

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

sixty-eight on the official plan or cadastre of St. Lewis Ward, of the city of Quebec ;

3. A lot of land with a house on Fabrique Street, designated as number two thousand eight hundred and thirteen on the official plan or cadastre of St. Lewis Ward, of the city of Quebec ;

4. The constituted rents, representing the *cens et rentes* of the Barony and Seigniorship of Portneuf, having a frontage of one league and a half on the river Saint-Lawrence, by a depth running in a northeasterly direction from the said river, of three leagues, together with the following properties situated therein :

a. A lot of land in the parish of Portneuf, containing one hundred and twenty one arpents and twenty-six perches, composed of cadastral lots numbers 6, 248, 259, and 256 B, with the water-powers, buildings and machinery of the paper-mill, as fully described by the inventory made by A. O. Mayrand, notary public and Moise Brière, in the month of January, one thousand eight hundred and seventy-five ;

b. A lot of land in the Parish of Portneuf, composed of cadastral lots numbers 223 and 14 A, containing in all one hundred and fifty five arpents and ninety-three perches, with the ruins of the old paper-mill and other buildings ;

c. A lot of land in the parish of Portneuf, being part of cadastral lot number 14 A, measuring two arpents in front by twenty-four in depth, with barns and old store-house ;

d. A lot of land in the village of Portneuf, being cadastral lot number 61, containing three arpents and forty-six perches in superficies, with the grist-mill, saw-mill, machinery and outbuildings ;

e. A lot of land in the village of Portneuf, being lot number 33 of the cadastral plan, containing five arpents and sixty-three perches in superficies, with the nail-factory, carding-mill and machinery and other buildings ;

f. The wharf at Portneuf, (being a lot of land on the bank of the river Saint-Lawrence, at the mouth of the river Portneuf), with all the water-privileges thereunto belonging, being lot number 98 of the cadastral plan of the village of Portneuf, containing an area of two arpents and sixty-eight perches, with the buildings thereon ;

g. The rights in and upon one-half of an arpent of land on the east side of the wharf, and a certain portion of land on the west side thereof ;

h. The unconceded wood-lands, in the parish of Portneuf, known as cadastral lots number 230, 334, half of 383, 462, 464, half of 468, 463, 494, 495, 496, 497, 498 and 508, containing, in all, one thousand one hundred and twelve arpents and sixty-one perches in superficies, more or less ;

And whereas the matrimonial domicile of the Institute and her husband is not in the Dominion of Canada, but in Europe, and that there are now living children, issue of their marriage, all minors ;

And whereas it has been represented, by the petition of the said Institute and her husband, that the above described immovables are deteriorating in value, becoming dilapidated and going to decay, and that they are expensive and unproductive, more especially on account of the distance therefrom of the domicile of the Institute, and that it has become necessary, as well in her interest as in that of the substitutes, her children, that the same should be sold to the best advantage and the price thereof invested according to law ;

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 :

1. The Institute may, authorised by her husband, with the permission of a Judge of the Superior Court, to be obtained, founded upon the report of a sworn Expert or Experts, as to the respective values of the immoveable properties, submitted to a family council, and upon the advice thereof, assisted by the Curator duly appointed to the substitution, sell by deed, to which the said Curator shall be a party, any one or all of the immoveable properties, from time to time, either separately or together, at private sale or by public auction, or partly by one mode and partly by the other ; and, in the case of each property, either for one sum in cash or for a constituted annual rent ; or partly for cash and partly by several instalments, bearing interest at the legal or at any other rate which may be lawfully stipulated. The balance remaining unpaid shall be, in all cases, secured with the vendor's privilege upon the property sold to such person or persons, Company or Corporation, and for such price and upon such terms and conditions as she, authorised as aforesaid, and the Curator, may deem just and reasonable ; provided that, in every case, such price be not less than that at which such property shall have been estimated and valued by an Expert, as aforesaid.

Mme Bassano,
authorized to
sell certain
lands, &c.

2. Such deed of sale shall be valid and effectual, in conveying the title to such real estate, to all intents and

Effect of deed
of sale.

purposes, as if made by the testator himself, and there shall be no liability on the part of the purchaser or purchasers to see to the application of the purchase money.

Proceeds of
sale by whom
received.

3. The proceeds of such sale or sales, as shall be made, from time to time, shall be received by the Institute and the said Curator to the substitution jointly, and their discharge shall be good and valid.

Proceeds how
invested.

4. The proceeds shall be invested in the province of Quebec, in the name of the substitution, by the Institute and the Curator jointly, in accordance with the terms of the substitution, and according to the act 42-43 Victoria, chapter 30.

Proceeds may
be withdrawn
and re-in-
vested.

5. The institute, assisted by the Curator aforesaid, may withdraw and reinvest the said funds, provided that such re-investment be made as abovementioned.

Attorney may
act for Mine
Bassano.

6. The institute may lawfully appoint a special attorney to join, on her behalf, with the curator to the substitution, in all sales of the substituted property and in the investment and re-investment of the proceeds thereof, as effectually as if the institute and her husband were domiciled within the Province of Quebec.

Certain claims
not affected.

7. Provided always, that nothing in the present act shall be held to affect, in any way, the right of persons having claims upon the said immoveable properties, hypothecary or otherwise, apart from the claims of the substitutes.

C A P. L X X X V I I .

An Act to authorize the exchange and sale of certain real estates and immoveables, subject to substitution by donation deeds from Duke Roberts to Edward L. Roberts, Silas Stewart Roberts, and their children.

[Assented to 30th June, 1881.]

Preamble.

WHEREAS, at the village of Waterloo, in the district of Bedford, on the twenty-third day of March, one thousand eight hundred and seventy-eight, by virtue of a deed of donation, passed before Thomas Brassard, notary public, and duly registered in the registry office of the county of Shefford, Duke Roberts, of the township of Shefford, in the aforesaid district of Bedford, farmer and trader, did give and grant unto his son Edward L. Roberts, in usufruct and unto the children, issue and to be born of the marriage