



**No. 153.**

---

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

---

**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.

**W**HEREAS doubts exist as to the power of judges to order the sale 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 enacts as follows: Preamble.

I. It is and shall be lawful for judges to order the sale of the real property of minors or of other persons not in the exercise of their rights, situate in the townships of Lower Canada, or elsewhere granted and held in Free and Common Soccage, in the same manner as they are permitted, 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. Judges may authorize sale of Minor's Lands held in soccage.

II. It shall be lawful for any judge of the Superior or Circuit Court for Lower Canada, to order upon *avis de parents*, after compliance with 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 of this Act, warrant the order for such alienation if the real property in question belonged to minors. Or of lands of vacant estates or of absentees.

III. It shall be lawful for any judge of the Superior or Circuit Court for Lower Canada, to order an *expertise* to obtain the valuation of any immovable or any portion thereof belonging to minors, to a vacant estate or to an absentee, before assembling the relatives or friends to give their advice touching the alienation of such immovable, 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 Voluntary 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. Valuation may be ordered before the *assemblée de parents*.

IV. It shall be lawful for any judge of the Superior or Circuit Court, to order the sale or alienation of the the lands of Minors, of absentees or of a vacant estate, in cases where it shall be clearly shewn to be for the advantage of such minors or estates, as well as in those cases where 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 immoveable shall be ordered to be sold, except when necessary for the Sale may be ordered whenever advantageous to the estate.  
Proviso:  
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  
direct in what  
manner the  
notice shall be  
published.

V. It shall be lawful for a judge, instead of the posting of notices at the Church door of the parish or place where lands to be sold are situate, to specify in his order what notice shall be given of the day and place 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 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 No-  
taries, &c.

Act limited to  
Lower Can-  
ada.

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