



A N N O N O N O

V I C T O R I Æ R E G I N Æ .

C A P . L X I I .

An Act for enabling Her Majesty to direct the issue of Debentures to a limited amount, and for giving relief to the City of Quebec.

[9th June, 1846.]

MOST GRACIOUS SOVEREIGN :

**W**HEREAS in consideration of the heavy losses which have been sustained in the City of Quebec, in consequence of the great destruction of property by fire, it is expedient that Your Majesty's Governor General, Lieutenant Governor, or person administering the government of this Province, be authorized to raise by a loan the sum of one hundred thousand pounds, currency, to be issued to Commissioners, to be by them advanced, under certain regulations and restrictions, for the assistance and accommodation of the said City of Quebec and of such persons having property therein and connected therewith as shall be desirous of receiving the same for the purpose of rebuilding, on due security being given for the repayment of the sums so advanced within a time to be limited : May it therefore please Your Majesty, That it may be enacted, and 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 from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government of this Province, to authorize and direct Her Majesty's Receiver General of this Province to raise by loan from any person or persons, bodies corporate or politic who may be willing to advance, upon the credit of the Government bills or debentures authorized to be issued under this Act, the said sum of one hundred thousand pounds, currency, and that as soon as the said sum of one hundred thousand pounds, currency, or any part thereof, shall be so raised, it shall and may be lawful for the Governor to issue his Warrant upon the said Receiver General for the same, in favour of the said Commissioners, to be by them advanced and lent upon the terms and conditions hereinafter provided respecting the same.

Preamble.

Governor may authorize Receiver General to raise a sum of £100,000 currency, by Government debentures.

II. And be it enacted, That it shall and may be lawful for the Receiver General for the time being, to cause and direct any number of debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of one hundred thousand pounds, as any person or persons, bodies corporate or politic shall agree to advance

Receiver General may issue debentures for any sum not more than £100,000 currency, at a rate

of interest not exceeding 5 per cent.

on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as Her Majesty's Receiver General shall think most safe and convenient, and be signed by him, and shall be made payable at such period and for such sums and at such rate of interest not exceeding five pounds per centum per annum as shall be found most advisable.

Proviso : debentures to be taken in payment by the Receiver General, Collectors of Customs, &c., after they are due.

III. Provided always, and be it enacted, That the said debentures to be made out by virtue of this Act, or so many of them as shall, from time to time, remain undischarged and uncanceled after the respective days on which they shall become due and payable, shall after that time pass and be current to all and every the Collectors and Receivers in this Province, of the Customs or any revenue or tax whatsoever already granted, due or payable, or which shall or may hereafter be granted, due or payable to Her Majesty, Her Heirs and Successors under and by virtue of any Act of the Parliament of this Province, or of either of the former Provinces of Lower and Upper Canada, and also at the office of the Receiver General of this Province from the said Collectors and Receivers, or from any other person or persons, bodies politic or corporate whatsoever, making any payments whatever then to Her Majesty, Her Heirs and Successors, for and upon any account, cause or occasion whatsoever; and that the same, in the hands of such Collectors and Receivers and in the hands of the Receiver General of this Province, shall be deemed and taken as cash, and as such shall be charged against and credited to such Collectors and Receivers and to such Receiver General as aforesaid respectively, in their respective accounts with each other, and with Her Majesty, Her Heirs and Successors; but no such Collector or Receiver shall exchange at any time before the day of payment thereof for any money of such revenue, aid, or taxes in his hands, any debentures which shall have issued as aforesaid by virtue of this Act, nor shall any action be maintained against any such Collector or Receiver for neglecting or refusing to exchange any such debenture for ready money before the day of payment thereof; any thing in this Act to the contrary notwithstanding.

Proviso : debentures not to be so taken until due.

All debentures to be chargeable on Consolidated Revenue Fund.

IV. And be it enacted, That all debentures made out and issued in pursuance and for the purposes of this Act, together with the interest thereon, to be computed from the day of the date of such debentures, respectively, until the time of payment thereof, shall be chargeable on the Consolidated Revenue Fund of this Province.

Interest due on debentures to be allowed to persons, &c., paying the same to the Receiver General, Collectors, &c.

Proviso. Public Officers not chargeable with interest on debentures while in their hands.

Provided certain particulars to be indorsed on debentures when paid to them.

V. And be it enacted, That the interest which, from time to time, shall be due upon any such debentures as aforesaid, shall be allowed to all persons, bodies politic and corporate paying the same to the Receiver General of this Province, or to any Collector or Receiver of any of Her Majesty's Customs, revenues or taxes up to the respective days whereupon such debenture or debentures shall be so paid; Provided always, that no such Receiver General, Collectors and Receivers as aforesaid shall be accountable for the interest on any such debenture so by them or either of them received, for and during the time during which such debenture shall remain in their hands. And to the end that it may be known for what time such debentures bearing interest shall, from time to time, remain in the hands of such Collectors and Receivers as aforesaid, Be it enacted, That the person or persons who shall pay any such debenture or debentures so bearing interest, to the Collectors and Receivers of any of Her Majesty's revenues or taxes shall, at the time of making such payment, put his, her or their name or names and write thereupon in words at length, the day of the month and year in which he, she

she or they paid such debenture bearing interest; all which the said Collectors and Receivers shall respectively take care to see done and performed accordingly, and to which respective days the said Receivers and Collectors shall be allowed again the interest which he or they shall have allowed or paid, upon such respective debenture upon his or their paying the same into the hands of the Receiver General as aforesaid.

VI. And be it enacted, That the interest growing due upon the said debentures shall and may be demandable in half-yearly periods, computing from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, who shall take care to have the same indorsed on each debenture at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the parties respectively; and that it shall be lawful for the Governor to issue his Warrants to the said Receiver General, for the payment of the amount of interest that shall have been advanced according to the receipts to be by him taken as aforesaid, and that a separate Warrant shall be made to the Receiver General by the Governor, for the payment of each debenture as the same may become due and be presented, in favor of the lawful holder thereof, and that such debentures as shall, from time to time, be discharged and paid off, shall be cancelled and made void by the said Receiver General.

Interest may be demandable in half-yearly periods, and how payable.

VII. And be it enacted, That at any time after the said debentures or any of them shall respectively become due according to the terms thereof, it shall and may be lawful for the Governor, if he think proper so to do, to direct a notice to be inserted in the Canada Gazette, requiring all holders of the said debentures to present the same for payment according to this Act; and if (after insertion of the said notice for three months) any debentures then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures after the expiration of the said six months shall cease and be no further payable, in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

When debentures have become due, Governor may require holders thereof to present the same for payment, failing which interest shall cease to accrue.

VIII. And be it enacted, That it shall and may be lawful for the Governor to appoint two or more Commissioners, but not exceeding three, for advancing and lending sums of money under the provisions of this Act, upon the securities and under the terms and conditions, and subject to the regulations in this Act mentioned; and in case of the death, removal or refusal or incapacity to act of any of the Commissioners for the execution of this Act, it shall and may be lawful for the said Governor to appoint some other person or persons to be Commissioner or Commissioners to act in the execution of this Act.

Governor may appoint Commissioners for advancing sums of money under this Act.

IX. And be it enacted, That the said Commissioners, before they shall enter upon the execution of this Act, shall take an oath before any Justice of the Court of Queen's Bench, (which oath the said Justice is hereby authorized and required to administer,) the tenor whereof shall be as follows, that is to say: "I, A. B. do swear, that, according to the best of my judgment, I will faithfully and impartially execute the several powers and trusts vested in me by an Act, intituled, *An Act for enabling Her Majesty to direct the issue of debentures to a limited amount and for giving relief to the City of Quebec*, according to the tenor and purport of the said Act."

Commissioners to take an oath of office.

The oath.

Commissioners may meet from time to time, and employ clerks, &c.

X. And be it enacted, That the said Commissioners may meet and sit from time to time in such place and places as they shall find most convenient with or without adjournment, and with the consent of the Governor in Council may, if deemed necessary, appoint one Secretary and employ one or more Clerks, and allow to each a reasonable salary or reward, and shall and may give and administer to such Secretary and Clerks an oath for their faithful demeanor in all things relating to the due performance of the trusts reposed in them by the said Commissioners, and in all other things touching the premises, and may from time to time, at their discretion, dismiss and discharge such Clerks and appoint others in their place ; and the said Secretary and Clerks are hereby required faithfully to execute and perform the said trusts in them severally and respectively reposed, without taking any thing for such service other than such salaries or rewards, as the Governor in Council shall direct or appoint in manner aforesaid.

Two Commissioners may perform all acts, &c., hereby authorized

XI. And be it enacted, That all acts, matters and things which the said Commissioners for the execution of this Act are by this Act authorized to do or execute, may be done and executed by any two of such Commissioners.

Receiver General to advance money, in proportions authorized by Governor in Council, to the parties to whom loans shall be granted by the Commissioners.

XII. And be it enacted, That the Receiver General is hereby authorized and required to issue and cause to be advanced all such sums of money to such person or persons, in such manner and in such proportions as the said Commissioners appointed by this Act shall with the consent of the Governor in Council from time to time direct out of the Consolidated Revenue Fund—which sums so to be issued and advanced shall be employed for the payment of allowances and in defraying all other necessary charges and expenses in or about the execution of this Act ; and that the account of the said charges and expenses shall be laid before both Houses of the Legislature within fifteen days after the expiration of the Commission.

Commissioners to meet to receive and consider applications from sufferers.

XIII. And be it enacted, That after this Act shall have received the Royal Assent, the said Commissioners who shall have taken the said oath as aforesaid, shall meet to receive all such applications in writing as shall be made to them from persons who have sustained losses by the disastrous fires of the twenty-eighth day of May and the twenty-eighth day of June, one thousand eight hundred and forty-five, and are desirous of obtaining loans and advances of money for the purpose of rebuilding their houses and other buildings destroyed by the said fires and for no other ; and shall also then fix and appoint days for taking into their consideration all such applications, and shall meet together for that purpose, and shall proceed with all convenient dispatch to ascertain the amount of the sums which, in their judgment, will be immediately requisite to be advanced under the Act in pursuance of applications then delivered.

Commissioners may examine parties and witnesses on oath.

XIV. And be it enacted, That the said Commissioners may examine upon oath or affirmation (which oath or affirmation they or any one or more of them are and is hereby authorized to administer,) all persons who shall be willing to be examined touching all such matters and things as shall be necessary for the execution of the powers vested in the said Commissioners by this Act, and may also receive any affidavits or depositions in writing upon oath or affirmation touching such matters or things as aforesaid, which shall be made before any Justice of the Peace in and for the District of Quebec, or before any Justice of the Court of Queen's Bench ; Provided that, in every such affidavit or deposition there shall be expressed the addition of the party making such affidavit or deposition and the particular place of his or her abode.

Proviso.

XV.

XV. And be it enacted, That if any person or persons upon examination upon oath or affirmation before the said Commissioners, respectively, or if any person or persons making any such affidavit or deposition as before mentioned, shall wilfully and corruptly give false evidence, or shall on such affidavit or deposition wilfully and corruptly swear, affirm or allege any matter or thing which shall be false and untrue, every such person and persons so offending and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to the pains and penalties imposed on persons convicted of wilful and corrupt perjury by any law in force at the time of such perjury being committed.

Persons swearing falsely, liable to penalties imposed for perjury.

XVI. And be it enacted, That the said Commissioners shall, before any apportionment of such monies to such owners of property or persons interested as aforesaid shall be made, cause the applications to be classed according to the amount of the sums respectively applied for, and the nature of the securities tendered, and the circumstances under which applications shall be made, as far as the same shall appear upon the said applications, and thereupon shall draw up and establish such general rules and regulations for their own government in the apportioning and distributing the sums to be advanced and lent under this Act to the several parties applying for the same, as they in their discretion shall deem equitable and just ; all which rules and regulations shall, within a convenient time, be entered in a book or books to be prepared and kept by such Commissioners for that purpose ; and the said Commissioners appointed by this Act, according to the true purport and meaning of such general rules and regulations as aforesaid, shall proceed to take into their consideration all such applications which shall specify the particulars of the injuries sustained and of the sums required to be advanced as aforesaid, not being in any case less than the sum of fifty pounds, and which shall tender any security, privilege and mortgage (*hypothèque*), which the said Commissioners are authorized by this Act to take for payment of the sums to be advanced, and which shall also specify the nature and amount thereof, and from time to time in inquiring into the same respectively, shall determine what persons shall, in their judgment, be entitled to any part of the monies to be advanced or lent under this Act and to what amount, and shall ascertain the nature and amount of the securities or the nature and sufficiency of the privilege and mortgage (*hypothèque*) to be required from them for the same respectively.

Applications to be classed by the Commissioners according to amount of sums applied for, &c.

Commissioners to adopt general rules for their guidance.

Commissioners to consider and decide upon applications made with tender of the requisite security, and determine to whom loans shall be made, &c.

XVII. And be it enacted, That the Commissioners shall deliver to all persons to whom any of the said monies shall be apportioned as aforesaid by the said Commissioners, a certificate or certificates under the hands and seals of two or more of such Commissioners, specifying the amount of the sum to be advanced and lent, to be respectively numbered and marked in the course and order in which the same shall be delivered, which certificate or certificates being deposited with the Receiver General or with any person or persons, bodies corporate or politic, whom the said Receiver General may authorize, shall be a sufficient authority, without other Warrant, to such Receiver General, to deliver such sum or sums of money as shall be described in any of the said certificate or certificates of such Commissioners.

Commissioners to deliver certificate specifying the amount to be advanced, which shall accordingly be paid by the Receiver General.

XVIII. And be it enacted, That the persons to whom or for whose use any such sums of money shall be applied for, and advanced and lent, shall previously enter into such notarial bonds or obligations in such sum or sums of money, respectively, and give such privileges and mortgages (*hypothèques*) upon the properties for which advances shall

Persons for whose use a sum of money shall be applied for, shall previously

ly grant *hypothèques* upon properties for the improvement of which advances shall be applied for.

Effect of such hypothecs.

Proviso: to what the priority of privilege shall extend.

Registration not to be requisite to secure the hypothec, &c.

Buildings, &c. constructed on the property subsequent to execution of bonds, to be presumed to have been erected out of monies lent under this Act.

Proviso: the contrary may be proved.

Commissioners may exact

shall be applied for, as the said Commissioners shall require; and in case the Commissioners shall not think such properties and the mortgages or privileges which the parties applying are able to enter into as to such properties, a sufficient security for the advance applied for, then with such notarial bond or obligation in such sum or sums of money respectively and with such sureties, as the case may in the judgment of the said Commissioners require, which mortgages (*hypothèques*), privileges, bonds, obligations and security the said Commissioners shall cause to be taken; and every mortgage (*hypothèque*), privilege, bond and obligation to be taken in pursuance of this Act, as well of the principal parties as of such sureties respectively, (if such sureties be deemed necessary) shall be to Our Sovereign Lady the Queen, in such sum or sums of money as shall be directed by such Commissioners by virtue of this Act, to be paid to Our said Lady the Queen, and with such conditions to be therein mentioned or thereunder written as by the said Commissioners shall be deemed within the meaning of this Act; and that all such mortgages, (*hypothèques*), privileges, securities, bonds or obligations to be so made, shall be good and effectual in law, and shall be of the same quality, force and effect, to all intents and purposes, as any obligation made to Our Sovereign Lady the now Queen or Her Predecessors, or any of them, has at any time heretofore been or now is adjudged, received or taken to be, and shall have priority of privilege over all other privileges or other securities charged or chargeable upon or affecting properties for the restoration of which advances of money under this Act shall be made; Provided always, that the priority of privilege above mentioned shall be understood to mean a priority of privilege over all mortgages (*hypothèques*) and over all other privileges whatsoever upon the value of the buildings to be erected, and the increased value of the lot or lots of ground by reason of such buildings having been erected thereon, and other improvements having been made upon the said properties by means of the sums of money to be advanced and lent under this Act, together with the general mortgage (*hypothèque générale*) which shall attach on the lot of ground and other immoveable property of the person or persons to whom such sums of money shall be advanced and lent, and of which such person or persons shall be then possessed, or shall thereafter become possessed, and which said mortgage shall take its rank from the date of the bond or obligation to be entered into by such person or persons; and that, in order to secure to Her Majesty, Her Heirs and Successors, all the rights, privileges, mortgages (*hypothèques*) herein above mentioned, it shall not in anywise be necessary to comply with any of the provisions of the Registry Laws of Lower Canada, nor with any other law or laws prescribing any conditions, forms or formalities other than those prescribed by this Act.

XIX. And be it enacted, That any buildings or improvement which may be erected and made on any property subsequently to the execution of any bonds or obligations by which any sum or sums of money shall have been advanced and lent for the improvement of such property under this Act, shall be presumed to have been erected and made out of the monies so advanced or lent under this Act; any law, usage or custom to the contrary notwithstanding; Provided always, that it shall be lawful for any party or parties who shall pretend that such property was built upon and improved out of funds other than those mentioned in this Act, to prove the truth of his or their allegation in this respect by such documents or other legal evidence as the law requires.

XX. And be it enacted, That it shall be lawful for the said Commissioners or any two of them, to exact one or more sureties from any applicant or applicants for any sum

sum or sums of money under this Act, whenever they may have cause to apprehend that such applicant or applicants may not apply the said sum or sums of money to the purposes intended by this Act; and such surety or sureties shall only be responsible for the due application of such sum or sums of money and no more; and it shall also be lawful, for the said Commissioners or any two of them in like cases whenever they shall see fit, to advance and lend any sum or sums of money under this Act upon the express condition that the said sum or sums of money shall remain in their hands, to be paid over to any person or persons who shall or may undertake to build such property, as the work progresses, and the said Commissioners are hereby authorized to deliver to the said person or persons, his or their legal representatives, a certificate or certificates specifying the amount of the sum to be paid to such person or persons and the consideration for which the same is paid, and which certificate or certificates being in other respects made similar to other certificates mentioned in a previous clause of this Act, shall have the same force and effect as the said certificates, and the divers sums therein mentioned shall be paid in the manner herein-above provided in relation to such certificates; and it is hereby enacted, that a certified copy of such certificate or certificates under the hand and seal of any person or persons, bodies politic or corporate, by whom the sums of money therein mentioned shall be made payable, shall in all cases and by all Judges and other persons be deemed alone sufficient proof of the legal payment of the divers sums of money therein specified, without production of any evidence of the hand writing, signature or seal of such person or persons, bodies politic or corporate; any law, usage or custom to the contrary notwithstanding.

sureties for the due application of the sum lent.

Advances may be made as the work progresses.

Certificates to be given by the Commissioners to the parties. What shall be evidence of payment of the money to such parties.

XXI. And be it enacted, That it shall be lawful for the said Commissioners or for any two of them, and they are hereby required to insert or cause to be inserted in such bonds or obligations, a clause to the effect that the person or persons to whom such sum or sums of money are to be advanced and lent under this Act, shall build with stones or bricks, and shall cover the roofs of the buildings to be erected under this Act with such incombustible materials, as the said Commissioners or any two of them may direct, under such penalty in case of violation of such condition, as may be inserted in the bonds or obligations; and that it shall be lawful for the said Commissioners to require one or more sureties from such person or persons for the due performance of such conditions, whenever they shall have good and sufficient cause to apprehend a violation of the same.

A clause may be inserted in bonds obliging the building in stone or brick, &c.

XXII And be it enacted, That it shall also be lawful for the said Commissioners, and they are hereby required, so long as the principal sums to be loaned under this Act, and the interest to accrue thereon, shall remain unpaid, to cause an insurance to be effected and to be annually renewed in proportion to the sums remaining due, on all and every the buildings, to be erected under this Act, which insurance or sums due under the same respectively, shall in case of the destruction of the said buildings, by fire, be payable to Her Majesty, Her Heirs and Successors by the underwriters thereof; and to insert or cause to be inserted in the bonds or applications to be entered into by any person or persons to whom any sum or sums of money may be advanced and lent under this Act, a clause or clauses to the effect that such person or persons shall bind himself or themselves to reimburse to Her Majesty whatever sum of money or rate of insurance may hereafter be paid by such Commissioners for effecting such insurance, and at the same period at which such rate of insurance is made payable by the respective policies.

Insurance to be effected on buildings to be erected and on the security of which money shall be advanced under this Act.

Principal sums to be repaid without deduction or abatement to Receiver General, or party by him authorized to receive the same, in not more than ten years.

Proviso. Commissioners may stipulate for payment by instalments Proceeding if the sum lent be not duly repaid.

Crown Officer to bring suit.

XXIII. And be it enacted, That the principal sums of money which shall be awarded and lent by the said Commissioners under the authority of this Act, shall be repaid, without deduction or abatement, to the Receiver General of the Province, or to any person or persons, or to any body corporate or politic authorized by the said Receiver General to receive the same, at or previously to the expiration of ten years from the time of every such loan being advanced, with interest for the same in the meantime, to be computed at and after the rate of three pounds per centum per annum from the day of the advance, but the payment of such interest to commence at the end of one year from the time of every such loan being advanced, and to be thenceforward made at the expiration of every year until such principal sums shall be repaid: Provided always, that it shall be lawful for the said Commissioners and they are hereby required to stipulate, in the said bonds or obligations, that the payment of the sums of money advanced or lent as aforesaid, be made in ten equal yearly instalments, if the person or persons to whom the sums are advanced or lent so desire it; and if any default shall be made by any person or persons in the payment of any sum or sums of money within the respective times hereinbefore limited for payment thereof, according to the true intent and meaning of this Act, it shall and may be lawful for the said Commissioners hereby appointed or any two or more of them, and they are hereby required, without further delay, to transmit from time to time to the proper Law Officer or Officers of the Crown all bonds, obligations, and other securities due by persons to whom any sums of money have been advanced and lent as aforesaid; and that it shall be the duty of such Law Officer or Officers of the Crown presently to proceed against all or any of the persons who shall have entered into any bonds or obligations to Her Majesty, for the sum advanced, his, her and their heirs, executors and administrators, for the recovery of such parts of the sums advanced on such bonds or obligations as shall be then due, together with interest as aforesaid, and such costs and charges attending such proceedings as are by law in private cases payable for the same; and the sums so recovered (the costs and charges aforesaid excepted) shall be paid to the said Receiver General, or to any person or persons, or to any Bank by him authorized to receive the same, without abatement, deduction or delay, in satisfaction of such demands.

After payment of sums advanced a discharge may be granted in full.

Receipts for partial payments or interest.

XXIV. And be it enacted, That after due payment of the sums advanced, with interest as aforesaid, at the time and in the manner herein specified, every such bond or obligation being fully satisfied according to the true intent and meaning of this Act, it shall be the duty of one of the Law Officers of the Crown, or any other person whom the Governor of this Province may appoint for that purpose, to grant a discharge in full to any person who shall have effected such payments, upon the production by such person of a certificate to that effect from the Receiver General, or any person or persons, bodies politic or corporate by him duly authorized to receive such payments; and that receipts for partial payments in instalments, and annual interest as directed by this Act, shall also be granted in the manner prescribed for granting discharges in full.

Provisions when principal debtors or their sureties shall become bankrupts.

XXV. And be it enacted, That every bond or obligation entered into or given by any person or persons, either as principal or surety, who shall afterwards become bankrupt, within the true intent and meaning of the Statute made and now in force or which shall hereafter be made and be in force concerning Bankrupts, and against whom a Commission of Bankruptcy shall be awarded and issued out, shall by reason and force of such Bankruptcy and from the time of such Bankruptcy become and be forfeited and due and payable as against such Bankrupt or Bankrupts, and all the estate and effects of



of such Bankrupt or Bankrupts, which would be liable to satisfy the demands of the creditors seeking relief under such Commission of Bankruptcy, shall be liable and subject to, and are hereby made chargeable with the payment of the principal and interest due upon such bond or obligation, and all costs attending the recovery of the same, and that the claims of Her Majesty by virtue of this Act, shall be first paid and satisfied out of the personal estate and effects of such Bankrupt or Bankrupts, and in preference to the claim of any other creditor or creditors, and that such claims shall also be first paid and satisfied out of the value of the improvements made on the real estate or immoveable property, and of the increased value of such real estate or immoveable property, by means of the sum or sums of money advanced and lent as aforesaid, in preference to the claims of any other creditor or creditors; and it shall be lawful for the proper Law Officer of the Crown, in the name of Her Majesty, to apply by Petition in a summary way to the proper Courts having the jurisdiction of the matter of such Commission of Bankruptcy, to make due order accordingly, which such Courts respectively are hereby authorized and required to make; and that it shall also be lawful for one of the Commissioners to be appointed by this Act, or for one of the Law Officers of the Crown, or any other person whom the Governor of this Province may authorize for that purpose, to prove any debt or grounds of debt, under this Act, and vote in the choice of an Assignee or Assignees, Trustee or Trustees, as the case may require, of such Bankrupt's estate and effects, and to do and execute every other matter and thing, relating to such Bankruptcy, as fully and effectually as if such Commissioner, or other person, were the *bonâ fide* creditor of such Bankrupt or Bankrupts.

Privilege of the Crown in such case.

Crown Officer may prove debt, &c.

XXVI. And be it enacted, That so soon as the whole sum of one hundred thousand pounds, by this Act authorized to be issued and applied under the provisions of this Act, shall have been advanced and lent by the said Commissioners for the execution of this Act, or whenever the Governor in Council shall think fit to declare that the powers of the said Commissioners for the execution of this Act, may, without injury to any principals or sureties, or other persons interested in the properties for which advances have been made, or in any securities given in relation thereto, or for any other just and reasonable cause, cease and determine, the Provincial Secretary is hereby authorized to direct the said Commissioners, who are thereupon hereby authorized and required to publish and declare, by advertisements to be inserted in the *Canada Gazette*, and two newspapers published in the City of Quebec, in the English and French languages, that at the expiration of three calendar months from the date of the said advertisements respectively, the said Commissioners for the execution of this Act, will cease to execute and perform the powers and authorities vested in them by this Act, and all the powers and authorities of the said Commissioners for the execution of this Act, shall thereupon cease and determine accordingly; and the said Commissioners shall with all convenient speed, lay an account in writing of all the proceedings under this Act, before both Houses of Parliament, and shall also deliver or cause to be delivered up to the Inspector General of Public Provincial Accounts, all the bonds, obligations, deeds, books of account, papers and writings of what nature or kind soever, in the possession, or under the control of the said Commissioners, or any of their Officers, touching or relating to any security or securities whatsoever taken by them, the said Commissioners for any loan or loans advanced by them under the powers and authority of this Act, together with the minutes of the proceedings of them the said Commissioners, and all books, papers and writings in any manner relating thereto.

When the whole of the £100,000 shall have been advanced, or the Governor shall deem it expedient, powers of Commissioners to cease and determine.

Notice to be given.

Commissioners to report to the Legislature, and to deliver accounts, &c., to the Inspector General.

Commissioners to report their proceedings to the Inspector General from time to time.

XXVI. And be it enacted, That the said Commissioners herein appointed shall from time to time at their discretion, or as often as they shall be thereunto required, during their carrying on any proceedings by virtue of this Act, and as soon as possible after the determination of such proceedings, without any further requisition, give an account of their proceedings in writing to the Inspector General of Public Provincial Accounts,

Penalty on persons forging, &c., debentures.

XXVII. And be it enacted, That if any person or persons shall forge, counterfeit or alter, or cause or procure to be forged, counterfeited or altered, or knowingly or wilfully act or assist in the forging, counterfeiting or altering any debenture or debentures, certificate or certificates, discharge or discharges, or any receipt or receipts, to be given as aforesaid in pursuance of this Act, or shall utter any such forged, counterfeited or altered debenture or debentures, certificate or certificates, discharge or discharge, or any receipt or receipts, knowing the same to be forged, counterfeited or altered, with intent to defraud Her Majesty, Her Heirs or Successors, or any body or bodies politic or corporate, or any person, whomsoever, then and in every such case, all and every person or persons so offending and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer the same punishment as in cases of felony.

Persons applying money obtained under this Act for other purposes than those intended there, by, to be guilty of a misdemeanor.

XXIX. And be it enacted, That if any person or persons shall obtain any sum or sums of money under this Act, and shall not apply the same to the purposes intended by this Act, or if such person or persons shall not apply the said sum or sums of money to the purposes expressed in any bond or obligation to be entered into under this Act, such person or persons shall be deemed guilty of a misdemeanor and of obtaining money under false pretences, and shall suffer the same punishment as provided by law for such offence.

Residue of monies to be paid to Receiver General.

XXX. And be it enacted, That the residue of the monies so to be raised as aforesaid, after redemption of such debentures, shall be paid to and remain in the hands of the Receiver General of this Province, subject to such disposal and appropriation as the Legislature may from time to time by any Act or Acts direct and appoint.

Accounting clause.

XXXI. And be it enacted, That all monies to be raised by such loan as aforesaid, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be graciously pleased to direct.

Interpretation clause.

XXXII. And be it enacted, That the words "Lower Canada," wherever they occur in this Act, shall be construed as meaning all that part of this Province which formerly constituted the Province of Lower Canada; the word "Governor" shall be construed as including the Lieutenant Governor, or person administering the Government of this Province; and words importing the singular number or the masculine gender only, shall be construed as including more than one person or thing of the same kind, and females as well as males, unless there be something in the context repugnant to or inconsistent with such construction.

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