Power to the Legislature of Canada to vary the Provisions of the Act or Acts constituting the new Legislative Council;

III. It shall be lawful for the Legislature of *Canada* from Time to Time to vary and repeal all or any of the Provisions of the Act or Acts altering the Constitution of the said Legislative Council: Provided always, that any Bill for any such Purpose which shall vary the Qualification of Councillors, or the Duration of Office of such Councillors, or the Power of the Governor to dissolve the Council or Assembly, shall be reserved by the Governor for the Signification of Her Majesty's Pleasure in manner aforesaid.

and to vary, &c. the Property Qualification of Members of Assembly.

IV. It shall be lawful for the Legislature of *Canada* by any Act or Acts reserved for the Signification of Her Majesty's Pleasure, and whereto Her Majesty shall have assented as herein-before provided, to vary or repeal any of the Provisions of the recited Act of Parliament of the Third and Fourth Years of Her Majesty which relate to the Property Qualification of Members of the Legislative Assembly.

Proviso in Section 26. of 3 & 4 Vict. c. 35. repealed.

V. So much of the Twenty-sixth Section of the said recited Act of Parliament as provides that it shall not be lawful to present to the Governor of the Province of *Canada* for Her Majesty's Assent any Bill of the Legislative Council and Assembly of the said Province by which the Number of Representatives in the Legislative Assembly may be altered unless the Second and Third Reading of such Bill in the Legislative Council and the Legislative Assembly shall have been passed with the Concurrence of Two Thirds of the Members for the Time being of the said Legislative Council, and of Two Thirds of the Members for the Time being of the said Legislative Assembly respectively, and that the Assent of Her Majesty shall not be given to any such Bill unless Addresses shall have been presented by the Legislative Council and the Legislative Assembly respectively to the Governor stating that such Bill has been so passed, is hereby repealed.

Section 42. of 3 & 4 Vict. c. 35. repealed.

VI. The Forty-second Section of the said recited Act of Parliament, providing that in certain Cases Bills of the Legislative Council and Assembly of *Canada* shall be laid before both Houses of Parliament of the United Kingdom, is hereby repealed; and, notwithstanding anything in the said Act of Parliament or in any other Act of Parliament contained, it shall be lawful for the Governor to declare that he assents in Her Majesty's Name to any Bill of the Legislature of *Canada*, or for Her Majesty to assent to any such Bill if reserved for the Signification of Her Pleasure thereon, although such Bill shall not have been laid before the said Houses of Parliament; and no Act heretofore passed or to be passed by the Legislature of *Canada* shall be held invalid or ineffectual by reason of the same not having been laid before the said Houses, or by reason of the Legislative Council and Assembly not having presented to the Governor such Address as by the said Act of Parliament is required.

Interpretation of Terms.

VII. That in this Act the Word "Governor" is to be understood as comprehending the Governor, and in his Absence the Lieutenant Governor, or Person authorized to execute the Office or the Functions of the Governor of *Canada*.

CAP. CXIX.

An Act for regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts. [11th *August* 1854.]

'WHEREAS by reason of a Diminution of the Business of the Court of Bankruptcy 'Vacancies have not been filled up in the Offices of Commissioners for the *Birmingham* 'and the *Bristol* Districts respectively, and of a Registrar for the *Bristol* District, and in 'the present State of the Business of the Court it is not necessary that the same should be 'filled up: And whereas the Lord Chancellor ought to be empowered, in manner herein- 'after mentioned, to regulate the Amount of the Establishment of the Court of Bankruptcy 'on the Occurrence of future Vacancies, in proportion to the Amount of the Business of 'the Court for the Time being, as far as Circumstances will permit: And whereas, in some 'other Particulars, the Laws relating to Bankrupts and to the Court of Bankruptcy require 'Amendment:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The

Present Vacancies not to be filled up except upon Special Order of Lord Chancellor.

I. The Vacancies now existing in the Offices of Commissioners of the Court of Bankruptcy for the *Birmingham* and the *Bristol* Districts respectively, and of Registrar for the *Bristol* District, shall not, nor shall any of them, be filled up unless and until the Lord Chancellor shall, by Order, declare that, having regard to the State of the Business of the Court, he is of opinion that the said Vacancies, or such One or more of them as shall be mentioned in the Order, ought to be then filled up; and thereupon the said Vacancies or such One or more of them as aforesaid, may be filled up, as if this Act had not been passed.

Lord Chancellor may declare future Vacancies not to be filled up, except upon Special Order.

II. Upon any future Vacancy in the Office of Commissioner, by reason whereof there shall be One Commissioner only acting in the *Birmingham*, *Bristol*, *Leeds*, *Liverpool*, or *Manchester* District, and upon any future Vacancy in the Office of Registrar for any of the same Districts, the Lord Chancellor may, if, having regard to the then State of the Business of the Court, he shall so think fit, by Order declare that such One or more of the Vacancies aforesaid as shall be mentioned in the Order shall not be filled up until further Order, and thereupon the same shall not be filled up accordingly, unless and until the Lord Chancellor shall, by Order, declare that, having regard to the then State of the Business of the Court, he is of opinion that any such Vacancy as aforesaid ought to be then filled up, and thereupon the same may be filled up, as if this Act had not been passed or such first-mentioned Order had not been made.

Certain Provisions of 1 & 2 W. 4. c. 56. s. 9. repealed, and Registrars may be removed upon Certificate of the Lords Justices.

III. 'And whereas by Section Nine of an Act passed in the Session of Parliament holden 'in the First and Second Years of King *William* the Fourth, Chapter Fifty-six, it is enacted, 'that it shall be lawful for His Majesty, His Heirs and Successors, to remove any of the 'Registrars and Deputy Registrars of the Court of Bankruptcy upon a Certificate from the 'Court of Review, or One of the Subdivision Courts, of some sufficient Reason to be named 'therein for such Removal:' Now be it enacted as follows:

The said Enactment shall be repealed; and it shall be lawful for Her Majesty, Her Heirs and Successors, to remove the Chief Registrar or any of the Registrars for the Time being of the said Court, acting either in *London* or in the Country, upon a Certificate from the Lords Justices for the Time being of the Court of Appeal in Chancery, of some sufficient Reason to be named therein for such Removal.

Power to appoint a Person to act as Registrar temporarily.

IV. Where, upon any Vacancy in the Office of Registrar for *London* or a Country District, it shall seem to the Lord Chancellor that it is necessary that some Person should be then appointed to attend upon and assist a Commissioner there acting, but that it is not expedient that a permanent Appointment to the Office of Registrar there should be then made, the Lord Chancellor may appoint a fit Person to act as Registrar in and for *London* or the Country District, as the Case may require, and in that Capacity to attend upon and assist a Commissioner there acting, until further Order.

Remuneration of a Person appointed to act under last preceding Section.

V. Every Person appointed to act under the last preceding Section may receive from Time to Time, out of the Monies for the Time being standing to the Credit of the Chief Registrar's Account, such Sum or Sums by way of Remuneration for his Services in the Period during which he shall act, not exceeding in the whole the Amount to which he would have been entitled as Salary for the same Period under a permanent Appointment as Registrar to act in *London* or in a Country District, as the Case may be, together with such further Sum (if any) for his necessary and proper travelling Expenses, as the Lord Chancellor may from Time to Time order.

Power to appoint Substitute in Illness or unavoidable Absence of Commissioner or Registrar.

VI. Where a Commissioner or Registrar, acting either in *London* or in a Country District, is temporarily hindered from discharging his Duty by Illness or unavoidable Absence, the Lord Chancellor may, if he shall so think fit, appoint a fit Person, who in the Case of a Commissioner shall be a Serjeant or Barrister-at-Law of at the least Seven Years standing at the Bar, to act in the Stead of such Commissioner or Registrar as aforesaid, during his Illness or unavoidable Absence.

Power to appoint Substitute

VII. Where a Commissioner or Registrar acting in a Country District is absent for any reasonable Cause, the Lord Chancellor may, if he shall so think fit, from Time to Time appoint

appoint a fit Person, who in the Case of a Commissioner shall be a Serjeant or Barrister-at-Law of at the least Seven Years standing at the Bar, to act in the Stead of such Commissioner or Registrar as aforesaid, during such Period or Periods as shall not exceed in the whole the Period of Two Calendar Months in any One Period of Twelve consecutive Calendar Months. in reasonable Absence of Country Commissioner or Registrar.

VIII. Every Serjeant, Barrister, or other Person who shall under this Act act in the Stead of a Commissioner or Registrar, or in succession to a Registrar, but without a permanent Appointment as Registrar, may and shall, while his Appointment remains in force, have, discharge, and execute all the Jurisdiction, Rights, Powers, Duties, and Authorities belonging to the Office of the Commissioner or Registrar in whose Stead or in succession to whom he shall for the Time being act, with full Validity and Effect to all Intents and Purposes. Substitute to have like Authority, &c.

IX. No Vacancy in the Office of Messenger or of Usher shall be hereafter filled up without the Sanction of the Lord Chancellor first obtained. Appointments of Messengers and Ushers.

X. 'And whereas by Section Seventy-six of an Act passed in the Session of Parliament 'holden in the Fifth and Sixth Years of Her Majesty, Chapter One hundred and twenty-'two, it is enacted, that a succeeding Judge, Commissioner, Registrar, and Deputy 'Registrar respectively shall be paid such proportionate Part of their respective Salaries as 'shall be accruing or shall accrue from the Day of the Resignation, Death, or Removal from 'Office of the preceding Judge, Commissioner, Registrar, or Deputy Registrar respectively; 'and by Section Forty-nine of an Act passed in the Session of Parliament holden in the 'Seventh and Eighth Years of Her Majesty, Chapter Ninety-six, it is enacted, that the 'Successor of any Registrar or Deputy Registrar dying, resigning, or being removed shall 'be entitled to receive such Portion of his Salary as shall be accruing or shall accrue 'from the Day of such Death, Resignation, or Removal:' Now be it enacted as follows: Section 76. of 5 & 6 Vict. c. 122. and Section 49. of 7 & 8 Vict. c. 96. repealed, and Salaries of Officers to commence from Appointment.

The said Enactments shall be repealed; and the Salaries of all Commissioners and other Officers of the Court of Bankruptcy to be hereafter appointed, shall commence from the respective Times when they shall respectively be so appointed, and not from the Times when the respective Vacancies shall have occurred.

XI. The Lord Chancellor shall, within Six Calendar Months after the passing of this Act, with the Advice and Assistance of the said Lords Justices and of any Two or more of the Commissioners, by Order, direct according to what Scale or Rate, and in what Manner, and with reference to what Considerations, the Remuneration of an Official Assignee for his Services in respect of a Bankrupt's Estate shall be calculated and allowed; and as from the Day on which such Order as aforesaid shall take effect, the Section of the Bankrupt Law Consolidation Act, 1849, numbered Forty-four, shall be repealed, and thenceforth the Court shall not order or allow any Sum to be paid out of a Bankrupt's Estate to the Official Assignee thereof, as a Remuneration for his Services, otherwise than in pursuance of and in accordance with the Provisions and Directions of such Order as aforesaid, or any Order amending or substituted for the same; and the Lord Chancellor may from Time to Time thereafter, with the Advice and Assistance aforesaid, by Order, regulate such Remuneration as aforesaid; and the Provisions and Directions respecting such Remuneration as aforesaid contained in the General Order of the Nineteenth Day of *October* One thousand eight hundred and fifty-two, numbered CXXX., shall remain in force and be observed until the same shall be abrogated or varied by any Order to be made under this Act. Remuneration of Official Assignees.

XII. The Lord Chancellor may, with the Advice and Assistance aforesaid, from Time to Time by Order vary or abolish the Fees by the Bankrupt Law Consolidation Act, 1849, made payable by Stamps, or any of them, or other the Fees for the Time being payable in relation to any of the Proceedings in Matters of Bankruptcy or Arrangement in the Court of Bankruptcy or the Court of Appeal in Chancery, and, if and when it shall seem necessary or expedient, fix and impose upon or in relation to such Proceedings as aforesaid, or any of them, other Fees, or Fees of an altered Amount, but not of an Amount higher than that by the last-mentioned Act prescribed, as far as regards any Fee or Stamp Duty thereby Fees may be altered by Order of Lord Chancellor.

expressly made payable in respect of any Document therein specified; and the Provisions of the same Act respecting Stamps are hereby extended and applied to and in the Case of such Stamps as may be required by any Order to be made under this Act.

Per-centage paid to Chief Registrar's Account may be abolished or varied by Order.

XIII. The Lord Chancellor may, with the Advice and Assistance aforesaid, if it shall to him seem expedient, abolish such Per-centage as is by the Bankrupt Law Consolidation Act, 1849, (Section LIV.,) made payable to the Chief Registrar's Account, or reduce the lowest Rate thereof below One Eighth of a Pound *per Centum*, and again re-impose the said Per-centage, and from Time to Time regulate and vary the same, but so that the highest Rate thereof shall not ever exceed the highest Rate made payable by the said Act.

Power to fix Maximum payable for Fees.

XIV. The Lord Chancellor may, with the Advice and Assistance aforesaid, from Time to Time by Order fix a maximum Sum to be paid in any Matter of Bankruptcy or Arrangement in respect of the Fees, Stamp Duties, Per-centages, or other Charges for the Time being payable to or in aid of the Fund standing to the Credit of the Chief Registrar's Account, and raise or lower the same as may seem expedient; and when in any Matter the total Sum paid in respect of such Fees, Stamp Duties, Per-centages, or other Charges as aforesaid, shall amount to the maximum Sum for the Time being fixed (which shall be ascertained and certified in such Manner and by such Person as the Lord Chancellor, with the Advice and Assistance aforesaid, may by Order direct), then and in that Case there shall not be any further or other Fee, Stamp Duty, Per-centage, or Charge whatsoever paid or payable in relation to the same Matter, or any of the Proceedings taken or to be taken therein, to or in aid of the Fund standing to the Chief Registrar's Account.

Power to make General Orders.

XV. The Section of the Bankrupt Law Consolidation Act, 1849, numbered VIII., is hereby repealed, but not so as to invalidate any Rule or Order already made thereunder; and the Lord Chancellor may, with the Advice and Assistance aforesaid, from Time to Time by Order vary or abrogate all or any of the Rules and Orders already made thereunder, or under any other Authority, and now in force, in relation to Matters of Bankruptcy or Arrangement, and may from Time to Time make and alter or revoke such Orders as may to him seem expedient for the better Execution of the last-mentioned Act and this Act or either of them, or any other Act relating to Bankruptcy, and for the Regulation of the Practice in Matters of Bankruptcy and Arrangement, and the Form and Mode of Proceeding therein before and by the Court of Bankruptcy, and for the Regulation of the Duties of the several Officers of the Court of Bankruptcy, and the Fees, Costs, Charges, and Allowances, as well of Solicitors and of Messengers and Ushers, as also of Auctioneers, Appraisers, Brokers, Valuers, and Accountants, employed by Assignees, Messengers, or Bankrupts, and for the Taxation thereof respectively.

Where Declarations of Insolvency to be filed.

XVI. Every Declaration of Insolvency to be filed on or after the First Day of *September* One thousand eight hundred and fifty-four, for the Purposes of the Bankrupt Law Consolidation Act, 1849, under the Authority of that Act as altered by the Act of the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, Chapter Seventy-seven, shall, in lieu of being in every Case filed in the Office of the Chief Registrar, be filed in the Court within the District whereof the Trader filing the same shall have resided or carried on Business for Six Calendar Months next immediately preceding the Time of the filing thereof; and the same shall be filed, in the Case of the *London* District, in the Office of the Chief Registrar, and in the Case of the Country Districts with the respective Registrars thereof.

Filing in Country District Court effectual.

XVII. The filing of a Declaration of Insolvency with the Registrar of a Country District shall have the same Effect to all Intents and Purposes as the filing thereof in the Office of the Chief Registrar would now have.

Copies to be sent to Chief Registrar.

XVIII. The several Registrars acting in the Country shall transmit by Post Copies of all Declarations of Insolvency filed with them, immediately on the filing thereof respectively, to the Chief Registrar, who shall immediately on the Receipt thereof respectively cause the same to be entered in a proper Book to kept by him for that Purpose.

XIX. A

Copy certified by Country Registrar to be Evidence.

XIX. A Copy of a Declaration of Insolvency purporting to be certified by a Registrar of a Country District as a true Copy of a Declaration filed in the Court for that District shall be received as Evidence of such Declaration as aforesaid having been filed.

Trader petitioning to show 150*l.* Assets.

XX. The Section of the Bankrupt Law Consolidation Act, 1849, numbered XCIII., is hereby repealed as from the First Day of *September* One thousand eight hundred and fifty-four; and on and after that Day any Trader liable to become bankrupt may petition for Adjudication of Bankruptcy against himself, but, unless he shall forthwith after filing his Petition, and before Adjudication of Bankruptcy thereunder, make it appear to the Satisfaction of the Court that his available Estate is sufficient to produce the Sum of One hundred and fifty Pounds at the least, his Petition shall be dismissed, and no further Petition shall be filed by him in the same District without the Leave of the Court first obtained, and the Adjudication on any further Petition shall be subject to the like Condition as aforesaid as to his available Estate.

Form of Petition of Trader.

XXI. The Form of Petition for Adjudication of Bankruptcy presented by a Trader himself which is specified in the Schedule (O.) to the last-mentioned Act annexed shall, on and after the First Day of *September* One thousand eight hundred and fifty-four, be altered by the Words "produce the Sum of One hundred and fifty Pounds at the least" being inserted therein, in lieu of the Words "pay his Creditors at least Five Shillings in the Pound."

Proof of Assets to the Amount of 150*l.* to be sufficient.

XXII. Proof by a Trader petitioning as aforesaid of the Sufficiency of his available Estate to the Extent required by this Act shall have the same Force and Effect, to all Intents, and for all the Purposes of the Bankrupt Law Consolidation Act, 1849, as Proof by him of the Sufficiency of his available Estate to the Extent required by that Act would now have for the same Purposes.

Messenger to follow Instructions of Official Assignee.

XXIII. After the Appointment of an Official Assignee to act in any Bankruptcy, and before the Choice of Assignees by the Creditors, the Messenger shall follow the Instructions of the Official Assignee, subject to the Directions and Control of the Court, with respect to the taking possession of any Part of the Bankrupt's Estate or Effects of which the Messenger shall not have then already taken possession, and the keeping possession of any Part thereof which he shall then already have taken or shall at any Time thereafter take possession.

Extension of Time for disputing Adjudication.

XXIV. The Section of the Bankrupt Law Consolidation Act, 1849, numbered CCXXXIII., limiting the Time within which a Person adjudged bankrupt may dispute the Adjudication, shall, in the Case of every Person who shall be adjudged bankrupt on or after the First Day of *September* One thousand eight hundred and fifty-four, be construed and acted upon for all Purposes whatsoever as if the Words "Two Calendar Months" were therein inserted, in lieu of the Words "Twenty-one Days."

Excepted Articles to be allowed to a Bankrupt.

XXV. Every Person who shall be adjudged bankrupt on or after the First Day of *September* One thousand eight hundred and fifty-four shall be entitled to retain, for the Use of himself and his Family, under the Name of excepted Articles, such Articles of Household Furniture, and Tools, Implements of Trade, and other like Necessaries as he shall specify and select, not exceeding in the whole the Value of Twenty Pounds; and such excepted Articles shall not be subject to be sold or disposed of in the Bankruptcy, or to be taken in Execution at the Suit of any Creditor entitled to prove under the Bankruptcy; and in all Cases there shall be filed with the Proceedings in the Court an Inventory of such excepted Articles, with a Valuation of the same respectively, with a Certificate signed by the Appraiser or other Person making such Valuation attesting the Truth thereof, and stating when and where such Articles were seen and valued; and the reasonable Expenses and Charge of and for such Valuation, when taxed, shall be paid by the Official Assignee out of the Proceeds of the Estate of the Bankrupt, under the Order of the Commissioner.

An Inventory and Valuation of the Remainder of the

XXVI. Except where the Court shall otherwise order, an Inventory and Valuation of the Remainder of the Bankrupt's Household Furniture, Tools, and Implements of Trade shall be made and delivered to the Official Assignee; and where the Bankrupt shall, by Writing

Bankrupt's Household Furniture, &c. to be made, which shall not be sold without the Order of a Commissioner.

under his Hand, request the Assignees not to dispose of the same, such Household Furniture, Tools, or Implements of Trade shall not be disposed of by the Assignees without previous Order of the Commissioner; and the Commissioner may, upon the Application of the Bankrupt, postpone the Removal and Sale of the same for such Time as the Commissioner, in the Exercise of his Discretion, shall think fit, having regard to the probable Value of the other Property of the Bankrupt, and he may permit and suffer the same to remain in the Use and Occupation of the Bankrupt, upon such Terms and Conditions and with such Security as to the Commissioner may seem proper, so as to protect the same from being made liable to or sold for the Payment of any Rent, Rates, or Taxes which might become due thereafter for or on account of any House or Premises wherein such Property may be placed, and from being made liable to be sold for the Payment of any Debt, Claim, or Demand whatsoever by reason of being in the Possession and Occupation of the Bankrupt; and the Commissioner may, at any Time when he shall think it necessary so to do, order the same to be taken by the Messenger or Assignee, and to be sold for the Benefit of the Creditors.

If the Bankrupt shall be entitled to any Allowance, his Household Furniture, &c. to be taken in lieu of Money.

XXVII. If the other Estate and Effects of the Bankrupt shall in the due Administration thereof pay to the Creditors such an Amount of Dividend as shall entitle the Bankrupt to an Allowance in Money, and the Household Furniture, Tools, and Implements of Trade so contained in the last-mentioned Inventory and Valuation shall not have been sold, the Bankrupt shall accept the same at the Valuation so originally put upon the same, or a sufficient Portion thereof, to be selected by him, with the Approbation of the Assignees, as and for his Allowance instead of Money; and such Articles of Household Furniture, Tools, and Implements of Trade so accepted shall be delivered to him, and shall thereupon, without any Deed of Assignment, revest in the Bankrupt as his own Property, and the Official Assignee shall sell for the Benefit of the Creditors such Portions of such Articles as the Bankrupt shall not be entitled to retain, and such Deduction may be made from his Allowance for any Diminution in Value in such Articles occasioned by his having continued to use them since the Bankruptcy as the Commissioner may think reasonable (to be either paid by the Bankrupt in Money or the Amount thereof in Value retained in Goods).

Construction. Short Title.

XXVIII. This Act shall be construed, together with the Bankrupt Law Consolidation Act, 1849, as One Act, and may be cited as "The Bankruptcy Act, 1854."

CAP. CXX.

An Act to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to continue certain Provisions in the said Acts. [11th *August* 1854.]

'WHEREAS by "The Merchant Shipping Act, 1854," the Acts relating to Merchant Shipping are amended and consolidated, and it is expedient to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to make temporary Provisions with respect to certain of the Matters referred to in the said Acts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title of Act.

I. This Act may be cited for all Purposes as "The Merchant Shipping Repeal Act, 1854."

Interpretation of Terms in this Act.

II. In the Construction and for the Purposes of this Act the Interpretation of Terms contained in "The Merchant Shipping Act, 1854," shall be considered as incorporated with and forming Part of this Act.

Commencement of Act.

III. With the Exception of such Provisions of this Act as are herein-after expressly stated to be intended to come into operation immediately after the passing thereof, this Act shall come into operation at the same Time as the Merchant Shipping Act, 1854.

IV. There