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1st Session, 4th Parliament, 16th Victoria, 1852.

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**B I L L.**

**An Act to define Seigniorial Rights in  
Lower Canada, and to facilitate the  
redemption thereof.**

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Received and read first time, Friday, 1st  
October, 1852.

Second reading, Tuesday, 19th October,  
1852.

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(1000 Copies.)

**HON. MR. ATTY. GENL. DRUMMOND.**

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

BILL.

An Act to define Seigniorial Rights in Lower Canada, and to facilitate the redemption thereof.

WHEREAS it would be advantageous to facilitate the commutation of the tenure of lands held *en roture* in the several Seigniories of Lower Canada, by more ample and effectual Legislative provisions than are now in force; and whereas considerable time must necessarily elapse before the tenure of all such lands can be commuted, and it would therefore be just and advantageous to define the Seigniorial Rights to which such lands will, in future, be subject, and to restore, in as far as circumstances will allow, all such legal remedies as the *consitaire* formerly possessed against all encroachment or exaction on the part of the Seignior as well as those of which the Seignior could avail himself for the maintenance of his rights; 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, That the Act passed in the eighth year of Her Majesty's Reign, and 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*, 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, and 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.

Preamble.

Acts 8 V. c. 42 and

12 V. c. 49 repealed.

CONCESSION OF LANDS.

II. That from and after the passing of this Act, all and every the judicial powers, and authority vested in and granted to the Governor, and the Intendant of New France or Canada, by the *arrét* of His Most Christian Majesty the King of France, dated at Marly, the sixth day of July, one thousand seven hundred and eleven, in relation to lands in New France or Canada aforesaid, conceded in Seigniories, and by any other laws in force in Canada at the time of the cession of the Country to Great Britain, shall and may be exercised by the Superior Court of Lower Canada, and by the Judges of the said Court or by the Circuit Courts, due regard being had to the extensions, restrictions and modifications of the said judicial powers and authority made by this Act.

Powers of the Governor and Intendant vested in the Superior and Circuit Courts.

III. And in order to facilitate the exercise of the said judicial powers and authority—Be it enacted, That no Seignior shall hereafter concede to any one individual any extent of wild land, ex-

Extent of Concession to any one party limited.

ceding one hundred and twenty superficial arpents, otherwise than by two or more separate deeds of concession, bearing date, at least two years from each other, or unless the excess over the said quantity of one hundred and twenty arpents be conceded to the father, mother or tutor for the use of one or more minor children ;  
 and in the latter case, the extent of land conceded for each such minor shall not exceed one hundred and twenty superficial arpents, and the minor in favour of whom each such concession shall be made, shall be named in the deed of concession.

Exception in favor of parties taking lands for minors.

Not less than forty arpents to be conceded.  
 Exception.

IV. No Seigneur shall hereafter concede any wild land, of a less extent than forty superficial arpents, unless such concession be made for a town or village lot, or a site for building a mill or other manufacturing establishment (*autre usine*) or unless the said land be so circumscribed or situate as to prevent its being otherwise conceded than in a less quantity than forty superficial arpents.

What charges only may be imposed on lands hereafter conceded

V. No Seigneur shall establish by any Deed or Contract of Concession, on any wild lands which shall hereafter be conceded, any rights, charges, conditions or reservations other than that of having the land surveyed and bounded at the expense of the *cessionnaire*,—of keeping house and home on the land so conceded within a year from the date of the Deed of Concession, and of payment by the *cessionnaire* of an annual rent not exceeding in any case the sum of pence currency for every superficial arpent of the land conceded.

Terms and effect of such concession.

Charge of tenure.

VI. All such concessions shall be made in the terms of the form A annexed to this Act, or in terms of like import, and shall have the effect *ipso facto* of changing the tenure of the land therein mentioned into *franc-aleu roturier*, and of freeing it for ever from all seigniorial rights and all other charges, except the annual rent mentioned in the section immediately preceding this section ; which said rent shall be considered, for all legal purposes, as a constituted rent (*rente constituée*) redeemable at any time, representing the value of the immoveable charged therewith, and carrying with it the privileges of *baillieur du fond*.

Conditions inconsistent to this Act to be void.

VII. All sales, concessions, agreements or stipulations after made, contrary to the preceding provisions, shall be null and of none effect.

Any thing received beyond the rent hereby established to be subject to repayment.

VIII. Every Seigneur who shall receive, directly or indirectly, any sum of money or any other valuable thing as and for the price or consideration of the concession of a quantity of wild and unimproved land, over and above the annual rents and dues, or over and above the capital they represent, shall repay such surplus to the party who shall have so paid or given the same, or to his representatives ; and any person who shall so pay or give any sum of money or any other valuable thing, shall have an action for the recovery thereof with costs in any Court of competent jurisdiction.

IX. Every Seigneur who possesses within his *censive* any wild lands, shall be entitled to dismember from such wild lands and to reserve for his own private use, without being obliged to concede any part thereof, a domain which shall not consist of more than superficial arpents; Provided always, that Seigniors who have already domains within their *censives*, intended for their private use, of the said quantity of arpents or more, shall not have the right of reserving for such use any part of the wild and unconceded lands in the same *censive*; and that Seigniors whose domains already reserved for their private use, are under the said quantity of arpents, shall have the right to reserve only so much of the wild lands in the said *censive* as will complete the said quantity of arpents.

Domain limited.

Proviso: as to Seigniors having already Domains.

X. Any person who, after the passing of this Act, shall have called upon the Seigneur of any Seigniori whatsoever to concede to him or to his minor child, a lot of land forming part of the wild and unconceded lands of such Seigniori, may, if the Seigneur so called upon refuse or neglect to concede such lot of land, summon and sue such Seigneur by action or demand in the form of a declaratory petition, (*requête libellée*), in the Superior Court or before any one of the Judges thereof sitting in the district, or in the Circuit Court sitting in the Circuit, in which such lot of land is situate, for the purpose of obliging such Seigneur to concede the same.

How the Seigneur may be compelled to concede lands.

XI. Whenever the Seigneur shall have no domicile in the Seigniori in which such concession is demanded, the Writ of Summons and the petition thereunto annexed shall be served upon his agent, or upon the person charged with the collection of the rents of the said Seigniori; and if there be no such agent or no such person having his domicile in the Seigniori, the service of the Writ of Summons and of the petition thereunto annexed shall be made by posting on the door of the place appointed for the receipt of the seigniorial rents, for the year next preceding such service, a duly certified copy of such Writ of Summons and of the petition thereunto annexed.

Service of the Writ and Petition how to be made.

XII. Every such action or demand shall be determined in a summary manner, unless the Court or the Judge, before whom the same is brought, shall think fit, for the interests of justice, to order a plea to be filed and written evidence to be adduced; and in every such action the said Court or the said Judges shall condemn the Seigneur so sued to give a Deed of Concession of the lot of land so demanded, in favor of the Plaintiff, on the conditions and in the manner prescribed by the sections of this Act, within such delay as shall be appointed by such Court or Judge, unless the Seigneur so sued, shall show that the lot of land so demanded as a concession forms part of the lands reserved by him, under the sanction of the law, as a domain for his own use, or that he is not by law obliged to make such concession; and in any case in which it shall be more in accordance

Proceedings in such case. Another lot than that demanded may be granted in certain cases, &c.

Judgement in favor of the plaintiff to stand in the place of a deed to him.

with equity to order that a lot of land other than the one demanded, be conceded to the Plaintiff, it shall be lawful for the said Court or for the said Judge so to do; and whenever the Seigneur shall, after the expiration of the delay allowed, have neglected to grant a Concession Deed in favour of the Plaintiff, such judgment shall to 5 all intents and purposes be for the said Plaintiff in the place of a Concession Deed of the lot of land designated therein, on the conditions therein specified.

If the lot is part of a mountain, &c. Sugary, &c.

XIII. Whenever it shall appear to the said Court or Judge that the lot of land, so demanded as a concession is not sus-10 ceptible of cultivation, or forms part of a mountain, hill, rock or other land, which it might be necessary or advantageous to reserve for the making of maple sugar, either for the use of those who shall have acquired that right under agreement with the Seigneur or for the use of the censitaires of such Seignior generally, or for any 15 other object of public usefulness in such Seignior, it shall be lawful for the said Courts or Judges to reject such demand.

Exception that the land demanded forms part of the Domain, how set aside.

XIV. In all such demands, the exception based upon the allega- tion that the lot so demanded forms part of the lands reserved by the Seigneur as a domain for his private use, shall be rejected on 20 uncontradicted proof by two credible witnesses, that the Seigneur, or his agent, has, before the filing of such demand, refused to point out to the Plaintiff the situation and extent of lands so reserved by him, or that he has pointed out, as forming such domain, lands in which the lot, demanded as a concession, was not comprised. 25

No appeal allowed.

XV. And all judgments rendered upon a demand for a concession, either by the Superior Court or a Judge thereof, or by a Circuit Court, shall be final and without appeal.

## REUNION TO THE DOMAIN.

Provision for facilitating the re-union of lands to the Domain.

XVI. And in order to facilitate the reunion to the domain of such lands or parcels of land, in the cases provided for by law, and 30 to render such reunion less expensive to the Seigniors and to the *Censitaires*—Be it enacted, That any Seigneur may, by one and the same action or demand, in the form of a declaratory petition, (*requête libellée*,) sue and summon before the Superior Court, sitting in the District in which such seignior or the 35 greater part of such Seignior is situate, any number of persons holding lands in the said Seignior, on the condition of settling on the same, and of keeping house and home (*tenir feu et lieu*) thereupon, and who shall have failed to perform any one of the said conditions, and to demand, in and by such action, the reunion 40 to the domain of such Seignior, within such reasonable delay as shall be ordered by the Court, of all the lots of land, in respect to which such condition or conditions shall not have been fulfilled; and it shall be lawful for the said Court, to proceed and to give such judgment in the action as to law and justice shall appertain, with 45 regard to the reunion of all such lots of land to the domain of the Seignior in which they are situate.

XVII. In every such action, the writ of summons and the petition thereunto annexed, shall be served upon each of the *cessionnaires* or tenants of the lands the reunion whereof to the domain shall be demanded in and by such petition, by leaving with each of them 5 individually, or at the domicile of each of them in the limits of the Seigniorie in which such lands shall be situate, a duly certified copy of such writ of summons and of the petition thereunto annexed; or in case such *cessionnaires* or tenants shall have no known domicile within the limits of such Seigniorie, by posting such duly certified 10 copy, on or near the principal entrance door of the church of the parish in which the said lands are situate; and if there be no church, then in the most conspicuous part of such lands.

Service of  
Summons and  
Petition in  
such case.

XVIII. Whenever the said Court shall be of opinion, that the lands the reunion whereof to the domain of the Seigniorie in 15 which they are situate, is demanded, ought to be so reunited, it shall be the duty of such Court, to order, by an interlocutory judgment, that on a day which shall be at least six months from the date of the said judgment, the said lands shall be so reunited to the domain, unless some party interested shall then shew to the 20 satisfaction of the said Court, that the reunion of such lands, or any part thereof, ought not to take place; and it shall be lawful for every person so sued to prevent the reunion of his land to the domain, by proving that he has, within the delay allowed by such interlocutory judgment, fulfilled the conditions of his Deed of 25 concession, without however being thereby exonerated from his share of the costs incurred in the action.

Interlocutory  
Judgment.  
Delay allowed  
for perform-  
ance of con-  
ditions.

XIX. A copy of every such judgment so rendered shall be published in the *Canada Gazette*, or other newspaper recognized as the Official Gazette of the Province, in the English and French 30 languages, at least three times during the period which shall intervene between the date of the said judgment and of the day fixed therein for the reunion of such lands to the Seigniorial domain; and such publications shall not be made at an interval of less than four weeks, nor more than six weeks from each other.

Interlocutory  
Judgment to  
be published.

XX. All persons or Corporations who may have any privileges or hypothecs, usufructuary rights or servitudes whatsoever on the lands in respect of which such judgment shall be so rendered, or on any part thereof, and all persons or Corporations who have claims even of a chirographical nature, against the last occupier of such 40 lands, or any part thereof, shall file their oppositions containing the usual election of domicile, in the office of the Prothonotary of the District in which such judgment shall be rendered, at least eight days before the day fixed for such reunion, in default whereof such usufructuary rights, servitudes, privileges, hypothecs or claims, 45 shall be lost and extinguished.

Claims on  
lands adjudged  
to be re-united  
to be fyled  
within a cer-  
tain time.

XXI. All minors, interdicted persons, absentees, *femes-covert*, even in respect of dower not yet open (*non encore ouvert*) shall be also required, for the preservation of their rights, to file their op- 50

Claims of  
Minors, &c.,  
must be fyled.

- Responsibility of Tutors, &c. positions to the reunion of the lands affected by such rights, or the proprietor whereof shall be indebted to them, in the manner and within the period above specified; and in default thereof, such rights or debts shall be lost and extinguished in so far as they may affect such lands; but the tutors, curators and husbands 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.
- Judgment of re-union. XXII. On the day fixed by such interlocutory judgment, or on any other subsequent juridical day, the Court shall proceed to order the reunion to the domain of the Seignior in which they are situate, of such lands as ought, according to law, to be so reunited, and to the reunion whereof no opposition shall have been made, and to declare the *Censitaires* who took them *à titre de concession*, or who previously held them, to be for ever deprived of all rights of property therein.
- Sale by Sheriff where oppositions are filed and maintained. XXIII. In any case in which the Court shall maintain any one or more of the oppositions made to the reunion to the domain of the lands the reunion whereof is so demanded, it shall be the duty of the said Court to order the Sheriff of the District to proceed to the sale of the lands or of such of the lands the reunion whereof to the domain is so opposed, subject to such charges or servitudes as may have been established by such oppositions.
- When and where the Sale shall take place. XXIV. The Sheriff shall proceed to the sale of any land the sale whereof shall be so ordered, after having three times advertised 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 other newspaper published in the District wherein such land shall be situate, or if there be no newspaper published in such District, then in at least one other newspaper published in one of the neighbouring Districts, the place at which, and the day and hour when such sale will take place; and no such sale shall take place at an earlier period than fifteen days from the first advertisement, nor elsewhere than at the door of the Church of the Parish or settlement in which such land shall be situate, or such other public place in the same Parish or settlement as shall have been mentioned in the advertisements, if there be no Church therein.
- Sheriff's Return. XXV. The Sheriff shall make a return of his proceedings upon the judgment ordering the said sale, within fifteen days from the date of the sale, or, if possible, at an earlier day.
- Seignior may oppose for arrears. XXVI. The Seignior, plaintiff in the cause, may file in the office of the said Prothonotary, at any time between the date of the judgment ordering such sale and the expiration of the two days immediately following the return made by the Sheriff of his proceedings thereon, an opposition *afin de conserver*, in order to obtain payment of the arrears due to him upon any land so sold.



XXVII. The said Seigneur and the other privileged opposants, if any there be, shall be the first paid out of the amount arising from such sale, according to the preference of their respective privileges; the hypothecary creditors shall be collocated according to the order and rank of their respective privileges, and the remainder of the amount arising from the sale shall be distributed among the opposing creditors claiming for chirographical debts, at so much in the pound, or according to the preference of the privileges they may be entitled to.

Distribution of proceeds.

10 XXVIII. Nothing in this Act or in any other law contained, shall be interpreted so as to give to any Seigneur the right of demanding the reunion to his domain, of any town or village lot or emplacement, nor of any land settled and cultivated or reserved for cutting fire wood, although the proprietor should not have house and home thereon.

Exception as to Village lots, lots actually settled or reserved for firewood.

### DEFINITION OF SEIGNIORIAL RIGHTS. MILLS, WATER POWERS AND BANALITY.

XXIX. And whereas since the said cession of the Country, divers Seigniors, Proprietors of Fiefs in Lower-Canada, have imposed on lands conceded by them rents exceeding those at which such lands ought to have been conceded according to the ancient Laws of the Country, and have burthened the said lands with various reserves, charges and conditions which impede industry, delay the settlement of the Country and check the progress of its inhabitants; and whereas it is just to remedy such abuses—Be it enacted, That no Seigneur shall hereafter be entitled to the exclusive use of un-navigable rivers, except such part or parts of the said rivers the waters whereof run through or along the domain reserved, or hereafter to be reserved by him, and through or along the lands and lots of land acquired, or to be hereafter acquired, by him for his own private use; and any agreement made between the Seigneur and the proprietor who has the *domaine utile* of any land held by him *à titre de cens*, in any Seigniory whatsoever, with the view of depriving such proprietor of the right of building mills, or other manufacturing establishments (*autres usines*,) is hereby declared to be null; and every such agreement shall, to all intents and purposes, be hereafter considered as not having taken place, whether the same be stipulated hereafter, or made before the passing of this Act.

Declaration of the rights of Seigniors in non-navigable waters.

Nullity of certain stipulations.

XXX. The right of the Seigneur to require the *censitaire* to carry his grain to the *banal* mill to be there ground, on paying to the Seigneur the ordinary toll for the grinding of such grain, shall hereafter be considered as applying to no other grain than such as is grown on the lands held *à titre de cens* in the Seigniory in which such *banal* mill is situate, and is intended for the use of the family or families occupying the said lands.

To what grain the right of banality extends.

45 XXXI. Every Seigneur having more than one hundred *censitaires* holding lands in his *censive*, and who, after the expiration

Inhabitants may build

mills in certain cases, if the Seigneur fails to do so.

of two years from the passing of this Act, shall not have constructed at least one *banal* mill for the grinding of the grain in his Seignior, and every Seigneur who, after the expiration of two years from the period in which there shall be more than one hundred *centsitaires* holding and settled upon lands in his *seigneurie*, shall not have constructed such mill, shall, as well as his heirs and representatives for ever, forfeit his right of banality in such Seignior; and it shall be lawful for any person to construct one or more mills for the grinding of grain in the said Seignior, and to grind or cause to be ground in any such mill all grain brought thereto, without being liable to 10 be disturbed by the Seigneur as such, in the enjoyment of the said rights; but no such person shall be entitled to exercise the right of banality in respect to any mill so constructed.

Recourse given to oblige the Seigneur to keep his banal mills in good order.

XXXII. And whenever a *banal* mill shall not be in proper order, or shall be insufficient for the grinding of the grain belonging to the 15 *centsitaires* of the Seignior, or of the part of the Seignior in which it is situate, any *centsitaire* settled upon any land in such Seignior shall be entitled to sue the Seigneur of such Seignior before the Superior Court sitting in the District in which such mill is situate, for the purpose of obliging him to repair such mill, 20 or to place it in such a state as will make it sufficient for the wants of the *centsitaires*; and it shall be lawful for the said Court, to proceed and give such judgment in every such action, as to law and justice shall appertain.

#### HONORARY RIGHTS, PRE-EMPTION (*RETRAIT*) RENTS, HYPOTHECARY PRIVILEGES.

Rights merely honorific abolished.

XXXIII. No Seigneur shall hereafter be entitled to any honorary 25 distinction or privilege of a purely personal nature, arising out of his quality of Seigneur.

Pre-emption to be exercised only in cases of fraud.

XXXIV. The right of conventional pre-emption (*retrait conventionnel*) shall not be exercised in respect of any immoveable property sold under a writ of execution, (*par décret*), or other 30 judicial authority, and it shall not be exercised in the case of any such immoveable property being sold in any other manner than by judicial authority, unless the Seigneur prove that the said sale is tainted with fraud.

Money, &c., given to prevent *retrait* may be recovered.

XXXV. Any sum of money or other valuable thing which, 35 after the passing of this Act, shall be paid or given to any Seigneur, either directly or indirectly, to induce him to refrain from exercising the right of *retrait* in the case of any sale or mutation effected within his *seigneurie*, shall be recoverable, with costs, by action before any Court of competent jurisdiction. 40

Rents payable hereafter limited.

XXXVI. No *centsitaire* or occupier of land in any Seignior conceded before the passing of this Act, except building lots in a Town or Village, shall be required to pay as an annual seigniorial rent, to fall due hereafter, any sum of money or other value ex-

ceeding the sum of two pence currency for each superficial arpent of the land occupied by him *à titre de cens*; notwithstanding any stipulation to the contrary made by himself or by his predecessors.

XXXVII. All seigniorial dues payable annually in personal labour (*corvées*), grain, or otherwise than in money, shall hereafter be paid in money at the price at which the same shall be worth at the time the said rents shall fall due, and shall be reduced to two pence currency for each superficial arpent of the land upon which the same shall be charged, in the same manner as rents payable in money.

Total amount of Seigniorial dues limited and made payable in money only.

XXXVIII. No sale under writ of execution, (*par décret*), shall have the effect of liberating any immoveable property held *à titre de cens*, and so sold, from any of the rights, charges, conditions or reservations established in respect of such immoveable property in favor of the Seigneur, but every such immoveable property shall be considered as having been sold, subject to all such rights, charges, conditions or reservations, except in so far as they may exceed those allowed by the section of this Act, without its being necessary for the Seigneur to make an opposition for the said purpose before the sale.

Sheriff's sales to be made subject to Seigniorial rights.

XXXIX. 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 justice may appertain.

Oppositions for such rights to be null.

XL. The privileges and preferences granted by law to Seigniors, to secure to them the payment of the seigniorial rights which shall hereafter become due, shall only be exercised for arrears which shall have fallen due during the five years next preceding the exercise of such privileges and preferences.

Privilege of Seigniors limited to five years arrears.

XLI. All stipulations in any deed of concession, new title deed or recognizance (*titre-nouvel ou reconnaîtif*) made before the passing of this Act, in so far as such stipulations tend to establish in favor of the Seigneur upon any land conceded *à titre de cens*, with the exception of land conceded as a town or village lot, any rights, charges, conditions or reservations other than or exceeding the following, are with respect to such excess or difference hereby declared null and void, namely:

What conditions only shall be held binding in Deeds of Concession made before the passing of this Act.

1. The obligation to keep house and home on the land conceded.
2. That of surveying and bounding the land conceded, at the expense of the *cessionnaire*.
3. That of paying an annual rent (*redevance*) which shall not in any case exceed the sum of two pence currency for each superficial arpent of the land conceded, and which, in any seigniori where in

the customary rents are below the said rate, shall not exceed the highest annual rent stipulated or payable in the said Seignior.

4. That of exhibiting deeds of acquisition, executing new title deeds (*titres-nouveaux*) and paying mutation fines (*lods et ventes*), according to law. 5

5. That of grinding at the Banal Mill the grain grown on the conceded land, and intended for the use of the family or families occupying the same.

6. The right of the Seignior to take back (*retraitre*) the land conceded, in all cases of fraudulent sales, or mutations made with a view to defraud such Seignior, or in such manner as to deprive him of the whole or of part of the *lods et ventes*, or other just rights.

7. The right of the Seignior to take in any part of his *censive*, and as often as the case may happen, a parcel of land for the construction of a Banal Mill and its dependencies, not exceeding six superficial arpents, on payment by him to the proprietor of the value of the land and expenses. 15

Indemnity once paid to free the land from *lods et ventes* for ever.

XLII. And whenever a Corporation shall have acquired lands *en roture* and shall have paid the indemnity (*indemnité*) to the Seignior, no *lods et ventes* shall thereafter be payable on any mutation of the same land. 20

### COMMUTATION OF TENURE OF LANDS HELD EN ROTURE.

Seigniorial rights may be redeemed.

XLIII. And be it enacted, That it shall be lawful for the owner of any land held *en roture* in Lower Canada, to free the said land from all seigniorial rights recognized by this Act to be redeemable (*rachetables*) as being due or payable to the Seignior, proprietor of the Seignior in which such land is situate, on paying the price of the redemption (*rachat*) of such rights, in the manner hereinafter provided. 25

What rights only shall be held to have a money value and so to be redeemable.

XLIV. The only seigniorial rights and dues on which a money value can be set, and recognized by this Act to be redeemable as such, are the following : 30

1. All fixed rights, that is to say : all annual Seigniorial rents, (*redevances*) consisting in money, grain, fowls, provisions or fruits of the earth, or in personal labour (*corvées*), payable under the name of Seigniorial *cens et rentes*, or under any other name whatsoever, which are only payable or due by the owner or holder of the land so long as he is the owner or holder thereof, and according to the length of time during which he is in possession, and the right of banality of mills for the grinding of grain therein. 35 40

2. All casual rights, which are due under the name of *lods et ventes*, or of any other designation whatsoever, upon mutations in the property or in the possession of any land. 40

XLV. It shall be lawful for the Governor to appoint three persons to be Commissioners under this Act, and from time to time to remove them or any of them, and to appoint another or others in the place of any so removed, or dying or resigning office ; and that each of the said Commissioners shall, before entering upon the duties of his office, take and subscribe, before any Justice of the Peace, the following oath :

Commissioners to be appointed to hold office during pleasure.

"I, \_\_\_\_\_, swear that I will faithfully and without partiality, fear, favor or affection, perform my duty as Commissioner under the Act, intituled, *An Act, &c.*, (insert the title of *this Act.*")

Oath of office.

XLVI. 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.

Compensation to Commissioners.

XLVII. It shall be the duty of each of the said Commissioners to draw up a Schedule in tabular form in triplicate, of all lands held *en roture* in each Seigniority within the territorial limits (*arrondissement*) which shall be specially assigned to him for that purpose by the Governor, shewing the price at which the Seigniorial rights with which each of the said lands is charged, may be redeemed, distinguishing the price of redemption of the annual rights and charges from that of the right of banality, and from that of the casual rights, and describing each land by the number which it bears in the land-roll (*papier-terrier*), or on the plan of such Seigniority, or if there be no such land-roll or numbered plan, then by the name of the present occupier, or if the land be not occupied, then in any other manner he shall deem expedient.

Schedule to be made by Commissioners shewing the price of commutation on each land.

XLVIII. In order to determine the price at which each land may be freed from the said Seigniorial rights, each of the said Commissioners shall observe the following rules, namely :

Rules by which the Commissioners are to be guided in fixing the price of Commutation. Rents in money.

1. To establish the price of redemption of the annual rents, (*redevances*), a valuation shall be made of the total annual amount derived from the charges upon the land, and the said amount shall represent the interest at six per cent. of the capital sum which shall be the price of redemption.

2. To establish the price of redemption of the rents (*redevances*) payable in grain, fowls or other provisions or fruits of the earth, an average year of their value shall be computed according to the price of articles of the same nature, taken from the books of the merchants nearest to the place ; 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 personal labour, (*corvées*), shall be estimated in the same manner ;

Rents. In grain, &c.

but the price of redemption shall in no case be calculated at a higher rate than two pence per annum for each superficial arpent of the land subject to such annual charges, unless the said land be a town or village lot.

Redemption of Banality.

3. To establish the price of redemption of the right of banality, an estimate shall be made of the decrease in the annual receipts of the banal mills to arise from the suppression of the right of banality and from the inhabitants being freed therefrom; the amount of the said estimate shall represent the interest at six per cent. of the capital which shall be the price of redemption of the banality for the whole of the Seigniorie, and the said capital shall be apportioned among all the lands subject thereto, according to their superficial extent.

Apportionment among the *centitaires*.

Redemption of Casual profits.

4. And in order to establish the price of the redemption of the casual rights, an average year shall be computed of their value in each Seigniorie upon the fourteen years immediately preceding the period of the valuation, and the amount of the valuation of the said average year shall represent the interest at six per cent. of the capital sum to be paid as the price of redemption of the said casual rights for the whole of the Seigniorie; and the said Capital shall be apportioned among all the lands, according to their value, which value shall be determined by the assessment roll of the municipality in which each land is situate, or in the absence of such assessment-roll, in such other manner as the Commissioner shall deem expedient to adopt.

Apportionment among the *centitaires*.

Notice to be given before commencing the Schedule.

XLIX. Before beginning to prepare the Schedule for any Seigniorie, the Commissioner entrusted with that duty, shall give public notice of the place, day and hour, at and on which he will begin his inquiry; and all such notices shall be made by publications in the English and French languages, at the door of every parish Church situated in such Seigniorie, during two consecutive Sundays at the conclusion of divine service in the forenoon, or by placards in both languages, posted during a fortnight in the most frequented place of any parish or settlement, in which there shall be no church.

Power of Commissioners to examine on oath and summon witnesses, call for papers, &c.

L. 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 either as a party interested or a witness, and to summon before them all persons whom they 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 any Book, Paper or Document 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 Book, Paper, Plan, Instrument, Document, or thing whatsoever which may be in his possession, and which he shall have been required to bring with him or to pro-

Penalty for non attendance, &c.

duce, by such summons, the said Commissioners, or that one of them who shall have issued the summons may order the said person, if not present, to be apprehended and brought before him or them, and may in his or their discretion commit such person to the Common Gaol of the District, for a period not exceeding one calendar month.

LI. As soon as the Schedule of a Seigniori 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 Seigniori is situate, or if such Seigniori be situate in two Districts, then in the office of the said Court in either of such Districts; 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 B, 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 other newspaper published in the District in which such Seigniori is situate, or if there be no newspaper published in the District in which such Seigniori is situate, such notice shall be so published in the nearest District wherein one or more newspapers are published.

Transmission  
of the Schedule.

Notice.

LII. It shall be lawful for the owner of any land held *en roture*, as soon as the Schedule for the Seigniori in which such land is situate shall be completed and deposited as aforesaid, to redeem all the Seigniorial rights to which such land is subject, at the rate specified in such Schedule, by adding thereto interest calculated at the rate of one per cent. per annum on the price at which the casual rights may be redeemed, from the day of the date of the deposit of the said Schedule, as required by the clause of this Act; and such redemption shall be made in some one of the modes hereafter provided, but not otherwise.

Owner may  
redeem at  
price fixed  
by Schedule.

LIII. It shall be lawful for any such owner to pay the price of such redemption in money, to the Receiver-General of the Province, or such officer as shall be appointed by him to receive the same, who shall give and deliver to the said proprietor, or to his agent to that effect duly authorized, a receipt and certificate, which shall be drawn up in the form of the Schedule C, to this Act annexed, or in terms of like import: Provided always, that whenever the Seigniori in which such land is situate, is entailed or held by a Tutor, Curator or usufructuary proprietor (*usufruitier*) it shall not be lawful to redeem such rights in the manner provided by the present section, but in every such case the redemption shall be made in the manner provided by either of the two next following sections.

Commutation  
money to be  
paid to Re-  
ceiver-Gen-  
eral.

Proviso: for  
cases of entail,  
&c.

Mode of redeeming in an *arrière fief* not held immediately of the Crown, by paying part and converting the rest into a *rente constituée*.

LIV. It shall be lawful for any such owner to effect a redemption of the said Seigniorial rights on paying to the said Receiver-General or his representative, only one-fifth part of the said price of redemption, if the land charged with the rights which he is desirous of redeeming, is situate in an *arrière fief* held under 5 any Seignior *dominant* other than the Crown; and in such case, the said Receiver-General or his representative shall give and deliver to such proprietor or to his agent a receipt and certificate in the form of the Schedule D, to this Act annexed, or in words of similar import; and from the day of the date of such receipt and cer- 10 tificate, the balance of the said price of redemption shall be *ipso facto (de plein droit)* converted into a constituted rent, (*rente constituée*) redeemable at any time, the interest whereof shall become due and payable each and every year to the Seignior of the Seigniority in which such land is situate, at the same period as 15 the annual rents (*redevances*) which it shall represent in part fully, until it shall be redeemed by the payment of the capital of the said rent.

In other cases the whole may be converted into such *Rente Constituée*.

Increased rate of Commutation at the end of certain periods.

LV. It shall be lawful for any such owner, if the land charged with the Seigniorial rights, which he is desirous of redeem- 20 ing, is situate in a Seigniority in which the Crown is the Seignior *dominant*, to redeem the same by making, either personally or by his agent, to the said Receiver-General or his Representative, a declaration of his desire to avail himself of this Act to redeem the said rights; and in such case, the said Receiver-General, or his 25 representative, shall give and deliver to such proprietor or his agent, a certificate in the form of the Schedule E, to this Act annexed, or in words of like import, and, from the day of the date of the said certificate, inclusively, the price of redemption of the said rights shall be *ipso facto (de plein droit)* converted into 30 a constituted rent, (*rente constituée*) redeemable at any time, the interest whereof shall become due and payable each and every year to the Seignior of the Seigniority in which such land is situate, at the same period as the annual rents (*redevances*) which it represents until it shall be redeemed by the payment of the capital of the 35 said rent.

No redemption to take place unless all seigniorial arrears are paid up.

LVI. Provided always, That no such redemption shall be effected, nor shall the Receiver-General receive any money or issue any receipt or certificate under the four next preceding sections, unless the  *censitaire* tendering such money shall at the same 40 time produce to him a Notarial receipt for all arrears of Seigniorial rights and dues on the land to be freed from such charges, to the then last day on which such rents and dues are payable, including any *lods et ventes* due by such  *censitaire*; And provided further that any Seignior who shall, after a legal tender has been 45 made to him of the amount of all arrears due to him by any  *censitaires*, refuse or neglect to grant unto such  *censitaire* a notarial discharge for such arrears, shall for such refusal or neglect incur a penalty of \_\_\_\_\_ pounds currency, recoverable by such  *censitaire* before any Court of competent jurisdiction.. 50



LVII. Every such land so liberated by the redemption of the said Seigniorial rights in any of the modes above provided, shall, from the day of the date of the receipt and certificate of the Receiver General, or of his representative, shewing that the Seigniorial rights with which the said land was charged have been redeemed, be held in *franc-aleu roturier*.

Change of tenure effected by such payment.

LVIII. Every constituted rent (*rente constituée*) established by virtue of this Act, shall be redeemable at the option of the owner of the land by one payment, including all arrears which shall not be prescribed, in cases where the Seignior has the right of alienating such rent; but if the Seignior be entailed (*substituée*), or held by a tutor, curator or usufructuary proprietor (*usufruitier*), the rent and arrears only shall be received, and the principal sum shall become payable only in the cases by law provided, or when the party to whom the rent is payable shall have power to alienate the Seigniorly wherein it may be due.

In what cases constituted Rents shall be redeemable.

LIX. All moneys arising from the redemption of Seigniorial rights under this Act, whether the same be paid as aforesaid to the Receiver-General, or remain as the principal of a constituted rent (*rente constituée*) or otherwise, (including interest) shall be held to be immoveable property by fiction of law, and deemed to be *propres*, belonging to any party to whom the Seigniorly in which such land is situate was *propre*, and shall accordingly be subject to investment, and being so invested *bonâ fide* with a proper declaration of *remploi*, shall be substituted for the rights they represent, and shall have the same destination as such rights would have had.

Commutation money to represent the rights for which it is paid.

LX. Whenever any constituent rent (*rente constituée*) created under this Act shall be redeemed, the price of such redemption shall also be paid over to the said Receiver-General, and every such constituted rent (*rente constituée*) shall be considered in matters of succession, and in judicial proceedings, and to all other intents and purposes whatever, as being a territorial right (*droit foncier*) attached to the domain of the Seigniorly belonging to the Seignior to whom it is payable, and shall not be liable to be transferred, seized, sold, alienated, hypothecated or mortgaged apart from the said Seigniorly, but shall form part of the same, and shall also be transferred, seized, sold, alienated, hypothecated, mortgaged and legally dealt with along with the said Seigniorly, shall have the same privilege *ex causâ* as the right of the *baillieur du fond*, and the like preference over all other hypothecary claims affecting the land, as any Seigniorial dues upon or arising out of such land previous to the redemption of the said dues; but the creditor shall not have the right to exact more than five years' arrears of any such rent.

Principal of constituted Rent to be paid to the Receiver General.

How such Rent shall be regarded in law.

LXI. If, after the expiration of three months, from the day of the receipt of the price of redemption of the Seigniorial rights due or payable on any land whatsoever, the proprietor of the Seigniorly in which such land is situate, produces to the Receiver-General a certificate, granted by the Clerk of the Superior

After three months, if there be no opposition the commutation money may

be paid to the Court for the District in which the Schedule relative to such Seignior.  
Seignior. . . . .  
Seignior, or a triplicate thereof, is deposited, stating that there is no opposition to the payment of the said price of redemption, the said Receiver-General shall pay the amount of the said price to the said Seignior, with interest thereon, at six per cent per annum to be computed from the date of the collection thereof, on his giving a duplicate receipt therefor. 5

Who may oppose for rights on commutation money, And how such opposition shall be made. LXII. Every proprietor of a Seignior who shall have within his *mouvance* another or several fiefs, and every hypothecary creditor of the proprietor of any Seignior the Schedule relative to 10 which, or a triplicate thereof, shall be deposited in the office of the Clerk of the Superior Court in the district in which such Seignior or part thereof is situate, must file an opposition to the distribution of all moneys arising, or which may arise from the redemption of the Seigniorial Rights in such Seignior, for the 15 preservation of their respective rights, and every such opposition shall be filed in the said office and have effect for thirty years, 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. 20

Minors, &c., bound to file oppositions: responsibility of those who represent them. LXIII. All minors, interdicted persons, *femes-covert*, even in the case of dower not yet open (*non encore ouvert*.) and all who have entailed rights shall be also required, for the preservation of their rights, to file their oppositions to the distribution of all such moneys in the manner provided in the section immediately preceding the 25 present, 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. 30

Proviso. LXIV. Provided always, That at the expiration of each and every period of three years, to be reckoned from the day of the date of the deposit, of the Schedule of any Seignior, in the office of the Clerk of the Superior Court as aforesaid, any sum received during that period, notwithstanding it shall not 35 amount to five hundred pounds, for the redemption of the Seigniorial due of any Seignior, or the constituted rent (*rente constituée*) representing them, shall be deposited by the Receiver General with the Clerk of the Superior Court as above directed; and that when the whole of the amount of the price of redemp- 40 tion, of the Seigniorial dues of any Seignior or the constituted rent representing them as established by the Schedule thereof, shall have been paid to the Receiver General, notwithstanding a period of three years shall not have elapsed, and that the whole of the said price of redemption shall not amount to five 45 hundred pounds, the sum so received shall be deposited with the Clerk of the Superior Court, and be disposed of in the same manner, as if the same amounted to five hundred pounds.

LXV. So soon as and whenever the said Receiver-General shall have received, either by himself or by his representative, an amount equal to or exceeding the sum of *five hundred pounds* currency, for the redemption of the Seigniorial Rights in any Seigniorly whatsoever, or of the constituted rents which shall represent them, the amount so received, together with interest at six per cent per annum from the date of the receipt of the sums respectively, forming such amount, shall be deposited by him in the hands of the Clerk of the Superior Court in the District wherein the Schedule relative to the said Seigniorly, or a triplicate thereof, shall have been deposited in the office of the Clerk of the said Court; and the said Court shall make the distribution of the said moneys among the creditors, according to the order of their hypothecs, and the preference of their respective privileges; but in every case, if the sums so received and deposited by the Receiver-General, or his representative, be for the price of the redemption of the Seigniorial Rights due upon the lands situate in an *arrière fief* the Seignior whereof is any other Seignior than the Crown, such Seignior *dominant* shall be entitled to receive by privilege and preference over all creditors of the Seignior holding of him, a fifth part of the said price of redemption, as being the proportion of the price of redemption due to him in his quality of Seignior *dominant*, save and except the rights of the creditors of such Seignior *dominant* in and over the share of such sums coming to him.

Payment of monies into Court by Receiver-General and distribution thereof. Seignior Dominant other than the Crown to have one-fifth, &c.

LXVI. All those who hold in mortmain, corporations, tutors, curators and administrators possessing lands, held *en roture*, persons holding entailed lands the tenure whereof may be commuted with advantage to those whom they represent, may effect such commutation by paying the entire price of the redemption of the Seigniorial Rights with which such lands are charged, out of the moneys of those whom they represent, or by validly binding those whom they represent to the payment of the constituted rent into which the balance shall be converted; provided the 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 the said rights than those prescribed by this Act.

Corporations, Tutors, &c., may pay commutation money out of funds in their hands, &c.

LXVII. And it shall be lawful for the several religious or ecclesiastical communities in Lower Canada, holding in mortmain Fiefs or Seigniories therein, 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 the United Kingdom, or in this Province, which they shall deem the most advisable or advantageous to their respective communities, any sums of money that may accrue to them from any commutation made under this Act.

Religious Communities receiving commutation money, may invest the same.

LXVIII. Whenever a petition stating that two thirds of the *censitaires* of any Seigniorly are desirous of redeeming the seigni-

Proceedings on petition stating that

two-thirds of the *Seigniorial* dues payable on the lands held by them *en roture* in such Seignioriy, shall be submitted to the Governor, it shall be lawful for the said Governor to order any Notary whom he shall be pleased to name for that purpose, to ascertain on the spot in such way as the said Notary shall deem fit, whether in fact two thirds of the *5 censitaires* in such Seignioriy desire such redemption.

**Powers of Notary commissioned to ascertain the fact.** LXIX. And it shall be lawful for the Notary thus named, to summon before him the Seignior of such Seignioriy, or his Agent, or any other person, and to require them to exhibit to him all plans, books, papers or documents, and to afford him all such **10** information as he may consider needful for the due performance of the duties imposed on him by this Act. And any such person who shall refuse or neglect to exhibit such plans, books, papers or documents shall incur a penalty of recoverable with costs before any Court of competent jurisdiction, and payable one moiety **15** to Her Majesty, and the other to the informant.

**If the fact be proved notice issue that all Seigniorial dues in such Seignioriy are converted into constituted Rents.** LXX. And as soon as the Secretary of the Province shall have received from the Notary so named a certificate setting forth, that in fact two thirds of the *censitaires*, proprietors of lauds situated in such Seignioriy, are desirous of redeeming the seignior- **20** ial dues payable on such lands, he shall publish in the English and French languages in the *Canada Gazette*, or other newspaper recognized as the Official Gazette of the Province, a notice in the form F annexed to this Act, or in words of similar import, that the said seigniorial dues, payable on each of the lands situated in **25** such Seignioriy, are converted into constituted rents (*rentes constituées*) equal in principal to the sum marked in the Schedule of such Seignioriy, adding thereto the interest calculated at one per cent per annum on the price at which the casual rights are redeemable, from the day of the date of the deposit of such Schedule as pro- **30** vided by the section of this Act, as the price at which the seigniorial dues payable upon such land may be redeemed.

**Notice to the Seigniors.** LXXI. And the Secretary of the Province shall, immediately after the publication of such notice, transmit to the proprietor of the Seignioriy in which the seigniorial rights shall be thus converted **35** into constituted rents (*rente constituée*), a copy of the Schedule of the said Seignioriy duly certified by the Receiver-General of the Province, and from the day of the date of such notice inclusively, the said seigniorial dues shall be converted into constituted rents (*rente constitué*) in the same manner as if each of the *censitaires*, **40** proprietors of lands in such Seignioriy, had received a Certificate from the Receiver General as provided by the section of this Act, and the Seignior shall continue to receive the interest due upon all such constituted rents until they be redeemed.

**Censitaires of the Seignioriy incorporated. Their powers.** LXXII. Upon, from and after the date of such notice, all the **45** *censitaires*, proprietors of lands in such seignioriy, shall be a corporate body under the name and designation of *Les propriétaires des biens-fonds, ci-devant tenus en roture dans la Seigneurie de* (insert here

the name of the *Seigniorie*), and as such shall have perpetual succession and the right of naming their Officers, of making By-laws for the management of their affairs, and of raising money by loan, and shall have all other lawful powers necessary for redeeming the constituted rents (*rentes constituées*) representing the seigniorial dues previously payable upon the lands held by them.

### INDEMNITY TO SEIGNIORS.

LXXIII. And whereas some of the powers formerly vested in the Governor and Intendant of New France, under the laws promulgated by the Kings of France, for the purpose of restraining all undue pretensions on the part of Seigniors, have not been exercised since the said cession of the country; and whereas differences of opinion have existed in Lower-Canada, and conflicting decisions have been pronounced by the tribunals established since that time in reference to the character and extent of various Seigniorial rights; and whereas while it is the duty of the Legislature to restore to persons continuing to hold lands *en roture*, (in so far as present circumstances will permit) the rights and immunities secured to them by law, as interpreted and administered at the last mentioned period, it is at the same time just that Seigniors, who have enjoyed lucrative privileges, of which they will in future be deprived by this Act, notwithstanding the enjoyment of such privileges may have been sanctioned by the said tribunals since they ceased to exercise the aforesaid powers, should be indemnified for the losses they will suffer from the manner in which the rights to be hereafter exercised by Seigniors are defined by this Act, Be it therefore enacted,—That it shall be lawful for any Seignior to lay before the said Commissioners, a statement in detail of the amount of loss sustained or thereafter to be sustained by him, by reason of his having been curtailed, limited or restrained by this Act, in the exercise of any lucrative privilege, or in the receipt of any rents or profits which as such Seignior he would have been entitled to exercise or receive before the passing of this Act.

Recital.

Seigniors may file statement of losses sustained by them by reason of this Act.

LXXIV. Every such statement shall be filed in the Office of the Commissioners, for the *arrondissement* in which the Seignior in relation to which such Seignior claims to have sustained loss is situated, and shall be addressed to the said Commissioners, in the form of a Petition, in duplicate, intituled, "Petition for Indemnity," and praying the said Commissioners to determine the amount of indemnity to which the Petitioner is entitled under the authority of this Act.

Petition to Commissioners for indemnity.

LXXV. And it shall be the duty of the Commissioner to receive such statement or petition, and to transmit, without delay, a duplicate thereof to the Secretary of the Province for the time being.

Copy to be transmitted to Governor.

LXXVI. It shall be the duty of the said Commissioners to meet together for the purpose of taking all or any of such petitions into consideration, at such times and places as they shall appoint, and as

Commissioners to meet. No.

notice of meeting.

shall have been publicly made known by notices in the English and French languages, inserted in the *Canada Gazette*, or other newspaper recognized as the Official Gazette of the Province, and at least one other newspaper published in the district in which the Seigniories to which such petitions relate are situate, or if there be no newspaper published in such District in the nearest District in which one or more such newspapers are published.

Attorney-General, &c., to appear for the Crown.

LXXVII. In all cases in which the interests of the Crown may require it, it shall be lawful for the Attorney-General or Solicitor-General of Lower-Canada, or other Counsel duly authorized, to represent and appear on behalf of Her Majesty, Her Heirs and Successors, before such Commissioners, and to oppose the prayer of any such petition.

Judgment of Commissioners.

LXXVIII. The said Commissioners after hearing the Petitioners, either in person or by Attorney, and having examined the evidence adduced in relation to their claims, shall pronounce their judgment thereon in writing, and every such judgment shall contain the grounds thereof.

Appeals from such judgment.

LXXIX. An appeal from the judgment of the said Commissioners may, within two months of the rendering of any such judgment, be made either by the Seigneur or by the Crown to the Court of Queen's Bench for Lower-Canada, and from that Court to Her Majesty in Privy Council, whenever the indemnity claimed by such Seigneur amounts to five hundred pounds, Sterling.

Principles by which the amount of such indemnity shall be regulated.

LXXX. The said Commissioners and the Courts which shall hear any such petition in appeal, shall reject every demand for indemnity based on the privilege granted by this Act, to persons possessing lands *en roture* to free them from that tenure by the redemption of the dues with which they are charged, and shall establish the amount of indemnity due to the petitioner only upon the difference existing between the manner in which the rights hereafter to be exercised by the Seigneur are defined by this Act, and that by which the rights they exercised before the passing of this Act would have been interpreted if this Act had not been passed.

Judges interested in similar claims not to sit.

LXXXI. Every Judge who shall have presented a petition for indemnity in his own behalf, in virtue of this Act, shall be liable to revision in every case in appeal from the judgment rendered by the said Commissioners upon any such petition; and every Judge who shall have sat in appeal from any one of such judgments, shall be deemed to have renounced all right to present any such petition in his own behalf.

Amount finally awarded to be paid by Receiver-General.

LXXXII. So soon as the amount to be awarded to any Seigneur who has petitioned as aforesaid, shall be established by the judgment of the said Commissioners, it shall be the duty of the Receiver-General, at the expiration of the above delay of two

months, on the production of a duly authenticated copy of such judgment of the Commissioners, accompanied by a certificate from the said Commissioners, that no appeal from such judgment has been brought therefrom within that delay, and in case of appeal on the production of the final judgment of such Court, to pay to the said Seigneur the amount of the said judgment, except in the cases provided for by the next clause of this Act.

LXXXIII. Whenever any opposition shall have been filed in the Office of the Superior Court, in the manner prescribed by the section of this Act; the amount of indemnity due to the Seigneur shall not be paid to him, but the Receiver-General shall transmit it to the Sheriff of the District in which such office is situate, and it shall be the duty of such Sheriff to retain the monies thus transmitted to him, in the manner prescribed by this Act, for the distribution of the funds arising from the redemption of the Seigneurial dues and the constituted rents, (*rente constituées*) established by virtue of this Act.

Proceeding  
If there be  
any opposi-  
tion then  
filed.

LXXXIV. And be it enacted, That the emoluments and disbursements of the Commissioners who shall be named under this Act, the expenses to be incurred and the amount of indemnity which shall become due under the authority of this Act, shall not be paid out of the Consolidated Revenue Fund of the Province, but it shall be lawful for the Governor to raise by loan, on Debentures to be issued for that purpose, the interest of which shall be payable annually, and the principal at such time as the Governor shall deem most advantageous for the public interest, out of the Special Fund, hereinafter mentioned, such sum as may be required for the payment of the said emoluments, disbursements, expenses and indemnity.

Compensation  
to commis-  
sioners out of  
what fund to  
be payable.

LXXXV. The said Special Fund shall be designated as the "*Seigniorial Fund*," and shall consist of :

Fund out of  
which Indem-  
nity shall be  
paid.

1st. All monies arising from *Quint*, *Relief* and other dues which shall become payable to the Crown in all the Seigniories of which the Crown is the Seigneur *dominant*, as well as all arrears of such dues.

2nd. The Revenue of the Seigniorie of Lauzon and the proceeds of the sale of any part of the said seigniorie that may be hereafter made.

3rd. All monies arising from Auction duties and Auctioneers' Licenses in Lower Canada.

#### INTERPRETATION.

LXXXVI. And, for the interpretation of this Act—Be it enacted, That nothing in this Act contained shall extend or apply to any Seigniorie held of the Crown, nor to any Seigniorie of the late Order of Jesuits, nor to any Seigniorie held by the Ecclesiastics of the Seminary of St. Sulpice, nor to either of the Fiefs Nazareth, Saint Augustin and Saint Joseph in the City and County of Montreal,

Act not to  
apply to cer-  
tain Seigni-  
ories.

nor to any of the lands held *en roture* in any of the said Fiefs and Seigniories.

Act not to affect arrears, nor to give right to the recovery of monies paid before its passing, nor to affect leases of mills, &c.

**LXXXVII.** That nothing herein contained shall extend to arrears of seigniorial rents due before the passing of this Act ; nor shall give to any person whomsoever any right of action for the recovery of 5 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 acknowledged by this Act, and whereof he may have been deprived by reason of any stipulations made by him or by his predecessors 10 with any Seigneur, unless he would have had such right of action if this Act had not been passed. And nothing in this Act contained shall affect nor be construed to affect any lease of a mill, mill-site or water-power leased by any Seigneur after having been constructed, improved, acquired or reserved by such Seigneur for his 15 own use, nor any land conceded by any Seigneur after having been cultivated or otherwise improved by him, acquired or dismembered from the domain reserved and set apart for his private use.

Interpretation of certain words.

**LXXXVIII.** The word Seignior, wherever it shall occur in this Act, shall be construed as meaning any part of a Fief, *arrière* 20 *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* 25 *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*, *arrière-Fief* or Seignior, as well as any person or Corporation, being sole proprietor, and all persons, proprietors jointly and *par indivis* of 30 the whole of any such *Fief*, *arrière-Fief*, or Seignior; and the words "Seigniorial Rights," whenever they occur in this Act, shall include and be construed as including the conventional right of pre-emption, (*droit de retrait conventionnel*) and all rights, duties, charges, obligations, and Seigniorial or feudal dues whatsoever. 35

Expression "wild lands" interpreted.

**LXXXIX.** The words "wild lands" or "wild land," wherever they occur in this Act, shall be construed to apply not only to all wood lands or lands otherwise in their natural state, but also to all land in part settled or cleared, or otherwise improved by any other person than the Seigneur of the *censive* 40 within which such land shall lie, if such land so settled, or in part cleared or improved, be not yet conceded.

Interpretation Act to apply.

**XC.** "The Interpretation Act" shall apply to this Act.

Short title of this Act.

**XCI.** This Act shall be known, cited and referred to as "The Seigniorial Act of 1852." 45

Extent of Act.

**XCII.** This Act shall apply to Lower Canada only.



## Form A.

Before the undersigned, Public Notaries, for Lower Canada,  
residing in the Parish of \_\_\_\_\_ in the  
District of \_\_\_\_\_ (or

Before the undersigned, Public Notary, &c. &c., and the herein-  
5 after named witnesses.) Came and appeared A. B., Seigneur of  
(insert the name of the Seignior) who hath by these presents  
granted, conceded, transferred and made over henceforth for ever,  
and hath promised and doth hereby promise to guarantee from all  
disturbances, donations, dowers, debts, hypothecs, ejectments, sub-  
10 stitutions, alienations and all other hindrances whatsoever, to  
residing in

hereunto present and accepting as grantee for himself, his heirs  
and assigns, to wit: A lot of land lying and situate (insert here the  
description and boundaries of the land granted) as the whole now  
15 stands, and with which the said grantee states himself to be well  
acquainted, and declares himself content and satisfied.

The present concession being made on condition that the said  
grantee shall cause the said lot of land so granted to be surveyed and  
bounded at his own expense,—shall keep house and home  
20 thereon, within a year from the date hereof,—and pay annually at  
Martinmas, (*Festival of Saint Martin*,) that is to say, on the  
eleventh day of November, in each year, at the place appointed for  
the collection of rents in the said Seignior, to the said A. B. or his  
Agent, duly authorized, an annual rent of \_\_\_\_\_ pence,  
25 currency, for every superficial arpent of the said lot of land so  
granted, to wit: the sum of \_\_\_\_\_ for the said  
arpents of land so granted; which said rent is hereby established on  
the said lot of land as a constituted rent, (*rente constituée*,) and shall  
continue to be paid as aforesaid, until the capital thereof amounting  
30 to the sum of \_\_\_\_\_ Currency, is paid in full and by one  
single payment. And for security thereof, the said grantee doth  
henceforth specially oblige, bind and hypothecate the said lot of  
land.

By means whereof the said Seigneur doth make over to the said  
35 grantee all and every right of property and all other rights generally  
whatsoever which he may have in and upon the said lot of land so  
granted, being willing and consenting that the said grantee shall  
enjoy, make use and dispose of the same as he shall deem fit, as sole  
proprietor thereof, *en franc-aleu roturier*, henceforth and for ever,  
40 by virtue of these presents.

And for the execution of these presents, the said parties have  
elected their domiciles, &c., where, &c., for thus, &c.

Done and passed in, &c.

*Form B.*

Public notice is hereby given that the Schedule (*of the fief, arrière-fief, or of the Seigniorie*) of (*name of fief or Seigniorie*) shewing the prices at which the various feudal and Seigniorial rights, dues, charges, obligations and rents due and payable upon each land in such fief (*arrière fief or Seigniorie*) are redeemable, is 5 completed, and that a triplicate copy thereof has been deposited in the office of the Receiver-General, another in the office of the Superior Court in the District of \_\_\_\_\_ and 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 of  
} commutation for the  
} Commutation Divi-  
} sion No.

*Form C.*

## RECEIVER-GENERAL'S OFFICE.

I do hereby certify that A. B. proprietor of (*name of the land freed*) hath this day paid to me the sum of \_\_\_\_\_ being the price of the redemption of the said land from all feudal and Seigniorial rights, dues, charges, obligations and rents with 15 which the said land was chargeable, as shewn in the Schedule relating to the fief (*arrière fief or Seigniorie*) of \_\_\_\_\_ adding thereto the interest upon the price of redemption of the casual rights, and that by virtue of "The Seigniorial Act of 1852," such land is from this day released from all such feudal and 20 Seigniorial rights, dues, charges, obligations and rents.

Made in duplicate at \_\_\_\_\_ this  
day of \_\_\_\_\_ 18 .

F. H. Receiver-General.

*Form D.*

## RECEIVER-GENERAL'S OFFICE.

I do hereby certify that A. B., proprietor of (*name of land freed*), did this day pay to me the sum of \_\_\_\_\_ being the fifth part of the price of redemption from all feudal and 25 Seigniorial rights, dues, charges, obligations and rents, with which the said land was chargeable, as shewn by the Schedule relating to the fief (*arrière fief or Seigniorie*) of \_\_\_\_\_ That under "The Seigniorial Act of 1852," the balance of the said price of redemption equal to the sum of \_\_\_\_\_ currency, including the interest upon 30 the price of the redemption of the casual rights, will form the principal

of a *rente constituée*, redeemable at all times in the manner provided by the said Act, and that henceforth the said land is freed from all such feudal and Seigniorial rights, dues, charges, obligations and rents.

5 Made in duplicate, at the  
day of 18

F. H. Receiver-General.

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*Form E.*

RECEIVER GENERAL'S OFFICE.

I do hereby certify that A. B., proprietor of  
(*name of the land freed*), has declared personally (or by his agent  
C. D.,) to me that he is desirous of availing himself of "The  
10 Seigniorial Act of 1852," to free the said from all  
feudal and Seigniorial rights, dues, charges and rents whatsoever,  
and that in virtue of the said Act, the said is from  
the date hereof freed from all such feudal and Seigniorial rights,  
amounting to the sum of currency, including  
15 interest due on the casual rights, dues, charges and rents, and  
the price of the redemption of the same is from the date hereof  
converted into a redeemable constituted-rent (*rente constituée*.)

F. H.  
Receiver-General.

Date.

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*Form F.*

SECRETARY'S OFFICE.

(*Date.*)

Whereas the undersigned hath received from (*name of Notary*),  
the Notary duly appointed under the section of "The  
20 Seigniorial Act of 1852," a certificate setting forth that in fact  
two thirds of the *ceusitaires* or owners of land in the said  
Seignioriy, are desirous of redeeming the Seigniorial dues with  
which the said lands are charged,—

NOTICE

Is hereby given that the said Seigniorial dues, upon each of the  
lands situated in the said Seignioriy of are on,  
from and after this day converted into a constituted rent (*rente con-*  
*stituée*), equal in principal to the sum marked in the Schedule of  
25 the said Seignioriy, adding thereto interest at one per cent per  
annum, on the price of redemption of the casual rights, from the

day of the date of the deposit of the said Schedule unto this day made in conformity to the said Act, and filed in the office of the Prothonotary of the said district, as the price at which the Seigniorial dues, payable upon the said lands respectively, may be redeemed.

A. N. M.

Provincial Secretary.