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No. 264.

[3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

**An Act respecting the final abolition of
Feudal Rights and Duties.**

Received and read, 1st time, Tuesday, 8th May,
1860.

Second reading, Wednesday, 9th May, 1860.

Hon. Mr. Atty Genl. **CARTIER.**

S. Derbyshire & G. Desbarats, Queen's Printer.

An Act respecting the final abolition of Feudal Rights and Duties.

WHEREAS it is expedient to provide for the final abolition of Seigniorial rights and duties, by making provision for the abolition thereof in certain Fiefs to which the existing Seigniorial Acts do not apply : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. In the *Fief Bellevue*, the *Fief St. Augustin*, the *Fief St. Joseph*, the *Fief Nazareth*, the *Fief de l'Hôtel-Dieu*, the *Fief Lagachetière* and the *Fief Closse*, situate in the District of Montreal, *lods et ventes* and other casual dues, including *droit de banalité*, and all Seigniorial dues whatever, are hereby abolished ; and instead thereof the *cens et rentes* shall be represented by a *rente constituée* of the same amount (in money or kind as the case may be), secured by the same privileges and payable at the same periods, until the capital thereof becomes payable as hereinafter provided,—and a commutation fine equal to that to which the Seminary of St. Sulpice of Montreal, is entitled in the City and Parish of Montreal, and to be calculated and ascertained in the manner prescribed by the Ordinance (3 and 4 Vict. cap. 30,) relating to the said Seminary, and by the fourteenth section of *The Seigniorial Amendment Act of 1859*, subject to the provisions hereinafter made, shall be payable to the respective Seigniors of the said *Fiefs*, or any portion of them, as follows :—on the first mutation which would have created *lods et ventes*, of the ownership of any property, which shall happen in the *Fief Bellevue*, the *Fief Lagachetière* or the *Fief Closse*, or in any portion of them, during the ten years next after the passing of this Act,—and on the first mutation which would have created *lods et ventes*, of the ownership of any property, which shall happen in the *Fief St. Augustin*, the *Fief St. Joseph*, the *Fief Nazareth* or the *Fief de l'Hôtel-Dieu*, or in any portion of them, during the twenty years next after the passing of this Act.

Seigniorial rights abolished in certain Fiefs and commutation fine substituted.

When such commutation shall be payable.

2. On the expiration of the above periods or delays, the commutation fine calculated and ascertained in the manner hereinabove provided, shall become payable to the Seigniors of the said *Fiefs*, respectively, or of any portion of them, on all property therein not then commuted.

To be payable on all property not then commuted.

3. The said commutation fine shall be secured by the same privileges and recoverable in the same manner as *Lods et Ventes* and other rights for which it is substituted now are, and the provisions of the Ordinance relating to the commutation of

How secured.

Seigniorial rights in the Seigniories belonging to the Seminary of St. Sulpice, as amended by the fourteenth section of the Seigniorial Act of 1859 and by other provisions of the said Act, shall apply to all cases in which such commutation fine becomes payable; but such commutation shall be payable immediately unless the parties otherwise agree, and if delay is given for the payment, such payment shall be secured by the privileges above mentioned. 5

Seignior's privileges for arrears.

4. The Seignior, of whom any land, the Tenure of which shall be commuted under this Act, was held, shall be maintained in his hypothecs and privileges on the land for the payment of all arrears of Seigniorial rights lawfully due at the time of such commutation, and in his right to demand *exhibition de titres* in order to ascertain such arrears. 10

Commutation of *cens et rentes*.

5. The commutation of all *cens et rentes*, on any property within any of the said *Fiefs*, shall be had and obtained on the payment of such sum of money as will represent the capital of the said *cens et rentes* reckoned at the legal rate of interest, and such commutation shall be payable at the same time as the commutation fine. 15 20

Droit de Quint how ascertained, &c.

6. The *droit de quint* due by any of the Seigniors of any of the said *Fiefs* or of any part of any of them, to any *Seigneur dominant*, in consequence of the abolition of Seigniorial rights, shall be paid out of the Appropriation made by the *Seigniorial Act of 1854*, and such *droit de quint* due to any *Seigneur dominant* shall be ascertained by any Seigniorial Commissioner named under that Act and the Acts amending the same. 25

Valuation if any Seignior feels aggrieved by the foregoing provisions.

7. If any Seignior of any of the above *Fiefs* or of any portion thereof, feels aggrieved by the above rate of commutation, he may, within three months, make the fact known to the Governor General, through the Provincial Secretary, and the Governor General shall direct any Seigniorial Commissioner to make, in an equitable manner, a valuation of the amount of the commutation secured and reserved to any such Seignior under the foregoing provisions, and also a valuation of the amount of Commutation money for *Lods et Ventes* and casual rights, which such Seignior would have been entitled to under the *Seigniorial Act of 1854* aforesaid and the Acts amending the same, if they had applied to the case;—and in making the last mentioned valuation, every mutation of the ownership of any property theretofore commuted, which occurred during the ten years immediately preceding the passing of the Seigniorial Act of 1854, shall be taken into account in estimating the value of the said *lods et ventes*, (although such mutation may have happened after such commutation) if without such commutation it would have produced *lods et ventes*; and the commutation itself shall be reckoned as a mutation producing *lods et ventes*; but if in any case the commutation money has exceeded one 30 35 40 45

full *lods et ventes*, the excess shall be deducted in estimating the value of the said *lods et ventes* and casual rights.

8. If the last mentioned valuation exceeds the amount of the commutation fine, under the provisions hereinbefore made, the difference shall be paid out of the appropriation made by the *Seignorial Act of 1854*, but in such case, such Seignior shall himself pay any *Droit de Quint* due to the *Seigneur dominant*, to be ascertained in the manner hereinbefore stated; but such *Droit de Quint* shall be paid only in proportion as the commutation fines become payable.

Provision if the valuation exceeds the commutation fine.

9. If in any of the said Fiefs or in any part thereof, the rule for determining the value of the *Lods et Ventes*, as prescribed by the *Seignorial Act of 1854*, and the Acts amending it, cannot be applied, the provision of the first section of the *Seignorial Act of 1856* shall apply.

Section 1 of the Seignorial Act of 1856, to apply in certain cases.

10. If any *Censitaire*, in any of the said Fiefs, desires to commute the tenure of any land held therein by him, *à titre de cens et rentes*, before the expiration of the delay above mentioned, he shall be entitled to obtain a commutation of all Seignorial Rights in the manner prescribed by the Ordinance relating to the commutation of Seignorial rights in the Seignories belonging to the Seminary of St. Sulpice and the fourteenth section of the Seignorial Amendment Act of 1859, and at the rate thereby prescribed for property situate in the same manner, that is, within or without the City and Parish of Montreal, except that in the *Fief Bellevue* the rate shall be that fixed for property in the Parish of Montreal but without the City limits; and the amount of such commutation fine shall become payable immediately, unless the parties otherwise agree, and if delay is given for the payment, such payment shall be secured by the privileges mentioned in section three.

Voluntary commutation before the delay above fixed.

11. The unconceded lands, in any of the said Fiefs, and all landed property held by any Seignior in his fief or his portion of a fief, shall be vested absolutely in the Seignior in *franc-alleu roturier*.

Unconceded lands, &c., vested in the Seignior.

12. And in order to provide for the earlier abolition of feudal rights and dues,—Whenever the schedule of any Seigniority is prepared and made, although still subject to revision, any one of the Seignorial Commissioners may give notice thereof in the *Canada Gazette*, stating that such schedule is prepared and made, and stating also—the total value of the *lods et ventes* in such Seigniority,—the total value of the *droit de Banalité*, and the total value of all other casual Seignorial dues,—as shown by the said schedule;—and also the value which has been therein put upon each article in which any rents or charges were payable to the Seignior, as grain, fowls, and other provisions or fruits of the earth or articles of any kind,—or upon any *corvée* or

Notice that the Schedule is made for any Seigniority, with certain particulars, to have the effect of abolishing Seignorial rights.

feudal service of any kind ;—And from and after the publication
 of such notice, with respect to any Seignior, every *Censitaire*
 therein shall, by virtue thereof, hold his land in *franc-alleu*
roturier, free and clear of all Seigniorial rights and dues,
 except the *rente constituée* substituted for the *cens et rentes* ; 5
 and the Seignior shall thereafter hold his domain, and the
 unconceded lands in such Seignior, and all water-powers and
 real estate then belonging to him, in *franc-alleu roturier* ;—so
 that, as regards the abolition of all feudal and Seigniorial
 rights and dues, and the payment of the *rentes constituées*, at the rates 10
 fixed by the said Seigniorial Acts and said schedule, instead of
 the *cens et rentes*, the said notice shall have the same effect as
 the deposit of the schedule would have ;—But such notice shall
 not prevent or affect any revision or application for revision of
 the said schedule ; and if the rates fixed by the said schedule, 15
 or any of them, should be corrected in consequence of such
 revision, the *rentes constituées* payable under the schedule shall
 thereafter be corrected, and payable according to the result of
 such revision ; and any *Censitaire* who has paid any such *rente*
constituée, according to the schedule before correction, shall pay 20
 to the Seignior or receive back from him the difference between
 the *rente* he has paid and the corrected *rente*, according as the
 correction increases or diminishes such *rente* ; Provided, that if
 a notice is not given under this section with respect to any
 Seignior, this shall not prevent the abolition of the Seigniorial 25
 and feudal rights and dues therein, by the deposit of the
 schedule in the manner provided by the Seigniorial Acts and
 the notice of such deposit ;—nor shall any notice given under
 this section prevent the effect of such deposit of the schedule
 of the same Seignior, and the notice thereof, as regards the 30
 effects of such deposit and notice, other than those provided for
 in this section.