

THE
S T A T U T E S
OF
THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND.

WITH NOTES AND REFERENCES

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M.DCCC.LV.

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Power to alter Provisions of Act.

LXVI. Wherever it appears to the Commissioners that by reason of the Prevalence in any Colony of Laws or Customs differing from those of *England*, or that by reason of any other Matter or Thing whatsoever it is expedient, with the view of carrying into execution the Purposes of this Act,

That there should be substituted for the Provisions of this Act or any of them other like Provisions accommodated to the Laws or Customs of such Colony; or

That further Provisions should be made for carrying into execution in such Colony the Orders of the Commissioners; for reconciling any Conflict between the Laws of *England* and such Colony; for declaring the Law with respect to any Matter or Thing; or otherwise for more effectually bringing this Act into operation within any Colony, or carrying into effect the Purposes thereof;

It shall be lawful for the Commissioners, having due Regard to the Interests of Owners, Incumbrancers, and others, and to the Laws and Customs of the Colony, by Order under their Seal, to make any such Substitutions or Provisions as aforesaid, subject to the Restrictions following; namely, that such Substitutions or Provisions shall not be repugnant to the Spirit of this Act or to the general Law of *England*, and shall not affect the Constitution of the Commissioners as established by this Act; but no such Order shall be of any Force till the same has been confirmed by Order of Her Majesty in Council in manner herein-after mentioned.

LXVII. Before any such Order shall be capable of Confirmation, it shall for the Space of Thirty Days be submitted to the Legislature of the Colony within which the same is intended to operate; and if such Legislature, within such Period as aforesaid, express by Resolution their Disapproval thereof, such Order shall thereupon be void to all Intents; but if the Legislature, within the said Period, express by Resolution their Approval thereof, or come to no Resolution in respect thereof, the same shall thereupon be presented to Her Majesty for Confirmation, and, if so confirmed, shall, as soon as conveniently may be, be proclaimed in the Colony, and upon such Proclamation being made shall have the same Force within such Colony as if the same had been enacted by Authority of Parliament.

LXVIII. Any Order so confirmed as aforesaid may from Time to Time be rescinded, amended, or altered, as Occasion may require, by other Orders, to be made by the Commissioners, and to be submitted to the Legislature of the Colony, and confirmed in like Manner.

LXIX. Her Majesty may from Time to Time, by Order in Council, direct this Act to come into operation in any of the said scheduled Colonies, and thereupon, but not otherwise, the same shall have the Force of Law in such Colony or Colonies named in any such Order; but no such Order in Council shall be made in respect of any Colony until the Legislature of such Colony has presented an Address to Her Majesty, praying Her Majesty to issue such Order, and has also, to the Satisfaction of Her Majesty's Principal Secretary of State for the Colonies, made Provision for the Payment of the Salaries of the Local Commissioners, and of all such Assistant Secretaries, Clerks, Messengers, and Officers as may be appointed under this Act in such Colony, and of such other Expenses of carrying this Act into execution as are herein-before directed to be provided for by the Legislature of the Colony.

SCHEDULE.

Jamaica.	Tobago.	St. Christopher's.	British Guiana.
Barbados.	St. Lucia.	Montserrat.	Trinidad.
St. Vincent.	Antigua.	Nevis.	The Bahamas.
Grenada.	Dominica.	The Virgin Islands.	The Turks Islands.

C A P. CXVIII.

An Act to empower the Legislature of *Canada* to alter the Constitution of the Legislative Council for that Province, and for other Purposes. [11th August 1854.]

WHEREAS an Act of the Session of Parliament holden in the Third and Fourth Years of Her Majesty, Chapter Thirty-five, "to reunite the Provinces of *Upper and Lower Canada*, and for "the Government of *Canada*," provides amongst other things for the Establishment of a Legislative Council in the Province of *Canada*, consisting of Members summoned thereto by the Governor, under the Authority of Her Majesty as therein specified: And whereas it is expedient that the Legislature of the said Province should be empowered to alter the Constitution of the said Legislative Council: And whereas the said Act requires Amendment in other respect: Be it 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:

Power to the
Legislature of
Canada to alter
the Constitution
of the Legisla-
tive Council.

I. It shall be lawful for the Legislature of *Canada*, by any Act or Acts to be hereafter for that Purpose passed, to alter the Manner of composing the Legislative Council of the said Province, and to make it consist of such Number of Members appointed or to be appointed or elected by such Persons and in such Manner as to the said Legislature may seem fit, and to fix the Qualifications of the Persons capable of being so appointed or elected, and by such Act or Acts to make Provision, if they shall think fit, for the separate

separate Dissolution by the Governor of the said Legislative Council and Legislative Assembly respectively, and for the Purposes aforesaid to vary and repeal in such Manner as to them may seem fit all or any of the Sections and Provisions of the said recited Act, and of any other Act of Parliament now in force which relate to the Constitution of the Legislative Council of *Canada*: Provided always, that any Bill or Bills which shall be passed by the present Legislative Council and Assembly of *Canada* for all or any of the Purposes aforesaid shall be reserved by the said Governor, unless he think fit to withhold Her Majesty's Assent thereto, for the Signification of Her Majesty's Pleasure, and shall be subject to the Enactments of the said recited Act of the Third and Fourth Years of Her Majesty, Chapter Thirty-five, Section Thirty-nine, which relate to Bills so reserved for the Signification of Her Majesty's Pleasure.

II. As soon as the Constitution of the Legislative Council of the Province of *Canada* shall have been altered under such Act or Acts so assented to by Her Majesty as aforesaid, all Provisions of the said recited Acts of Parliament of the Third and Fourth Years of Her Majesty, Chapter Thirty-five, and of any other Act of Parliament now in force relating to the Legislative Council of *Canada*, shall be held to apply to the Legislative Council so altered, except so far as such Provisions may have been varied or repealed by such Act or Acts of the Legislature of *Canada* so assented to as aforesaid.

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.

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.

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.

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.

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*.

C A P. 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:

Provisions of former Acts of Parliament to apply to the new Legislative Council.

Legislature of Canada may vary Acts constituting the new Legislative Council; and to vary, &c. the Property Qualification of Members of Assembly. Proviso in Section 26. of 3 & 4 Vict. c. 35. repealed.

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

Interpretation of Terms.