

The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 50

An Act to authorize the advance of a certain sum of money therein mentioned to relieve certain Inhabitants of Lotbiniere from their sufferings through the failure of the last Harvest. (14th March, 1829.)

MOST GRACIOUS SOVEREIGN,

Whereas it is expedient, that for the purpose of alleviating the Distress which certain Inhabitants of the Parish of Saint Louis de Lotbiniere, suffer in consequence of the total failure of the Harvest of last year, pecuniary aid by way of Loan be granted them by the Legislature, and whereas it is urgently necessary that such aid be promptly granted, May it therefore please your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that it shall be lawful for the Governor, Lieutenant Governor or Person administering the Government of the Province for the time being, by Warrant under his hand to authorize an advance by way of loan out of any unappropriated monies in the hands of the Receiver General of this Province sum not exceeding two hundred pounds, currency, to be immediately applied to the relief and succour of such of the Inhabitants of the said Parish as are the principal sufferers from the cause aforesaid.

II. And be it further enacted by the authority aforesaid, that the said sum of money shall be advanced to Messire Jean Baptiste Daveluy, Rector of the said parish, to Louis Legendre, to Francois Xavier Lemay and to David Noel Tousignan, freeholders and farmers in the said parish of Saint Louis de Lotbiniere, acting for and or behalf of the Fabrique of the said parish to be by them immediately employed in procuring means of subsistence for the most distressed families in the said parish of Saint Louis de Lotbiniere.

III. And be it further enacted by the authority aforesaid, that the income of the said Fabrique accrued and to accrue, shall, after deducting the necessary annual expenses of the said Fabrique, be applied during four years from the passing of this Act, in the payment of the said sum of two hundred pounds, currency, and that if the said income shall be insufficient for that purpose, the immoveable property and estate of the said Jean Baptiste Daveluy, Louis Legendre, Francois Xavier Lemay and David Noel Tousignan, according to the

offer by them made, shall be and remain specially hypothecated, and the said hypothec shall be privileged, for the payment of the whole of the said sum or of the balance thereof, if any, unpaid at the expiration of the said term of four years, any law, custom or usage to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, that for the payment to the said Jean Baptiste Daveluy, Louis Legendre, Francois Xavier Lemay and David Noel Tousignan, acting as aforesaid, of such sum of money as they shall have advanced to any person for the purposes of this Act, upon its being ascertained by an acknowledgement in writing bona fide made for such advance, in the presence of a Notary Public, or one of His Majesty's Justices of the Peace, or a Captain of Militia and one other credible witness, all the real estate held by such person shall be specially hypothecated to the said Jean Baptiste Daveluy, Louis Legendre, Francis Xavier Lemay and David Noel Tousignan, acting as aforesaid, and that the debt of each person to whom they shall so have advanced such monies, shall be deemed and adjudged to be a privileged debt with the benefit of preference to the said Jean Baptiste Daveluy, Louis Legendre, Francois Xavier Lemay and David Noel Toussignan, acting as aforesaid, before every other creditor for any demand of whatsoever kind, for and during the space of four years after the passing of this Act, and no longer, any law, custom or usage to the contrary notwithstanding, saving nevertheless to His Majesty, His Heirs and Successors, all the rights of the Crown as fully and effectually as if this Act had never been passed.

V. And be it further enacted by the authority aforesaid, that the said Jean Baptiste Daveluy, Louis Legendre, Francis Xavier Lemay and David Noel Tousignan, or those among them by whom the monies to be advanced by virtue of this Act, or any part thereof, shall have been applied to the purposes thereof, shall within fourteen days next after the opening of the next Session of the Provincial Legislature lay before the several Branches thereof, a correct and detailed account of the manner in which such monies shall have been applied and disposed of for the purposes of this Act.

VI. And be it further enacted by the authority aforesaid, that the re-payment of the said monies shall be made to the Receiver General of this Province for the time being, and that when repaid, the said monies shall remain at the disposal of the Provincial Legislature for the public uses of the Province, and shall be accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.

VII. And be it further enacted by the authority aforesaid, that the due application of the monies, the advance of which is hereby authorised shall be accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors shall direct.

VIII. And be it further enacted by the authority aforesaid, that this Act shall be deemed a public Act and shall be judicially taken notice of as such by all Judges, Justices of the Peace and all other persons whomsoever without being specially pleaded.