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3rd Session, 5th Parliament, 20 Victoria, 1857.

BILL.

An Act to authorise the Judicial sale of the
property of Absentees upon *avis de parents*.

Received and read, first time, Friday, 24th
April, 1857.

Second reading, Monday, 27th April, 1857.

MR. LOBANGER.

TORONTO :
PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to authorise the judicial sale of the property of Absentees, upon *avis de parens*.

WHEREAS there is no legal provision which authorises the curators of Absentees to dispose by sale or otherwise, in cases of urgency, of the property real and moveable of the said Absentees, and much inconvenience results therefrom; Therefore Her Majesty, &c., enacts as follows: Preamble.

5 I. Hereafter any curator to an absentee, now or hereafter to be duly appointed in Law, shall be empowered in cases of urgency to sell, upon the advice of relations (*avis de parens*) or of friends in default of relations, homologated in Law, in the same manner and under the same restrictions as are prescribed with respect to the judicial sales of the property of minor, and the proceedings prescribed by the Act to regulate the proceedings in the case of voluntary licitations having been first observed, the moveable and immoveable property of such Absentee, such sale to be subject to the charges upon the said property. Curators to Absentees may on *avis de parens* be empowered to sell the property of such Absentees.

15 II. The judgment of homologation of the said meeting of relations and friends, shall order that notice be given for two months in the English and French languages in two newspapers published in the District in which the property is situate, setting forth the place, day, and hour, at and upon which the sale by auction of the said property, will be made to the highest bidder; and the said curator shall be authorised to demand good and sufficient security from the *adjudicataire* and purchaser, in case it shall be provided, upon the requisition of the curator by the advice of the relations and friends that the *adjudicataire* shall have delay for the payment for whole or for part of the amount for which the property shall have been adjudged to him; and such sale shall only be made in the town, parish or township in which the said property is situate, and shall be made by a *brif* of the Superior Court who shall execute a *procès-verbal* of his adjudication; and upon such sale the said curators shall execute a notarial Act to the *adjudicataire* and purchaser, in the ordinary form and subject to the conditions set forth in the judgment of homologation, and the moneys arising from such sale should be deposited in a bank, or invested upon the security of real property sufficient for insuring the re-payment thereof, for the benefit of the absentee, and the interest accruing from such investment shall accumulate in his favor until his return. What the judgment homologating the *avis* shall order. Sale, when and how to be made. Deed to purchasers. Investment of proceeds of sale.

35 III. In case the curator shall have granted a delay for the payment of the whole or any part of the price of adjudication subject to legal interest, and shall have received the capital and interest upon the expiration of such delay, the whole shall be deposited in a bank as aforesaid, for the benefit of the said Absentee, in every respect as though the said curator had received the amount in ready money, or invested it at interest on real property securities, so as to ensure the re-payment of the capital and interest to the absentee. Further provision as to investment.

IV. This Act shall apply only to Lower Canada.

Act limited to Lower Canada