

Justices may convict on view.

LVIII. And be it enacted, That a Justice of the Peace having under this Act cognizance of any offence, may convict a party of such offence on the personal view of such Justice, if the offence be committed in his presence ; any law, custom or usage to the contrary notwithstanding.

Justices, &c., not to determine cases in which parties are related to them.

LIX. And be it enacted, That it shall not be lawful for any Justice of the Peace, Road Surveyor, Overseer or Inspector of fences and ditches, to hear or determine any matter or case brought before them in their respective capacities wherein they may be interested either in the subject matter before them, or in the event of their determination, or in any case in which the parties litigant before them are related to them within the degree prohibited by the Law regarding witnesses in Courts of Law.

Commencement of Act.

LX. And be it enacted, That this Act shall come into force on the First of January one thousand eight hundred and fifty-one.

#### SCHEDULE A.

To

of

Take notice that you are required to cut down, destroy and root out all the noxious weeds on your property, whether the same be oxeyed daisies, crowsfoot, thistles, wild endive, succory, and swallow-wort, or any other noxious weed whatsoever, within four days from this day, and in default of your so doing I do hereby summon and enjoin you to be and appear before

, Esquire, Justice of the Peace, at his house, in

at the hour of                    in the                    noon, on the                    day of                    (being the day immediately following the said fourth day, or) then and there to show cause if any you have, why you should not be condemned to pay me Ten Shillings currency for the said four days, and a further sum of Two Shillings and Six Pence for each succeeding day during which any of the said noxious weeds shall remain on your said property ; the said sum to be levied day by day by distress. ; Herein fail not.

(Date.)

(Signature.)

#### SCHEDULE B.

*Judgment of the Justice of the Peace.*

Be it Remembered, that having upon the complaint of                    heard him and                   , and examined the witnesses by them produced (or visited the spot and judged upon my own view, *as the case may be,*) (I do hereby acquit the defendant or) I do hereby enjoin and command                    to pay to the said the sum of                    Shillings ; and also a further sum of Two Shillings and Six Pence for each succeeding day during which the noxious weeds specified in the annexed complaint shall not be cut down and destroyed ; the said sum of Two Shillings and Six Pence currency to be levied by distress day by day.

And these are to empower and command all Bailiffs and other Peace Officers to make such distress accordingly with costs taxed at the sum of

As witness my hand.

(Signature.)

#### CAP. XLI.

An Act to remove doubts as to the right of parties to recover the value of Work done on Roads in Lower Canada, under Acts which have since expired.

[ 10th August, 1850. ]

Preamble.

**W**HEREAS divers persons employed in making or repairing Roads under the requirements and provisions of Acts of the Legislature of Lower Canada now expired, had acquired rights to sums of money secured by *hypothèque*, according to the said Acts, upon the lands through, upon or in front of, or near which, such Roads were laid out, and by reason of the expiration of such Acts, doubts may be entertained whether such persons can maintain suits at law for the recovery of the sums so due to them ; For the removal of such doubts, Be it declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council

Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all cases in which any such claims as are mentioned in the preamble to this Act, shall be made or submitted for adjudication to any Court of Justice in Lower Canada, the said Acts respectively shall be held and considered to have been and to remain in full force and virtue, in so far as may be necessary to enable any such party as aforesaid to maintain any action for labour performed or material furnished, or money expended, upon any Roads or Highways, whether such person shall make such claim in his own right as having performed the labour, furnished the materials, or expended money, or as Assignee of some Road Commissioner, Road Surveyor, or other Road Officer, or as Assignee of any other party having performed such labour, furnished such materials, or expended such money, or caused the same to be done, in obedience to the said Acts or any of them, or to the directions of some Road Commissioner, Road Surveyor or other Road Officer, or other person who might lawfully require or authorize the performance of the labour, or the furnishing of the materials, or expenditure of the money out of which the said claim has grown, or for the recovery of which the action may have been or may be brought.

Acts to be deemed still in force for certain purposes.

C A P . X L I I .

An Act for the better protection of the Lands and Property of the Indians in Lower Canada.

[ 10th August, 1850. ]

**W**HEREAS it is expedient to make better provision for preventing encroachments upon and injury to the lands appropriated to the use of the several Tribes and Bodies of Indians in Lower Canada, and for the defence of their rights and privileges: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor to appoint from time to time a Commissioner of Indian Lands for Lower Canada, in whom and in whose successors by the name aforesaid, all lands or property in Lower Canada which are or shall be set apart or appropriated to or for the use of any Tribe or Body of Indians, shall be and are hereby vested, in trust for such Tribe or Body, and who shall be held in law to be in the occupation and possession of any lands in Lower Canada actually occupied or possessed by any such Tribe or Body in common, or by any Chief or Member thereof or other party for the use or benefit of such Tribe or Body, and shall be entitled to receive and recover the rents, issues and profits of such lands and property, and shall and may, in and by the name aforesaid, be subject to the provisions hereinafter made, exercise and defend all or any of the rights lawfully appertaining to the proprietor, possessor or occupant of such land or property: Provided always, that this section shall extend to any lands in Lower Canada now held by the Crown in trust for or for the benefit of any such Tribe or Body of Indians, but shall not extend to any lands now vested in any Corporation or Community legally established and capable in law of suing and being sued, or in any person or persons of European descent, although held in trust for or for the benefit of any such Tribe or Body.

Preamble.

Appointment of a Commissioner of Indian Lands.

His powers.

Proviso.

II. And be it enacted, That all suits, actions or proceedings by or against the said Commissioner shall be brought and conducted by or against him by the name aforesaid only, and shall not abate or be discontinued by his death, removal from office or resignation, but shall be continued by or against his successor in office; and that such

Suits by or against Commissioner, how brought.

Commissioner