

An Act to make better provision for the administration of the property of Minors, Absentees, interdicted Persons, and others incapable of administering their own affairs, in Lower Canada.

WHEREAS it frequently happens that Minors, Absentees, and persons incapable of administering their real and personal property, are exposed to considerable loss and damage through the negligence of their Tutors and Curators, from the want of importance attached to the choice of such Tutors and Curators, and it is necessary to make Legislative provision in this behalf; Therefore Her Majesty, &c., enacts as follows:—

I. No person shall hereafter be appointed Tutor or Curator to any Minor, Absentee, or other person considered incapable of administering his real and personal property, unless he shall be the proprietor of real estate, equal in value, after the payment of all debts and hypothecary charges, to the personal property possessed by, or belonging to such Minor, Absentee, or person considered incapable of administering his property as aforesaid.

Preamble.

Tutors or Curators must be proprietors of real estate equal to personal property of minors.

II. Tutors and Curators shall not hereafter act as Tutors and Curators, nor discharge any of the duties attached to their said office, until the Act of Tutorship and Curatorship, appointing and electing them Tutors and Curators, shall have been duly enregistered, in order to the creation in the first place of a hypothec upon the real estate of the said Tutors and Curators in favor of the said Minors, Absentees, interdicted persons, or persons deemed incapable as aforesaid, in conformity with the laws regulating the mode of enregistering the said Acts of Tutorship and Curatorship.

Acts appointing Tutors or Curators to be duly registered.

III. Tutors and Curators, after having caused the said Acts of Tutorship and Curatorship to be enregistered in the manner prescribed by the foregoing Section, shall be bound to appear before a Justice of the Superior or Circuit Court for Lower Canada, and shall produce the authentic certificate of the Registrar or Registrars, in conformity with the law, and such Tutors or Curators shall swear, that the registration of the said Acts of Tutorship and Curatorship has been duly made in accordance with the foregoing Section, which oath shall be made in the manner set forth in the Schedule A. And the said Tutors and Curators shall thereupon be invested with their said charges as Tutors and Curators.

Tutors and Curators to produce Registrar's certificate before a Justice of the Superior Court.

IV. Persons named and appointed at any meeting of relations and friends, to be Tutors and Curators as aforesaid, shall make and subscribe the declaration B (second schedule of this Act), in the presence of the said meeting of relations or friends, assembled and sworn for the appointment of the said Tutors and Curators, and in case the persons so called and appointed to the said offices of Tutors and Curators shall be unable to make and subscribe the said declaration, they shall be then ineligible to the said charges of Tutorship and Curatorship.

Declaration to be made previous to appointment as Tutors, &c.