

Application of penalties. of costs of such distress and sale are deducted, shall be returned, on demand, to the owner of such goods and chattels, and one-half of such penalties, respectively, when paid and levied, shall belong to the local municipality and the other half to the person suing for the same.

Part of the bridge to be a draw-bridge. 41. Provided that a part of the said bridge shall be, on account of navigation, a draw-bridge of not less than forty feet in length, and its arches shall not have an elevation less than eighteen feet above low water, and a distance of at least fifty feet shall exist between the piers thereof, with the exception of those which shall support the draw-bridge.

C A P . L X V .

An Act to amend the act passed in the session of Parliament held in the 29th and 30th years of Her Majesty's reign, chapter 171, intituled "An act to empower John Auld to dispose of certain real and personal estate, the property of his minor children," and to extend the powers conferred upon the said John Auld in relation to the disposal of the said real estate.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS John Auld, of the city of Montreal, esquire, hath, by his petition, represented that in and by the provisions of the act above recited, he was empowered to sell and dispose of certain real estate bequeathed to his minor children in and by the last will of the late Mary Ann Carr, subject to the observance of certain formalities therein prescribed; that the property so purporting by the said will to be wholly bequeathed to the said children by the said Mary Ann Carr, only belonged to her to the extent of one half, being her share in the community which existed between her and her husband John McGregor, who died suddenly *ab intestat*, leaving Mary Ann McGregor sole issue of his marriage with the said Mary Ann Carr, his only heir at law, and as such entitled to the other half of the said real estate; that the said recited act is imperfect, as it assumes in the preamble thereof, that the late Mary Ann Carr had the absolute disposal of the whole of the said property; that the children issue of his marriage with the said Mary Ann McGregor who died without having made a will are entitled as the heirs of their deceased mother to one half of the said real estate, and no power is by the said recited act given to sell such share

belonging to them in that capacity, and the said John Auld hath further represented that he is desirous of obtaining an amendment to the said act conferring upon him such additional power, and likewise substituting for the first and second sections of the said act, other provisions whereby the sale of such property may be effected without having recourse to a judge on the occasion of each sale, and to authorize the investment of the proceeds of such sale and their reinvestment without requiring in each case the direction of a judge; 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 Québec, enacts as follows:

1. The first section of chapter 171, 29th and 30th Victoria, is hereby repealed, and the following substituted therefor: Sec. 1 of 29
30 V. c. 171
repealed.

1. The said John Auld, in his capacity of tutor to his minor children, issue of his marriage with Mary Ann McGregor, or his successor in the said office of tutor, is hereby authorized to sell, or otherwise alienate, in one or more lots, from time to time, according as he may judge proper, the real estate belonging to his said minor children, and to execute titles, valid in law for the said lands and property so sold and alienated, provided always that the said John Auld shall not sell the said real estate or any portion thereof until a valuation of the same be made by two experts who shall be appointed to that effect by a judge of the superior court at Montreal, on the petition of the said John Auld *ex-qualité*, and who, after being sworn before such judge or prothonotary, shall ascertain and report by notarial act, delivered in original form, the value of the said property, and such report shall be deposited in the office of the prothonotary of the superior court at Montreal, there to be kept of record; and that he, or his said successor in office, shall not sell the said real estate or any portion thereof at a less price than the value ascertained by such experts. John Auld
may sell the
property of his
minor children
according to a
value which
shall have
been fixed as
provided.

2. The second section of the said act is also hereby repealed, and the following substituted therefor: Sec. 2 of said
act repealed.

2. The said John Auld, as such tutor, or his successor in office, may, at his discretion, leave the sums of money coming from the sale of the said real estate or any part thereof, in the hands of the purchaser or purchasers, on the security of the privileged hypothec of *bailleur de fonds*, or he may take and receive the said purchase money, and invest it in dominion stock or in permanent stock of the city of Montreal, or in permanent stock of this province, or in any legally incorporated bank doing business in this province, as he may judge most advantageous; and the said How purchase
money may be
invested.

purchase money, in and as far as the same relates to the said John Auld, as such tutor, or his successor in office, shall be in lieu of the said real estate, and the annual interest, issues and profits of such purchase money and all increase thereof shall represent for all legal purposes the annual issues and profits of the said real estate.

Valuation of
lots not sold to
be renewed
every 2 years.

3. The valuation required by the first section of the present act, shall be renewed every second year, if the lots of land so valuated have not been sold during that space of time.

CAP. LXVI.

An Act to authorize John Racey to alienate certain real estate belonging to his minor children.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS John Racey, of the city of Quebec, Esquire, physician and surgeon, has, by his petition, represented that the late John Racey, in his lifetime, of Quebec, esquire, and Dame Sarah Robinson, his wife, have, by their respective wills, dated at Quebec, the fifteenth day of February, eighteen hundred and fifty, devised and bequeathed the usufruct of certain immovable property, described at length in the said petition unto dame Susanna Withington Wise and the property thereof to the said John Racey and his children, with substitution in the event of his dying without issue in favor of Joseph Robert Racey and his children, and in the event of the latter dying without issue, in favor of George Edmund Racey and his children, and in the event of the last named legatee dying without issue, in favor of Susan Cooke Racey and Margaret Sarah Racey, to be equally divided among them both; whereas the said testator and testatrix departed this life many years ago and the said Susanna Withington Wise has become and is now possessed of the aforesaid usufruct; whereas the keeping of the said property is difficult and onerous, and that the same is partly wholly unproductive and for the remainder, of little utility to the petitioner and to the said usufructuary legatee, and that it would be desirable and of greater advantage to the legatees and substitutes above mentioned, to alienate the said immovable property, and to invest the proceeds conformably to the intention of the said wills; whereas the said usufructuary legatee, Susanna Withington Wise, has joined the said John Racey to demand that his petition be granted; Therefore,

