

3. All sums of money levied under this new act of assessment may be collected, exacted and recovered from the proprietor of the immoveable taxed, at the end of three months from the date of the homologation of the act of assessment with interest from such delay, but credit shall be given for all sums already contributed for such erection by such proprietor or by his *auteur*.

Money how levied under new act of assessment.
Proviso as to amounts already paid.

4. The assessment levied by the new act of assessment shall be a privileged claim upon the immoveable assessed in accordance with article 2009 and 2011 of the Civil Code.

Assessment to be privileged claim under c. c., art. 2009 and 2011.

C A P . L X X X V .

An Act to order the re-opening of a by-road in the Parish of St. George de Henriville, in the County of Iberville.

[Assented to 30th June, 1881.]

WHEREAS by petitions of the municipal councils and of the rate-payers of the parish of St. George de Henriville in the county of Iberville, and of the parish of St. George de Clarenceville, in the county of Missisquoi, it is represented that the re-opening of the by-road, leading from the division line separating the said parishes, that is to say, between the Mandigo and the Adams properties, to the public highway in the Mosher range, in the said parish of St. George de Henriville, formerly known as the "Adams road," and which was in existence from the year 1835 to the year 1859, has become necessary; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

1. It is hereby ordained that the by-road, leading from the division line between the two parishes aforesaid to the public highway in the Mosher range of the said parish of St. George de Henriville, formerly known as the "Adams road" and which was in existence from the year 1835 to the year 1859, be re-opened.

By-road in St. George de Henriville, re-opened.

2. The said by-road shall be re-made, repaired and maintained of the same width as at present, except that portion of the said road which is not eighteen feet wide and which shall be made of the width of eighteen feet. And such by-road shall be re-made, repaired and maintained at the same level as at present; nevertheless that portion of the said road which is to be only eighteen feet in width shall be raised to the level of the highest part of the said road.

How to be re-made, repaired, &c.

Bridge over
Rivière du
Sud.

3. At the place where the said by-road crosses the Rivière du Sud, there shall be built a bridge, in accordance with the plans, measurements and specifications approved or to be approved by the municipal councils of the two parishes aforesaid.

Specification
of bridge.

4. In the event of the said two councils being unable to agree, the said bridge shall be built as follows :

1. The bridge shall be fifty-five feet between the abutments.

2. It shall rest on two piers or abutments of stone, built of dry masonry, being six feet at the base and four feet at the summit, which shall be six inches above the level of the Adams road, in the vicinity of the piers of the old bridge. These piers shall be twenty feet wide at the base and eighteen feet at the top, with a batter of one foot on each side.

The foundations shall be excavated to the bed rock, so as to prevent settling and the effects of frost.

The facing shall be at least two feet and a half from one side to the other, and shall be laid on the flat-side, with an intermediate course of shorter stones to break the joints.

On the north east side of the bridge, there shall be built two buttresses, each six feet wide, in rear of the piers, having the same batter as the front of the piers, and be made of the same sized stone as the facings.

3. In the middle of the space or channel between the two piers, there shall be built two trestles of wood-work ; each trestle shall consist of one piece laid horizontally at the bottom of the river and which shall be eighteen feet long, and in which shall be inserted, with tenon and mortise, three posts, one of which shall be in the centre and perpendicular, and another within a foot from each end of the base, the upper ends of each reaching within a foot of the centre post, the whole three to be covered by a stringer sixteen feet long, to which the three posts shall be joined, to the depth of one-half its thickness, with tenon and mortise, in the centre, and one foot from the end of the stringer rail.

The posts of each trestle shall be bound together by trusses, four to each trestle, one end of the lower truss shall be inserted in the angle formed by the centre post and the lower piece, and the other end about the middle of the outer posts ; one end of the upper trusses shall also be inserted in the angle formed by the junction of the upper stringer with the outer posts, and the other end about the middle of the centre post.

The stringer and posts shall be one foot square, and the tenons at each end of the posts shall be three inches by twelve. The trusses shall be seven inches by eight, and their tenons shall also be three inches by eight and shall pass right through the posts, so as to be solidly pinned by means of oak pins. All the trestles shall be bound, one to the other, by means of four braces, four feet long by seven by eight inches, with tenons, three inches by eight, at each end, one between the front and the other between the rear posts, a little below the lower trusses, and two between the upper stringer, a little inside of the outer posts. The tenons shall be mortised into the posts, in the rails they shall go right through, so as to allow of their being solidly pinned by means of oak pins.

All the wood required for these trestles shall be of first quality, sound, white oak. Nevertheless the lower piece may be of any kind of sound wood. The height of the trestles shall be nine and a half feet above the bed of the Riviere du Sud.

4. The bridge shall be rebuilt with stringers, two of which shall stretch from each pier to the trestles ; each stringer being supported by a large girder thirty feet and a half in length, and ten inches by eight, laid on its narrow side, one end of which shall rest on top of the piers, and the other end shall rest on top of the trestles and shall be composed of two pieces of wood, ten inches by eight, laid on their narrow side, and joining in the middle of the span at least five feet above the girder, the other end being fastened in the girder by cutting a notch sufficiently deep, about three feet from the end, and there joined to the girder by an iron bolt an inch and a quarter in diameter, traversing both stringer and girder.

The stringers on either side of the bridge shall be joined, the one to the other, by means of a rail, to serve as a hand-rail, seven inches by eight laid on its widest face, each end of which shall rest on the stringer and be securely fastened with an iron bolt of the size above mentioned. In order to complete such hand-rail another rail seven inches by eight, laid on its wide face shall be placed upon the stringer at each end of the bridge, joined at one end to the stringer by an iron bolt of the size aforesaid and at the other end, with tenon and mortise, in half wood, to a post seven inches by eight, three feet long, the lower end of which shall be attached to the end of the girder by means of an iron bar bent so as to go round such post and attached to the girder, with wrought-iron spikes.

To render the bridge more solid, there shall be placed under each span, in the centre thereof, a cross beam nine

inches in height by eight in width, twenty-six feet long, laid on its narrowest face and joined to the middle of the stringer by an iron bolt, an inch and a half in diameter traversing, at one end, the stringer, and at the other end, the girder and cross-beam, and secured under the cross-beam by a welded head and on the stringer by a nut and a cap or washer, the said cap being made so as to cover the end of the stringer and to be four inches wide, half an inch thick and two feet long ; in addition, the stringer shall be made solid by means of iron bolts an inch and a half in diameter, traversing the arch at its summit, and the end of the cross-beam extending beyond the arch, having a welded head at one end and a nut at the other. All the other bolts, above mentioned, shall have a welded head at one end and at the other a nut or screw and cap or washer. All the wood above-mentioned for the construction of the bridge shall be white oak or grey ash, quite sound and of first quality.

The arches shall be covered from their tops to under the girders with first quality, dry hemlock boards, with good battens, also of dry hemlock, on the joints, to protect all the woodwork against dampness.

5. The covering of the arches and rails of the hand-rails shall be made with a ridge so as to exceed the planking by two inches on each side, of hemlock boards, quite dry and of first quality, with good battens, also of dry hemlock, on the joints. The planks shall be joined by bevel joints.

6. The planking over each span shall rest on five girders of the same dimensions as the girders supporting the arches, and laid on their narrow face at a suitable distance from each other, and from the side ones, with one end resting on the top of the piers at the centre of the cross-beam and the other on the trestles, and shall consist of hemlock deals of first quality, straight grained and without bad knots, three inches thick, and fourteen feet long, so that the bridge with girders and boarding shall be sixteen feet wide.

7. The abutments, at each end of the bridge, shall be sloped down with stones and earth to a length of seven feet so as to conform to the roofing. The space, between the end of the girders and the extremity of the girders resting on the piers, shall be filled up with large flat stones, so as to prevent the girders from moving in any direction.

Drainage provided for.

5. In order to drain off the water, three sluice-ways shall be made, one near the division line between the first and second concessions, one at a distance of five hundred

feet to the south-east of the first, and the other two hundred feet to the north-west of the division line between the first and second concessions, and others if ordered by the said municipalities.

The sluice-ways shall be of such dimensions and made in such manner as may be ordered by the councils of the said municipalities. In the event of the said councils being unable to agree, the sluice-ways shall be made as follows :

They shall be fifteen feet long and the width of the road, of a depth equal to that of the ditches along the road, with abutments on each side, three feet wide by fifteen feet in length and a foot higher than the road, and resting on foundations secured from the attacks of frost ; their abutments shall be built of good dry masonry, of good, large stones, with a covering at least three feet thick, supported by six good girders of white oak, nineteen feet long and ten inches by eight, laid on their narrowest face. This covering shall be at least fourteen feet wide and be made of good hemlock deals, quite sound and of first quality. Railings shall be placed on each side of good wood and of suitable dimensions.

6. Fences of cedar posts and No. 8 wire shall be placed ^{Fencing.} along both sides of the road in the following manner, that is to say ; inside the ditches bordering the same on every part of the road which is less than twenty-six feet wide, and outside the ditches bordering the same, throughout the remainder of the said road.

7. The construction of the bridge shall be ordered and decided upon, in the manner and with the formalities ^{Formalities to be observed before constructing bridge.} indicated in the municipal code, by the municipality of the parish of St. George de Clarenceville, which shall have the right to exact and levy one half of the cost thereof, as well as one half of the costs of the proceedings, from the municipality of St. George de Henriville.

8. Either of the said municipalities may, when it deems ^{Bridge how repaired.} it necessary, order the repairing of the bridge at the common cost of both ; the municipality which shall order such repairs shall be entitled to exact and levy one half ^{Levying of half cost.} of the cost and expenses thereof from the other municipality.

9. That portion of the road extending from its south- ^{Certain portion of road by whom to be maintained.} eastern extremity, that is to say, from the parish line to eight perches from the bridge, as well as the fences and ditches on each side of the same, shall be made, repaired and kept in order, as a front road, by the owners of lands crossed by the said road.

The same.

10. The opening and repairing and maintenance of that portion of the road, eight perches in length on the south-east side of the said bridge, and the fences on each side, and the ditches on both sides of the same, if necessary, shall be made by the owner of lot number four in the first concession on the north-east side of the Rivière du Sud, and now the property of Samuel J. Adams.

Certain portion of road to be at charges of municipality of St. George de Clarenceville.

11. The opening, repairing and maintenance of that portion of the road, from the bridge to the division line between the first and second concessions, including the making, repairing and maintenance of the fences on the north-east side of the said section, and of the ditch on the north-east side of the said section, if necessary, as well as the making and maintenance of the two sluice-ways hereinabove firstly and secondly designated, shall be done by the municipality of the parish of St. George de Clarenceville, and shall be entirely under the control of that municipality, as if such portion of the road were situate within the limits of the said municipality.

Fence by whom repaired.

As to the fence on the south-west side of the same section and ditch on the same side, if necessary, they shall be made, repaired and maintained by the owners of lots, numbers five and six of the said first concession, intersected by the said road and now the property of David Adams, (first.)

Certain portion of road to be at charges of municipality of St. George de Henriville.

12. The opening, repairing and maintenance of that portion of the road, extending from the division line between the first and second concessions to the public highway in the Mosher range, as well as the construction and maintenance of the sluice-way hereinabove thirdly designated, as well as the construction and maintenance of the fence and ditch of the said section, shall be at the expense of the municipality of St. George de Henriville.

Compensation to J. K. Elliot, by whom to be paid.

The compensation to be paid, if any be claimed by John Knox Elliot, for the land to be taken from his property for a portion of the road shall be paid one-half by each municipality; such compensation shall be settled by experts, in accordance with the provisions of the municipal code.

Levying of amounts in municipalities for work.

13. The works and payments to be made by each municipality, shall be made, apportioned and levied according to the by-laws in force, when such works are performed, respecting the performance of municipal work in each of the said municipalities.

Road may be temporarily closed in certain cases.

14. When the water in the Rivière du Sud shall rise, to such an extent as to render traffic on the road dangerous, either of the municipalities may order it to be temporarily

closed until the water has fallen, and so soon as this shall have been ordered, both of the municipalities shall cease to be liable for damages caused by accidents to persons passing along the road while it is declared closed.

15. All the work above-prescribed shall be commenced on or before the first of October, eighteen hundred and eighty one and concluded on or before the first of June eighteen hundred and eighty two.

Commencement and completion of work.

16. The costs and disbursements incurred in obtaining the passing of the present act, shall be borne in common by the two municipalities aforesaid.

Costs of this act how borne.

17. The present act shall come into force on the day of its sanction.

Act in force.

C A P . L X X X V I .

An Act to authorise the sale of certain properties substituted under the will of the late George Burns Symes.

[Assented to 30th June, 1881.]

WHEREAS by the will of the late George Burns Symes, in his lifetime of the City of Quebec, Esquire, merchant, passed before Macpherson and his colleague, Notaries Public, on the twenty fourth day of December, one thousand eight hundred and fifty eight, he did give, devise and bequeath unto Dame Marie Anne Claire Symes, his daughter, now wife of Napoleon Hugues Charles Marie Ghislain Maret, Marquis de Bassano, (after making sundry particular legacies,) all the rest, residue and remainder of his estate, during her natural life only, if, after her decease she left a child or children lawfully begotten, but in full property to herself, if no child or children, of her lawfully begotten, should live to attain the age of twenty-one years or should die (without leaving lawful issue) before her and in her life-time;

Preamble.

And whereas among the immoveable properties thus held by her, as Institute, are to be found the following, that is to say :

1. A lot of land, with two cut-stone houses and other dependencies thereon erected, known as the south-west two thirds of lot number eighty-eight of the official plan or cadastre for St. Antoine Ward, of the City of Montreal ;

2. A lot of land, with a house on Mount Carmel Street, designated as number two thousand five hundred and