Seignior or to his Agent either on the day on which such *rente* shall annually become due or on any one of the seven days immediately following; and whenever the capital of any such *rente* shall have been duly tendered to any such Seignior, or to his Agent, on any one of the said days, and the same, or a receipt therefor, shall have been refused, such *rente* shall become redeemable at any time thereafter.

In other Seigniorships *Censitaires* to have eight days in each year on which to redeem.

II. And whereas the objects for which Seigniorships under the existing law are permitted to obtain *Lettres de Terrier* for the purpose of forming a new Terrar (*Papier Terrier*) or land roll will be secured in a manner less onerous to the *censitaire* by the provisions of the said Seigniorial Act of 1854, in so far as such objects are reconcilable with the intention of the Legislature in passing the said Act: therefore, the right of Seigniorships in Lower Canada to obtain such *Lettres de Terrier* in or for any Seigniorship to which the said Seigniorial Act of 1854 as amended by this Act extends, is hereby abolished, and the Act of the Legislature of Lower Canada, passed in the forty-eighth year of the Reign of King George the Third, and intitled, *An Act which declares in whom is vested the power of granting des Lettres de Terrier in this Province*, in so far as regards every such Seigniorship, is hereby repealed.

No *Lettres de Terrier* to be hereafter issued in Seigniorships to which the said Act applies.

Act of L. C., 48 G. 3, c. 6, repealed as to such Seigniorships.

III. And whereas under the said Act no mutation fine will be payable on any mutation of land in a Seigniorship subject to its provisions, or of such Seigniorship itself, occurring after the publication of the notice of the deposit of the Schedule thereof, and there is therefore a strong temptation to defer mutations until after such publication, or to conceal the fact of their being made before it, to the great inconvenience and loss of

Recital.

No mutation fine to be hereafter payable in Seigniories to which the said Act applies; interest on the sum to which he may be entitled out of the Provincial aid to the *Censitaire* to be payable to the Seignior instead thereof, and approximate estimate to be made until the Schedules are prepared.

all parties; And whereas some time will elapse before the Schedules of all the Seigniories can be completed; And whereas the appropriation in aid of the *censitaires* made by the said Act was made with the intent that it should take effect immediately, and until it is payable, the interest upon the loan necessary to raise the sum required, is saved to the Province: Be it therefore enacted, That no *lods et ventes, quint, relief* or other mutation fine, shall accrue upon any mutation which shall take place after the passing of this Act, in any Fief or Seigniorie to which the said Seigniorial Act of 1854 as amended by this Act extends or applies, but instead thereof the Receiver General shall credit the Fund appropriated by the said Act in aid of the said *censitaires*, with interest from the passing of this Act on the total amount of the appropriation, and the *rente constituée* payable by any Seignior to his Seignior Dominant shall accrue from the passing of this Act; And if the Schedules of all the Seigniories be not deposited by the first day of January one thousand eight hundred and fifty-six, so that the said Fund can be finally divided among them, the Commissioners under the said Act, or any one or more of them authorized for that purpose by instructions from the Governor through the Provincial Secretary, shall, forthwith, make an approximate estimate of the share thereof coming to each Seignior or Seignior Dominant, to the best of their ability and according to the best information they can obtain, and the interest from the passing of this Act on the share coming to each Seignior or Seignior Dominant, shall be paid to him on the first day of January and July, until his share shall be finally ascertained, when the amount so paid shall be debited to him, and he shall be credited with the interest from the passing of this Act on his share as so ascertained, and the difference shall be balanced by crediting or debiting him, as the case may require, in his account with the Receiver General in respect of such share, with a sum equal to such difference; and for the purpose of making such approximate estimates

as aforesaid, the said Commissioners may require and receive from the several Seigniors such statements, attested on oath before a Judge of the Superior Court or a Circuit Judge, as they shall consider expedient for the purpose: Provided always, that the sum paid by the Receiver General as interest under this section shall be taken into account in ascertaining the sum to which Upper Canada may be entitled for local purposes under section nineteen of the said Act. (*See also 19 Vict. Chap. 53, ss. 11 & 12.*)

Proviso: as to the claims of U. C.

IV. The right of *retrait conventionnel* which the Seignior was allowed to stipulate solely for the purpose of securing to him the payment of mutation fines, is hereby abolished.

Retrait conventionnel abolished.

V. The Receiver General shall, from time to time, place any moneys in his hands as part of the Fund appropriated by the said Act, and not then required for the purpose thereof, at interest in any Chartered Bank, or invest the same in Provincial Debentures or Debentures guaranteed by the Province, and shall apply the interest thereon towards making good that allowed under this Act.

Receiver General may invest moneys appropriated by the said Act, and not immediately required.

VI. And for the avoidance of doubts, Be it declared and enacted, That any Commissioner under the said Act may give any notice required by the seventh section or by any other part thereof, with respect to any Seignior or Seigniories, and another or others of them may afterwards act in any way under the said Act with respect to such Seignior or Seigniories; and generally, each Commissioner who shall act with respect to any Seignior, shall be held to be the Commissioner assigned to act in and for the same under the fourth section of the said Act, unless the Governor shall have otherwise directed and ordered.

Doubts as to certain powers of the Commissioners removed.

VII. So much of the said Seigniorial Act of 1854, as provides that none of its provisions shall apply to any lands held *en franc-aleu noble*, and granted under and

The said Act shall apply to certain lands in Sherrington.

by virtue of the Act of the Parliament of the late Province of Lower Canada passed in the third year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act for the relief of certain Censitaires or Grantees of La Salle and others therein mentioned possessing lands within the Township of Sherrington*, shall be and is hereby repealed, and the said Act shall apply to the said lands; but inasmuch as the decision of the Special Court to be constituted under the sixteenth Section of the said Seigniorial Act of 1854, cannot affect the said lands, therefore, the Schedule relating thereto may be completed and deposited without waiting for the decision of the said Special Court.

Schedules may be made for the Crown Seignories, held for Provincial purposes.

Effect and use of such Schedules.

VIII. Notwithstanding any thing in the said Seigniorial Act of 1854, Schedules may, if the Governor shall see fit so to direct, be made under the provisions thereof for the Seignories held by the Crown and the revenues whereof belong to the Province, including the Seignories of the late order of Jesuits, in like manner and under the same provisions as for other Seignories (omitting such particulars as cannot apply to Crown Seignories,) and with like powers to the Commissioners: Provided that no part of the appropriation in aid of the *Censitaires* made by the said Act, shall be applied towards the redemption of Seigniorial rights in such Crown Seignories, nor shall any such Schedule be deposited in the manner provided in the thirteenth Section of the said Act, or operate any compulsory commutation of tenure, or substitution of any *rente constituée* for the Seigniorial rights and dues in such Seignory; but the Governor in Council may, if he see fit, allow to the *Censitaires* in the said Seignories, upon commutation of their lands, equal advantages and relief with those which the *Censitaires* in other Seignories shall be found to obtain under the said Act, and the Schedules made under this Section shall serve as the basis for calculating the extent of such advantages and relief to be so allowed to the *Censitaires* in the said Crown Seignories.

IX. And whereas some errors have crept into the French version of the said Act which it is desirable to correct: Be it enacted, that in the said French version, for the words "*tel que distingué*" in the eighth line of the fourth paragraph of the fifth section of the said Act, the words "*comme étant distinct*" shall be substituted;—and for the words "*quinze jours d'avis*" in the fourth line of the sixth paragraph of the twelfth section, the words "*huit jours d'avis,*" shall be substituted, the lines herein referred to being those in the first official edition of the said Act printed by the Queen's Printer.

Errors in French version of the said Act, corrected.

X. After any Schedule shall have been completed and deposited under the said Act, it shall not be impeached or its effect impaired for any informality, error or defect in any prior proceeding in relation to it, or in any thing required by the said Act to be done before it was so completed and deposited, but all such prior proceedings and things shall be held to have been rightly and formally had and done, unless the contrary expressly appear on the face of such Schedule; and the same rule shall apply to all proceedings of the Commissioners under the said Act, so that no one of them, when completed, shall be impeached or questioned for any informality, error or defect in any previous proceeding, or in any thing theretofore done or omitted to be done by the Commissioners or any of them.

Schedules and proceedings completed under the said Act, not to be afterwards impeached for want of form.

XI. For the purposes of the said Act, every person occupying or possessing any land in any Seignior with the permission of the Seignior, or from whom the Seignior shall have received *rentes* or other Seigniorial dues in respect of such land, shall be held to be the proprietor thereof as *Censitaires*.

Certain persons occupying lands with consent of Seignior to be deemed *Censitaires*.

XII. Any person who shall in any manner interrupt, obstruct, impede or molest a Commissioner named under "*The Seigniorial Act of 1854,*" or any person acting under his instructions, in the execution of his duty in any matter connected with the carrying into

Persons unlawfully impeding in any way the execution of the said Act, how to be dealt

with and
punished.

Conviction not
to be quashed
for want of
form, &c.

Short Title of
this Act.

effect of the said Seigniorial Act of 1854 or of this Act, or shall in any manner deter, prevent or hinder, by force, threats or otherwise, any such Commissioner or person acting under his instructions from performing any duties assigned to him by and under either of the said Acts, shall be liable to be imprisoned for every such offence for a period not exceeding two months, and it shall be lawful for any one Justice of the Peace to commit any person convicted before him on the oath of one credible witness of any such offence; and no conviction, order, warrant or other matter made or purporting to be made under this Act, shall be quashed for want of form, or be removed, by *certiorari* or otherwise, into any of Her Majesty's Courts of record for want of such form.

XIII. In citing or referring to this Act in any Act or proceeding whatsoever, it shall be sufficient to refer to it as the "*Seigniorial Amendment Act of 1855*," by which title it shall be known and called.

(See also generally 19 Vict. Chap. 53.)

ANNO DECIMO-NONO
VICTORIÆ REGINÆ.

CAP. LIII.

The Seigniorial Amendment Act of 1856.

[Assented to 19th June, 1856.]

WHEREAS it is expedient to amend the Seigniorial Preamble. Act of 1854, and the Seigniorial Amendment Act of 1855, in order to facilitate the operation of the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Whenever the rule prescribed by the second sub-section of the sixth section of the Seigniorial Act of 1854, for determining the yearly value of any casual rights cannot be applied in any Seigniority, the Commissioner shall himself adopt some other equitable mode of estimating such yearly value. The ten year average rule to be dispensed with in cases to which it is not applicable.

II. The seventh sub-section of the sixth section of the said Seigniorial Act of 1854, is hereby repealed. Sub-section 7 of section 6, repealed.

III. In estimating the casual rights of the Crown in the several Seigniorities in Lower Canada, the Commissioners shall establish the average yearly revenue of the Crown arising from these rights throughout Lower Canada, and such average yearly revenue shall be taken as representing the interest at six per cent. of a capital sum to be apportioned among all the Seigniorities liable to the payment of *Quint*, in proportion to their value; the amount apportioned to each Seigniority shall represent the rights of the Crown therein, and shall be deducted from the amount to be paid by the *Censitaires* for the redemption of the casual rights of the Seignior. Casual rights of the Crown, how to be estimated.

All provisions for the appointment of *Experts*, repealed.

IV. From and after the passing of this Act, all the provisions relative to the appointment of *Experts*, contained in the tenth Section of the Seigniorial Act of 1854, or in any other Section of the said Act, shall be repealed; and in all Seigniories in which there shall have been requisitions for or appointments of *Experts*, the Commissioners shall act in every respect as though there had been no such requisition for or appointment of *Experts*.

Section 11 of Seigniorial Act of 1854, amended. Where the Schedule shall be left for examination.

V. All the words after the words "following the said notice" in the first paragraph of the eleventh section of the said Seigniorial Act of 1854, (including both the sub-sections,) are repealed, and in lieu thereof the following are substituted, "in some convenient place in the Seigniorie, in charge of some fit and proper person, and the name of such person and the place of deposit shall be indicated in such notice; and any person interested in the Schedule may point out in writing, addressed to the Commissioner and left with the person in charge of the Schedule, any error or omission therein, and require that the same be corrected or supplied; and at the expiration of the said thirty days it shall be the duty of the Commissioner to be present at the place indicated in such Notice, and to examine into and decide upon the objections made in writing as aforesaid."

Commissioner to decide on objections.

Sub-section 4, of section 12, to apply only to Commissioner completing the Schedule.

VI. The fourth sub-section of the twelfth section of the said Seigniorial Act of 1854, shall apply only to the Commissioner who shall have finally completed the Schedule in question, and not to the Commissioner or Commissioners who shall have taken any of the proceedings preliminary to the completion of the Schedule.

Sub-sections 5 & 6 of section 12, repealed.

VII. The fifth and sixth sub-sections of the twelfth section of the said Seigniorial Act of 1854, are hereby repealed.

Period for demand of revision of Schedule, limited.

VIII. No revision of any Schedule shall be allowed, unless application be made for the same within fifteen

days after the Commissioner shall have given his decision, as provided for by the eleventh section of the Seigniorial Act of 1854, as amended by this Act; and every such application shall be made by a petition presented on behalf of the party interested, to the Revising Commissioners or any one of them, specifying the objections made to such Schedule.

Upon the receipt of any such petition, it shall be the duty of the Revising Commissioners, after having given eight days' notice to the parties interested, in the manner prescribed by the seventh section of the said Seigniorial Act of 1854, to proceed to revise the Schedule therein mentioned, and for that purpose, to hear, try and determine the matters alleged in the said petition. The proceedings upon such revision shall be kept of record, and if the Commissioners find any error, they shall correct the same.

Proceedings where revision is demanded.

IX. The Commissioners selected to form a Court for the revision of the Schedules, shall sit at Montreal for the Seigniories in the Districts of Montreal and Ottawa; at Three Rivers for those in the District of Three Rivers; at Quebec for those in the District of Quebec; at Kamouraska for those in the District of Kamouraska; and at New Carlisle for those in the District of Gaspé; but any petition for the revision of a Schedule may be presented to the Revising Commissioners, or any one of them, in any District.

Where the revising Commissioners shall sit.

X. And inasmuch as the following Fiefs and Seigniories, namely: Perthuis, Hubert, Mille Vaches, Mingan and the Island of Anticosti, are not settled, the tenure under which the said Seigniories are now held by the present proprietors of the same respectively, shall be and is hereby changed into the tenure of *franc alev roturier*: The difference in value between each of the said Seigniories as heretofore held and the same Seigniority when held in *franc alev roturier*, and also the value of the casual and other rights of the Crown in the said Seigniories, shall be ascertained and entered

Special provision as to certain unsettled Seigniories.

Governor in Council may extend this section to Seigniories proved to be unsettled.

in the Schedule of the Seigniori, and the amount of the whole shall upon the filing of the said Schedule become due and payable by the Seignior to the Crown, and shall form part of the fund appropriated in aid of the *Censitaires*; And whenever the Governor in Council shall have been satisfied that any other Fief or Seigniori is wholly unconceded, it shall be lawful for the Governor to issue a Proclamation declaring that such Fief or Seigniori shall thenceforth be subject to the operation of this Section of the present Act; and from and after the date of the publication of any such Proclamation in the *Canada Gazette*, the tenure under which the Fief or Seigniori or Fiefs and Seigniories therein mentioned are now held, shall be changed into the tenure of *franc alev roturier*; and in making the Schedules thereof, the Commissioners shall deal with such Fiefs or Seigniories in every respect as if they had been specially mentioned in this Section.

Special provision as to Crown Seigniories.

XI. And whereas the third section of the Seigniorial Amendment Act of 1855, does not apply to Seigniories held by the Crown in Lower Canada, whether such Seigniories form part of the Domain of the Crown, or are so held under any title or from any other cause, and it is expedient to grant to the *Censitaires* in the said Seigniories, advantages similar to those granted to the *Censitaires* in other Seigniories by the said Section; therefore it is enacted, that—

No *lods et ventes* on sales after 30 May, 1855.

1. No *Lods et Ventes* shall be demanded from purchasers in the said Seigniories held by the Crown, upon purchases made since the thirtieth day of May one thousand eight hundred and fifty-five;

Crown Agents to be guided by decisions of Seigniorial Court.

2. The Crown Agents for the said Seigniories shall, in the collection of the revenue of the Crown therefrom, and in regard of all other rights of the Crown as Seignior of such Seigniories, take notice of and be guided by the answers and decisions of the Special Court under the Seigniorial Act of 1854, upon the

questions of Her Majesty's Attorney General for Lower Canada, except in so far as such rights may have been reduced or modified by any order or orders of the Governor in Council ;

3. All unconceded lands and waters in the said Seigniories, shall be held by the Crown in absolute property, and may be sold or otherwise disposed of accordingly, and when granted shall be granted in *franc alevu roturier*;

Unconceded lands and waters to be absolute property of the Crown.

XII. And in amendment of the third section of the said Seigniorial Amendment Act of 1855, it is enacted, that the Commissioners, or any one or more of them, shall forthwith make a separate statement for each Seignior, shewing, as nearly as can then be ascertained, and subject to correction thereafter :

Section 3 of Act of 1855, amended : Approximate value of mutation fines to be paid in the mean time to the Seignior, instead of interest on his approximate share of the fund.

1. The average yearly revenue from *lods et ventes*,—
2. The average yearly revenue from *quint*,—
3. The average yearly revenue from *relief*,—and
4. The average yearly revenue from other casual rights (if any) which, under the said section, ceased to be payable after the passing of the said Act ;

5. Such statement shall be made separately for each Seignior and so soon as the Commissioners are able to make it, and shall be sent to the Receiver General ; and instead of the interest mentioned in the said amended third section, (which shall accumulate as part of the Provincial aid to the *Censitaires*,) the amount of such yearly revenue in each Seignior as shewn by such statement, from the thirtieth day of May one thousand eight hundred and fifty-five, (the day of the passing of the said Act,) up to the first day of January or July last past at the time the statement shall come to the Receiver General, shall be then paid by the Receiver General to the Seignior or Seignior *dominant* of such Seignior ; and thereafter one half

How the Provincial aid to be deducted from the value of Seigniorial charges, shall be computed.

Proviso.

Proviso.

of the average yearly revenue mentioned in each such statement respectively, shall be paid to the Seignior or Seignior *dominant* entitled to it, on the first day of January and the first day of July, until the Schedules are finally deposited; and the amount so paid to each Seignior shall be debited to him, as so much received by him on account of the portion of the Provincial appropriation for the relief of *Censitaires* payable to him and of the interest on such portion; but in computing the amount to be deducted on account of the said Provincial aid, from the total value of the Seigniorial rights in any Seignior as shewn by the Schedule thereof, in order to ascertain the amount remaining chargeable upon the *Censitaires*, the correct value of such casual rights (as finally ascertained by the Schedule) from the said thirtieth of May one thousand eight hundred and fifty-five, to the publication of the notice of deposit of the Schedule (and not the approximate value first above mentioned) shall (as representing the average sum saved by the *Censitaires* during the same period, by the non-payment of the said casual rights or any compensation therefor,) be deducted from the total amount of principal and interest payable to the Seignior from the said Provincial Aid, and the remainder shall be the sum to be deducted from the total value of the Seigniorial Rights as shewn by the Schedule, in order to ascertain the amount payable by the *Censitaires*: Provided always, first, that the whole sum to be paid by the Receiver General to any Seignior *dominant*, shall be also deducted from that which would be otherwise payable by the *Censitaires* of the Seignior *servant*; and secondly, that if the approximate sum paid to any Seignior *dominant* under this section by the Receiver General, shall be more or less than the true value of his rights for the time, the difference shall be deducted or added (as the case may require) from or to the sum to be paid by the Receiver General to such Seignior *dominant*, under the sixth sub-section of section six of the said Seigniorial Act of 1854.

XIII. In the event of any Seignior or Seignior *dominant* being indebted to the Crown in any sum of money for any right arising from any Seignior held by such Seignior or Seignior *dominant*, the Receiver General shall retain the amount so due to the Crown from the amount payable to such Seignior or Seignior *dominant* under the provisions of this Act or of the Acts hereby amended; and the amount (if any) due to the Crown by each Seignior, shall be ascertained by the Commissioner making the Schedule of each Seignior and certified by him to the Receiver General.

Money owing to the Crown by a Seignior may be retained out of his share.

XIV. In any case in which, by reason of an equal division, no judgment has been rendered by the Judges of the Court of Queen's Bench and Superior Court for Lower Canada, on any of the questions to them submitted by the Attorney General for Lower Canada, under the provisions of the sixteenth section of the said Seigniorial Act of 1854, the Commissioner making the Schedule shall, in any case to which such question refers, decide it in such manner as he shall think most equitable under the circumstances, saving the right of the Court for the revision of Schedules, to be appointed under the twelfth section of the said Seigniorial Act of 1854, to pronounce a final decision on such question or questions, and to amend such Schedule according to such decision, if need shall be.

Provision where the Judges have been equally divided in opinion.

XV. The Commissioner making the Schedule of any Seignior shall have full power either by himself or by any person authorized by him, to inspect the Repertory of any Notary, whenever he shall think such inspection desirable for obtaining information to ensure the greater correctness of the Schedule, such inspection being demanded and made at reasonable hours and on juridical days; and any Notary refusing to allow such inspection shall thereby incur a penalty of one hundred pounds; and for each such inspection the Notary shall be entitled to five shillings for each hour it shall continue; Provided that whenever any

Commissioners may inspect Repertories of Notaries.

such inspection shall be demanded by any Seignior, it shall be made at his expense.

Seigniorial possession to be sufficient for the purpose of the Schedule.

XVI. For the purpose of making the Schedule of any Seignior, the boundaries thereof shall be deemed to be those actually possessed by the Seignior, although all or any part thereof may be in dispute.

Seigniors allowed to alienate unconceded lands.

XVII. And whereas the provision in the Seigniorial Act of 1854, prohibiting any Seignior from conceding or alienating the unconceded lands in his Seignior until after the deposit of the Schedule thereof, retards settlement; it is therefore enacted, that from and after the passing of this Act, all unconceded lands in any Seignior the tenure of which has not been theretofore commuted, shall be held by the Seignior *en franc aleu roturier*, and may be dealt with by him in like manner as lands held by other persons under the same tenure may be dealt with; except that if the Seignior be entailed (*substituée*) or held by any party otherwise than as absolute owner thereof, then the price of such lands shall form the capital of a *rente constituée*, which capital shall not be paid except to some party holding the Seignior as absolute owner thereof; but any party whose title would, before the passing of the Seigniorial Act of 1854, have authorized him to concede such unconceded lands, may after the passing of this Act, sell the same for such *rente constituée* as aforesaid, and not otherwise.

Proviso when the Seignior is substituted, &c.

Lands in Socage or *franc aleu* not to be charged with irredeemable rents, or mutation fines, &c.

XVIII. No lands held in Free and Common Socage or *en franc aleu roturier*, shall be charged with any perpetual irredeemable rent; and whenever any such rent shall be so stipulated, the capital thereof may be at any time redeemed at the option of the holder of the land charged therewith, on payment of the capital of such rent calculated at the legal rate of interest; and any stipulation in any deed of conveyance (*translatif de propriété*) of any such land, tending to charge the same with any mutation fine or any payment in labor, or tending to entail upon the holder of any such land,

the duty of carrying his grain to any particular mill, or any other feudal duty, servitude or burthen whatsoever, shall be null and void.

XIX. And whereas the notice of the deposit of the Schedule of any Seignioriy, which the provisions of the thirteenth Section of the Seigniorial Act of 1854, should be given by the Commissioner who shall have made such Schedule, is erroneously referred to in the twenty-second and twenty-sixth Sections of the same Act, as a notice to be given by the Receiver General,—it is hereby declared and enacted, that the said twenty-second Section should, and the same shall henceforth be read and interpreted as if the words “by the Receiver General” in the second and third lines of the said twenty-second Section had never been inserted therein,—and that the said twenty-sixth Section should, and the same shall henceforth be read and interpreted as if the words “of the Receiver General” in the third line of the said twenty-sixth Section, and as if the words, “in his hands” in the fourth line of the same Section, had never been inserted therein.

Correction of an error in ss. 22 and 26 of the Act of 1854, as to notice of deposit of Schedule.

XX. This Act shall be called and known as “The Short Title. Seigniorial Amendment Act of 1856.”

INDEX

TO THE

SEIGNIORIAL ACTS.

(The items printed in *Italics* refer to the parts no longer in force.)

- ACTS,
 Repealed, 3, 4, 37
- ADMINISTRATORS,
 May redeem *rentes constituées*, 26
- ANTICOSTI,
 To be held in *franc aleu roturier*, 45
- APPEAL,
 From decision of Judges, 20
- ARREARS,
 Five years' *rentes constituées* may be recovered, 28
 Due at time of commutation, 30
- ARRIÈRE-FIEF,
 Definition of, 32
 Value of lucrative rights of *Seignior Dominant* therein, 5
- ATTORNEY GENERAL,
 To frame Questions, 17; See *Questions*.
- BANALITY—(DROIT DE BANALITÉ,)
 Yearly value thereof on each lot, 6
 Mode of establishing the same, 8, 43
 To become a *rente constituée*, 8
 Application of revenue from Special Fund in reduction thereof, 24
- CASUAL RIGHTS,
 Yearly value thereof on each lot, 5
 Mode of establishing the same, 7, 8, 43
 To become a *rente constituée*, 8
 Of the Crown, 9
 Yearly revenue from, to be ascertained, 47

CENS ET RENTES,

- Yearly value thereof on each lot, 5
- Mode of averaging the same, 7
- To become a *rente constituée*, 8
- Application of revenue from Special Fund in reduction thereof, 24
- See *Rentes Constituées*.

CENSITAIRES,

- May file appearance to the Questions on Seigniorial rights, 18
- May be heard by Counsel, 18
- May submit counter-questions, 18
- Value of Crown rights in the Seignior to be apportioned among them, in reduction of the *rentes constituées*, 23
- May redeem the whole of the *Rentes* in any Seignior, whether an opposition has been filed or not, 29
- May not pay the capital of *rente constituée*, when opposition has been filed to distribution of commutation moneys, 25
- Provision for redemption of lands, when an opposition is in force, 35,
- Seignior may receive the *rente constituée* from the *Censitaire* six months after deposit of Schedule, when no opposition has been filed, 25
- Allowed eight days in each year (when Seignior is allowed to receive the capital) to redeem their *rentes constituées*, without consent of Seignior, 37
- Persons occupying land with consent of Seignior, to be deemed *censitaires*, 41

CLAIMS,

- Opposition to the distribution of the commutation money, within six months after notice of deposit of Schedule, 25
- Effect of duration thereof, 25
- Of Minors and others, 25
- Existing before notice of deposit (when an opposition is filed), 27

COMMISSIONERS,

- Appointment of, 4
- Oath to be taken by, 4
- Remuneration of, 4
- Each may act in any part of L. Canada, 4, 39.
- Who shall severally be held to be the Commissioners, 39
- One Commissioner may give the Notice, and others act thereon, 39
- To prepare a Schedule for each Seignior, 5
- Public notice by, before commencing Schedule, 9, 39
- May enter upon lands, &c., 10
- May take evidence on oath, 10
- May cause a valuation to be made by experts, 11
- All lands heretofore commuted to be dealt with by Commissioners (in making the Schedule) as if they were held *en roture*, &c., 30

COMMISSIONERS,

- No proceedings of, to be impeached for informality, &c., 41
- Punishment for obstruction in execution of duty, 41, 42
- May inspect Notaries' Repertories, 49

COMMUTATION,

- Acts of 8 & 12 Vic., repealed, 3, 4
- Commutated lands to be entered in the Schedule, 6, 7
- Rente* payable by any *censitaire* in lieu of *lods et ventes* on any land partially commuted, to be held to be the value of such *lods et ventes*, 8
- Lands heretofore commuted declared free from all Seigniorial rights, 30

CONCESSION OF LANDS,

- No lands to be conceded until after deposit of Schedule, 16
- Future concession, 50

CONVICTION,

- For obstructing Commissioner, &c., not to be quashed for want of form, 41, 42

CORPORATIONS,

- May redeem *rentes constituées*, 26

COSTS,

- May be awarded against either party, upon application for revision of Schedule, 14

COUNSEL,

- May be heard by the Judges on the questions submitted, 18
- Number limited, 18, 19

COURT,

- Special, of Judges of Queen's Bench and Superior Court, 20

CROWN RIGHTS,

- Value to be ascertained in each Seigniority, 5
- Casual how estimated*, 9
- _____ 43
- To cease upon publication of notice of deposit of Schedule, 15, 16
- Revenue therefrom to form part of Fund, 22
- To be applied in each Seigniority, to reduction of *rentes constituées* representing the *lods et ventes*, 23

CROWN SEIGNIORIES,

- Schedules may be made, 40, 46
- Lands to be granted in *franc aleu roturier*, 47

CURATORS—See *Tutors*.

DEBENTURES,

- May be issued, 21
- Amount issuable, 21

ENTAIL,

- Rentes constituées* upon entailed lands may be redeemed, if there be an Opposition in force, 28
- Redemption allowed, 36

ERRORS,

- Correction of, in the Schedule, 12, 44, 45
- In French version of Act of 1854, 41
- In Sections 22 & 26, 51

EXECUTION,

- Rentes* (either above or under £10) may be recovered by execution, for arrears not exceeding five years, 28
- Sale under execution not to have the effect of paying Seigniorial Rights or *rentes constituées* to which the property may be liable, 29

EXPENSES INCURRED UNDER THIS ACT,

- Payable out of Consolidated Revenue Fund, 21
- Separate accounts thereof to be kept, 23

EXPERTS,

- May be appointed, in certain cases*, 11, 12
- How appointed*, 11, 12
- Their powers*, 11, 12
- Appointment of a third*, 11, 12
- Their decision to be entered in the Schedule*, 11, 12
- A sole expert may be appointed*, 11, 12
- Commissioner may be either sole or third expert*, 11, 12
- Filling up of vacancies*, 11, 12
- Their fees*, 11, 12
- Repeal of all provisions relating to, 44

EVIDENCE,

- Commissioners may take evidence on oath, 10
- Penalty for refusal to give, 10
- May be demanded by Commissioners for revision of Schedules, 13
- Copies and extracts from Schedules deposited in Office of Superior Court (certified by the Clerk) to be deemed authentic, 15

FEEs,

- Experts*, 12
- Clerk of Superior Court, for copies, &c., of Schedules, 15

FIEF NAZARETH, &c., MONTREAL,

- Act not to apply to Fiefs Nazareth, St. Augustin, St. Joseph, Clossé, and Lagauchetière, 31
- Fiefs*, certain, declared to be held in *franc alev roturier*, 45.
- Governor may declare others to be held in *franc alev roturier*, 46.

FRANC-ALEU ROTURIER,

- Land granted after deposit of Schedule, to be in, 15
- Lands heretofore commuted declared to be held in, 30
- Lands upon which mortmain dues have been paid declared to be so held, 31
- Certain fiefs declared to be held in, 45
- Governor may declare other fiefs to be held in, 46
- Lands in Crown Seigniories to be granted in, 47

FUND CREATED FOR PURPOSES OF THIS ACT,

- Revenues appropriated to form a Special Fund, 22, 23
- Separate accounts thereof to be kept, 23
- Special Fund to be applied (after payment of expenses) in aid of the *Censitaires*, 23
- Proportion of Fund coming to any Seigneur may be paid to him (with interest) within six months after deposit of Schedule, if no opposition is filed, 25
- Mode of distribution when opposition is filed, 26
- Receiver General to invest any portion not immediately required, 39
- No part to be applied to the Crown Seigniories or Jesuits' Estates, 40

HUBERT,

- To be held in *franc-aleu roturier*, 45

HYPOTHECARY CLAIMS ON SEIGNIORIES,

- Persons having the same, to file an opposition to the distribution of the commutation money within six months after notice of deposit of Schedule, 25 See *Opposition*.
- Rentes constituées* created under this Act, to have preference over other hypothecary claims, 27
- Mode of disposing of redemption or commutation money, when an opposition is in force, based on hypothecary claims, 36

INDIANS,

- Act not to apply to lands held in trust for, 31

INFORMALITY,

- No Schedule, or proceedings of Commissioners, to be invalidated by, 41
- No proceedings for obstructing a Commissioner, to be quashed for, 42

INTEREST,

- In what cases payable to Seigniors, 38, 47

INTERDICTED PERSONS,

- Opposition by, 25

INTERPRETATION,

- Act not to extend to certain Ecclesiastical, Crown, Jesuits' Estates, or Ordinance Seigniories, 31

INTERPRETATION,

- Act not to affect arrears or other claims of Seigniors, 32
- Interpretation of certain words, 32, 33
- Intent of Act declared, 33
- Interpretation Act to apply, 33

JESUITS' ESTATES,

- Act not to apply, 31
- Governor may direct Schedules to be made for, 40
- No part of Special Fund to be applied thereto, 40

JUDGES OF QUEEN'S BENCH & SUPERIOR COURT,

- Attorney General to submit certain Questions, 17 See Questions.
- Special Session to be called for the hearing thereof, 20
- Who shall preside, 21
- Special Judges may be appointed, to replace others, 20, 21
- Equal division, 49

JUSTICES OF THE PEACE,

- Commissioners may command their assistance, 10
- May commit any person convicted of obstructing Commissioner, 41

LANDS,

- Description of in Schedule, 6
- May be entered upon by Commissioner, in making his examination for the Schedule, 10
- None to be conceded until after publication of notice of deposit of Schedule, 16.
- How may now be conceded, 50
- Definition of the word "land," 33
- Persons occupying with consent of Seignior, to be deemed *censitaires*, 41
- Not to be hereafter charged with irredeemable rent, 50

LAUZON, SEIGNIORY OF,

- Revenues arising therefrom to form part of the Seigniorial Fund, 22, 23

LETTRES DE TERRIER,

- Right of Seigniors to obtain, abolished, 37

LODS ET VENTES,

- Yearly value thereof on each lot, 5
- Mode of averaging the same, 7, 43
- To become a *rente constituée*, 8
- Application of revenue from Special Fund in reduction thereof, 23
- Rente* payable by any *censitaire* in lieu of *lods et ventes*, to be held to be the value of such *lods et ventes* on the land referred to, 8
- To cease upon publication of notice of deposit of Schedule, 15
- from the passing of the amending Act, 38
- None payable in Crown Seigniories, 46
- Yearly revenue from, to be ascertained, 47

- MARRIED WOMEN,**
Opposition by, 25
- MILLE VACHES,**
To be held in *franc-aleu roturier*, 45
- MINGAN,**
To be held in *franc-aleu roturier*, 45
- MILLS.**—See *Water Power*.
- MINORS,**
Opposition by Tutors, &c., 25
- MONEYS ARISING FROM REDEMPTION OF SEIGNIORIAL RIGHTS,**
Opposition, by persons having claims on any Seignior, to distribution of, 25
- MORTMAIN, LANDS HELD IN,**
Rentes Constituées thereon may be redeemed, 27
Declared to be held *en franc-aleu roturier*, 31
- MUNICIPAL LOAN FUND,**
Money may be raised by *cessitaires* for redemption of the whole of the *rentes* in any Seignior, on the credit of, 29
- MUTATION FINES**
To cease from and after deposit of Schedule for Seignior, 15
None to accrue after the passing of the amending Act, 36
Provision for compensating the Seigniors, 38
- NOTARIES,**
Repertories may be inspected by Commissioners, 49
Penalty for refusal to allow inspection, 49
- NOTICE,**
By Commissioner, before commencing a Schedule, 9, 39
Of public meeting in a Seignior, for appointment, of experts, 11
Of appointment of a third experts, 11
Of Schedule being ready for inspection, 12, 44
Of deposit of Schedule, 12, 44
Of the filing of Questions, 17
- OATH,**
To be taken by Commissioners, 4
Commissioners may take evidence on, 10
- OPPOSITION TO DISTRIBUTION OF COMMUTATION MONEYS,**
Must be filed within six months after deposit of Schedule, 25
Effect and duration thereof, 25
What parties must file, 25

OPPOSITION, &c.,

In default of, each Seigneur may receive his share of Special Fund, &c., 26

Mode of distribution when there is opposition, 26

Seigniorial rights and *rentes* preserved in sales under execution, 30

Opposition for preservation to be null, 30

ORDNANCE SEIGNIORIES,

Act not to apply thereto, 31

PENALTIES,

For obstructing Commissioner, 41, 42

For refusing to give evidence, 10

PERTHUIS,

To be held *en franc-alleu roturier*, 45

PROVISIONS,

Average annual value of, 7

QUESTIONS,

To be submitted to the Judges by the Attorney General, 17

To be published, 17

To be taken into consideration and decided as soon as possible, 17

Seigniors may be heard thereon by Counsel, and may file counter-questions, 18

Censitaires may do likewise, 18

Copies of counter-questions to be furnished to all parties, 19

Mode of hearing, 19

Form of decisions, 19

Effect of decisions, 19

Separate decisions may be rendered upon particular questions, 19

Appeals allowed when there is a dissentient Judge, 20

Equal division of Court on, 49

QUINT,

Release from, 15

Yearly revenue of, to be ascertained, 47

RECEIVER GENERAL,

Triplicate of each Schedule to be transmitted to him, 14

To pay to each Seigneur his share of the Special Fund, with interest, on receipt of a certificate from Clerk of Superior Court that there is no Opposition to the payment of the redemption moneys, 26

To pay the same to the Clerk of the Superior Court when there is an Opposition (except the interest, which is to be paid to the Seigneur,) 26

Further directions concerning payment when an Opposition is in force, 35

To pay interest to the Seigniors after 1st January, 1856, if the fund be not then divided, 38

RECEIVER GENERAL,

To keep special accounts thereof, 38

To invest any portion of the Fund not immediately required, 39

REDEMPTION OF RENTES :—See *Rentes constituées*.**REGISTRATION,**

Rentes constituées to have preference over other hypothecary claims, without registration, 28.

RELIEF,

Value to be ascertained, 47.

RELIGIOUS COMMUNITIES,

May invest in real estate moneys accruing from redemption of *rentes constituées* on any lands in Seigniories held in mortmain, or out of the Special Fund, 27.

Act not to apply to the Seigniories held by the Seminary of St. Sulpice, 31.

RENTE CONSTITUÉE,

Yearly value of Seigniorial Rights on each lot to become, 8.

Value of rights of Seignior *Dominant* to be the capital of a *rente constituée* payable yearly to him, 9.

Revenue from Special Fund (after deducting expenses) to be applied in aid of the *Censitaires* in each Seignior, in reduction of, 24

Seignior may receive from the *Censitaires* the price of, 26

Corporations, Tutors, &c., and persons holding entailed lands, may redeem, 26

Religious Communities holding Seigniories may invest the redemption moneys of any *rentes constituées* in real estate, 27

To be considered as representing the Seignior, in respect of claims prior to deposit of Schedule only, 28

To have preference over other hypothecary claims, without registration, 28

Not exceeding five years' arrears, may be recovered by execution, 28.

Not purged by sale of land under execution, 29

Opposition for preservation thereof shall not prevent sale, 29

To be redeemable, by consent unless the Seignior is entailed, or held by Tutors, &c., 29

Censitaires in any Seignior may redeem the whole of the *rentes* therein, whether there be or be not an Opposition, 28

Mode of payment, 29

Money may be borrowed from Municipal Loan Fund, 29

May be redeemed, notwithstanding the filing of an opposition, by payment of capital and interest to the Receiver General, 35

How disposed of, when opposition is founded on a substitution, 36

Censitaires allowed eight days in each year on which to redeem, 37

REPERTORIES,

Of Notaries may be inspected by Commissioners, 49

Expense of inspection payable by Seignior interested, 49, 0

RETRAIT,—(Droit de Retrait.)

- Not to be deemed a lucrative right, 6
- Retrait Conventionnel* abolished, 39

REVISION OF SCHEDULES,

- Commissioners to be selected to form a Court of revision, 13
- Commissioners disqualified to sit, 14, 44
- Where Commissioners shall sit, 45
- Application for revision of Schedule*, 14
- Proceedings on application*, 14
- Period for revision limited, 44, 45
- Proceedings when revision is demanded, 45

ST. SULPICE SEMINARY,

- Act not to apply to Seigniories held by, 31

SALES UNDER EXECUTION, See Execution.**SCHEDULE,**

- To be prepared for each Seignior, 5
- Contents of, 5, 6
- Public notice before commencing the same, 9
- To be open for inspection, when completed, 44
- Correction of errors, 44
- Not to be completed until all questions in dispute regarding rights of Seigniors are decided, 13
- Court for Revision of Schedules to be formed by selection of four Commissioners, 13
- No revision to be made except upon due application, 13, 44
- Proceedings thereon, 13, 44, 45
- To be deposited, in triplicate, 14
- Clerk of the Superior Court to give extracts, &c., 15
- If all have not been deposited by 1st January, 1856, 38
- For the lands in Sherrington, may be deposited without waiting for decision of Special Court, 39, 40
- Governor may direct Schedules to be deposited for Crown Seigniories and Jesuits Estates, 40
- Not to be impeached for informality, 41

SEIGNIOR,

- Definition of the word "Seignior," 32
- Debts due by, to the Crown, 49

SEIGNIOR DOMINANT,

- Value of his rights to be ascertained, 5
- Amount of Special Fund apportioned to each Seignior shall belong to the Seignior, subject to the right of the Seignior *Dominant*, 24
- Debts due by, to the Crown, 49

SEIGNIORY,

- Definition of, 32
- Boundaries of, 50

SHERRINGTON,

- Lands in, 31, 39, 40

SUPERIOR COURT,

- Triplicate of each Schedule to be deposited in office of the District, 14.
- Clerk to give extracts, &c., 15

TITLES OF ACTS,

- Act of 1854, 34
- Amending Act of 1855, 42
- 1856, 51

TITLES OF LANDS,

- In determining charges on each lot, Commissioner to be guided by the title of the owner, 6

TUTORS, CURATORS, &c.,

- Opposition by, 25
- Responsible for neglect, 25
- May effect the redemption of *rentes constituées*, 26, 2
- If there be no opposition in force, 29
- Redemption allowed, 35

VALUATION,

- Of Seignior's rights, 5
- Of Crown rights, 5
- Of rights of any other Seignior *dominant*, 5
- Of total rights on each lot, 5
- Average annual value of provisions, 7
- General Rules for, 7, 43
- Banality, 8, 43
- Other rights, 8
- May be made by experts, in certain cases*, 150

WATER POWER,

- Provision concerning the taking of land required for using water power by the Seignior; or by the owner of adjoining land, 16