

C H A P . 2 8

An Act to amend the acts respecting the tenure of lands
in the Magdalen Islands.

[Assented to 5th March, 1915]

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

1. Section 9 of the act 58 Victoria, chapter 45, as ^{58Vict., c.} replaced by the act 59 Victoria, chapter 38, section 1, ^{45, s. 9,} is again replaced by the following: replaced.

“**9.** The redemption may be made, every year, between ^{When re-} the first of May and the first of November, but the payment ^{demption} of the occupant's share may be made in one, two, three or ^{may be} four instalments, at his option, comprising two-thirds of ^{made.} the capital to be paid, and also all arrears of rent due up ^{Instalments.} to the time of the redemption upon the immoveable or ^{immoveables being redeemed.} immoveables being redeemed.

If the occupant has made option to make his redemp- ^{Amount of} tion of the capital of the rent in several instalments, not ^{each instal-} more than four in number, such instalments must be ^{ment.} equal and annual, and interest at the rate of six per cent ^{Interest.} per annum shall be payable on instalments not yet due, and shall be due upon the due date of the then next instal- ^{ment.} ment.

In the case of the redemption of the capital of the rent ^{Due date of} by instalments, the share which the Government is bound ^{share to be} to pay, shall become due and payable, with interest at ^{paid by the} the rate of four per cent per annum from the date of the ^{Government.} redemption, only at the time of the payment of the last ^{instalment due by the occupant.} instalment due by the occupant.

“**9a.** If several immoveables are comprised in the same ^{Case where} title or are occupied without title, but for which, in either ^{several im-} case, a lump sum is paid as annual rent, the occupant ^{moveables} may redeem one or more of such immoveables by one or ^{are com-} several equal annual instalments, not more than four ^{prised in one} in number, and the basis for the amount to be paid as ^{title, or oc-} capital of the redemption price shall be the rent at so ^{cupied with-} much per acre to make up the lump sum paid as annual ^{out title.} rent, taking into account the total number of acres occu- ^{pied.”} pied.”

2. The act 58 Victoria, chapter 45, is further amended ^{Id. ss. 11a-} by inserting therein, after section 11 thereof, as replaced ^{11g, enacted.}

by the act 60 Victoria, chapter 14, section 2, new sections, as follows:

Sec. 11 to
apply to
trustee.

“**11a.** Section 11 shall apply, *mutatis mutandis*, to the trustee, when the occupant has made option to effect the redemption of the capital of the rent by instalments, but it shall be the duty of the said trustee to draw up a deed of rent redemption by instalments, in favour of the debtor, in the form of schedule B, or any other form to the same effect.

Deed to be
drawn up.

Owner to re-
tain hypo-
thecary pri-
vilege.

“**11b.** The owner of the Magdalen Islands, notwithstanding such deed of rent redemption by instalments, signed by the trustee, shall retain upon the lot or parcel of land so liberated a special hypothecary privilege (*bailleur de fonds*), so long as the instalments on the same, together with interest and arrears of rent, have not been paid.

Deed to be
made in du-
plicate.

“**11c.** The deed of rent redemption by instalments must be made in duplicate, be signed by the trustee and the occupant before two witnesses, and be registered, at the diligence of the occupant, now proprietor of the property so discharged from the rent but not yet from the hypothec.

Payments
made to
trustee.

“**11d.** The instalments must be paid to the trustee, who shall give therefor a receipt in duplicate.

The occupant, now proprietor, may deposit at the registry office, if he sees fit, the duplicate receipt so handed to him, and such receipt so deposited shall be considered as a discharge for so much.

Declaration
of payment
of the whole.

As soon as it shall appear, from the receipts so deposited at the registry office or kept in the possession of the trustee or the occupant, now proprietor, that the whole amount of the capital of the rent has been paid, including the share payable by the Government, it shall be the duty of the said trustee to sign in duplicate a declaration to that effect. Such declaration, signed in presence of two witnesses, and made in the form of schedule C, or in any other form to the same effect, must be deposited in the registry office, at the diligence of the occupant, now proprietor, to avail as a final discharge. The deposit of such discharge as aforesaid shall have the effect of radiating the special hypothec registered in favour of the owner of the Magdalen Islands.

Hypothec to
be radiated.

Failure to
pay any ins-
talment.

“**11e.** If the occupant, now proprietor, fails to pay an instalment in the month following the due date thereof, the proprietor of the Magdalen Islands, or his agent, may hand back, without interest, to the person entitled thereto, the amounts already paid, retaining however, without interest, a sum equal to the amount of

the constituted rent which would have been payable if the deed of rent redemption by instalments had not been drawn up.

Such repayment may also be made to the trustee, to be returned to the person entitled thereto.

“**11f.** As soon as the trustee, at the request of the owner of the island or his agent, or on his own initiative, has ascertained that an overdue instalment has not been paid, and that the repayment determined by law has been made, it shall be his duty to sign in duplicate, in presence of two witnesses, a declaration to that effect. Such declaration may be made in the form of schedule D, or in any other form to the same effect. Declaration to be made.

A duplicate of the declaration must, at the diligence of any interested party, be registered at the registry office. Duplicate to be registered. The registration shall have the effect of annulling the deed of rent redemption by instalments, and of re-establishing the rent as theretofore, counting from the date of the registration, the whole without prejudice to the right of the occupant to recover any sum whatever not repaid to him according to the provisions of this act.

“**11g.** Articles 1484 and following of the Revised Statutes, 1909, shall apply, *mutatis mutandis*, when the person to whom a repayment may be made under this act neglects or refuses to accept it, or is absent from the Province.” Provisions applicable.

3. The said act 58 Victoria, chapter 45, is again amended by inserting therein, after section 13a as enacted by the act 60 Victoria, chapter 14, section 3, a new section, as follows: Id. s. 13b, enacted.

“**13b.** If the occupant has made option to redeem the capital of the rent by equal annual instalments, not more than four in number, of his share in the payment of said capital, the clerk must notify the Minister of Lands and Forests to that effect. Clerk must notify Minister of Lands and Forests of option to redeem by instalments.

As soon as the deed of rent redemption has been signed, the clerk must inform the Minister of Lands and Forests of the date at which the share of the Government will become due under section 9. And of due date of share to be paid by the Government.

At least thirty days before the due date of the last instalment, the clerk must notify the Minister of Lands and Forests that, at such due date, one-third of the capital of the rent, with interest at four per cent from the date of the redemption, will be payable by the Government. The Minister of Lands and Forests shall obtain from the Provincial Treasurer and send to the said clerk, for the date of such maturity, a sum sufficient to cover the amount which the Government must pay under section 9.”

Id. s. 14, re-
placed.

4. Section 14 of the act 58 Victoria, chapter 45, is replaced by the following:

Money to be
paid to ow-
ner or his
agent.

"14. If the owner of the said islands or his agent presents himself, on the day mentioned in the notice, at the office of the said clerk, there to receive the capital of the redemption of the rent and arrears due up to that time, or a portion thereof payable by instalments in conformity with section 9, the said clerk shall then pay over to him the amount so received according as the occupant may have made option to make the redemption by one or several instalments, and shall, at once, deliver to the person effecting such redemption a title drawn up according to the schedule to the original act 58 Victoria, chapter 45, or according to schedule B, as the case may be."

Title to be
delivered to
person effect-
ing redemp-
tion.

Id. s. 15,
am.

5. Section 15 of the act 58 Victoria, chapter 45, as amended by the act 60 Victoria, chapter 14, section 4, is again amended by adding thereto a new paragraph, as follows:

Deposit to be
made with
Provincial
Treasurer in
certain case.

"If the occupant has made his option to redeem the capital of the rent by instalments, and the owner of the islands, or his agent, does not present himself at the clerk's office as aforesaid, the said clerk, in his quality of trustee, shall receive from the person effecting the redemption the amount he is bound to pay as a first instalment, and shall deposit the same, in accordance with article 1484 of the Revised Statutes, 1909, in the office of the Provincial Treasurer, for the said owner or his agent, who may withdraw the same.

Title to be
given as in
ss. 11a, 11b
11c.

When the amount of the first instalment has been so received by the said clerk, he shall proceed to give to the person entitled thereto the title mentioned in sections 11a, 11b, and 11c."

Id. s. 16, am.

6. Section 16 of the act 58 Victoria, chapter 45, as amended by the act 60 Victoria, chapter 14, section 5, is again amended by adding thereto a new paragraph, as follows:

Application.

"This section shall apply, *mutatis mutandis*, when the occupant has made option to redeem the capital of the rent by instalments."

Id. s. 22., am.

7. Section 22 of the act 58 Victoria, chapter 45, is amended by inserting therein, after the words: "by paying", in the third line thereof, the words: "by one or several instalments, not more than four in number, his share of".

8. Section 4 of the act 59 Victoria, chapter 38, shall ^{Provision} apply to this act. ^{applicable.}

9. The following schedules are inserted at the end of ^{Schedules} the act 58 Victoria, chapter 45: ^{added to 58}
^{Vict. c, 45.}

“SCHEDULE B.

(Sec. 11a)

Deed of rent redemption by instalments

Know all men by these presents, that I,
trustee acting under the authority of the
acts 58 Victoria, chapter 45, 59 Victoria, chapter 38, 60
Victoria, chapter 14, and 5 George V, chapter 28, for and
in consideration of the total sum of _____ dollars,
on account of which I acknowledge receipt on behalf of the
owner of the Magdalen Islands, of the sum of \$ _____,
being the first of two (*three or four*) instalments, (*as the*
case may be) on the share payable by the occupant for the
redemption of the capital of the rent on the lot of land
described as follows:

(*and the arrears of rent if any*), do declare in virtue of the
said acts, that the said lot of land is free and discharged
from the rent hitherto payable to the said owner, and
from all rights to the said rent.

However, the said lot shall remain subject, in favour
of the owner of the Magdalen Islands, to a special hypo-
thecary privilege (*bailleur de fonds*) until all the instal-
ments, together with interest and arrears thereon, have
been paid, according to law.

The instalments shall be payable at the following dates:

The first instalment, this day;

The second instalment, the _____ ;

The third instalment, the _____ ;

The fourth instalment, the _____ .

On failure of me, occupant of the said lot, now prop-
rietor by this deed, to pay an instalment within the month
following the due date of said instalment, the owner of
the Magdalen Islands, or his agent, may have repaid to
me the amounts I have already paid, according to the
provisions of the law, and the constituted rent, redeemed
by this deed, shall be re-established as heretofore, as soon

"SCHEDULE D.

(Sec. 11f)

Declaration establishing repayment of amounts paid for the redemption of the rent

Know all men by these presents, that I,
trustee acting under the authority of the acts 58 Victoria,
chapter 45, 59 Victoria, chapter 38, 60 Victoria, chapter 14,
and 5 George V, chapter 28, having ascertained that the
second (third or fourth, *as the case may be*) instalment on
the redemption of the capital of the rent affecting the lot
or parcel of land described as follows:

, and discharged from all future rent,
with hypothecary privilege (*bailleur de fonds*) under a deed
of date the and registered
under the No. , has not been paid, do hereby
declare that the amount of

representing the
amounts already paid, without interest thereon, less,
however, the sum of represent-
ing, without interest, the amount of the constituted rent
which would have been due if the deed of rent redemption
by instalments had not been passed, has been repaid to
, who is thereto

entitled as being

(*or, as the case may be*) to me as trustee to be paid to

who is

thereto entitled as

Thus done at
day of

, this
19

Signed, sealed and delivered in { "
duplicate, in the presence of }

10. This act shall come into force on the day of its Coming into
sanction. force.
