

“ 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 appointed, and by whom

Securities as the Judge shall direct and approve, having regard to the circumstances of the case, conditioned that the said Guardian or Guardians will faithfully perform the said trust, and that he or they, the said Guardian or Guardians, or his or their respective Executors or Administrators, will, when the said Ward shall become of the full age of Twenty-one years, or whenever the said Guardianship shall be determined, or sooner if thereto required by the Judge of the said Court, render to his or their said Ward, or to his or her Executors or Administrators, a true and just account of all Goods, Monies, Interest, Rents, Profits, or Property of such Ward, which shall have come into the hands of such Guardian or Guardians, and will thereupon without delay deliver and pay over to the said Ward, or to his or her Executors or Administrators, the Property or the Sum or Balance of Money, which may be in the hands of the said Guardian or Guardians, belonging to such Ward, deducting therefrom and retaining a reasonable Sum for the expences and charges of the said Guardian or Guardians; which Bond shall be recorded by the Register of the said Court in the Books of his Office.

Bond to be recorded.

II. *And be it further enacted by the authority aforesaid,* That the Guardian or Guardians of any Infant so appointed as aforesaid, shall, during the continuance of his or their Guardianship, have authority to act for and in behalf of the said Ward, and to appear in any Court and Prosecute or Defend any Action in his or her name; and shall have the charge and management of his or her Estate, real and personal, and the care of his or her Person and Education, and may, with the approbation of two of His Majesty's Justices of the Peace, and the consent of such Ward, place and Bind him or her an Apprentice to any lawful Trade, Profession, or Employment; such Apprenticeship, in case of males, not to extend beyond the age of Twenty-one years, and in case of females, not beyond the age of Eighteen years, or the Marriage of the Ward within that age.

Guardian's authority.

To appear, in Actions at Law.

Bind Ward an Apprentice.

Limitation of Apprenticeship.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Judge who shall have appointed any Guardian or Guardians as aforesaid, or the successor of the said Judge, upon reasonable complaint made and sustained, or cause shewn to the satisfaction of the said Judge, to remove such Guardian or Guardians from his or their said Guardianship, and if he shall judge it necessary to appoint another Guardian or Guardians of the said Infant.

How Guardian may be removed.

IV. *And be it further enacted by the authority aforesaid,* That in all such cases when the Estate, real or personal, be situate in one District, the right of appointment of Guardians shall belong to the Surrogate Court; and when such Estate, real or personal, is situate in two or more Districts, such appointment shall belong to the Court of Probate, which

In what cases the Surrogate Judge shall appoint a Guardian.

And in what cases the Judge of Probate.

Court of Probate shall be a Court of Appeal, to which any Party aggrieved or injured by any decision, decree, appointment, or other matter in the Surrogate Court, may apply.

Appeal from Court of Surrogate to Court of Probate.

V. *And be it further enacted by the authority aforesaid,* That in all cases any Party aggrieved by any decision, decree, or appointment, or other matter decided in the said Court of Probate, may appeal therefrom to the Governor, Lieutenant Governor, or Person Administering the Government of this Province in Council, who are hereby authorized to confirm or reverse any such decision, decree, appointment, or other matter, brought before them by such appeal or appeals; any Law or usage to the contrary notwithstanding.

Appeal from Court of Probate to the Governor in Council.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Judges and Officers of the Probate and Surrogate Courts to demand and receive the following Fees, and no more, for the services required by this Act:—

Fees-

OFFICIAL PRINCIPAL, OR SURROGATE JUDGE

For the appointment of a Guardian, with Seals thereto—Fifteen Shillings—
For Auditing a Guardian's Account, when required so to do—Ten Shillings.

For an order for removing a Guardian from his Guardianship—Three Shillings and Four Pence.

REGISTER.

For entering the Appointment of a Guardian—Two Shillings and Six Pence.

For entering an order of the Judge—Two Shillings and Six Pence.

For Drawing and Recording a Bond of Guardianship—Six Shillings and Eight Pence.

For Copies given out of his Office—the same as in cases of Probate.



CHAP. VII.

AN ACT to declare what Fees shall be received by Justices of the Peace for the Duties therein mentioned.

[Passed 17th Feb'y. 1827.]

WHEREAS it is expedient that the Fees to be taken by Justices of the Peace, for the Services hereinafter mentioned, should be ascertained and authorized by Law.

Preamble.