

CHAP. 11

An Act amending and consolidating the act respecting succession duties

[Assented to 9th March, 1906]

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

1. Section XVIIIa of chapter fifth of title fourth of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 17, section 1, and the various acts amending the same are replaced by the following: R.S. 1191a to 1191j replaced.

SECTION XVIIIa

DUTIES ON SUCCESSIONS

1191a. This act may be cited as the 'Quebec Succession Duties Act.' Citation of act.

1191b. All transmissions, owing to death, of the property in, or the usufruct or enjoyment of, moveable and immovable property in the Province, shall be liable to the following taxes, calculated upon the value of the property transmitted, after deducting debts and charges existing at the time of the death: Tax upon transmissions of property owing to death.

1. In the direct line, ascending or descending; between consorts; between father- or mother-in-law and son- or daughter-in-law: Direct line.

In estates the value of which, after deducting the debts and charges existing at the time of the death:

- a. Does not exceed the sum of five thousand dollars, no tax shall be exigible.
- b. Exceeds five thousand dollars, but does not exceed ten thousand dollars, on every hundred dollars of value over five thousand dollars. . 1 %
- c. Exceeds ten thousand dollars, but does not exceed fifty thousand dollars, on every hundred dollars of value over five thousand dollars. . 1 1/4 %
- d. Exceeds fifty thousand dollars, but does not exceed seventy-five thousand dollars, on every hundred dollars of value over five thousand dollars 1 1/2 %

- e. Exceeds seventy-five thousand dollars, but does not exceed one hundred thousand dollars, on every hundred dollars of value over five thousand dollars. 2 %
- f. Exceeds one hundred thousand dollars, but does not exceed one hundred and fifty thousand dollars, on every hundred dollars of value over five thousand dollars. 3 %
- g. Exceeds one hundred and fifty thousand dollars, but does not exceed two hundred thousand dollars, on every hundred dollars of value over five thousand dollars. 4 %
- h. Exceeds two hundred thousand dollars, on every hundred dollars of value over five thousand dollars. 5 %

Deduction to be out of whole estate. For the purposes of clauses *a, b, c, d, e, f, g* and *h*, the sum of five thousand dollars, therein mentioned, is to be deducted out of the whole estate, and not out of the share of each beneficiary.

Additional tax in certain cases. Provided that where the value of any estate, as defined in the first paragraph of this article, exceeds one hundred thousand dollars, and the amount passing in manner aforesaid to any one person mentioned in paragraph 1 of this article, exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount so passing in addition to the rates mentioned in clauses *a, b, c, d, e, f, g*, and *h* of this article, as follows:

- a. Where the whole amount so passing to one person exceeds one hundred thousand dollars, but does not exceed two hundred thousand dollars. 1 %
- b. Exceeds two hundred thousand dollars, but does not exceed four hundred thousand dollars. . . . 1½ %
- c. Exceeds four hundred thousand dollars, but does not exceed six hundred thousand dollars. 2 %
- d. Exceeds six hundred thousand dollars, but does not exceed eight hundred thousand dollars. . . . 2½ %
- e. Exceeds eight hundred thousand dollars. 3 %

Collateral line.

2. In the collateral line:

- a. If the succession devolves to the brother or sister, or descendant of the brother or sister of the deceased:
 - If it does not exceed ten thousand dollars. . . 5 %
 - If it exceeds ten thousand dollars. 5½ %
- b. If the succession devolves to the brother or sister, or descendant of a brother or sister of the father or mother of the deceased:
 - If it does not exceed ten thousand dollars. . . 6 %
 - If it exceeds ten thousand dollars. 6½ %

- c. If the succession devolves to the brother or sister or descendant of the brother or sister of the grandparents of the deceased:
 - If it does not exceed ten thousand dollars. . . 7 %
 - If it exceeds ten thousand dollars. 7½ %
 - d. If the succession devolves to any other collateral:
 - If it does not exceed ten thousand dollars. . . 8 %
 - If it exceeds ten thousand dollars. 9 %
 - 3. If the succession devolves to a stranger. 10 %
- If succession devolves to a stranger. Additional tax in certain cases.
- Provided that where the value of any dutiable property exceeds fifty thousand dollars and the amount passing in manner aforesaid to any one person in the collateral line or to any one stranger, exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount so passing, in addition to the duty mentioned in this paragraph and in clauses *a*, *b*, *c* and *d* of paragraph 2:
- a. Where the whole amount so passing to one person exceeds fifty thousand dollars, but does not exceed one hundred thousand dollars. . . . 1 %
 - b. Exceeds one hundred thousand dollars, but does not exceed one hundred and fifty thousand dollars. 1½ %
 - c. Exceeds one hundred and fifty thousand dollars, but does not exceed two hundred thousand dollars. 2 %
 - d. Exceeds two hundred thousand dollars, but does not exceed two hundred and fifty thousand dollars. 2½ %
 - e. Exceeds two hundred and fifty thousand dollars, but does not exceed three hundred thousand dollars. 3 %
 - f. Exceeds three hundred thousand dollars, but does not exceed three hundred and fifty thousand dollars. 3½ %
 - g. Exceeds three hundred and fifty thousand dollars, but does not exceed four hundred thousand dollars. 4 %
 - h. Exceeds four hundred thousand dollars, but does not exceed four hundred and fifty thousand dollars. 4½ %
 - i. Exceeds four hundred and fifty thousand dollars. 5 %

“1191c. The word ‘property’, within the meaning of this section, shall include all property, whether moveable or immovable, actually situate or owing within the Province, whether the de- Word “property” defined.

ceased at the time of his death had his domicile within or without the Province, or whether the debt is payable within or without the Province, or whether the transmission takes place within or without the Province, and all moveables, wherever situate, of persons having their domicile, or residing, in the Province of Quebec at the time of their death.

Life insurance policies under R.S., 5581 are dutiable.

“ **1191d.** Life insurance policies effected or appropriated under the provisions of article 5581 of the Revised Statutes are dutiable in the same manner as any other moveable property.

Bequests not exceeding certain sums to charitable, &c., institutions not dutiable.

“ **1191e.** No duty shall be leviable on property devised or bequeathed for religious, charitable or educational purposes, to be carried on by a corporation or person domiciled within the Province of Quebec, but only to an amount not exceeding one thousand dollars in each case.

By whom duty to be paid in certain cases.

“ **1191f.** In the case of property transmitted in usufruct or with substitution, the tax shall be paid by the usufructuary or the institute, and shall not be exigible from any further beneficiary under the same deed.

Copy of will to be sent to collector within certain time of decease.

“ **1191g.** 1. Every heir, universal legatee, legatee by general or particular title, executor, trustee and administrator, or notary before whom a will has been executed, shall, within thirty days after the death of the testator or *de cujus*, forward to the collector of provincial revenue for the district wherein the testator died or the succession devolved a copy of the will, if there is one, and said person, excepting the notary, shall also transmit within three months, to such collector of provincial revenue, a declaration under oath, setting forth the name, surname, residence and calling of the declarant, the name, surname and residence of the testator or *de cujus*, the description and real value of all the property transmitted, the amounts in detail of the debts and charges of the succession, with the names, surnames, residence and calling of all creditors, and, further, the nature and value of the share of the declarant in the succession, after deducting the debts and charges payable by him, of which a detailed statement, with the names, surnames, residence and calling of the creditors, must also be given.

Declaration as to value of estate to be produced within certain time and what to contain.

The declaration duly made by one of the above-named persons relieves the others as regards such declaration.

Declaration by one of parties. Where will, &c., deposited of persons dying outside Province. Interim dec-

2. In cases of property in this Province of persons dying outside the Province, the will shall be deposited and the declarations filed with the collector of provincial revenue for any one of the districts in which such property is situated.

3. If, however, within the said three months an interim dec-

laration, under oath, is made by any of the beneficiaries, that it is impossible—within the said delay—to furnish the declaration mentioned in the preceding paragraph, the said collector may extend such delay for sixty days, and a further delay, not exceeding six months, may be granted by the Provincial Treasurer.

laration and delay that may be granted, &c. therefor.

4. On receipt of such first mentioned declaration, the said collector shall cause to be prepared a statement of the amount of the duties to be paid by the declarant.

Statement of amount due to be prepared.

5. Such collector of provincial revenue shall inform the declarant of the amount due as aforesaid, by registered letter mailed to his address, and notify him to pay the same within thirty days after the notice is sent; and, if the amount is not then paid to him on the day fixed, the collector of provincial revenue may sue for the recovery thereof before any court of competent jurisdiction in his own district.

Notification to be given to declarant. Suit if amount not paid.

6. No transfer of the properties of any estate or succession shall be valid, nor shall any title vest in any person, if the taxes payable under this section have not been paid; and no executor, trustee, administrator, curator, heir or legatee shall consent to any transfers or payments of legacies, unless the said duties have been paid.

Transfers invalid, &c., if duties not paid, &c.

7. If any declaration, so required, is not made within the prescribed delay, or within any extended delay that may have been granted, or if any false or incorrect statement is made in any such declaration, either as to value or otherwise, double duties shall become due and be exacted in favor of His Majesty, and the person in default shall, in addition to any other recourse against him, be liable to a penalty of one hundred dollars and in default of payment, imprisonment for one month.

Penalty if declaration, &c., not made, &c.

“**1191h.** Every corporation, company or firm having its chief office or place of business in the Province of Quebec, in which any person dying outside of the Province was possessed of any interest, shares, stock or bonds, must, within thirty days of the date whereon it obtains knowledge of the death, unless the Provincial Treasurer should extend the delay for reasonable cause shown, send to the Provincial Treasurer a notice of the death, giving the date thereof and the full name, quality and domicile of the deceased and the amount of such interest, shares, stock or bonds, and in default of so doing shall be liable to a penalty not exceeding fifty dollars.

Corporation, &c., to notify Provincial Treasurer of death of shareholder, &c., giving certain details.

“**1191i.** All fines imposed by this section shall be paid to the collector of provincial revenue for the district in which such fines are incurred and collected, and shall be recovered before the Superior or the Circuit Court, according to the

Suits for fines, &c.

amount thereof, by suit, on behalf of His Majesty, taken by the collector of provincial revenue in his own name.

Privilege of sums due Crown.

“**1191j.** Any sum that may become due to the Crown, in virtue of this section, shall constitute a privileged debt ranking immediately after law costs.

Percentage to be retained by collector.

“**1191k.** The collector of provincial revenue, who collects any sum in virtue of this section, shall be entitled to retain such percentage as the Lieutenant-Governor in Council may determine.

Lieutenant-Governor in council may make regulations, &c., and coming into force thereof.

“**1191l.** The Lieutenant-Governor in Council may make, amend, replace and repeal all regulations and forms that he may consider necessary for the purpose of carrying out the provisions of this section, which regulations and forms shall come into force as soon as they are published in the *Quebec Official Gazette.*”

Effect of repeal by this act.

2. The repeal, by section 1 of this act, of section xviii of the fifth chapter of the fourth title of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 17, section 1, and of the acts amending the same, shall not have the effect of remitting the duties which have become due nor the penalties incurred in virtue thereof, but such duties and penalties shall be collected in virtue of the provisions of the repealed law as if this act had not been passed.

Coming into force.

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

CHAP. 12

An Act to provide for a tax on transfers of shares, bonds, debentures or debenture-stock

[Assented to 9th March, 1906]

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

Tax on change of ownership of shares, &c.

1. In order to provide for the exigencies of the public service, there shall be levied, in accordance with the rules hereinafter set forth, a tax upon every change of ownership consequent upon the sale, transfer or assignment of shares, bonds, debentures or debenture-stock issued by any corporation or company, made