

CAP. VI.

An Act to render permanent a certain Act therein mentioned, respecting Police Magistrates.

[Assented to 24th December, 1870.]

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

1. The act of the parliament of the late province of Canada, passed in the session held in the twenty-eighth year of Her Majesty's reign, intituled : " An act respecting Police Magistrates," which said act has been since continued by acts of the legislature of this province, until the end of the present session, shall be, and the said act is hereby made permanent, and shall remain in force until repealed or altered by competent authority, anything in the said act, or in any other act, to the contrary notwithstanding.

Act of province of Canada, 28 V., c. 20, made permanent.

CAP. VII.

An Act respecting re-entry upon certain abandoned lands in seigniories.

[Assented to 24th December, 1870.]

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

1. Whenever, in any seignior, a *censitaire* at any time before or after the passing of this act has abandoned any land held by him subject to the payment of any seigniorial dues or constituted rents created in lieu thereof, and such land has remained so abandoned during twenty years or a longer period, and arrears of such seigniorial dues or rents for more than ten years have not been paid, then the seignior may proceed in a summary manner as hereinafter provided to recover back such land and re-enter into possession of the same.

When and how seignior may recover back abandoned lands.

2. A notice shall be served upon the *censitaire* stating that at a time and place therein mentioned the seignior will apply to a judge of the superior court to recover back the land, or, if the *censitaire* cannot be found within the district, he may be ordered to appear in the manner prescribed by article 68 of the code of civil procedure.

Notice of application.

The notice shall likewise be served upon any person then in actual possession of the land.

Delay between notice and application.

3. The delay between the service of the notice and the day on which the application is to be made shall be that prescribed for ordinary cases by article 75 of the said code, or that given by the said article 68, as the case may require.

How application shall be made.

4. After notice has been so given, and at the time and place mentioned in the notice, the seignior may, by a petition setting forth the facts of the case and supported by affidavit, and production of the written evidence of the concession, if in his hands, apply to a judge of the superior court to have the concession declared void, and to be put in possession of the land.

Manner of contesting it.

5. No contestation of the said petition shall be allowed except by counter-affidavits produced within three days after the presenting of the petition.

Judgment on the petition.

6. After the said delay of three days the judge may, in his discretion, either reject the petition or render a judgment declaring the concession void, and authorizing the petitioner to take possession of the land. In the event of the judgment rejecting the petition, it shall not prejudice the seignior in any right he may have by law of bringing an action in the ordinary manner.

What may prevent judgment from being rendered.

7. No such judgment shall be rendered if at any time before the rendering thereof the *centsitaire* or any person for him or holding under him shall have paid either to the seignior or into the office of the prothonotary of the superior court the full amount of all the seigniorial dues remaining unpaid in respect of the land in question and all costs incurred by the seignior.

Judgment may be enforced by writ of possession.

8. If the seignior is prevented by any person or persons from taking possession of the land in virtue of the said judgment, he may demand and obtain from the prothonotary of the superior court a writ of possession to eject such person or persons and place the seignior in possession, and article 550 of the code of civil procedure shall apply to such writ.

Review of judgment. Arts. 495 to 504, C. C. P.

9. The *centsitaire* may obtain a review of the same judgment, and articles 495 to 504 inclusively of the code of civil procedure shall apply to such review.

Documents to belong to S. C.

10. All documents forming part of the proceedings under this act shall form part of the records of the superior court.

What shall be deemed an abandonment.

11. In construing and applying this act every *centsitaire* who having ceased to occupy the land by himself or by his family, has either made no transfer of his rights in the land or has made a transfer; but has not notified the seignior in writing of such transfer, shall be deemed to have abandoned the land; and no actual possession of the land by any person shall be deemed to be a notice of any such transfer.

Rights of holders of hypothecary

12. Nothing in this act shall be held to prejudice the rights of any person having any hypothecary claim upon

any such land. But the exercise of such rights shall be subject to the payment by such persons of all the arrears of the seigniorial dues aforesaid then exigible, and the privilege of the seigniors shall extend to ten years of such arrears of seigniorial dues and constituted rents, anything to the contrary mentioned in articles 2012 of the civil code notwithstanding, and the seignior may recover such arrears of seigniorial dues for such ten years in the case provided by this act only.

13. The word "seignior," "seignior," "seigniorial dues" and "*censitaire*" shall have the same meaning respectively as they had before the passing of the seigniorial act of 1854, and moreover the words "seigniorial dues" shall include rents constituted in lieu thereof; the word "seignior" shall include any owner of such rents, and the word "*censitaire*" any person charged with such rents.

14. The costs in proceedings taken under this act and the costs in proceedings taken under the act of this province, thirty-third Victoria, chapter sixteen, shall be the same as those allowed by the tariff of the circuit court in cases above one hundred dollars; the fees of the advocates and attorneys shall be, if there is no contestation, the same as those allowed by the said tariff, where the case is settled after inscription upon the roll for the adduction of evidence, but before the closing of the evidence, and, if there is a contestation, the same as those allowed where the case is settled after the filing of a plea to the merits, but before inscription on the roll for the adduction of evidence.

CAP. VIII.

An Act respecting the Registers of Civil Status in a certain part of the district of Saguenay, and the civil erection of certain Parishes.

[Assented to 24th December, 1870.]

WHEREAS, by reason of the remoteness, isolation and unorganized condition of the portion hereinafter mentioned of the district of Saguenay, and the present impossibility of taking advantage therein of the laws relating to the civil erection of parishes, it is expedient to make exceptional provisions for the keeping, authentication and depositing of registers of civil status for that part of this province; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Every register of civil status which previously to the first day of January, one thousand eight hundred and seventy-two, shall have been voluntarily kept in duplicate

