

**An Act to provide for the protection of Spendthrifts, and the custody and disposal of their real and personal property.**

**W**HILEAS many persons by excessive drinking, gaming, idleness, debauchery and other vicious habits, waste or lessen their state and thereby expose themselves and their families to want and suffering; And whereas it is expedient to provide for the care of such spendthrifts and the custody and disposal of their property; Therefore Her Majesty, &c., enacts as follows: Preamble.

I. Any person who by excessive drinking, gaming, idleness or debauchery of any kind, shall so waste, spend or lessen his estate, as hereby to expose himself or his family to danger of want or suffering, or expose his friends or the Municipality in which he resides to expense for the support of himself or any of his family, shall be deemed Spendthrift. Who shall be deemed a Spendthrift.

II. Upon complaint thereof in writing made to the Judge of the Surrogate Court for the County in which such spendthrift resides, by any relative or Councillor, setting forth the facts and circumstances and praying to have a guardian appointed, the said Judge shall appoint a day of hearing; and if upon due notice and examination had it shall appear to such Judge that such person comes within the description in the preceding section, such Judge shall appoint a suitable person to be Trustee over such spendthrift; Provided always, that any person so designated as a spendthrift may appeal from the decision of said Judge, whereupon he shall before the expiration of three days after the said hearing give notice in writing of such appeal to the clerk of the Division Court of the division in which said the Spendthrift resides, and such clerk shall immediately notify in writing the complainant or complainants of such appeal and command them to appear at the next ensuing sittings of such Division Court to be held in and for such Division for the trial of such fact; Provided always, that such notice of appeal shall be served at least ten days before the sitting of the said Court: And it shall also be the duty of the said clerk and he is hereby required to summon a jury, in the manner and according to the provisions 13 and 14 Vic., cap. 53, for the trial of the said appeal. Judge of Surrogate Court, after hearing complaint, may appoint a Trustee.  
Proviso: person complained against may appeal.

III. At the next ensuing sittings of the Division Court held in and for the Division in which the person designated as a spendthrift resides, the presiding Judge of such Court shall swear such jury, well and truly to try such appeal in the same manner as for the trial of issues in suits brought in the said Court, and witnesses may be subpoenaed and their Appeal to be tried by jury.