

## CHAP. 38

## An Act to abolish civil death

[Assented to 9th March, 1906]

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

Civil death abolished.

**1.** Civil death is abolished.

Certain provisions repealed or replaced. Provisions repealed.

**2.** The provisions mentioned in the schedule to this act are, in consequence, repealed or replaced to the extent therein set forth.

Every provision inconsistent with this act is equally repealed.

Effect of certain condemnations.

**3.** Condemnation to death or to perpetual personal punishment carries with it civil degradation from the date of the sentence.

In what civil degradation consists.

**4.** Civil degradation consists:

1. In the removal and exclusion of the condemned person from all public functions, employments or offices under the legislative control of this Province;

2. In the deprivation of the right to vote and of being elected, and, generally, of all civil and political rights under the same legislative control;

3. In being disqualified as a juror, arbitrator or expert, from becoming a witness to any deed and from giving evidence before the courts other than to give information;

4. In being disqualified from forming part of any family council, acting as administrator, or trustee, and from being tutor, curator, subrogate tutor, or judicial adviser.

Persons condemned to certain punishment are in a state of interdiction and appointment of curator provided for. Disabilities of certain convicts.

**5.** A person condemned to death or to perpetual personal punishment is, in addition, from the date of the condemnation, in a state of interdiction, and, upon the petition of any person interested, a curator is appointed to him to manage and administer his property, in the form provided for the appointment of curators to persons interdicted for insanity.

**6.** A person condemned to death or to perpetual personal punishment cannot dispose of the whole or any part of his property, either by gift *inter vivos* or by will, nor receive thereunder, unless as an alimentary allowance.

Nullity of will previously made.

Every will by him made previous to his condemnation is null.

**7.** A pardon or the remission of the penalty or its commutation to another which does not imply civil degradation or interdiction in the terms of this act, restores the condemned person to all his political and civil rights and obliges the curator to account to him for his administration. Effect of pardon or remission of penalty.

**8.** The effects of civil death cease, for the future, with respect to the persons now affected thereby, saving the acquired rights of third parties. Effects of civil death to cease, &c.

With respect to persons who are now civilly dead in consequence of a condemnation, their condition is governed by the preceding provisions. Application of provisions to certain persons.

### SCHEDULE

#### PROVISIONS REPEALED OR REPLACED

LAW	ARTICLE	EXTENT OF REPEAL OR MODIFICATION
Civil Code....	30.....	§ 2.
do	31, 32, 33, 34, 35, 36, 37, 38, 70, 71, 72, 73, 74.....	The whole.
do	479.....	1st clause, 1st line, the following words struck out: " or civil death."
do	601.....	1st and 2nd lines, words struck out: " and also by civil death."
do	602.....	The whole.
do	608.....	§ 3.
do	624.....	1st clause, 2nd line, words struck out: " or civilly."
do	835.....	3rd line, the words: " civil death," struck out and replaced by the words: " civil degradation."
do	844.....	2nd clause, 3rd line, the following words struck out: " and must not be civilly dead, nor sentenced to an infamous punishment " and replaced by the words: " and must not be sentenced to civil degradation nor to an infamous punishment."

PROVISIONS REPEALED OR REPLACED.—*Continued.*

LAW	ARTICLE	EXTENT OF REPEAL OR MODIFICATION
Civil Code...	986.....	7th clause, words struck out: "Persons civilly dead", and replaced by the words: "Persons who are affected by civil degradation"
do	1295.....	The whole.
do	1310.....	2nd line, words struck out: "2. By civil death."
do	1350.....	The whole.
do	1403.....	2nd clause.
do	1438.....	2nd clause, 2nd line, words struck out: "by the civil death of the husband, or"
do	1755.....	Paragraph 3, 1st line, words struck out: "or civil."
do	1892.....	Paragraph 6, 1st line, words struck out: "civil death, or"
do	1912.....	The whole, and replaced as follows: "The obligation to pay a life rent continues during the natural life of the person upon whose life it is constituted."
Code of Civil Procedure.	314.....	§ 3.
do	1311.....	2nd line, words struck out: "or religious profession"
do	1313.....	3rd, 4th and 5th lines, words struck out: "and also the superior of communities in which vows of religious profession have been made"