

CAP. CCII.

An Act to amend the Laws relative to Commissioners' Courts for the Trial of Small Causes in Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS for the prevention of fraud, it is expedient to make provision for the due attestation of the signatures to the Petitions for the discontinuance or re-establishment of Commissioners' Courts, under the Act passed in the present Session and intituled, *An Act to amend the Act providing for the summary decision of Small Causes 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 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 before any Petition under the Act cited in the Preamble of this Act, either for the discontinuance or for the re-establishment of a Commissioners' Court in any Parish, Seigniorie or Township, shall be certified by any Justice of the Peace or Officer of Militia, as being signed by an absolute majority of the Municipal Electors residing in such Parish, Seigniorie or Township, each signature shall be attested on oath, before some Justice of the Peace residing in the County in which such Parish, Seigniorie or Township shall lie, by some Municipal Elector of such Parish, Seigniorie or Township known to such Justice of the Peace, in the following form, or words to the like effect:

16 V. c. 14.

Signatures of Petitioners under 16 V. c. 14, to be attested on oath, and in what manner.

Form of oath.

"I, M. N. swear that A. B., C. D. and E. F. (*inserting the names of the party or parties whose signature or signatures is to be attested,*) signed the above written Petition in my presence; that I am personally acquainted with him (*or them*) and know that he is (*or each of them is*) a Municipal Elector of the Parish (Seigniorie or Township) of *(if any of the signers make their marks instead of signing their names, add,)* and that the said Petition was read over distinctly and explained to those of the said signers who have made their marks thereto instead of signing their names."

(Signature,) M. N.

Attestation.

"Sworn before me, one of Her Majesty's Justices of the Peace for the County of *(insert name)* by M. N., (*trade, profession or quality*) who is personally known to me as a Municipal Elector of the Parish (Seigniorie or Township) of *(insert name)* and as a person worthy of credit, at this day of *(insert name)* one thousand eight hundred and fifty-*(insert year)*."

O. K.

J. P.

And

And if any signature be not so attested, it shall not be counted in ascertaining the number of persons signing such Petition; Provided always, that the signatures of different signers of any Petition may be attested by different witnesses, and any number thereof may be attested by one witness, and that the mark of any person attested as aforesaid shall be counted as a signature.

Unattested signatures not to be counted. Proviso.

CAP. CCIII

An Act to regulate the proceedings in cases of Voluntary Licitation.

[Assented to 14th June, 1853.]

WHEREAS the formalities required in cases of voluntary licitations cause inconvenience, delay and expense to parties interested: 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 be intended to sell or otherwise alienate the real estate of minors or of any other person whose real estate can only be sold or otherwise alienated according to the formalities by law required for the sale or other alienation of the real estate of minors, the Notary, before calling a meeting of the relations and friends for that purpose, in conformity with the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapter fifty-eight, shall cause two *experts* to be appointed who shall not be related to any of the parties or to their legal representatives, or interested in the matter in question, (mention whereof shall be made in the Deed of *Expertise*,) one of which *experts* shall be appointed by the tutor, and the other by the *subrogé* tutor of the minors, (or in the case of the real estate of any other person, subject to the same formalities as provided by law for the real estate of minors, one *expert* shall be appointed by the curator to such person, and the other by one of the relations nearest of kin to, or appearing to be most interested in such person,) of which appointment an *Acte* shall be drawn up before Notaries in the form of Schedule A; to which *experts* any Notary shall, by this Act, be authorized to administer the oath according to law, which oath shall be taken (in the form of Schedule B) by the said *experts*, before entering upon their duties; it shall then be the duty of the said *experts* to proceed to ascertain the value of the real estate in question, and if the sale thereof shall be required on account of indivisibility, they shall also proceed to ascertain whether it cannot be conveniently divided, and shall

Preamble.

Appointment of *experts* to ascertain the value of the real estate to be sold or alienated.

Mode of appointment.

How to be sworn.

Their duty.

Report.

shall