

Alienation
how effected.

XXXI. No admission or confession made extrajudicially, or while proceedings are pending, by the tutors or parties to take under the substitution, shall have any effect; the portion of the property which may be alienated, shall not exceed in any case the value of one-third of the property substituted, and the alienation shall be of distinct parts, if the property is divisible with advantage, and if not, such alienation may be of undivided parts, as practised in cases of partition and licitation. 5

Experts to be
appointed.

XXXII. The judgment shall not grant the conclusions of the petition unless the truth of the facts alleged shall have been ascertained by a favorable report of *experts* appointed by the parties to the matter, or by the Court in which such proceedings are had, such *expertise*, however, shall not have the effect of excluding the ordinary proof. 10

Substance of
Judgment.

XXXIII. The judgment shall be *motivé* and shall set forth—1st. The extent of the real estate to be alienated. 2d. The price for which it may be so alienated. 3rd. The description of the improvements, and the sum to be paid therefor. 4th. The amount of the alimentary allowance, the day and place of the sale; and the said sale shall be public, and shall take place at least one month after the date of the judgment. 5th. If the alienation shall be by loan upon hypothec, the judgment shall state the amount thereof, the rate of interest, which shall not exceed six per centum, and the terms of repayment of the capital sum, and of the payment of the interest. 20

Formalities in
certain cases.

XXXIV. The costs shall be the same as those of an ordinary action, and the adjudication thereupon shall be in the discretion of the Court, but no judgment granting the conclusions of the petition shall be rendered, unless the formalities required by this Act shall have been observed, nor unless the will or other disposition creating the substitution, shall have been registered in the manner provided by the Act passed in the last session of the Legislature, intituled: "*An Act to abolish the publication in Courts of Justice in Lower Canada, of Acts containing substitutions, and to provide for their registration in the Registry Offices.*" 25 30

Judgments to
be published.

XXXV. The judgment shall be inserted for a period of fifteen days, in each issue of two newspapers, published in the District, in both languages, if there be such newspapers published; it shall also be posted up at the door of the Church in the locality in which the property is situate, and publicly read on two consecutive Sundays, and if there be no Church, then in the most public place, and notices shall be posted in a place contiguous to the property to be alienated. 35

Proceedings at
sale.

XXXVI. The sale shall be made publicly and for cash, and to the highest bidder, provided it reaches the price mentioned in the judgment; and no auction duty shall be payable on account thereof, and it shall be conducted in a similar manner, and by the like persons as sales of property belonging to minors. 40

Application of
purchase
money.

XXXVII. The purchase money or the amount of the loan effected for improvements, by virtue of the judgment rendered, shall be paid to the tenant in substitution, or the party taking under substitution or to the tutor to the substitution, or to the parties to take under the substitution if they are of age, and to their ordinary tutor if they are minors, and they shall grant a joint quittance therefor, and such monies shall be employed according to the terms of the judgment, under their joint responsibility. 45 50