

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 58

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.

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 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.

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.

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.

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.

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 _____ who hath declared that _____ whereupon _____ 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[illegible] 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 at _____ voluntarily accepted the said office _____, and promised under Oath to fulfil the duties thereof.

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Whereof *Acte* at _____