

tures upon which he demands to vote, a list of such bonds or debentures, which shall specify, in detail, the number, date and amount of each such bond or debenture, and the number of votes to which he lays claim, and shall sign the same.

Verification of list.

8. The secretary of the trust, or, in his absence or inability to act, a person chosen by the meeting to that end, shall verify such list, and shall certify, under his signature, to the number of votes to which each bond or debenture holder is entitled.

Deposit of list.

Such list shall be annexed to and form part of the voting papers, and it shall, after the election, be kept of record by the secretary of the trust.

Coming into force and repeal of inconsistent enactments.

9. This act shall come into force on the day of its sanction, and all enactments inconsistent therewith are repealed.

C A P. X L V.

An Act respecting the tenure of lands in the Magdalen Islands.

[Assented to 12th January, 1895.]

Preamble.

WHEREAS the Magdalen Islands were granted by letters-patent of the 24th April, 1798, to Isaac Coffin, of London, then captain in the Royal Navy, afterwards Sir Isaac Coffin, baronet, His Majesty's Admiral of the Red, to be possessed by him in free and common soccage ;

Whereas, at the time of the grant of the said islands to the said Isaac Coffin, the population thereof was about one hundred families ;

Whereas long before the said grant and afterwards up to about the year 1831, the occupants of the said islands had no titles other than those of occupancy, as well by themselves as by their predecessors, since the first granting of the said islands, by *La Compagnie de la Nouvelle France*, on the 19th January, 1663, to *sieur Doublet, capitaine de navires*, for the purposes of settlement ;

Whereas in 1831, the population of the said islands was 1757 souls ;

Whereas in 1831, the said Isaac Coffin required the occupants of the said islands to take titles, and, from 1831 to 1839, titles in the nature of perpetual leases, perpetual leases at an irredeemable rent, and emphyteutic leases were granted ;

Whereas the said Isaac Coffin died in England on the 23rd of July, 1839, and, by his last will, dated the 15th

March, 1839, he bequeathed the said islands to his nephew, the late John Townsend Coffin, with substitution in favour of Isaac Tristram Coffin, his son, and upon the death of the said Isaac Tristram Coffin in favour of his heirs male ;

Whereas the said John Townsend Coffin, the first institute, died on the 29th of April, 1882 ;

Whereas the said Isaac Tristram Coffin, the second institute, has, since the death of the said John Townsend Coffin, been in possession of the said islands ;

Whereas the said Isaac Tristram Coffin has three male children living, who, under the last will of the late Sir Isaac Coffin, are the substitutes in the substitution created thereby, and, consequently upon the death of the said Isaac Tristram Coffin, will become seized and possessed of all the rights of property in the said islands ;

Whereas there are now in the said islands 820 occupants of lands under various titles, 14 of which are leases for perpetual rents, 12 perpetual leases at an irredeemable rent, and 794 leases in the nature of emphyteutic leases, at a rate generally of twenty cents per acre ;

Whereas the 14 leases at a perpetual rent were granted by Admiral Sir Isaac Coffin, who alone had the full property in the said islands ;

Whereas the 12 perpetual leases at an irredeemable rent were granted by the said John Townsend Coffin, the first institute, who had not the legal capacity to grant such perpetual titles, and the 12 occupants under these titles are exposed to eviction upon the opening of the substitution in favour of the substitutes ;

Whereas of the 794 leases, which are of the nature of emphyteutic leases, 27 were granted by the said John Townsend Coffin, from 1858 to 1875, for 99 years, and 771 by the said Isaac Tristram Coffin, the second institute, during the years 1889 and 1890, also for a term of 99 years ;

Whereas, as institutes, the said John Townsend Coffin and Isaac Tristram Coffin could not grant emphyteutic leases for a term exceeding the duration of their rights, and, if the said substitution were at once opened, these emphyteutic leases for 99 years would lapse *pleno jure*, and the occupants who subscribed the same in good faith, thinking that they would enjoy them for the whole of the stipulated term, would thus be greatly disappointed ;

Whereas the present system of tenure of lands in the said islands has always been a source of uneasiness to and discontent among the population of the said islands, and is hurtful as well to the prosperity as to the happiness and contentment of their inhabitants ;

Whereas for upwards of fifty years, the inhabitants of the said islands have not ceased petitioning the successive gov-

ernments to replace the system of tenure by lease by one of free tenure ;

Whereas, at different times, to wit : in 1853, the Legislative Assembly of United Canada named a select committee to study the tenure of lands in the said islands ; and that committee held a long inquiry and made a report on the subject ;

Whereas, in 1859, another select committee was named by the Legislative Council with instructions to continue the study of the question ;

Whereas the said committee made a report and proposed to regularize the tenure of lands by granting such lots to the holders thereof for a reasonable price ;

Whereas, in 1872, another select committee was named by the Legislative Assembly, and that committee also made a report to the Assembly, in 1875, and recommended that measures be adopted by the Government to settle the tenure of lands, so as to allow the occupants to become owners of their lands ;

Whereas several inquiries have since, to the knowledge of the proprietor or his agent, been held upon this subject by persons appointed by different governments, and their reports also recommend the settlement of the question in the same manner ;

Whereas the population of the islands is now over five thousand souls ;

Whereas, to put an end to this state of things, which is contrary to peace and public order, it is necessary to convert the present system of tenure into one of free tenure, upon just and equitable conditions, both for the occupants and for the proprietors ;

Whereas the present owner of the said islands, the said Isaac Tristram Coffin, has not, owing to the said substitution created by the will of the late Sir Isaac Coffin, the legal capacity to grant titles in full property to the occupants of the said islands, either for the portion already conceded or for that still to be conceded ;

Whereas, of the 32,034 acres belonging to the said Isaac Tristram Coffin in the said islands, 16,474 acres have been conceded and bring in an annual revenue of about two thousand five hundred and eighty-two dollars, and 15,590 acres have not been conceded ;

Whereas the present owner and all the owners before him have constantly resided in Europe, and have always appointed agents to represent them, for the purpose of granting titles and collecting the rents exacted from the occupants of the said islands ;

Whereas, of the various successive owners of the said islands, one was unwilling and the others were unable to grant titles conferring full property upon the occupants ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. All the annual rents now paid by the occupants of lands in the Magdalen Islands, under the titles now in force, whether such titles have been granted by Sir Isaac Coffin, John Townsend Coffin, Isaac Tristram Coffin or by their agents, and whether they have been granted to the present occupants or to their predecessors, are declared to be, for the future, constituted rents in favor of the owner of the said islands, affecting the immoveable or immoveables held by each occupant.

Certain rents declared to be constituted rents in favor of the owner of the islands, and a charge on each lot occupied under a title.

2. All annual rents now paid by the occupants of lands on the said islands, who have no titles, but who have always been considered as occupants paying annual rents as well as the occupants under title, are also declared to be, for the future, constituted rents in favor of the owner of the islands, affecting the immoveable or immoveables held by each of such occupants without title.

Idem for those without title.

3. From and after the coming into force of this act, every occupant of land in the said islands, with or without title, who pays an annual rent to the owner of the said islands, shall become absolute owner of the immoveable or immoveables held by him, as aforesaid, upon the sole charge of paying, to the owner of the said islands, the constituted rent enacted by the present act, the said rent being redeemable in its nature at the option of the debtor thereof, at the time and in the manner hereinafter set forth.

Occupants declared to be proprietors, subject to payment of rent, redeemable as hereinafter provided.

4. Tutors, curators and administrators representing occupants who have not the legal capacity to contract, may, in the interest of those whom they represent, redeem the capital of the rent affecting the real estate belonging to the latter, and such redemption shall have the same effect as if those they represented had effected it themselves.

Tutors and others may redeem for those whom they represent.

5. Municipal and school corporations and *fabriques*, and all other lawfully constituted corporations, may also redeem the capital of the rent affecting the real estate occupied by them on the said islands.

Municipal and other corporations also.

6. All constituted rents created by this act shall have, in favor of the owner of the said islands, the same privileges as that of the vendor, (*bailleur de fonds*), and the same preference over all other hypothecary claims affecting such real estate, which, before the coming into force of this

Privilege of constituted rent without registration.

act, the rents paid by the occupants of such real estate had, without registration in any registry office.

Judicial sale
not to dis-
charge from
rent.

7. The judicial sale of any real estate bound for the payment of the constituted rent created by this act, so long as it shall not have been redeemed, shall not discharge the real estate from the claim for such rent ; but such real estate shall be deemed to have been sold subject to such rent, without the creditor being obliged to produce an opposition before the sale.

Capital of
rent may be
redeemed by
payment of
certain sum.

8. From and after the coming into force of this act, every occupant of lands in the said islands may, at the time hereinafter mentioned, redeem the capital of the constituted rent created by this act upon the immoveable or immoveables occupied by him, by paying a sum which will produce for the future the same rent at the legal rate of interest at the time of the redemption.

When to be
made and how
to be paid.

9. The redemption may be made, every year, at the time when the said rent becomes due ; but it must be made in one payment, comprising the capital to be paid, and also all arrears of rent due up to the time of the redemption.

Where to be
made.

10. For the purposes of this act, the redemption of the constituted rents, enacted thereby, shall be effected at the office of the clerk of the Circuit Court of the Magdalen Islands, at the court house in Amherst Island.

Proceedings
to effect re-
demption and
effect thereof.

11. The clerk of the said court is, *ex-officio*, under this act, trustee to receive, from the person who may effect such redemption, the amount of the rent and of the arrears due up to that time, and to pay over such amount to the owner of the said islands or to his agent residing in the said islands, and to prepare a deed in complete discharge of the debtor from all rent and from all rights to such rent, for the future, upon the immoveable or immoveables which were liable therefor ; which deed shall be registered at the diligence of the owner of such real estate so discharged to serve as a perfect title.

Registration
of deed.

Notice to
owner of in-
tention to re-
deem.

12. Every occupant of real estate, who is authorized to redeem the rent established by this act and who desires to effect such redemption, shall give to the owner of the said islands, if he resides there, or, in his default, to his agent residing in the said islands, a notice, fifteen days before the first day of the month during which the rent annually becomes due, of his intention to redeem the capital of the said rent.

13. The notice shall be given by registered letter and shall mention the precise day of the month upon which the rent becomes annually due, when the person who wishes to effect the redemption will present himself at the office of the Circuit Court of the said islands to take the necessary proceedings to carry out the redemption of the capital of the rent.

How to be given.

14. If the proprietor 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, the said clerk shall then pay over to him the amount of the said redemption and of the arrears of rent due, and shall, at once, deliver to the person effecting such redemption a title drawn up according to the schedule to this act.

If owner consents and is present to receive capital of rent.

15. If the owner of the islands or his agent does not present himself on the day mentioned in the notice, to receive the amount of the redemption of the capital of the said rent, the said clerk, in his quality of trustee, shall receive from the person effecting the redemption the amount of the capital of the redemption, and the arrears of rent due up to that time, shall deposit the same, in accordance with article 1196 of the Revised Statutes, in the office of the Treasurer of the Province of Quebec, for the said owner or his agent who may withdraw the same, and shall proceed to give the above mentioned title to the person who has deposited in his hands the amount of the capital of the redemption of the said rent and of the arrears due up to that time.

If owner is not present, proceedings thereafter.

16. If the owner of the said islands or his agent presents himself on the day mentioned in the notice, but refuses to receive the amount of the capital and the arrears due up to that time, upon the pretext that, under the terms of this act it is not sufficient, or that the person effecting such redemption is not within the conditions required by this act, the said trustee shall receive from the person effecting the redemption the amount of the capital of the said redemption and the arrears of rent due up to that time, shall deposit it, (mentioning the fact that no title has been given to the person wishing to effect the redemption), in the office of the Treasurer of the Province of Quebec, in accordance with article 1196 of the Revised Statutes, for the said owner or his agent who cannot withdraw the same except upon producing the certificate mentioned in section 21 of this act, but shall suspend the execution of the title above mentioned, if the owner or his agent places in his hands a declaration in writing of his refusal and the reasons therefor.

If owner is present but refuses to accept, proceedings thereafter.

Declaration to be filed by owner.

Petition by owner, when and before whom to be presented.

17. Within thirty days after the production of such declaration before the trustee, the owner or his agent shall present to the judge of the Superior Court, or a district magistrate, administering justice in and for the said islands, or, if at the time there is none there, shall, within the same delay, produce in the office of the clerk of the Circuit Court, at the court house in Amherst Island, and present, at the nearest day upon which the said judge or magistrate holds court, a petition setting forth such refusal and the reasons therefor.

Decision upon petition.

18. The judge or the magistrate to whom the said petition shall be presented, shall, in last resort, summarily decide the same by applying the provisions of this act, and shall condemn the losing party to the costs.

Costs.

Proceedings, if no petition presented or if petition dismissed.

19. Upon production before the trustee aforesaid of a certificate establishing that no petition has been presented within the delays prescribed by section 17 of this act, or upon notification to him made of a judgment maintaining the pretensions of the persons desirous of effecting the redemption, he shall proceed to give the latter a title drawn up as aforesaid; but, if the judgment is in favor of the said owner or his agent, he shall not do so until after the person wishing to effect the redemption shall have complied therewith.

Proceedings, if judgment declares offer insufficient.

20. If the judgment declares the amount offered to be insufficient, the person wishing to effect the redemption shall give a notice of fifteen days, to the owner or his agent, of the day upon which he will present himself before the trustee to complete the same, and the proceedings shall thereafter be subject to the provisions of this act which govern an original offer.

Return of moneys to occupant if no title given.

21. If, by reason of the preceding provisions, no title is given to the person wishing to effect the redemption, the trustee shall obtain the repayment from the office of the provincial treasurer, of the amount paid in by him, and return the same; but, if a title is given, the owner or his agent, upon production of a certificate to that effect signed by the trustee, may withdraw the same.

Proceedings, if owner is non-resident and has no agent in islands.

22. If the owner of the said islands does not reside there and has not appointed a resident agent, the redemption may be equally made by paying the amount of the capital of the said redemption and the arrears of rent due up to that time to the said trustee, who shall deposit such amount in the office of the Treasurer of the Province of Quebec, in accordance with article 1196 of the Revised Statutes, for the owner or his agent who may withdraw the same, and

shall deliver to the person effecting such redemption a title drawn up as aforesaid.

23. The owner of the said islands and his agent are authorized to sell or concede, for a constituted rent, all portions of unconceded lands in the said islands, conferring absolute rights of property, to any person residing in the islands. Power of owner and agent to sell unconceded lands.

24. If the concession is made for a constituted rent, the capital of the said rent shall be redeemable in the same manner and upon the same conditions as the redemption of the constituted rents created in virtue of this act. If sale for a rent, same to be redeemable.

25. The present owner of the Magdalen Islands, the said Isaac Tristram Coffin, or his agent residing on the said islands, has, under this act, the right to receive the amount of the redemption of the capital of the said rents created by this act. Present owner entitled to receive amount of redemption.

26. The said Isaac Tristram Coffin or his agent shall invest the capital sums received by him, from the redemption of the capital of the rents effected by the occupants of the said islands, or from any part of the unconceded portion of the said islands which he may sell in future, in the manner required by article 981o of the Civil Code, for the purposes of the substitution created by the last will of the said Sir Isaac Coffin, and as representing the property alienated. Investment of capital sums received.

27. Every person residing in the said islands, who acts in the capacity of agent of the proprietor of such islands, may exercise the powers conferred by law on the latter, in the same manner and with the same effect as if exercised by the proprietor himself. Who is to be deemed agent for owner of islands.

28. This act shall come into force only upon a proclamation of the Lieutenant Governor, issued after a sufficient notice given to Captain Isaac Tristram Coffin or his representatives, so as to allow them to be heard before the Executive Council of the Province. Coming into force.

SCHEDULE..

DEED OF RENT REDEMPTION.

Know all men by these presents, that I,
trustee acting under the authority of the
act 58 Victoria, chapter 45, intituled : " An Act respect-

ing the tenure of lands in the Magdalen Islands," for and in consideration of the sum of dollars, paid by for the capital of the rent on the lot of land described as follows :

(and the arrears of rent, if any), receipt whereof I acknowledge, in my said capacity of trustee for proprietor of the lands in the said Magdalen Islands, do declare, in virtue of the said act, that the said lot of land is free and discharged from the rent hitherto payable to the said proprietor and from all rights to the said rent.

Thus done at
day of

this

18

Signed, sealed and delivered }
in the presence of }

CAP. XLVI.

An Act respecting Life Insurance.

[Assented to 12th January, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

To whom insurance on husband's life enures in certain cases.

1. When a husband, who is in community of property with his wife, has insured or insures his life during the existence of the said community, for a premium payable at stated periods, and, that such insurance has been made or is payable to his wife, or that it has been made or is payable to the husband or to his assigns, and that the wife has predeceased him or predeceases him, and that he survives longer than the year covered by the last payment made during the existence of the community, then, if the husband, after the dissolution of the said community, has alone paid up or pays up the said premiums he remained and remains sole master and proprietor of any such insurance, the capital of which shall belong to his estate at his death, subject only to the obligation of accounting to the community for the surrender value of such insurance at the time of the dissolution thereof, which value shall be stated in the inventory.

Accountability to community for surrender value.

If husband continues payments, &c.

When, at the dissolution of the said community, the number of premiums paid are not sufficient to give a surrender value to the policy, if the husband afterwards pay the number of premiums required to give a surrender value to the policy, then the husband or his estate shall account to the community for only the proportion represented by the premiums paid during the community.