

Qualification not required in certain cases at discretion of Judge.

V. It shall not be necessary that the fathers and mothers, husbands and wives of the said Minors, Absentees, or persons incapable of administering their said personal and real property as aforesaid, shall possess the property qualification hereinabove prescribed, if the said fathers and mothers, husbands and wives shall not have in their possession, or be proprietors of any real estate; unless the Judge, with the advice of the relations and friends, shall decide the contrary, by the appointment, for instance, of an honorary and onerary Tutor, in accordance with the representation or suggestion made to that effect, to a Judge of the Superior or of the Circuit Court. 5 10

Proceedings to deprive Tutors, &c., of office.

VI. Within three months after the passing of this Act, Tutors and Curators possessing immoveable property, appointed to their said offices before the passing of this Act, who shall have neglected or refused to cause the Act of Tutorship or Curatorship appointing them such Tutors and Curators to be enregistered according to law, shall be liable to be deprived of their said offices, upon simple declaration (*requête libellée*) in the form C, addressed to one of the Judges of the Superior or of the Circuit Court, who shall fix the day, place, and hour for the hearing of and adjudication upon the merits of the said declaration (*requête libellée*) after due service of the said declaration and of the order of the Judge duly certified at the foot of the said declaration by the proper officer, shall have been made upon the said Tutors and Curators; the cancelling of whose appointment of Tutorship and Curatorship is prayed for. 15 20

Form of judgment.

VII. The discharge from office, if the same be pronounced after hearing of the parties interested, shall be established by a judgment in the form of schedule D. 25

Proceedings in case of cancelling of acts of Tutorship, &c.

VIII. Whensoever the cancelling of an act of Tutorship or Curatorship shall be prayed for a lawful reason and for the advancement of the interests of Minors, Absentees or other persons incapable of administering their property, the proceedings against such Tutor or Curator shall be summarily had by a declaration (*requête libellée*) addressed to one of the Judges of the Superior Court or of the Circuit Court for Lower Canada, and the mode of proceeding shall be the same as that prescribed in the two preceding sections. 30

When this Act comes into force.

IX. This Act shall come in force on the 35

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FORM A.

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