

C A P. III

An Act to relieve the distress under which by reason of the failure of the late Crops, the Inhabitants of certain Parishes, would otherwise labour, by assisting the said Inhabitants to procure seed ~~to~~ to sow their Lands.

[18th March, 1834.]

MOST GRACIOUS SOVEREIGN.

Preamble.

Governor empowered to advance certain sums of money to the Rector of certain Parishes, to assist the poorer class of farmers to procure seed grain to sow their lands.

WHEREAS by reason of the almost total failure of the Crops of last year, in the several Parishes and places hereinafter mentioned, it hath become indispensably necessary to assist the poorer class of Farmers therein to procure seed grain for the present year :—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 by Warrant under his hand and out of any unappropriated monies in the hands of the Receiver General, to advance and pay to the several persons, and for the purposes hereinafter mentioned, the following sums, that is to say :—

Parishes to which relief is granted.

A sum not exceeding three hundred and seventeen pounds ten shillings, currency, to the Rector of the Parishes of St. Paul's Bay, *la Petite Rivière* and St. Urbain, in the County of Saguenay.

A sum not exceeding three hundred and seventeen pounds, ten shillings, currency, to the Rector of the Parish of *les Eboulemens*, in the said County.

A sum not exceeding four hundred and seventy-one pounds currency, to the Rector of the Parishes of Malbaie and St. Agnes, in the said county.

A sum not exceeding one hundred and eighty-seven pounds ten shillings, currency, to the Rector of the Parishes of St. Germain and Ste. Cecile, in the County of Rimouski.

A sum not exceeding one hundred and fifty pounds currency, to the Rector of the Parishes of Ste. Luce and St. Flavie, in the said County.

A sum not exceeding one hundred and five pounds currency, to the Rector of the Parishes of Matane and Ste. Anne *des Monts*, in the said County.

A sum not exceeding three hundred and thirty-two pounds ten shillings currency, to the Rector of the Parishes of St. Simon and Trois Pistoles, in the said County.

A sum not exceeding seventy-five pounds currency, to the Rector of the Parish of St. Fabien, in the said County.

A sum not exceeding one hundred and eighty pounds currency, to the Rector of the Parish of Green Island, in the said County.

A sum not exceeding one hundred and eighty pounds currency, to the Rector of the Parish of Kakona, in the said County.

A sum not exceeding two hundred and twenty-five pounds currency, to the Rector of the Parish of Rivière du Loup, lying partly in the said County, and partly in the County of Kamouraska.

A sum not exceeding one hundred pounds currency, to the Rector of the Parish of St. André, in the County of Kamouraska.

A sum not exceeding one hundred and six pounds five shillings, currency, to the Rector of the Parish of Kamouraska in the said County.

A sum not exceeding one hundred and six pounds five shillings, currency, to the Rector of the Parish of St. Paschal, in the said County.

A sum not exceeding one hundred and sixty-two pounds ten shillings, currency, to the Rector of the Parish of la Rivière Ouelle, in the said County.

A sum not exceeding thirty-seven pounds ten shillings, currency, to be employed in the Township of Ixworth, the Rector of the Parish of St. Anne, in the said County.

A sum not exceeding one hundred and eighty-seven pounds ten shillings, currency, to the Rector of the Parish of St. Gervais, in the County of Bellechasse.

A sum not exceeding one hundred pounds currency, to the Rector of the Parishes of St. George and St. François, in the County of Beauce.

A sum not not exceeding fifty pounds currency, to the Rector of the Parish of St. Joseph, in the said County.

A sum not exceeding one hundred and seventy-five pounds currency, to the Rector of the Parish of Ste. Marie, in the said County.

A sum not exceeding sixty-two pounds ten shillings, currency, to the Rector of the Parish of Ste. Claire, in the said County.

A sum not exceeding one hundred pounds currency, to the Rector of the Parish of St. Henry, in the County of Dorchester.

A sum not exceeding seventy pounds currency, to the Rector of the Parish of St. Anselme, in the said County.

A sum not exceeding seventy pounds currency, to the Rector of the Parish of St. Jean Chrysostôme, in the said County.

A sum not exceeding sixty pounds currency, to the Rector of the Parish of St. Joseph, in the said County.

A sum not exceeding three hundred pounds currency, for the County of Gaspé.

And a sum not exceeding six hundred pounds currency, for the County of Bonaventure.

Sums so advanced to be employed by the Rectors jointly with the Church wardens of the Fabriques of the Parishes, assisted by the advice of a Committee to be elected at a meeting of the inhabitants for the purpose of procuring seed grain and seed potatoes.
Proviso.

II. And be it further enacted by the authority aforesaid, that the sums so advanced, shall be employed by the said Rectors jointly with the Church Wardens of the Fabrique of the Parishes of which they are respectively in charge, assisted by the advice of a committee of at least nine practical and intelligent Cultivators, to be elected in each Parish at a meeting of the Inhabitants at the Church door or Presbytery, on some Sunday immediately after divine service in the forenoon, (at which meeting the Senior Magistrate, or in his absence the Senior Militia Officer present shall preside) for the purpose of procuring seed grain and seed potatoes for all Cultivators of Lands in the said Parishes and places respectively who without such assistance would be unable to sow their Lands: Provided always that no such sum shall so advanced to any Cultivator except to procure seed grain or potatoes and upon the recommendation of the committee aforesaid, or a majority thereof.

Duty of the said Committees to watch carefully over the just distribution of seed grain and potatoes.

III. And be it further enacted by the authority aforesaid, that it shall be the duty of the said committees to watch carefully over the just distribution of such seed grain and seed potatoes, to determine the kind and quantity of such seed which each of the said Cultivators ought to receive according to the nature of the soil and the skill and means possessed by the Cultivators respectively who shall apply for assistance under the authority of this Act. And it shall also be the duty of the said Committees to pay strict attention and to take the necessary precautions that the said seed grain and seed potatoes, given under the authority of this Act as seed, be not employed in any other way whatsoever.

Every debt contracted under recommendation of the Committees declared a privileged debt.
Proviso.

IV. And be it further enacted by the authority aforesaid, that every debt contracted under the recommendation of the said Committees in any of the Parishes aforesaid before the twentieth day of May next, under any deed, contract or engagement made in good faith and in writing for the purpose of obtaining seed wheat or peas, or before the twentieth day of June next, for the purpose of obtaining any seed potatoes, barley or oats either in the presence of a Notary, or a Justice of the Peace, or of the Rector of the Parish, or of a Captain of Militia, and one credible witness, for a quantity not exceeding twenty minots of wheat, thirty minots of any other grain, and twenty minots of potatoes for any one purchaser or borrower, shall be reputed and adjudged in any Court of Law, to be a privileged debt, and the seller or lender shall be preferred to every other creditor whomsoever, any law usage or custom to the contrary notwithstanding, saving always the rights of His Majesty, his Heirs and Successors: Provided always that the privilege granted by this Act shall not

not in any case have effect or be recognized after the expiration of two years from the first day of June next, and that the Debtor shall not be sued for the said debt until after the expiration of one year from the said first day of June next, and then only for the value of such quantity of each kind of grain as shall have been sold or lent to him in consequence of the recommendation of the Parish Committee aforesaid.

In consequence of the distance of the District of Gaspé from Quebec, certain sums may be advanced to the Missionary resident at Percé and to the several Fabriques at Percé, assisted by the Church Wardens and by Committees, and with powers similar to the Committees of the District of Quebec.

V. And be it further enacted by the authority aforesaid, that in consequence of the distance of the district of Gaspé, from the city of Quebec, and the difficulty of communicating with it the sum of three hundred pounds so to be advanced for the County of Gaspé, and the sum of six hundred pounds so to be advanced for the County of Bonaventure, shall be employed in purchasing seed grain and seed potatoes and in consigning and forwarding the same as soon as the navigation shall be open, to the several persons hereinafter mentioned, that is to say, in the County of Gaspé, to the Missionary resident at Percé, who, assisted by the Church Wardens, and by the Committees appointed in the several localities in the manner and form hereinbefore mentioned and with the same powers and duties as are assigned by this Act, to the Committees, in the Parishes within the district of Quebec, shall distribute such seed grain and potatoes to the distressed Cultivators, in the said County, who, without such assistance would be unable to sow their Lands, and in the County of Bonaventure, to the several Fabriques in the said County, who, aided by Committees appointed in the manner and having the powers and duties assigned to the other Parish Committees, by this Act, shall distribute the same among the distressed Cultivators, in the said County, who, without that assistance, would not be able to sow their Lands.

Expenditure of the money to be accounted for, and to be attested before a Justice of the Court of King's Bench or Justice of the Peace.

VI. And be it further enacted by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance (if any) remaining in the hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver General; and that every such account shall be supported by vouchers therein distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to, and closed on the tenth day of April and tenth day of October in each year, during which such expenditure shall be made, and shall be attested before a Justice of the Court of King's Bench, or a Justice of the Peace, and shall be transmitted to the Officer whose duty it shall be to receive such account, within fifteen days next after the expiration of the said periods respectively.

Application of
the money to
be accounted
for to His Ma-
jesty.

VII. And be it further enacted by the authority aforesaid, that the due application of the monies appropriated by this Act, 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; and that a detailed account of the expenditure of all such monies, shall be laid before the several branches of the Provincial Legislature within the first fifteen days of the next Session thereof.

C A P. IV.

An Act to amend an Act passed in the fourth year of His late Majesty's Reign, chapter seventeen, and further to facilitate the prosecutions of actions in certain cases.

[18th March, 1834.]

Preamble.

WHEREAS it is expedient to amend, and render more effectual a certain Act passed in the fourth year of His late Majesty's Reign, chapter seventeen, intituled, "An Act to provide more effectual means than heretofore have been, to compel, in the proper Jurisdiction, the appearance of Defendants, residing in different districts, who ought to be joined in the same cause:"—Be it therefore 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 in any suit or action wherein the instance shall stand or be interrupted by the decease of any one or more of the parties thereto, and the legal representative or representatives of the party or parties deceased shall be domiciliated in any district or districts of this Province, other than that wherein the original suit was pending, it shall and may be lawful for the Court having cognizance of such suit or action to issue a Writ or Writs, addressed to the Sheriff or Sheriffs of the several Districts in this Province, in which such legal representative or representatives may respectively reside, which Writ or Writs being first endorsed by the signature of any of His Majesty's Judges, for the District where such representative or representatives may reside and a copy thereof

How to proceed in prosecutions of actions in certain cases.