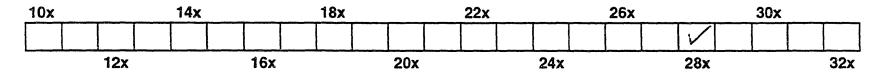
Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below. L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

\square	Coloured covers /		Coloured pages / Pages de couleur
LJ	Couverture de couleur		
	Covers damaged /		Pages damaged / Pages endommagées
	Couverture endommagée		Pages restored and/or laminated /
·	Covers restand and/an laminated /		Pages restaurées et/ou pelliculées
	Covers restored and/or laminated /		
LJ	Couverture restaurée et/ou pelliculée	\checkmark	Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
	Cover title missing / Le titre de couverture manque	L	r ages decolorees, lachelees of piquees
	cover alle micenty, se alle de obavertare manque		Pages detached / Pages détachées
	Coloured maps / Cartes géographiques en couleur		r ages belached / r ages belachees
			Showthrough / Transparence
	Coloured ink (i.e. other than blue or black) /		Chewmough? Hansparence
	Encre de couleur (i.e. autre que bleue ou noire)		Quality of print varies /
		\checkmark	Qualité inégale de l'impression
	Coloured plates and/or illustrations /		
	Planches et/ou illustrations en couleur		Includes supplementary material /
_			Comprend du matériel supplémentaire
\Box	Bound with other material /		
	Relié avec d'autres documents		Pages wholly or partially obscured by errata slips,
			tissues, etc., have been refilmed to ensure the best
	Only edition available /		possible image / Les pages totalement ou
	Seule édition disponible		partiellement obscurcies par un feuillet d'errata, une
	,		pelure, etc., ont été filmées à nouveau de façon à
	Tight binding may-cause shadows or distortion along		obtenir la meilleure image possible.
	interior margin / La reliure serrée peut causer de		
	l'ombre ou de la distorsion le long de la marge		Opposing pages with varying colouration or
	intérieure.	L	discolourations are filmed twice to ensure the best
	Plank leaves added during restarations may appear		possible image / Les pages s'opposant ayant des
	Blank leaves added during restorations may appear within the text. Whenever possible, these have been		colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image
	omitted from filming / Il se peut que certaines pages		possible.
	blanches ajoutées lors d'une restauration		
	apparaissent dans le texte, mais, lorsque cela était		
	possible, ces pages n'ont pas été filmées.		

Additional comments / Commentaires supplémentaires:

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.



1st Session, 6th Parliament, 21 Victoria, 1858.

BILL.

An Act to authorize partitions and licitations of the property of minors and of substituted property, in certain cases.

Received and read, first time, Wednesday, 19th May, 1858.

Second reading, Monday, 24th May, 1858.

MR. PAPINEAU.

TORONTO : PRINTED BY JOHN LOVELL, YONGE STREET.

No. 177.]

BILL.

[1858.

An Act to authorize partitions and licitations of the property of minors and of substituted property, in certain cases.

THEREAS it is expedient to amend the laws relating to the Preamble. partition of the property of minors and interdicted persons, and also of substituted property in certain cases; Therefore Her Majesty, &c., enacts as follows:

I. The action en partage, in respect of co-heirs, minors, or inter- Action of par 5 dicted persons, may be instituted by their tutors or curators specially tition may be authorized by the advice of a meeting of relations duly homologated. tutors, &c., in The Judge or officer of Justice shall set forth in the Act of homologa- certain cases. tion the reasons which induced him to authorize such proceeding on 10 the part of the tutor or curator.

II. When the husband has the right of enjoyment of the pro-As to husband perty of his wife, she being a minor emancipated by marriage, he enjoying the may, in conjunction with her, assisted by her curator, demand a wife final partition as against the co-heirs with his wife, both of immove-15 able and moveables.

III. When a co-heir, being of age, makes a demande en justice, or Tutor, dc., by notarial act, for a partition either upon the tutor or curator of a may be a party minor or interdicted person, such tutor or curator being authorized by of partition, the advice of a meeting of relations duly homologated, may appear to in certain 20 the action and defend the same, or may proceed to an amicable par- cases. tition with or without tirage au sort, after a valuation of the property subject thereto shall have been first made by experts appointed ex officio by the officer of justice homologating the advice of the meeting of relations.

IV. Co-grevés de substitution in favor of their respective children or Co-grevés may, other nearest heirs may, with the consent of the tutor to the substitution cases, divide authorized by the advice of a meeting of relations, proceed to final the property 25 partition of the substituted property : and those called to the substitution entailed. in each branch shall only be entitled to have and receive the property

30 falling to the lot of their respective lines, saving their recourse by the ordinary action of *lezion en partage*, if there be ground therefor.

V. A co-grevé de substitution shall have a right of action for final A Co-grevé partition against his co-grevés and the tutor to the substitution; and may demand final partition, any judgment condemning the latter shall be equivalent to the authori-35 zation of the meeting of relations.

Sale when the the price.

VI. When the immoveables cannot be conveniently divided, the property can-not be conven. sale thereof by licitation shall be proceeded with according to the iently divided, forms prescribed by law when the licitation is forced, and according Distribution of to the ordinary formalities for the alienation of the property of minors when the partition or licitation is amicably effected without any 5 judicial proceeding: The proceeds of the sale by licitation shall be paid to the persons entitled thereto, viz:

> 1st. To the proprietor, being of age, in accordance with the conditions agreed upon at the sale.

2nd. To the minor upon his coming of age, or being authorized by 10 marriage, on the advice of a meeting of relations duly homologated.

3rd. To the interdicted person upon the removal of the interdiction, or as may be otherwise ordered by law.

4th. To the appelé upon the opening of the substitution.

No more than half the price to remain in the hands of purchaser without further security.

VII. In no case shall more than one-half the purchase-money remain 15 in the hands of the purchaser unless he give sufficient security upon other real property, to the satisfaction of the Judge, to guarantee the payment of the other half, without prejudice to the privileged hypothec for the whole purchase-money, upon the immoveables sold by 20 licitation.

VIII. This Act applies only to Lower Canada. Act limited to Lower Canada,

2