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No. 297.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending in Lower Canada.

Received and Read a first time, Wednesday, 16th
May, 1849.

Second Reading, Friday, 18th May, 1849.

Hon. Mr. LAFONTAINE.

PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending in Lower Canada.

WHEREAS the Act passed in the seventh year of Her Majesty's Reign, and intituled, "*An Act to repeal an Ordinance of Lower Canada, intituled 'An Ordinance concerning Bankrupts, and the Administration and Distribution of their Estates and Effects,'*" and to make provision for the same object throughout the Province of Canada,"—and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, "*An Act to continue and amend the Bankrupt Laws now in force in this Province,*" would, if no further provision were made in that behalf, expire at the end of this present Session; And whereas it is expedient to continue the said Acts in so far as relates to cases in which Commissions of Bankruptcy have been issued in Lower Canada before the passing of this Act, and to provide for the completion of all proceedings in such cases: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That for and notwithstanding anything in the Acts cited in the Preamble to this Act or either of them, the said Acts shall respectively be and remain in force until the day of in the year of Our Lord one thousand eight hundred and fifty, and thence until the end of the then next Session of the Provincial Parliament, in so far only as relates to cases in which Commissions of Bankruptcy have issued in Lower Canada, and to all the proceedings therein, as well in appeal as before any Commissioner of Bankrupts or Circuit or District Judge acting as such; but no Commission of Bankruptcy shall after the passing of this Act be issued under the said Acts or either of them in Lower Canada, nor shall any proceeding preliminary to the issuing of a Commission of Bankruptcy to be had in Lower Canada after that time, be of any force or effect whatsoever.

II. Provided always, and be it enacted, That from and after the time when the Act passed during this present Session, and intituled, "*An Act to amend the laws relative to the Courts of original Civil Jurisdiction in Lower Canada,*" shall come fully into effect, the powers and duties which by the Acts mentioned in the Preamble to this Act, or either of them, are vested in and

The said Acts continued as to cases in which Commissions have issued in L. C., but not as to any others.

No new Commission to issue in L. C.

When the Judicature Act of this Session shall come into force, the Judges of the Superior Court to be Commissioners of Bankrupts.

assigned to any Circuit or District Judge in Lower Canada, acting as a Commissioner of Bankrupts, shall be and are hereby assigned to and vested in each of the Judges of the Superior Courts, respectively, residing at any place where there shall be no Commissioner of Bank- 5 rupts, and such Judges shall respectively be Commissioners of Bankrupts for the Districts in which such place shall be; but if there be more than one Judge of the Superior Court residing at such place, it shall be lawful for the Governor of this Province, through the 10 Provincial Secretary, from time to time to indicate the Judge by whom such powers shall be exercised, and such duties shall be performed, in order as far as possible to prevent its happening that more than one Judge shall be disqualified to sit on any appeal in Bankruptcy to the 15 Superior Court; Provided always, that after the said Act shall come fully into effect, appeals in Bankruptcy from the District of Gaspé shall lie to the Superior Court at Quebec; And provided also, that notwithstanding anything herein contained, or in the said Acts, a Commissioner of 20 Bankrupts may be appointed at any such place as aforesaid, and for the District in which such place shall lie, if the Governor shall deem such appointment requisite for the public good.

Expiration of the Acts not to revive Laws repealed by them. III. And be it enacted, That the expiration of the 25 said Acts or either of them, or of any portion or provision thereof, shall not be construed to revive any Act or Ordinance repealed by them or either of them, but the same shall be and remain repealed.