

herein contained shall prevent or be construed to prevent the effect of any Act passed or to be passed during the present Session, repealing, amending or continuing to any other period than that herein appointed, any of the Acts or Ordinances hereinbefore mentioned and continued.

to prevent the effect of any Act of this Session.

C A P. XVIII.

An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending.

[30th May, 1849.]

WHEREAS the Act passed in the seventh year of Her Majesty's Reign, and intituled, *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,—and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, 'An Act to continue and amend the Bankrupt Laws now in force in this Province,* would, if no further provision were made in that behalf, expire at the end of this present Session; and whereas it is expedient to continue the said Acts in so far as relates to cases in which Commissions of Bankruptcy have been issued before the passing of this Act: 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 for and notwithstanding any thing in the Acts cited in the Preamble to this Act or either of them, the said Acts shall respectively be and remain in force until the First day of January, in the year of our Lord, one thousand eight hundred and fifty, and thence until the end of the then next Session of the Provincial Parliament, in so far only as relates to cases in which Commissions of Bankruptcy have issued, and to all rights, claims, liabilities or obligations, proceedings, matters or things arising out of or depending upon the same; but no Commission of Bankruptcy shall, after the passing of this Act, be issued under the said Acts or either of them, nor shall any proceeding preliminary to the issuing of a Commission of Bankruptcy to be had, after that time, be of any force or effect whatsoever.

Preamble.
7 V. c. 10.

9 V. c. 30.

The said Acts continued in so far as regards cases in which commissions have issued.

No commission to issue after the passing of this Act.

II. Provided always, and be it enacted, That from and after the time when the Act passed during the present Session, and intituled, *An Act to amend the Laws relative to the Courts of original Civil Jurisdiction in Lower-Canada,* shall come fully into effect, the powers and duties which by the Acts mentioned in the Preamble to this Act, or either of them, are vested in and assigned to any Circuit or District Judge in Lower-Canada, acting as a Commissioner of Bankrupts or to any Commissioner of Bankrupts, shall be and are hereby assigned to and vested in each of the Judges of the Superior Courts respectively, and such Judges shall respectively be Commissioners of Bankrupts for the Districts in which they shall reside; but if there be more than one Judge of the Superior Court residing at such place, it shall be lawful for the Governor of this Province,

After the coming into force of the L. C. Judicature Act of this Session, the Judges of the Superior Court to have the powers of the commissioners of Bankrupts.

Provisions if there be more than one

Province,

Judge of the Superior Court in the District.

Proviso as to the Court of Review for Gaspé.

Proviso: commissioners of Bankrupts may be appointed, if the Governor deems it necessary.

Power of present commissioners to cease when the L. C. Judicature Act of this Session comes into force.

Act, &c. repealed by the said Acts, not to revive by their expiration.

Province, through the Provincial Secretary, from time to time to indicate the Judge by whom such powers shall be exercised, and such duties shall be performed, in order as far as possible to prevent its happening that more than one Judge shall be disqualified to sit in the Superior Court when acting as the Court of Review which it is hereby declared to be; Provided always, that after the said Act shall come fully into effect, the Superior Court at Quebec, and not at Percy or New-Carlisle, shall be the Court of Review for the District of Gaspé; And provided also, that notwithstanding any thing herein contained, or in the said Acts, a Commissioner of Bankrupts may be appointed at any place in Lower-Canada, and for the District in which such place shall lie, if the Governor shall deem such appointment requisite for the public good; Provided also, that when the Act, last cited, shall come into effect, the Commissions, Functions and Duties of the Commissioners of Bankrupts named in virtue of the Acts cited in the Preamble to this Act, or of either of them, so far as relates to Lower-Canada, shall cease and determine.

III. And be it enacted, That the expiration of the said Acts or either of them or of any portion or provision thereof, shall not be construed to revive any Act or Ordinance repealed by them or either of them, but the same shall be and remain repealed.

C A P. XIX.

An Act for better giving effect, within this Province, to a Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain Offenders.

[30th May, 1849.]

Preamble.

Treaty with U. S. 9th August, 1812, cited.

WHEREAS by the tenth article of a Treaty between Her Majesty and the United States of America, signed at Washington on the Ninth day of August, in the year one thousand eight hundred and forty-two, the ratifications whereof were exchanged at London, on the Thirtieth day of October, in the same year, it was agreed that Her Majesty and the said United States, should, upon mutual requisitions by them or their Ministers, Officers or authorities respectively made, deliver up to justice all persons who, being charged with the crime of Murder, or Assault with intent to commit Murder, or Piracy, or Arson, or Robbery, or Forgery, or the utterance of Forged Paper, committed within the jurisdiction of either of the High Contracting Parties, should seek an Asylum or should be found within the Territories of the other; provided that this should only be done upon such evidence of criminality as according to the Laws of the place where the fugitive or person so charged should be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed; and that the respective Judges and other Magistrates of the two Governments should have power, jurisdiction and authority, upon complaint made under oath, to issue a Warrant for the apprehension of the fugitive or person so charged, so that he might be brought before such Judges or other Magistrates respectively, to the end that the evidence of criminality might be heard and considered, and if on such hearing the evidence should be deemed sufficient to sustain the charge, it should be the duty of the examining Judge or Magistrate to certify the same to the proper Executive Authority, that a Warrant might issue for the surrender of such fugitive, and that the expense of such