



CHAPTER 82

Seigniorial Rent Abolition Act

[Assented to, the 18th of May, 1935]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. This act may be cited as *Seigniorial Rent Abolition Act*. Short title.

2. County municipalities and independent town and city municipalities in which there are lands, lots of land or portions of lots of land liable for the payment of the constituted rents established by the Seigniorial Act of 1854, are hereby incorporated under the name of *Syndicat National*. Incorporating of Syndicate.
du Rachat des Rentes Seigneuriales. Name.

3. The object of the Syndicate is to facilitate the freeing of all lands or lots of land from constituted rents which replaced the seigniorial dues; Object of Syndicate;

1. By allowing the debtors of constituted rents to procure, at a sufficiently low rate of interest, the money required for the payment of the capital sums due to the creditors of the rents, to make it possible for them to reimburse the money advanced to them in a comparatively limited number of years by paying annuities not higher than their present rents; Procuring of money for capital payments;

2. By securing the liberation of their lands or lots of land, without the formality of registration, and without any cost for deeds whatsoever; Liberating of lands;

3. By enabling them to effect their annual payments at the same time as their municipal taxes without the trouble of a special trip. Effecting annual payments.

Borrowing
power of
Syndicate.

4. The Syndicate may borrow, from time to time, at a rate not to exceed five per cent per annum, all sums necessary for the payment of the capital remaining due in the Province to the creditors of constituted rents. Such sums shall be borrowed on the guarantee of all the municipalities combined in syndicate by this act.

Guarantee-
ing of loans
authorized.

5. The Lieutenant-Governor in Council is authorized to guarantee the repayment of the loans made in virtue of the preceding section, at a rate of interest not exceeding five per cent per annum, for such period and on such conditions as may be deemed suitable.

Contracting
of loan
therefor by
debentures,
etc.

The Lieutenant-Governor in Council, in order to effect payment of the sums which the Government may be called upon to pay under the provisions of this section, may authorize the Provincial Treasurer to contract a loan or loans, by means of debentures or inscribed stock issued on the credit of the Province.

How debentures,
etc.,
to be issued,
etc.

Such debentures or inscribed stock shall be issued at the rate of interest, for the term, in the form and for the amount which the Lieutenant-Governor in Council may determine, and shall be payable, in interest and principal, annually or semi-annually, at the place which he may indicate.

Collecting
of amounts
from county
councils,
etc.

6. The Syndicate may collect from the councils of the counties and independent municipalities, and these shall pay each year at the date fixed by the Syndicate, the amounts collectable in each municipality from all the *cent-sitaires*, as established by the terriers and the collection rolls for the special tax made under this act.

Syndicate
to be repre-
sented by
board.

7. The Syndicate created by this act shall be represented by a board of three commissioners. Its rights shall be exercised and its duties performed by such board of commissioners.

Appointing,
etc., of
board.

8. Such board, which shall have its head office in the city of Quebec, shall be called "Board of Commissioners for the Redemption of Seigniorial Rents". It shall be appointed, during good pleasure, by the Lieutenant-Governor in Council on the recommendation of the Minister of Municipal Affairs. One of the three commissioners shall be appointed president, and another, vice-president. In case of any vacancy or vacancies among the commissioners by death or other cause, he may appoint another person to fill any such vacancy or vacancies.

9. The commissioner holding the title of president shall ^{Powers of president, etc.} preside at the meetings, and sign the minutes of the meetings of the board and all deeds, bonds and debentures issued by the Syndicate, which bonds and debentures must be countersigned by the secretary-treasurer of the board and bear the certificate of the Deputy Minister of Municipal Affairs, which renders them incontestable. The Lieutenant-Governor in Council, upon the recommendation of the Minister of Municipal Affairs, shall appoint a person to act as secretary-treasurer of the board. ^{Secretary-treasurer.} The secretary-treasurer, before acting, shall furnish a guarantee policy for his faithful guardianship of the funds of the Syndicate, for an amount to be fixed by the board on the recommendation of the Minister of Municipal Affairs. The functions of the commissioners shall be gratuitous but their transportation and boarding expenses, when travelling in the interest of the Syndicate, shall be paid out of the revenues of the Syndicate.

10. The salary of the secretary-treasurer shall be fixed ^{Salary of same.} by the Syndicate on the recommendation of the Minister of Municipal Affairs and shall be paid out of the revenues of the Syndicate.

11. The board of commissioners may make by-laws for ^{Making of by-laws.} its proper government and the administration of the affairs of the Syndicate.

12. The by-laws which it makes for the administration ^{Coming into force thereof.} of the affairs of the Syndicate shall come into force only after their approval by the Lieutenant-Governor in Council, on the recommendation of the Minister of Municipal Affairs.

13. On or before the 10th of November, 1935, the ^{Depositing of statement by seignior, etc.} seignior or other creditor of constituted rents replacing seigniorial dues shall deposit, in the office of the council of every municipality in the territory whereof there is real property affected for constituted rents in his favour, a statement showing:

1. The name of each person owing him constituted rents; ^{Contents of such statement.}
2. The description of the lands, lots of lands or portions of lots liable for such rents;
3. The amount of the annual rent on each land, lot or portion of a lot of land affected;
4. The amount of capital required to effect the redemption of the rent on each land, lot or portion of a lot of land;

5. The total amount which he can claim for capital in each municipality, his name and address or the name and address of his attorney authorized to grant a good and valid discharge for payments made for the redemption of rents.

Claiming from certain municipality in certain case.

In the event of the creditor not knowing the municipal situation of a land, lot or portion of a lot land liable for rent, he may claim the capital of such rent from the municipality which appears to him most convenient for the debtor and, in such case, shall give the above-mentioned information in the statement which he delivers to the said municipality, but he cannot claim for the same land in two different municipalities.

Where land in two municipalities.

In the event of a land, or lot or portion of a lot of land being situated in two separate municipalities, the creditor of the rent may claim the entire capital of the rent affecting the said real estate in either municipality, but he cannot claim the same rent in both municipalities.

Extending of delay.

Whenever a seignior or a creditor establishes that he cannot fulfill the obligations imposed upon him by this section within the delay therein mentioned, the Lieutenant-Governor in Council may extend such delay for such period of time as he may determine, in which case section 15 shall take effect only from the expiration of such delay.

Replacing of statement by certain information in certain case.

Where the seignior or the creditor of the rent establishes under oath that he cannot furnish the information required by this section, it shall be sufficient for the seignior or the creditor to mention in his statement the indications shown in the terrier or other books relating to the seigniorly concerned and which he has in his possession.

Statement to be accompanied by affidavit.

14. Such statement must be accompanied by an affidavit attesting that, to the best of the declarant's knowledge and belief, it is a faithful statement of the constituted rents replacing the signiorial dues of the creditor and that the right to any of the rents mentioned in the said statement has not lapsed or been extinguished under the provisions of this act.

If statement not furnished.

15. If the creditor of the constituted rent has not furnished the above-mentioned statement within the delay established by this act, his right to the said rent and to the capital which it represents shall be extinguished for all legal purposes.

Drawing up of terrier by

16. On or before the 1st of December, 1935, the secretary-treasurer or clerk of every municipality, basing him-

self on the above-mentioned statement, must draw up a clerk, etc.,
terrier in which shall be entered in separate columns and of municipi-
in the following order: pality.

1. The serial number of each entry made in the terrier; Contents of such terrier.
2. The designation and area of the land or lot of land liable for the rent, such designation to be made by the number of the lot or portion of the lot as entered in the cadastre;
3. The amount of the annual rent affecting the lot or portion of lot;
4. The amount of capital, six per cent of which equals the rent;
5. The surnames and Christian names of the owners of said lots or portions of lots and their occupation;
6. The last known domicile of the said owners and their last known address.

17. Where the creditor of the constituted rent has claimed from a single debtor, in his statement, a rent affect- Subdivided lots.
ing a lot of land which has been subdivided since the seigniorial cadastre or been sold in parts to more than one purchaser, the secretary-treasurer or clerk shall, in making the terrier, divide the annual rent according to the extent of each portion of lot and enter in his terrier each owner or each portion of lot according to his judgment, and, in order to make his division, he may hear each of the persons interested.

18. The said terrier shall further contain the following information: Additional information in terrier.

1. The total amount of the annual rents affecting the lands, lots or portions of lots of land entered in the terrier;
2. The total amount of the sums due for the capital to redeem all the rents entered in the said terrier.

19. The said terrier shall be signed by the person who drew it up and the latter shall certify it with the following affidavit: Signing of terrier.

"I (*name of person who made the terrier*) swear and solemn- Affidavit.
ly declare that to the best of my knowledge and belief the above terrier is correct and is based upon reliable information and that nothing has been unduly or fraudulently inserted therein or omitted therefrom. So help me God."

20. Not later than the 1st of December, 1935, the clerk or the person obliged to make the terrier shall deposit it in the office of the municipal corporation. At the expiration Date for deposit of terrier.

of such delay, if the terrier has not been deposited, the person who is obliged to make it shall be liable to a fine of twenty dollars.

Commissioners and deposit of terrier in certain case.

Upon failure of such clerk or person to make and deposit the terrier as aforesaid, the commissioners shall provide for the making and deposit of the terrier by any other person appointed by them. Any expenditure incurred in any such case shall be paid out of the revenues of the Syndicate.

Public notice after deposit.

21. When the terrier has been deposited in the office of the corporation, the secretary-treasurer or the clerk, as the case may be, shall immediately give public notice.

Publication.

Such public notice must be published in accordance with the provisions of the by-laws of the municipality, and, where such by-laws do not order it, the notice shall in addition:

Id., in newspapers.

a. In cities and towns, be inserted once a week for two consecutive weeks in a French newspaper and in an English newspaper, if there are any published in the city or town concerned;

Reading in rural municipalities.

b. In rural municipalities, be read in an audible and clear voice at the door of the parish church on the two Sundays following the date on which it was signed.

Gazette.

Besides the publications hereinabove provided for, such notice must be published in the *Quebec Official Gazette*.

Period during which terrier open for inspection.

The notice shall state that the terrier will remain open for the inspection of those interested or of their representatives for the sixty days following that of the publication of the notice and will be taken into consideration by the council at its first general sitting after the expiration of the said sixty days.

Hearing, etc., of complaints.

22. Complaints against the terrier or any entry therein shall be made, heard and adjudged according to the provisions of articles 662, 663, 664 and 665 of the Municipal Code, *mutatis mutandis*.

Homologation, etc., of terrier.

23. The council, after hearing the complaints, after having deliberated, and after having amended the terrier if there be occasion so to do, shall homologate it, and within ten days after such homologation the secretary-treasurer of each rural municipality shall transmit a certified copy of the terrier to the office of the county corporation.

Transmission of statement showing

24. Within thirty days of the receipt of the terriers from the local municipalities of the county, the secretary of the county council must transmit to the Board of Com-

missioners for the Redemption of Seigniorial Rents a statement showing the total amount of rents and capital claimable in each local municipality by each creditor of constituted rents. Such statement must also include the total amount of rents due and of the capital exigible in the whole county.

25. Within ten days after the homologation of the terrier in each independent town or city municipality, the secretary-treasurer or clerk, as the case may be, shall transmit to the office of the commissioners a statement showing the total amount of rents and of capital claimable by each creditor of constituted rents within the limits of his municipality.

26. The *Syndicat National du Rachat des Rentes Seignioriales* must, on the 11th of November, 1936, pay to the seignior and to every creditor of constituted rents replacing seigniorial dues, or to the Provincial Treasurer in case of dispute or when the seignior is the property of a substitution or is held by a tutor, curator or usufructuary owner, and if an opposition has been made and is in force, the capital sum, the interest whereof at the rate of six per cent is equal to the annual amount of the rent as entered in the statements transmitted by the secretary-treasurers of the county councils and by the secretary-treasurers or clerks, as the case may be, of independent towns and cities.

The provisions of section 59 of the Treasury Department Act (Revised Statutes, 1925, chapter 20) shall apply to the payment by the Provincial Treasurer of the monies deposited as aforesaid.

If, for any reason, such capital sum be not paid on the 11th of November, 1936, or payment be not tendered by the *Syndicat National*, it shall bear interest at five per cent per annum until the date of payment. Every seignior or owner of constituted rents must accept it and, in the event of his refusal, it shall not bear interest.

27. Without prejudice to the rights and privileges of the seigniors or creditors of the rents for the annual rents due and not prescribed at the date of redemption or of the offer of redemption contemplated by section 26, from and after the said date of such redemption or of such offer of redemption, the constituted rents replacing seigniorial dues shall be abolished in the Province, and the *Syndicat National* shall become the creditor of each county municipality and of each independent town or city for the capital

sums which it advances or for which it becomes indebted for the redemption of the constituted rents. The county councils become the creditors of the local municipalities for the amounts with which they are charged by the *Syndicat National*, and the local municipalities and the towns and cities are subrogated in all the rights, rank and hypothecs, without registration, conferred by law or otherwise on seigniors or other owners of constituted rents.

Imposing of tax equal to capitalized amount. **28.** A tax equal to the capitalized amount of the constituted rent as set forth in the homologated terriers in each municipality is hereby imposed on each land, lot of land or portion of such lot as entered in the said terriers, in favor of each municipality interested, and such tax shall become due on the 11th of November, 1936.

Drawing up of special collection roll. **29.** On or before the 1st of September, 1936, the secretary-treasurer of every local municipality and, in towns and cities, he or they whose duty it is to make the collection rolls, shall draw up a special collection roll which shall contain in separate columns:

Contents thereof.

1. The names and status of every debtor of constituted rents inscribed in the homologated terrier, or the word "unknown", if the debtor be unknown;
2. The address or domicile of the debtor, if known;
3. The capital sum whereof the interest at the rate of six per cent is equal to the amount of the annual rent;
4. The amount of the annual rent.

Public notice after completion of roll. **30.** The person who is obliged to make such roll shall, after completing it, give a public notice in which he gives notification that the special collection roll for the tax replacing constituted rents has been completed and is deposited in his office, and shall require all persons liable for the payment of the said tax to pay the amount thereof, at his office, on or before the 11th of November, 1936.

Payment by instalments. **31.** Any debtor of the said tax is not obliged to pay it in a single payment but has the option of paying it in forty-one annual instalments equal to the constituted rent entered in the collection roll and in the terrier.

Paying of capital sum of tax. **32.** The debtor may also, at any time, pay the capital sum of his tax. In such case, the capital is established by allowing a deduction on the capitalized sum entered in the collection roll of one per cent per annum for each of the first ten years elapsed, two per cent for each of the ten

years elapsed after the tenth year, three per cent for each of the ten years elapsed after the twentieth year, and four per cent for each of the ten years elapsed after the thirtieth year.

33. In the month of November of each year, counting from 1936, inclusive, the collector of taxes in each municipality must transmit to the secretary-treasurer of the county council if his municipality is a rural municipality, or to the secretary-treasurer of the *Syndicat National* if his municipality is an independent town or city, the monies which he has collected, indicating the amount received for capital and the amount received for annual payments. Transmitting of monies collected.

34. In the month of December of each year, counting from 1936, inclusive, the secretary-treasurer of the county council shall transmit to the secretary-treasurer of the *Syndicat National* the moneys which he has received, furnishing the information mentioned in section 33. Id., to secretary-treasurer of Syndicate.

35. Every local or independent town or city municipality must pay each year, either to the secretary-treasurer of the county or to the secretary-treasurer of the *Syndicat National*, the amount appearing as due and exigible in the terrier. The secretary-treasurer of the county council must also make full payment to the *Syndicat National*. Exigibility of certain payments.

36. The *Syndicat National* shall apply the difference between the interest paid by it, less expenses incurred, and the six per cent which it receives, as well as the capital sums paid to it, to reduce its debt, and, as soon as such debt is extinguished, the yearly payments shall cease throughout the Province. Application of difference in interest rates.

If the *Syndicat National* cannot extinguish its debt in forty-one years, it is authorized to order the continuation of the payments by those who shall not yet have paid their capital, until such time as it shall have completely discharged its debts. Continuing of certain payments.

37. The *Syndicat National* shall be dissolved, when it shall have completely discharged its debts, by a proclamation of the Lieutenant-Governor in Council. Dissolution of Syndicat.

38. The *Syndicat National* is empowered to make laws to carry out the provisions of this act, which shall have force of law on a proclamation of the Lieutenant-Governor in Council. Making of by-laws.

Carrying
out of act.

39. The Minister of Municipal Affairs shall have charge of the carrying out of this act.

Coming into
force.

40. The provisions of sections 26 to 36, inclusively, of this act shall come into force only from and after the date of the sanction of an act of the Legislature approving the homologation contemplated by section 23, and the remaining provisions of this act shall come into force on the day of its sanction.