

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be withdrawn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

of the said Edward Roberts, with Dame Emily C. Hungerford or of any subsequent marriage, in ownership, a certain piece of land, known and distinguished as parts of the lots numbers two and three, in the second range of lots of the township of Shefford aforesaid, supposed to contain two hundred acres of land in superficies, more or less;

Whereas a large proportion of the said land has not been cleared nor brought under cultivation;

Whereas, on account of ill-health and insufficient capital, the said Edward L. Roberts, cannot clear the said land and make the improvements thereon requisite to cultivate the same profitably;

Whereas the said land is deteriorating, and the present revenue and produce thereof are insufficient for the maintenance of the said Edward L. Roberts and his family;

Whereas the said Duke Roberts has offered and is willing to give to the said Edward L. Roberts, in usufruct and to his children as aforesaid, in ownership, in exchange for the said land, certain other lots of land, now under cultivation and of greater value than the said land;

Whereas the said first mentioned piece of land is free from all hypothecs, charges and encumbrances, saving the right of dower of the said Dame Emily C. Hungerford, as stipulated in the said deed of donation;

Whereas it has been represented by the petition of the said Duke Roberts and Edward L. Roberts, that the said Edward L. Roberts and his children, as aforesaid, would greatly benefit by such exchange;

And whereas it is expedient to authorize the said exchange;

Moreover, whereas at the village of Waterloo aforesaid, on the nineteenth day of April, one thousand eight hundred and seventy-nine, 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, the hereinbefore named Duke Roberts did give and grant unto his son Silas, Stewart Roberts, in usufruct and unto the children issue and to be born of the marriage of the said Silas Stewart Roberts with Dame Elizabeth Sarah Edson, or of any subsequent marriage, in ownership, the immoveables hereinafter described, to wit:

1. The lot of land number five in the second range of lots of the aforesaid township of Shefford, supposed to be and contain two hundred acres of land in superficies, be the same more or less, with a two story brick house and a large barn and the outbuildings thereon, save and except the north end, fifty acres, now owned by Charles Knott;

2. About thirty acres of land, more or less, of the lots numbers four and five in the first range of lots of the said

township of Shefford, bounded as follows : east by the lands of James Doonon, south by the Yamaska river, north by the concession line, and running west to a point in a mill pond, without buildings ; .

Whereas the said Silas Stewart Roberts is suffering from lung disease, which entirely prevents him from working, and keeping in good order and repair and in a good state of cultivation, the said immoveables ;

Whereas the said Silas Stewart Roberts has not the means to have the said lands cultivated and kept in good order, and the said lands cannot be cultivated with advantage, and are deteriorating more and more, and it would be to the advantage of the said Silas Stewart Roberts and his children as aforesaid that he should be authorized to sell the same ;

Whereas the said last mentioned immovables are free from all hypothecs, charges and encumbrances, save the right dower of the said Dame Elizabeth Sarah Edson, as stipulated in the said deed of donation, secondly hereinabove mentioned ;

Whereas it has been represented, by the petition of the said Duke Roberts and Silas Stewart Roberts, that the said Silas Stewart Roberts and his children as aforesaid would greatly benefit by the sale of the said immovables and the investment of the proceeds thereof ;

And whereas it is expedient to sell the said tracts of land, hereinabove lastly described ;

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

E. L. Roberts
may exchange
certain land.

1. The said Edward L. Roberts, jointly with the curator to the substitution, created by the deed of donation hereinabove firstly described, may, upon the advice of a family council, be authorized by a judge or prothonotary of the Superior Court for the Province of Quebec to cede and transfer to the said Duke Roberts the piece of land hereinabove firstly described, in exchange for such other lot or lots of land of value at least equal to that of the said piece of land as may by the family council be deemed advisable, and such other lot or lots of land, so acquired in exchange, shall be held by the said Edward I. Roberts, in usufruct and his children as aforesaid in ownership under the same title and subject to the same conditions and charges, as if such other lot or lots of land so acquired in exchange had been the subject of the deed of donation hereinabove firstly mentioned.

Value how
ascertained.

2. The value of the lot or lots of land to be thus acquired, in exchange for the one described in the said deed of donation, hereinabove first mentioned, shall be

ascertained by two experts, one of whom shall be chosen by the institute and the other by the curator to the said substitution, the whole in conformity with the 1268th and following articles of the code of civil procedure. Provided always that such other lot or lots shall first be free and discharged from all hypothecs and claims whatsoever.

3. As soon as the said exchange shall have been effected, the said piece of land, described in the deed of donation hereinabove firstly mentioned, may be alienated by the said Duke Roberts, his heirs and assigns in like manner and with as good and valid a title, as though it had never been the subject of the aforesaid donation. Sale after exchange.

4. The said Silas Stewart Roberts, jointly with the curator to the substitution, created by the deed of donation hereinabove secondly mentioned, may, upon the advice of a family council, be authorized by a judge of the Superior Court for the Province of Quebec, to sell and transfer the lots of land described in the deed of donation hereinabove secondly mentioned and to give and grant good and valid titles therefor ; provided that the said lots of land be sold for a price not less than their value, as determined by two experts to be appointed in like manner as provided by section 2 of the present act. S. S. Roberts may sell certain land.

5. The whole or a part of the price of the sale, so to be made, may remain in the hands of the purchaser until the opening of the substitution or for a longer or shorter time, as may be stipulated, with the privilege of vendor, with such interest as may be legally agreed upon, payable to whom it may appertain. Purchase price how to be treated.

Should the purchaser or purchasers fail, at any time, to pay the interest payment or should he or they allow the property to deteriorate, such failure or neglect shall operate as a resolute condition and be a cause of dissolution of the sale. If purchaser fails to pay.

6. The said Silas Stewart Roberts, jointly with the curator to the substitution, may receive at the period or periods and in the manner agreed upon, at the time of the said sale or at any other time thereafter, the price of the sale or any part thereof, and their discharge and acquittance shall be a valid discharge therefor ; and the sum or sums of money so received shall be by them jointly invested and applied, according to the provisions of the act, 42-43 Victoria, chapter 30, and such investment shall be subject to the conditions and terms of the substitution. Receipt for purchase price. Investments of proceeds.

Land may be
exchanged in
lieu of being
sold.

7. In lieu of the sale of the said lands, described in the deed of donation, hereinabove secondly mentioned, the said Silas Stewart Roberts, jointly with the curator to the substitution created by the said deed, may be authorized to effect an exchange of the said lands with the aforesaid Duke Roberts, in like manner and upon like terms and conditions as the exchange hereinabove authorized to be effected between Edward L. Roberts and the aforesaid Duke Roberts.

Act in force.

8. This act shall come into force on the day of its sanction.

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

An Act to confirm the Letters Patent issued in favor of the Montreal Abattoir Company, and remove all doubts with respect to the powers of the said Company.

[Assented to 30th June, 1881.]

Preamble.

WHEREAS, by Letters Patent, issued under the Great Seal of the Province, on the twelfth of November, one thousand eight hundred and eighty, a company was incorporated under the provisions of the Joint Stock Companies Act, (31 Vict., chap. 25,) by the name of the "Montreal Abattoir Company," with a capital of two hundred thousand dollars, for the purpose of slaughtering animals, melting and manufacturing their tallow, utilizing their offal, heads, feet, entrails and blood, and generally to do the things which are usually done in public slaughter houses; whereas the said Company has since erected large buildings for the purpose of carrying on the above operations; and whereas the said Company has, by its petition, represented that doubts may arise as to the powers which it possesses under the Letters-Patent aforesaid, and it is expedient that such doubts be removed; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Letters patent
confirmed.

1. The Letters Patent, issued as aforesaid, in favor of the "Montreal Abattoir Company" are, in so far as the same may be necessary, hereby confirmed, and power is hereby given to the said Company to slaughter animals, melt and manufacture their tallow, utilize their offal, heads, feet, entrails and blood, and generally to do the other things which are usually done in public slaughter-houses; provided that this act shall not affect pending cases, if any there are.

Act in force.

2. The present Act shall come into force on the day of its sanction.