

3. Article 678*b* added to the municipal code by the act 35 Victoria, ch. 8, and article 678*c* added to this code by the said act and amended by the act 36 Victoria, ch. 21, are repealed. Art. 678*b* and 678*c* M. C. repealed.

CAP. XXVI.

An Act respecting voluntary sales, transfers and assignments of *rentes constituées* representing seigniorial dues, created in virtue of seigniorial *cadastres*, and the signification of the said sales, transfers and assignments.

[Assented to 23rd February, 1875.]

WHEREAS the consolidated seigniorial act, (being Preamble. chapter 41 of the consolidated statutes for Lower Canada,) as amended by the acts of the legislature of the late province of Canada, 27-28 Victoria, chapter 39, (and notably in section 18,) and 29-30 Victoria, chapter 30, and the acts of the legislature of the province of Quebec, 32 Victoria, chapter 30, and 37 Victoria, chapter 9, in providing for the mode of making and signifying forced sales and *decrêts* of constituted rents representing seigniorial dues, created in virtue of the *cadastres* prepared under the authority of the consolidated seigniorial act aforesaid, and of the various acts amending the same, has not provided for the mode of making voluntary sales, transfers and assignments of the same dues, nor for the mode of notifying the debtors of the said rents, by the new acquirers thereof, such voluntary sales, transfers and assignments; and whereas it is advisable to remove all doubts, and to enact special provisions in relation thereto; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, declares and enacts as follows :

1. The constituted rents representing seigniorial dues, under the authority of the consolidated seigniorial act, and the amendments thereto, cited in the preamble of this act, payable by the receiver-general of the late province of Canada, (now paid out of the treasury of the Dominion of Canada,) as representing *lods et ventes* and other casual dues, might have been, under the acts cited in the preamble of this act, and may hereafter be voluntarily sold, transferred and assigned, in Lower Canada, (now the province of Quebec,) by a simple notarial act in authentic form, executed in Lower Canada or the province of Quebec, before a notary in the ordinary form. Mode of disposing of rents representing *lods et ventes*.

Significations
of sales previ-
ously made.

2. The signification of the sales, transfers and assignments mentioned in the first section of this act, might have been made upon the receiver-general of the late province of Canada, or upon the receiver-general of the Dominion of Canada, by the mere delivery of an authentic copy of any notarial deed, specifying such sale, transfer or assignment, at the office of one or other of the said receiver-generals, or unto any seigniorial commissioner, or other officer representing one or other of the said receiver-generals, and entrusted either on the part of the treasury of the late province of Canada or of the Dominion of Canada, with the payment of the said constituted rents; and in future the signification of the said sales, transfers and assignments shall be made unto the treasury officer, entrusted with the payment of the said constituted rents, or of the capital thereof, or unto any person acting for such officer, by and through the ministry of a notary of the province of Quebec, according to the manner usually followed in relation to the signification of sales and assignments in general.

Significations
of sales in
future.

Mode of mak-
ing voluntary
sales of rents,
representing
cens et rentes

3. Constituted rents created in virtue of the said cadastres, under the acts above cited, payable by the proprietors of the lands, as representing *cens et rentes* and other casual dues, might have been under the laws in force in this province, and also under the statutes cited in the preamble of this act, and may in future be voluntarily sold, assigned and transferred in Lower Canada, (now the province of Quebec,) by a simple notarial act, in authentic form, executed in Lower Canada or the province of Quebec, before a notary, in the ordinary form in relation to sales, transfers and assignments in general.

Collective or
partial sales
representing
cens et rentes,
&c.

4. 1. The said constituted rents, representing *cens et rentes* and other casual dues, as specified in section three of this act, payable to any seignior or other creditor of such rents, or the dues of any such seignior or creditor, in relation to such constituted rents, whether by an absolute title, for life, for a term of years, or for the life of any other person, might have been and may be voluntarily sold, transferred and assigned, either collectively, (that is to say the totality of such rents for a whole fief or seignior, or for the whole of any part of a fief or seignior, possessed by such seignior or creditor as aforesaid;)—or partially, (that is to say for one or more of such constituted rents, belonging to such proprietor thereof as aforesaid);

Collective
sales.

2. And in the case of such collective sale, it has not been and will not be necessary to enumerate or describe the particular lots of land affected by such rents; but it has been sufficient and will suffice, to describe in the deed of such sale, in general terms, by its original name, or by the name

given to it in the cadastre, and by its general boundaries, the fief or seignior, or the part of the fief or seignior comprising the lands upon which were or are established such constituted rents ;

3. And similarly in the case of any such partial sale, it has been sufficient, and it will suffice to describe in the deed of such sale, the constituted rent or rents so sold, as being the constituted rent or rents, created upon the lot or parcel of land bearing the number (*as the case may be*), or as being the constituted rents created on the lots or parcels of land bearing the following numbers in the cadastre, (*referred to*), that is to say, on the lots included from number (*as the case may be*) to number (*as the case may be*), inclusively, citing the number of reference of the cadastre only, or together with such number, the number of the *terrier* or concession specified in the said cadastre. Partial sales.

5. The registration of any deed of sale, transfer or assignment made and passed before the coming into force of this act of such constituted rents, representing *cens et rentes* and other casual dues, mentioned in the two preceding sections, made at the registration office, of the registration division, within which are situate the lands affected by the said constituted rents, shall be deemed to have been notice sufficient of any such sale, transfer or assignment, as well to all the debtors of the said rents, as to all the owners of the lands affected by the same, without its having been or being necessary, to make any other signification of the said sales, transfers or assignments, notwithstanding any law to the contrary and notably articles 1571, 1572 and 2127 of the civil code of Lower Canada. Registration has been a sufficient notice.

6. In future, every sale, transfer or assignment of the said constituted rents, representing *cens et rentes* and other casual dues, of the whole or part of any fief or seignior, may be signified to the debtors of the said rents, and to the owners of lands affected by the same, by the reading of such sale, transfer or assignment, by a notary, at the door of the church of the parish, within which the real estate charged with the said rents, is situated, during two consecutive Sundays at the close of divine service in the morning; such notary shall draw up a deed of such signification and preserve the minute thereof, any law to the contrary notwithstanding, and notably the articles of the civil code mentioned in the preceding section. Notice of sale in future.

7. The said deed of signification shall be enregistered in the registry office of the registration division, in which the real estate charged with such rents is situated. Enregistration.

Interpretation. 8. Section ninety of the consolidated seigniorial act hereinabove cited, which is interpretative of the said act, shall apply equally to the present act, and shall avail for the interpretation thereof, jointly with the Quebec interpretation act.

This Act is declaratory. 9. The present act is in amendment to the several acts cited in the preamble thereof, and is also declaratory and interpretative of the true desire and intention thereof, as to the matters which it respects.

Pending cases. 10. Nothing in this act contained shall affect pending cases.

Title. 11 This act may be cited under the abridged title of "the act respecting sales and transfers of seigniorial rights, 1875."

C A P . X X V I I .

An Act to continue for a limited time the several Acts therein mentioned.

[Assented to 23rd February, 1875.]

Preamble. WHEREAS it is expedient to continue, for a limited time, the acts hereinafter mentioned, which would otherwise expire at the end of the present session; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Act of Lower Canada, 2 Geo. IV. c. 8. 1. The act of the parliament of the late province of Lower Canada, passed in the second year of the reign of his late majesty, King George the Fourth, intituled : "An Act for better regulating the common of the Seigneurie of Laprairie de la Magdeleine ;"

2 Geo. IV. c. 10. The act of the parliament passed in the same year of the same reign, and intituled : "An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the common of the said Seigneurie," as amended and extended by the act of the said parliament, passed in the fourth year of the same reign, and intituled : "An Act to authorize the chairman and trustees of the common of the Seigneurie of the La Baie St. Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said common, and for other purposes appertaining to the same ;"

4 Geo. IV. c. 26.