Technical and Bibliographic Notes / Notes techniques et bibliographiques

10x	14x	18x	22x	26x	30x	
This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.						
	Commentaires supplémentaire	es: book but filme	ed as first p	age on Tiche.		
1	/ Additional comments /	4 I. I	ge is bound	in as last page in		
	possible, ces pages n'ont pas	_				
	blanches ajoutées lors d apparaissent dans le texte, ma	'une restauration				
	within the text. Whenever possi omitted from filming / Il se peut	ble, these have been		filmées deux fois afin d' possible.	obtenir la meilleure image	
	Blank leaves added during rest	orations may appear		colorations variables o	ages s'opposant ayant des u des décolorations sont	
	l'ombre ou de la distorsion le intérieure.	e iong de la marge		discolourations are filme	varying colouration or d twice to ensure the best	
	Tight binding may cause shadow interior margin / La reliure ser	rée peut causer de		obtenir la meilleure imag		
/	Seule édition disponible			pelure, etc., ont été filme	par un feuillet d'errata, une ées à nouveau de façon à	
	Only edition available /			possible image / Les	s pages totalement ou	
	Relié avec d'autres documents			• • • • •	obscured by errata slips, refilmed to ensure the best	
	Bound with other material /	•		Comprend du matériel si	upplémentaire	
	Coloured plates and/or illustrations en coloured plates et/ou illustrations en colored plates et/ou illustrations en colored plates et/ou illustrations en colored plates et/ou illustrations et/ou illustration et/ou illustration et/ou illustration et/ou illustration			Includes supplementary		
			•	Qualité inégale de l'impre	ession	
	Coloured ink (i.e. other than blu Encre de couleur (i.e. autre que			Quality of print varies /		
	Coloured maps / Cartes géogra	aphiques en couleur		Showthrough / Transpare	ence	
	Cover title missing / Le titre de			Pages detached / Pages	détachées	
	•		V	Pages décolorées, tache		
	Covers restored and/or laminat Couverture restaurée et/ou pell			Pages discoloured, stain	ed or foxed /	
	Couverture endommagée			Pages restored and/or la Pages restaurées et/ou p		
	Covers damaged /			Pages damaged / Pages	•	
	Couverture de couleur					
	Coloured covers /			Coloured pages / Pages	de couleur	
significantly change the usual method of filming are checked below.			•	ou qui peuvent exiger une modification dans la métho- de normale de filmage sont indiqués ci-dessous.		
may be bibliographically unique, which may alter any of the images in the reproduction, or which may			ograp	plaire qui sont peut-être uniques du point de vue bibli- ographique, qui peuvent modifier une image reproduite,		
copy available for filming. Features of this copy which			été po	été possible de se procurer. Les détails de cet exem-		
The I	nstitute has attempted to obta	in the best original	L'Insti	tut a microfilmé le meill	eur exemplaire qu'il lui a	

20x

16x ·

12x

24x

28x

3d Session, 3d Parliament, 13 Victoria, 1850.

BILL.

An Act to provide for the Appointment of Guardians to restrain the Improvinence of Persons incompetent to manage their own property in Upper Canada.

Received and Read a first time, Thursday, 6th June, 1850.

Second Reading, Wednesday, 12th June, 1850.

MR. FLINT.

BILL.

An Act to provide for the appointment of Guardians to restrain the improvidence of persons incompetent to manage their own property in Upper Canada.

WYHEREAS it is expedient to provide for the sum- Preamble. mary interdiction of persons in Upper Canada, who from intemperance and other causes become incompetent to manage their own affairs, and for the appoint-5 ment of Guardians to such persons:—Be it therefore enacted. &c.

That whenever any near relative, friend, or neighbour of Near relative, any person in Upper Canada, hath reason to believe, and &c. of a drunk-ard, &c. may does believe that such person is from habitual intemper-apply for his 10 ance, lunacy or idiocy, or from being addicted to gambling, interdiction or habits of reckless expenditure incompatible with his Judge. station of life and means, incompetent to manage his affairs without ruin or extreme injury to himself or his family, such near relative, friend or neighbour, may apply 15 to the County Judge for the County in which the person

to be interdicted resides, for the interdiction of such person; supporting his application by his own affidavit, and

by the affidavits of any other persons who may be cognizant of the facts. II. And be it enacted, That if the County Judge shall County Judge be of opinion that a primal facie case for interdiction has may interdict been made out by the applicant, he shall issue a sum- &c. after commons to the person to be interdicted to appear before plying with certain form-

him at a place and on a day to be named therein, which which 25 summons shall be served on or at the residence of the person to be interdicted, and the said Judge shall, at the same time, authorize an assembly of the relatives, friends and neighbours of the person to be interdicted, to be held before such Judge on the day and at the place where the 30 party to be interdicted is summoned to appear; and at

the time and place aforesaid, at least five of the relatives, friends or neighbours of the said party being there and then assembled, the said Judge shall, whether the party to be interdicted be present or absent, and in a summary

35 manner, hear the arguments and evidence for or against the application, and determine upon the same; with power nevertheless to adjourn the proceedings or the decision to some future day, if in his opinion such adjournment be absolutely necessary to the ends of Justice; and if the said Judge shall determine that the party ought to be interdicted, he shall make an order of interdiction accordingly, and shall then and there, with the advice and concurrence of the relatives, friends and neighbours aforesaid, appoint a proper person, or two proper persons, to be Guardian or Guardians to the person interdicted.

County Judge diction is the proper person to make the application.

III. And be it enacted, That the County Judge, to may determine whom any application under this Act shall be made, shall whether appli-cant for inter- have full power to determine in his discretion, whether the applicant, and the persons who shall compose the 10 assembly of relatives, friends and neighbours, to be held upon such application, is or are the proper persons to make such application, or to compose such assembly, according to the circumstances of the case, and the fact that the person to be interdicted has or has not other 15 relatives, friends and neighbours who might more properly make such application, or hold such assembly, and to dismiss or maintain the application, or hold or adjourn the assembly accordingly.

After interdic-&c. by party interdicted, to be valid.

IV. And be it enacted, That from and after the making 20 tion, no Deeds of the order of interdiction aforesaid, no deed, sale, will, gift, note, bill, agreement, contract, or engagement, wruten or verbal, made by the party interdicted, shall be valid or binding, unless the same be made with the express consent and approval in writing of his Guardian, or one of his 25 Guardians, if there be more than one.

A party may be interdicted on his own application.

V. And be it enacted, That any such party as aforesaid may be interdicted on his own application, the other formalities hereinbefore prescribed being observed.

Notice of any party to be inserted in Canada

VI. And be it enacted, That the Clerk of the County 30 interdiction of Court by the Judge whereof the order of interdiction shall have been made, shall forthwith, after the making thereof, insert in the Canada Gazette during one month, Gazatte by thereof, insert in the Ontone Gazatte by Clerk of Com- and for a like period in some newspaper published in the County, or if there be none, then in some adjoining 35 County, a notice that the party, stating his name and addition, has been interdicted by the said Judge on the day on which the order shall have been made, and the names and additions of the Guardian or Guardians appointed, and warning all persons to govern themselves accordingly. 40

A Justice of vent Tavernkeepers, &c. from selling drankard.

VII. And be it enacted, That whenever any near relathe Pence may. tive, friend or neighbour of any person in Upper Canada, on application tive, mend or negation of any person in Opper Canada, of a near rela- liable to interdiction, according to the intent and meaning tive, &c. of a of this Act, or the Guardian of any person interdicted drunkard, preunder this Act, shall make affidavit before some Justice of 45 the Peace, that he hath reason to believe, and doth believe, liquor to such (stating the grounds of such belief), that such person is an habitual drunkard, and ought to be restrained from the use of all intoxicating liquors, such Justice may, by an order in writing, under his hand, describing such per- 50

son, require every merchant, distiller, shop-keeper, grocer, tavern-keeper or other dealer in spirituous liquors, wine or beer, and every other person upon whom or at whose ordinary residence a copy in writing of such order 5 shall be served or left, and who shall reside within the city, town, village or township in which or adjoining that in which such habitual drunkard shall reside, not to give or sell or deliver under any pretence, any intoxicating dripks to such person so described, during a period not mentioned in such order, and any 10 exceeding person on whom such order shall have been served, who, within such period as aforesaid, shall give, sell, or deliver any such liquor to such person so described, shall forfeit the sum of Two pounds ten shillings, for each offence, Penalty, 15 which penalty may be recovered upon complaint on the £2 10k oath of one or more credible witnesses before any one Justice of the Peace; and by him applied to the use of the poor, in such manner as he shall see fit, and if the same be not forthwith paid, the offender may be committed to the 20 common gaol of the County for the term of fifteen days. unless the penalty be sooner paid; and the order aforesaid may be served upon or left for any person by any Bailiff of a Division Court, whose certificate in writing appended to the original order shall be prima facte evi-

VIII. And be it enacted, That the interdiction afore- Interdiction 30 said may be removed by the County Judge of the County may be removed on in which the order of interdiction was made, on the ap-cause being plication of the party interdicted, the Guardian or Guar- ahewa. dians being duly summoned to appear before the Judge, to show cause, if any they have, why such interdiction 35 should not be removed, and the Judge being satisfied by sufficient evidence on oath, that the same ought to be removed; and notice of the order for the removal of the interdiction shall be given by the Clerk of the County Court in the manner hereinbefore provided with regard

25 dence that a true copy thereof was served or left, as in such certificate mentioned: and any such order as aforesaid may be rendered from time to time in the manner

provided, as to the first granting thereof.

40 to the notice of the interdiction.

IX. And be it enacted, That if the Guardian orone of the Provision in Guardians shall die or become unable or incompetent to case of death, act, his appointment may be annulled, and another may Guardian. be appointed in his stead, by the County Judge, in like 45 manner, upon like application, and with the observance of the like formalities as are he einbefore provided with regard to the approintment of such Guardian.

X. And be it enacted, That any order made by a Orders made County Judge or a Justice of the Peace, under the by County Judge, &c. 50 authority of this Act, shall be liable to be set aside by the under this Act, Court of Queen's Bench, or of Common Pleas for Upper may be set Canada, on motion made with due notice to the parties Q een's Bench

after notice and hearing, &c. concerned, and upon such hearing, evidence and proceedings as the said Court shall deem sufficient and right.

Provision as to costs.

XI. And be it enacted, That the County Judge of the said Court of Queen's Bench or Common Pleas, when 5 acting under the authority of this Act, may allow and tax such costs and expenses on proceedings under the same, as they shall think reasonable and just, and may direct the same to be paid, wholly or in part, by such parties as in the opinion of such Court or Judge ought to pay the 10 same, and may direct that any part thereof may be paid or secured before the Act upon which the same are to accrue, shall be done by any officer of the Court or other person.

Powers of Chancellor not to be affected by this Act.

XII. And be it enacted, That nothing in this Act or 15 any order made under it, shall be construed to limit or affect any power vested by law in the Chancellor, or either of the Vice Chancellors, or in the Court of Chancery for Upper Canada; and any order lawfully made by such Chancellor, Vice Chancellor or Court of Chancery, 20 shall supersede and annul any order of a County Judge made as aforesaid, which it shall expressly set aside, or with which it shall be incompatible.