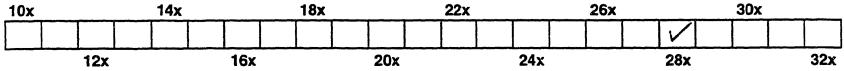
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2nd Session, 5th Parliament, 19	Victoria,	1856.
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BILL.

An Act to provide more effectually for the alienation of Lands of Minors, Absentees and Vacant Estates.

Received and read, first time, Thursday, 3rd April, 1856.

Second reading, Monday, 7th April, 1856.

Mr. Sanborn.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to provide more effectually for the alienation of Lands of Minors, Absentees and vacant Estates.

HEREAS doubts exist as to the power of judges to order the sale Preamble. of immoveables of minors in the townships of Lower Canada upon avis de parents, and it is expedient to quiet such doubts and further to amend the law in that behalf: Therefore Her Majesty, &c., declares and 5 enacts as follows:

I. It is and shall be lawful for judges to order the sale of the real pro- Judges may perty of minors or of other persons not in the exercise of their rights, authorize sale situate in the townships of Lower Canada, or elsewhere granted and Lands held in held in Free and Common Soccage, in the same manner as they are per- soccage. 10 mitted, or shall by this Act be permitted to order such sale of lands of such parties situate elsewhere in Lower Canada than in said townships, and held under any other tenure than that of Free and Common Soccage.

II. It shall be lawful for any judge of the Superior or Circuit Court Or of lands of for Lower Canada, to order upon axis de parents, after compliance with orofabsentees. 15 the formalities required in the case of the sale of the lands of minors, so far as the nature of the cases admit, the alienation by the Curator of the Lands or portions thereof, belonging to a vacant estate or the estate of an absentee or absentees, whenever the same reasons exist to render such sale proper as would by the law now existing, or by the provisions 20 of this Act, warrant the order for such alienation if the real property in question belonged to minors.

III. It shall be lawful for any judge of the Superior or Circuit Court Valuation for Lower Canada, to order an expertise to obtain the valuation of any may be order-immoveable or any portion thereof belonging to minors, to a vacant assemble de 25 estate or to an absentee, before assembling the relatives or friends to give parcus. their advice touching the alienation of such immoveable, and to cause such expertise to be had in a manner to secure the object for which provision is made by the Act passed in the sixteenth year of Her Majesty's Reign, intituled "An Act to regulate the proceedings in cases of Volun. 30 "lary Licitation," with power so to alter the formalities as to make them applicable to the case when the petition is first made to the judge instead of a notary.

IV. It shall be lawful for any judge of the Superior or Circuit Court, Sale may be to order the sale or alienation of the the lands of Minors, of absentees ordered whenover advantaor of a vacant estate, in cases where it shall be clearly shewn to be for geous to the the advantage of such minors or estates, as well as in those cases where estate. it shall be necessary for the liquidation of the debts of a succession or estate: Provided nevertheless, that in the case of minors no land or im- Proviso: moveable shall be ordered to be sold, except when necessary for the Minors over

fourteen must consent.

payment of the debts of the succession, unless consented to by all the minors interested, who are of the age of fourteen years or more.

Judge may manner the published.

V. It shall be lawful for a judge, instead of the posting of notices at direct in what the Church door of the parish or place where lands to be sold are situate, notice shall be to specify in his order what notice shall be given of the day and place 5 of the sale of any lands sold upon avis de parents, and the manner in which such notice is to be given, either by publication in a newspaper, or by posting notices at the Church door, or otherwise as he may deem most expedient to secure the publication of such notice; and it shall be the duty of such judge, upon the application of any party interested, to 10 tax the fees of notaries, and all other parties rendering any services required to effect the alienation of such lands, at such sum as he shall deem reasonable, and to these and to no more shall such notaries and other parties rendering such services be entitled.

May tax the fees of Notaries, &c.

nda.

Act limited to VI. This Act shall extend only to lands in Lower Canada. Lower Can-

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