

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbishire & George Desbarats, 1849.

12 Victoria – Chapter 18

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 hence 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.

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, 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.