

C A P. IX.

An Act further to provide for the establishment and maintenance of Common Schools, and for apportioning the fund for the support of the same, and also to grant an indemnity for the payment of certain portions of the School Monies for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of the said Monies for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three.

[9th December, 1843.]

Preamble

WHEREAS it is expedient to make further provision for the establishment and maintenance of Common Schools throughout this Province; 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 Great Britain and Ireland, intituled, *An Act to re-write 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 the sum of fifty thousand pounds annually, now granted by law for the maintenance and support of Common Schools in this Province, shall, from year to year, be apportioned by order of the Governor of this Province, in Council, between the divisions of this Province formerly constituting the Provinces of Upper and Lower Canada, in proportion to the relative numbers of the Population of the same, respectively, as such numbers shall, from time to time, be ascertained by the census next before taken in each of the said divisions, respectively.

The sum granted annually of £50,000 to be divided in a certain proportion, between Upper and Lower Canada.

Proportion in which the same shall be divided, until a census of Lower Canada be taken.

II. And whereas, by reason of the laws relative to Municipal Institutions not having been carried into effect in Lower Canada aforesaid, no effectual census of the population of the said division of the Province has been lately taken; Be it therefore enacted, that until such a census shall be taken, the said sum shall be apportioned between the said divisions of the Province, in the proportion of thirty thousand pounds, currency of this Province, for Lower Canada aforesaid, and twenty thousand pounds for Upper Canada.

Governor's Message recited.

III. And whereas it has been communicated by His Excellency the Governor General, by Message, during the present Session, to both Houses of the Provincial Parliament, that for certain reasons therein mentioned, the School Monies appropriated

appropriated by law, for the year one thousand eight hundred and forty-two, could not be apportioned and paid in Lower Canada, and also partly in Upper Canada, to the full amount thereof, nor in the exact manner prescribed by law, but that the said Monies have been apportioned and paid in the manner set forth in the said Message and accompanying Documents, under certain orders of the Governor in Council, of the thirteenth day of January, the sixteenth day of March, the fourth day of April, and the seventeenth day of August, in the year one thousand eight hundred and forty-three, to the amount of eighteen thousand and fifty-eight pounds, fourteen shillings and five pence and one farthing, currency, for Upper Canada, and of nine thousand seven hundred and ninety pounds, seven shillings and six pence, currency, for Lower Canada, and it is expedient to cover the said payments by legislative enactment; Be it therefore enacted, that all persons whomsoever, in any manner concerned in advising, directing or making the apportionment, disposition and payment of the Common School Money, in accordance with the aforesaid orders in Council, shall be held fully harmless and indemnified for all acts advised or done by them therein, any thing in the Act, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province*, in any wise notwithstanding; and the apportionment and payments so made shall be held to have been made according to law, to all intents and purposes whatsoever: Provided always, that all persons entrusted with the distribution thereof in the various Districts, Counties, and other Sub-divisions of the Province, shall duly account for the same.

Indemnity to persons having advised or acted under the orders in Council mentioned in the said Message.

Proviso.

IV. And whereas, the sum appropriated for the establishment and maintenance of Common Schools, according to the said Act, for the year of our Lord one thousand eight hundred and forty three, has not yet been apportioned or distributed; and whereas it is impossible to apportion and distribute a large portion of the same according to the said Act; Be it therefore enacted, that it shall and may be lawful for the Governor of this Province in Council to make division and apportionment of the said sum for the year of our Lord one thousand eight hundred and forty-three, or of part thereof, in such manner as may be provided by any Act of the Legislature of this Province during the present Session, or in default thereof, as shall in the opinion of the Governor in Council be justly and equitably apportionable for such Schools as may be entitled to the same, according to the true intent and spirit of the Act above mentioned.

Preamble.

Governor in Council authorized to apportion the Common School monies for 1843.

V. And be it enacted, that all the balance of the said Common School Money for the said two years, which shall remain undistributed and unapportioned in each section of the Province respectively, for the years one thousand eight hundred

And also any balance of the said monies for the years 1842 & 1843.

dred

dred and forty-two and one thousand eight hundred and forty-three, shall be distributed and apportioned under the orders of the Governor and Council, according to any Act which may be provided in that behalf during the present Session of the Legislature, or in default thereof, as may appear to the Governor in Council just and equitable, in aid of the building of School Houses, or for other Common School purposes, in the several counties or other territorial divisions of Upper Canada and of Lower-Canada, respectively.

Interpretation
clause.

VI. And be it enacted, that the word "Governor" wherever it occurs in this Act, shall be construed to apply to the person administering the Government of this Province.

Accounting
clause.

VII. And be it enacted, that the due application of all monies to be applied or expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, in such manner and form as Her Majesty, Her Heirs and Successors may direct; and the accounts for the same shall also be laid before each branch of the Provincial Legislature during the first fifteen days of each Session thereof.

C A P. X.

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.

[9th December, 1843.]

Preamble.

WHEREAS it is desirable to repeal a certain Ordinance of the Governor and Special Council of the Province of Lower Canada, passed in the second year of Her Majesty's Reign, intituled, *An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,* and to provide, by a general law of this Province, for the discovery and securing of the estates and effects of bankrupts, for the benefit of their creditors, and for the administration and distribution thereof, and also for the relief of such traders as shall, without any fraud or gross misconduct, have become unable to pay all their debts in full, and who shall have made a full disclosure and discovery of all their estates and effects, as hereinafter required; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council