

BILL.

An Act to explain and amend the Act of the twelfth year of Her Majesty's reign relative to the Courts of original civil jurisdiction in Lower Canada.

WHEREAS it is expedient to explain and amend the Act passed in twelfth year of Her Majesty's Reign and intituled "*An Act to amend the Laws relative to the Courts of Original Jurisdiction in Lower Canada,*" and the Law of Lower Canada in certain matters relative to the practice in the said Courts; Be it therefore enacted, &c.

Preamble.

12 Vict. c. 38.

That it shall and may be lawful for any one or more of the Judges of the Circuit Court, or of the Superior Court, in vacation as well as in term, to entertain any Petition for the removal (*destitution*) of any Tutor or Curator, and in vacation as well as in term summarily to inquire into, and, according to law, to determine upon such petition, either by dismissing the same in whole or in part, or by removing any Tutor or Curator, or by naming or appointing another Tutor and Curator, in the lieu and stead of the person so removed, as to law and justice may appertain.

Any one Judge may receive and act upon petition for removal of a Tutor, &c.

II. And be it enacted, That whenever in any suit or complaint instituted or to be instituted against any Tutor or Curator in which the Plaintiff shall make the oath by law prescribed and required for the arrest of any Defendant, or for the suing out of a writ of attachment against the person, or against property, and shall moreover swear that such Tutor or Curator is in possession of the property or assets of the person or persons whom as such Tutor or Curator he may represent, and that such Tutor or Curator hath no immovable property, whereby or out of which the rights and claims of the person or persons instituting the suit might be secured, then and in such case such Tutor or Curator may be arrested and imprisoned and held to bail, or a writ of attachment may be sued out, in every respect as if such Tutor or Curator were personally and individually indebted.

Tutor, &c. may be held to bail in certain cases.

III. And be it enacted, That whensoever it shall be suggested to any Judge, that any person without known heirs, having any property, has departed this life within the jurisdiction of the Court whereof such Judge shall

Judge may name a person to take care of the property of a party deceased leav-