

or Mayor or Chief Magistrate of any City, Town or incorporated Village in such County or United Counties, who is hereby empowered to grant the same.

Persons evading payment of tolls fined.

IV. And be it enacted, That if any person or persons shall, after proceeding on such road, with any of the carriages or animals liable to pay Toll, turn out of the same road into any other road, and shall enter the said road beyond any of the said Toll-gates, without paying Toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of Five Shillings, to be recovered before any Justice of the Peace for the County or United Counties in which such road is situate.

Fines, &c., to whom paid.

V. And be it enacted, That all fines and forfeitures collected under authority of this Act, shall be paid to the Treasurer of the local authorities or Companies owning the respective roads in respect of which such fines and forfeitures shall be imposed, for the use of such local authorities and Companies respectively.

Corporations bound to repair road.

VI. And be it enacted, That every such local corporate body or authority, shall keep every such road in good and sufficient repair, and upon default thereof shall and may be indicted at any Court of General Quarter Sessions of the Peace or other Court of Superior Jurisdiction of any County or Union of Counties within or along the boundary of which such road shall be out of repair, and upon being convicted, the Court before which such conviction shall be had, shall direct such local corporate body or authority to make the necessary repairs, for the want of which such prosecution shall have been commenced, within such time as to the Court shall seem reasonable; and that in case such repairs shall not be completed within such time, the County Council of the locality within or along the limits of which the road may be situate in part or wholly, shall and may cause the necessary repairs to be made, and the amount expended on such repairs, together with twenty-five per cent. of increase thereon, shall and may be recovered from the corporate body or authority owning the road and so neglecting to make such repairs, by action of debt in any Court of competent jurisdiction.

Penalty incurred for neglecting the same.

VII. And be it enacted, That any person or persons appointed to collect Tolls at any Toll-gates in Upper Canada, who shall demand Tolls at a higher rate than is authorized by law, from any person or persons passing through the same, or wilfully make any unnecessary delay in opening the same, shall incur a penalty of One Pound Five Shillings, to be levied in the same manner as other penalties imposed by this Act.

Exactng unfair tolls punishable by fine.

VIII. And be it enacted, That this Act shall apply only to Upper Canada.

Act limited.

CAP. LVIII.

An Act to allow Notaries to call meetings of relations and friends, in certain cases, without being thereto specially authorized by a Judge.

[30th August, 1851.]

Preamble.

WHEREAS great inconvenience and delays arise, and heavy expenses are incurred, in consequence of the personal attendance of the relations and friends before a Judge of the Superior Court, or of the Circuit Court, being necessary in cases in which by the Laws of Lower Canada, the counsel and advice of relations and friends are required, where the said relations or friends reside within the distance of five leagues from the place at which any such Judge is to sit, and of the necessity of obtaining the formal authorization of a Judge of one of the said Courts to empower such relations and friends to appear before a Notary, or other person when such relations or friends reside beyond the said distance of five leagues: 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 whenever it shall

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be necessary to call a meeting of relations and friends to give their counsel and advice upon the appointment of Guardians or Tutors, Subrogate Tutors, Curators to absentees or to vacant estates, and other matters which require the counsel and advice of relations and friends, it shall be lawful for any Notary near the residence of such relations and friends, or who will be on the spot when the meeting shall be held, whatever be the distance from the residence of the said relations and friends to the place of sitting of the Superior Court for the District, or of the Circuit Court, and without the formal authorization of a Judge of either of the said Courts, to call such meeting; and such Notary is hereby authorized, at the request of any of the parties on whose application any such Judge could have called such meeting, to call a meeting of the said relations and friends, administer to them the oath by law prescribed, and receive their counsel and advice respecting the matter submitted to their decision, and also to administer the oath of office by law required, to the Tutors, Curators and other persons who shall be so appointed with the advice and consent of the said relations and friends.

Notaries may call meetings of relations and friends when thereunto required.

II. Before calling any such meeting of relations and friends, the party requiring such meeting shall state to the Notary, and represent to him, truly and correctly, the object and purpose of the meeting, and the reasons for the same, in the same manner as he is now required to do in applications made to the Judges for similar purposes, of all which the said Notary shall grant *Acte* in the form of Schedule A: Provided always that it shall be lawful for several persons, having a common interest, conjointly to make such declaration, and to appear and act together in all the proceedings and instruments mentioned in the following sections.

The notary shall make a Minute of the declaration of the party requiring such meeting.

III. In all cases of the appointment of Guardians or Tutors, Subrogate Tutors or Curators as aforesaid, it shall be lawful for any Notary to cause to come before him the relations, and in default of the relations, the friends of the parties, (such default of relations being previously declared and established), he shall administer the usual oath to the persons composing such meeting, and read to them the contents of the *Acte* mentioned in the next preceding section, and receive their advice and opinion, administer the oath of office to the Guardian, Tutor, Subrogate Tutor, Curator or other person so appointed, and shall grant *Acte* thereof in the form of Schedule B, stating the degree of relationship, residence and quality of the persons composing the said meeting, and if there be any opposition or difference of opinion, he shall state in the said *Acte* the reasons given by the several persons composing the said meeting.

The notary may cause relations and friends to come before him,—administer the oaths, &c.

IV. So much of the ninth section of the Act of the Legislature of Lower Canada, passed in the thirty-fourth year of His Majesty, King George the Third, intituled, *An Act for the division of the Province of Lower Canada, for amending the judicature thereof, and for repealing certain Laws therein mentioned*, or of any other law, as shall be repugnant to this Act, shall be and is hereby repealed: Provided always, that nothing in this Act contained shall prevent any Judge of the Superior Court, or of the Circuit Court, from calling such meeting of relations and friends, or from authorizing any Notary or other person, on the application of parties, to call such meeting in the manner by law prescribed, and as such Judge shall deem expedient for the ends of justice.

A certain part of the Act of L. C. 34 G. 3 c. 6, repealed.

Proviso.

SCHEDULE A.

On the _____ day of _____, in the _____ noon, in the year one thousand eight hundred and _____, before me, the undersigned Public Notary, for Lower Canada, residing in the District of _____, came and appeared A, residing _____ whereupon who hath declared that _____ requires the counsel and advice of the relations and friends of _____

Whereof *Acte* at _____

SCHEDULE B.

On the _____ day of _____, in the _____ noon, in the year one thousand eight hundred and _____, before me, the undersigned Public Notary for Lower Canada, residing in the District of _____, came and appeared B, residing _____

Who ha _____ caused to be assembled before me the said Notary, for the purposes mentioned in the above declaration made before me on the _____ (or made before any Notary on _____) to the intent that _____ to wit: _____ in default of relations,

Who, after having been duly sworn on the Holy Evangelists, taken communication of the declaration above mentioned and maturely deliberated together, were unanimously of opinion that the said _____ be _____, who being present ha _____ voluntarily accepted the said office _____, and promised under Oath to fulfil the duties thereof.

Whereof *Acte* at _____

CAP. LIX.

An Act to repeal in part and to amend an Act, intituled, *An Act for the better protection of the Lands and property of the Indians in Lower Canada.*

[30th August, 1851.]

Preamble.

WHEREAS it is expedient to designate more accurately the persons who have _____ and shall continue to have a right of property, possession or occupation in the lands and other immoveable property belonging to or appropriated to the use of the various Tribes or Bodies of Indians residing in Lower Canada: 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 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 the fifth section of the Act passed in the now last session of the present Parliament, chaptered forty-two, and intituled, *An Act for the better protection of the Lands and property of the Indians in Lower Canada*, shall be, and the same is hereby repealed.

Sect. 5, of 13 & 14
Vict. c. 42, repealed.

Who shall be deemed
Indians belonging to
any Tribe.

II. And be it declared and enacted, That for the purpose of determining what persons are entitled to hold, use or enjoy the lands and other immoveable property belonging to or appropriated to the use of the various Tribes or Bodies of Indians in Lower Canada, the following persons and classes of persons, and none other, shall be considered as Indians belonging to the Tribe or Body of Indians interested in any such lands or immoveable property :

Firstly. All persons of Indian blood, reputed to belong to the particular Tribe or Body of Indians interested in such lands or immoveable property, and their descendants :

Secondly. All persons residing among such Indians, whose parents were or are, or either of them was or is, descended on either side from Indians, or an Indian reputed to belong to the particular Tribe or Body of Indians interested in such lands or immoveable property, and the descendants of all such persons : And

Thirdly. All women, now or hereafter to be lawfully married to any of the persons included in the several classes hereinbefore designated ; the children issue of such marriages, and their descendants.