

## CAP. VI.

An Act in addition to an Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province.

Passed 11th April 1850.

**WHEREAS** doubts have arisen with regard to the intent and meaning of an Act made and passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province*: And whereas it is deemed advisable to declare the intent and meaning of the said Act;

I. Be it therefore declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding the provisions of the said recited Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province, all rights, interests, liabilities, actions or causes of action which had accrued or may accrue to any person or persons, or existed under any Fiat published in the Royal Gazette before the passing of the said Act, or in any way under the authority of any law repealed by the said Act, shall continue and be and remain available to any such person or persons for any and all purposes as fully and effectually to all intents and purposes as if the said recited Act had not passed; and nothing in the said recited Act shall be construed to extend to affect any proceeding had or taken, or that may be had or taken under any Fiat published as aforesaid, or any thing done in the prosecution thereof, or the settling the estate, or collecting or disposing of the debts of any such Bankrupt, or in any other proceeding in Bankruptcy; and the rights of all persons existing, arising or accruing in any way under or out of any such Fiat, or the authority of any law relating to Bankruptcy at any time heretofore in force, shall be deemed and continue valid, effectual and available for all purposes in the same manner to all intents and purposes as if the said recited Act had not passed; and until all the estates of the several Bankrupts, whose Fiats have been so published before the passing of the said recited Act, are completely settled, wound up and closed, it shall and may be lawful to fill up vacancies arising from time to time by death, resignation or otherwise, or which may have arisen in the office of Commissioner of Bankrupts, or Assignee, in the same manner and as fully and effectually to all intents and purposes as if the said recited Act had not passed, and in the construction of the proviso in the said recited Act, this Act shall be deemed to declare the true meaning thereof.

II. And be it enacted, That no action, suit or proceeding shall be instituted, had or taken for the recovery of any Bond or the penalty thereof, or any money therein secured, heretofore given, executed or entered into, to the Registrar of the Court of Chancery of this Province by any person or persons for securing the costs of any proceeding in Bankruptcy, unless such action, suit or proceeding be instituted, had or taken within four calendar months after the passing of this Act.

III. And be it enacted, That no proceeding shall be had or taken on any Fiat published in the Royal Gazette before the passing of the said recited Act, in cases where the person so declared a Bankrupt under the authority of any Act repealed by the said recited Act, has not surrendered before the passing of the said recited Act, unless such person shall surrender within six calendar months after the passing of this Act, and in all cases when such person shall or may neglect or refuse to surrender within that period, the Fiat so granted as aforesaid shall be null and void; provided always, that in every case where a party surrenders within the time limited by this Act, unless such party shall proceed to a sitting for a final certificate within nine calendar months after the date of such surrender,

Preamble.

12 V. c. 43.

Rights, liabilities, &c. under any Fiat published before the passing of 12 V. c. 43, or Acts thereby repealed, to remain available.

Vacancies in the office of Commissioner of Bankrupts or Assignee may be supplied.

This Act to be the meaning of the proviso in 12 V. c. 43.

No action to be had on Bonds to the Registrar in Chancery for costs unless prosecuted within four months.

No proceedings to be had on Fiats unless surrendered be made within six months after passing this Act.

Proviso.

or

or within such further time as the Commissioner upon good cause shewn therefor on affidavit shall grant, then and in such case the certificate of such Bankrupt shall be deemed and taken to be refused.

## CAP. VII.

An Act for the better prevention of Trespasses on Crown Lands and Private Property.

*Passed 11th April 1850.*

Illegally cutting and carrying away trees, logs, &c., made a misdemeanor.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, whosoever shall wilfully and without legal authority therefor, cut and carry away, or cause to be cut and carried away, or being cut shall carry away, or cause to be carried away off any Lands, granted or ungranted, any trees, logs, or timber of any kind, shall be guilty of a misdemeanor, and shall be liable to be imprisoned in the common gaol of the County where the offence may be committed for any term not exceeding one year, or fined in any sum not exceeding fifty pounds, at the discretion of the Court.

How property to be laid in the indictment.

II. And be it enacted, That when any such offence has been committed upon ungranted Lands, the property in the trees, logs or timber cut or carried away shall be laid to be in Her Majesty the Queen; and in case such offence had been committed upon granted Lands, the property in the trees, logs or timber so cut or carried away, may be laid to be in the owner of the freehold of such granted Lands; and in case such offence be committed upon Land held from the Crown, under lease or licence, the property in the trees, logs or timber so cut or carried away, may be laid to be in the lessee or licensee of such Land.

Lessees or licensees of Crown Lands may recover damages.

III. And be it enacted, That whenever any timber, trees or logs are cut and carried away from any grounds held under lease or licence from the Crown, the lessee or licensee may recover damages therefor in an action of trespass or replevin against the person or persons so cutting and carrying away, in any Court of competent jurisdiction, and such lessee or licensee, for the purpose of such action, shall be deemed and taken to be the owner of such property.

Act not to affect any civil remedy.

IV. And be it enacted, That nothing in this Act contained shall in any wise affect any civil remedy of any parties injured by any such trespasses.

Limitation.

V. And be it enacted, That this Act shall continue and be in force for two years and no longer.

## CAP. VIII.

An Act to amend the Act providing for the Collection and Protection of the Revenue of this Province.

*Passed 11th April 1850.*

Warehoused goods may be removed on permission from one Warehouse to another in the same Port.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That any goods which have been or shall be hereafter warehoused in some Warehouse in any Port in this Province, may, with the permission of the Treasurer or Deputy Treasurer at such Port first obtained, be removed to any other Warehouse in the same Port in which goods may be warehoused on importation.

Goods so removed and the proprietors to be liable as before.

II. And be it enacted, That all goods which hereafter shall be removed from one Warehouse for or to another in the same Port, and all proprietors of such goods, shall be held subject in all respects to all the conditions to which they would have been held subject if such goods had remained in the Warehouse where the same had been originally warehoused.

Warehouse Bonds may be cancelled and new Bonds

III. And be it enacted, That if any goods shall have been warehoused in any Warehouse, and particular security, as in such case is required, shall have been given