

detail of the amount of the expenditures during the said period, together with the account for which the same is paid; to be printed in some Newspaper of the District, if any Newspaper shall then be published therein, also to cause a Copy of the same to be affixed in some conspicuous place on the Court House, and in each and every year afterwards to cause a true and correct Account in detail of all Monies raised, levied and collected since the then last preceding publication, by virtue of and under the authority of any Act or Acts now, or hereafter to be made, imposing Rates and Assessments upon the Inhabitants thereof for the Public uses of the District, together with a detailed account of all the expenditures as aforesaid during such time, to be printed in some Newspaper of the District as aforesaid, and a copy thereof to be affixed in some conspicuous place on the Court House as aforesaid.

At what time accounts of the last year to be published.

Accounts of future years.

Mode of publication.

II. *And be it further enacted by the authority aforesaid, That no Treasurer of any District in this Province shall hereafter be competent to hold the office of Chairman of the Quarter Sessions of the Peace for such District, any Law, Custom, or Usage, to the contrary notwithstanding.*

No Treasurer to be Chairman of the Quarter Sessions.

III. *And be it further enacted by the authority aforesaid, That the expense of the publication of the accounts as aforesaid shall be paid out of the District Treasury, by any order of Sessions issued for that purpose.*

Expense of publication.

CHAP. V.

AN ACT to Continue and Amend the Law now in force for the Trial of Controverted Elections.

[Passed 17th, Feb. 1827.]

WHEREAS an Act passed in the Fourth Year of the Reign of His present Majesty entitled, "An Act to repeal an Act passed in the Forty-fifth Year of His late Majesty's Reign; entitled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly and to make more effectual provision for such trials,'" will expire at the end of the present Session: *And whereas* it is expedient to continue and amend the same.

Preamble

4 Geo. 4, Chap. 4: continued.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of An Act passed in the Parliament of Great

C.

Britain, intituled “An Act to repeal certain parts of An Act passed in the fourteenth Year of His Majesty’s Reign, intituled, ‘An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;’” and by the authority of the same, That the said recited Act be, and the same is hereby continued.

List of Witnesses to be delivered to the Clerk of the House.

Commissioners to examine Witnesses may issue in certain cases.

II. *And be it further enacted by the authority aforesaid,* That at the time when the day for trying any controverted Election shall be fixed, a list of the Witnesses of the Parties, with their places of residence, shall be handed to the Clerk of the House, and shall be by him read in his place, and in cases where it shall appear that the expense of bringing such Witnesses before the Committee, to be appointed under the provision of the said recited Act would be considerable, or when the Parties desire it, the House of Assembly may nominate and appoint, under the Hand and Seal of the Speaker, Three Commissioners, (one of whom shall be Chairman, who with any other one shall be a quorum,) for the purpose of examining the Witnesses of the Parties, contained in such list, at such times and in such places as shall by the House be directed.

Commissioner’s Oath.

Times of sitting.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, before proceeding to business, take and subscribe the Oath in the Schedule marked A. annexed, which the Chairman is authorized to administer to the other Commissioners, having himself first taken and subscribed the same in their presence, and shall meet every day, Sundays and Holy-days excepted, and shall not adjourn for any longer time than Twenty-four hours, except in case of death, sickness, or unavoidable absence of one or more of them, or except in case of removal to another place of meeting.

Commissioners to appoint a Clerk.

His duty.

Oath.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners may from time to time appoint a Clerk, for the purpose of taking down, in writing, minutes of their proceedings, and of such evidence as shall be taken before them, with the objections to the Witnesses produced, or the matter offered in evidence. and that every such Clerk, before proceeding to the discharge of the duties of his office, shall take the Oath marked B. in the Schedule annexed, which the said Commissioners, or either of them, may administer, as well as Oaths to Witnesses, and all other Oaths required to carry into effect the provisions of this Act.

Copies of proceedings and evidence.

V. *And be it further enacted by the authority aforesaid,* That the said Clerk, or Clerks, at the request of either of the Parties, shall make out and deliver to such Party a true copy of the proceedings and evidence, for which he shall be entitled to demand and receive, from the Party re

quiring the same, the sum of six pence for every hundred words contained therein. Charge for the same.

VI. *And be it further enacted by the authority aforesaid,* That after closing the said evidence, the Commissioners shall cause a copy of the minutes of their proceedings, and of the evidence received, to be made, and shall compare the same with the said minutes, and transmit the same (certified under their Hands and Seals) to the Speaker of the House of Assembly, to be by him delivered to the Chairman of the Select Committee, to be appointed under the provisions of the said recited Act. How the evidence is to be transmitted to the House.

VII. *And be it further enacted by the authority aforesaid,* That the said Select Committee, upon the receipt of the return of the said Commissioners, shall proceed to try and determine the merits of the petition referred to them, in the same manner as if the evidence contained in such return had been delivered *viva voce* before them, without other or further testimony, having first heard the Parties, or their Counsel, if they shall request to be heard. Evidence to be read on the trial.

VIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, by Warrant or Summons, under the Hand of the Chairman, or any two of them, at the request of either of the Parties, are hereby authorized to require the attendance of the Witness or Witnesses, in the list hereinbefore mentioned, to give evidence before them at such time and place as in the said Warrant or Summons shall be directed. Witnesses may be summoned by the Commissioners.

IX. *And be it further enacted by the authority aforesaid,* That if any person Summoned to appear and give evidence shall wilfully refuse or neglect to appear (a reasonable sum being advanced for his attendance if requested) he shall forfeit and pay a sum not exceeding Twenty Pounds. Penalty for not attending.

X. *And be it further enacted by the authority aforesaid,* That if any person shall be guilty of any contempt, or improper behaviour towards the said Commissioners, while in the execution of the duties imposed upon them by this Act, he shall forfeit and pay, for every such offence, a sum not exceeding Twenty Pounds. Punishment for contempt before the Commissioners.

XI. *And be it further enacted by the authority aforesaid,* That the penalties imposed by this Act shall be recoverable before the said Commissioners in a summary manner, before or after the execution of the said Commission, and in case of non payment thereof the same shall be levied by Distress and Sale of the Offenders Goods, with the Officer's Fees, on like proceedings from a Justice of the Peace, and in default of Goods and Chattels, such Offender shall be committed to the Common Gaol of the District, for a term not exceeding Six Months. How Penalties to be recovered.

XII. *And be it further enacted by the authority aforesaid,* That the Penalties imposed by this Act shall be paid by the said Commissioners into the hands of the Receiver General of this Province, for the use of His Majesty. to be applied towards the support of the Government of this Province, and shall be accounted for to His Majesty, through the Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty shall please to direct.

And applied.

XIII. *And be it further enacted by the authority aforesaid,* That upon the day appointed for the meeting of any Select Committee, when a Commission under the provisions of this Act shall have been issued and not returned, it shall be lawful for such Committee to adjourn from day to day till such return shall be made, or until the House shall dissolve the said Committee for want of such return, which they are hereby authorized to do, any Law to the contrary notwithstanding: *Provided always,* That nothing herein contained shall be construed to prevent the selection of another Committee for the trial of such Controverted Election.

What proceeding shall be had if the return of the Commissioners is delayed.

XIV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be authorized to demand and receive the sum of Fifteen Shillings per day, and the Clerk Ten Shillings per day, while employed in the execution of the said Commission, to be borne equally in the first instance by the Parties, and eventually to be borne by the person who shall by Law be subject to the Costs of such Controverted Election.

Remuneration to Commissioners and their Clerk.

By whom paid.

XV. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force for Four Years, and from thence to the end of the then next ensuing Session of Parliament.

Act to be in Force for 4 years.

A

Oath of Commissioners.

“I, A. B do Swear, that I will, without favor, affection, or malice, and according to the best of my skill and knowledge, well and truly perform the duty of a Commissioner appointed to hear and examine the evidence which shall be brought before me, by virtue of a reference under the Hand and Seal of the Speaker of the House of Assembly, upon a Petition, (here mention the names of the Petitioners, or some of them) according to the Rules, Regulations, and Directions, contained in an Act passed in the 8th Year of the Reign of King Geo. the IV. entitled, ‘An Act to continue and amend the Law now in force for the trial of Controverted Elections.’”

B

Clerk's Oath.

“I, A. B. do Swear that I will, without favor, affection, or malice, and according to the best of my skill and knowledge, well and truly

“perform the duty of Clerk to the Commissioners appointed to hear and
 “examine the evidence which shall be brought before them, by virtue
 “of a reference under the Hand and Seal of the Speaker of the House of
 “Assembly, upon a Petition, (here mention the names of the Petitioners,
 “or some of them) according to the Rules, Regulations, and Directions,
 “contained in an Act passed in the 8th Year of the Reign of King Geo.
 “the IV. entitled ‘An Act to continue and amend the Law now in force
 “for the trial of Controverted Elections.’”



CHAP. VI.

AN ACT respecting the appointment of Guardians.

[Passed 17th Feb'y. 1827.]

WHEREAS there are in all the respective Districts of this Province Preamble.
 many Infants within the Age of Twenty-one Years, left by the decease
 of their Fathers, subject to the disabilities of Infancy and destitute of
 legal Guardians to act in their behalf, and to have the care of their per-
 sons and the charge of their Estates: And Whereas, it is expedient to
 make some further provision than now exists for the appointment of
 Guardians in such cases:

Be it therefore enacted, by the King's Most Excellent Majesty, by and
 with the advice and consent of the Legislative Council and Assembly
 of the Province of Upper Canada, Constituted and Assembled by virtue
 of, and under the authority of an Act passed in the Parliament of Great
 Britain, intituled, “An Act to repeal certain parts of an Act passed
 in the Fourteenth Year of His Majesty's Reign, intituled, ‘An Act for
 making more effectual Provision for the Government of the Province of
 Quebec, in North America, and to make further Provision for the Go-
 vernment of the said Province;” and by the authority of the same, That
 it shall and may be lawful for the Judge of the Provincial Court of Pro-
 bate, and the Judges of the Surrogate Courts, in their respective Dis-
 tricts, upon the written application of any Infant, or the Friend or
 Friends of such Infant, residing within the jurisdiction of the Judge to
 whom such application shall be made, and not having a Father living,
 nor a legal Guardian, and after twenty days public notice of such ap-
 plication, and after proof of twenty days notice thereof to the Mother
 of such Infant, or proof to the satisfaction of such Judge that such In-
 fant has no Mother living in this Province, to appoint some suitable and
 discreet Person or Persons to be Guardian or Guardians of such Infant,
 and to require and take from the Guardian or Guardians so appointed,
 a Bond, in the name of such Infant, in such Penal Sum and with such Security by Bond.

How Guardians of
 Infants shall be ap-
 pointed, and by whom