

No. 176.

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

BILL.

An Act to remove certain restrictions in the
sale and cession of real property.

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

Second reading, Wednesday, 26th May, 1858.

MR. MORIN.

TORONTO:

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An Act to remove certain restrictions in the sale and cession of real property.

WHEREAS it is expedient to remove all doubt as to sales, cessions, and conveyances of rights, shares, or portions in or of any estate or succession which is only to be transmitted at a future and uncertain period, and the uncertainty under which the purchasers of such rights, shares or portions, in or of any such estate or succession labor, as to whether they will be maintained in the possession thereof or be ejected therefrom by means of subrogation by the co-heirs with the vendor, and to provide a remedy for the serious embarrassment and state of anxiety to which those called conditionally to a future succession are often exposed, by reason of the restrictions imposed on the said sales, cessions, and conveyances, which have the effect of preventing them from realizing advantageously their said rights, shares, or portions of estates or successions: And whereas such restrictions are contrary to the spirit of the legislation of the country and to the freedom of agreement: Therefore Her Majesty, &c., enacts as follows:

I. Sales, cessions, and conveyances of rights, shares, or portions in or of any future estate or succession, shall not be subject to subrogation in favor of the co-heirs with the vendor, and the said co-heirs or any of them shall not be entitled to eject the purchaser of the said rights, shares, or portions of future estates or successions, by means of *subrogation* or *retrait*.

Preamble.

Sale of shares in future estates to be valid.