

1237

1852-3.]

**BILL.**

[No. 412.]

**An Act to regulate the proceedings in cases of Voluntary Licitation.**

**WHEREAS** the formalities required in cases of voluntary licitations cause inconvenience, delay and expense to parties interested; Be it therefore enacted, &c., Preamble.

That whenever it shall be intended to sell or otherwise alienate the real estate of minors or of any other person whose real estate can only be sold or otherwise alienated according to the formalities by law required for the sale or other alienation of the real estate of minors, the Notary, before calling a meeting of the relations and friends for that purpose, in conformity with the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapter fifty-eight, shall cause two *experts* to be appointed, who shall not be related to any of the parties or to their legal representatives, or interested in the matter in question, (mention whereof shall be made in the deed of *expertise*,) one of which *experts* shall be appointed by the tutor, and the other by the *subrogé* tutor of the minors, (or, in the case of the real estate of any other person, subject to the same formalities as provided by law for the real estate of minors, one *expert* shall be appointed by the curator to such person, and the other by one of the relations nearest of kin to, or appearing to be most interested in such person,) of which appointment an *acte* shall be drawn up before Notaries in the form of Schedule A; to which *experts* any Notary shall, by this Act, be authorised to administer the oath according to law, which oath shall be taken (in the form of Schedule B) by the said *experts*, before entering upon their duties; it shall then be the duty of the said *experts* to proceed to ascertain the value of the real estate in question, and if the sale thereof shall be required on account of indivisibility, they shall also proceed to ascertain whether it can not be conveniently divided, and shall make their report thereon by *acte* before Notaries, delivered *en brevet*, in the form of Schedule C; it shall thereupon be lawful for any Notary to summon before him the relations and friends who are to compose the said meeting; he shall administer the usual oath to the persons present at such meeting, and shall read to them the contents of the *acte* of declaration of the person requiring such meeting, and the contents of the *acte* of *expertise* aforesaid, and shall take their advice and prepare an *acte*

Appointment of experts to ascertain the value of real estate.

Meeting of relations.

Acts of expertise.