

## C A P. III.

AN ACT more effectually to provide for the maintenance of good order in Churches, Chapels and other places of Public Worship, and for other purposes therein mentioned.

(7th March, 1827.)

Preamble.

**W**HEREAS it is expedient to repeal an Act passed in the first year of His Majesty's Reign, Chapter one, and a certain other Act passed in the fourth year of His Majesty's Reign, Chapter thirty-five, and to substitute other enactments instead thereof: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec, in North America;*" and to make further provision for the Government of the said Province:" And it is hereby enacted by the authority of the same, that the said Act passed in the first year of His Majesty's reign, intituled, "An Act for the maintenance of good order in Churches, Chapels and other places used for Public Worship, and for repealing an Act therein mentioned," and the said Act passed in the fourth year of His Majesty's Reign, intituled, "An Act to continue for a limited time, and amend an Act passed in the first year of His Majesty's Reign, intituled, "An Act for the maintenance of good order in Churches, Chapels and other places used for Public Worship, and for repealing an Act therein mentioned," shall be, and the same are hereby repealed.

Repeal of the Acts 1st Geo. IV. Cap. 1st. and 4th Geo. IV. Chap. 35.

Duty of the Church Wardens in and about the Churches in this Province.

II. And be it further enacted by authority aforesaid, that it shall be the duty of the Church-Wardens in office in each of the Parishes and Settlements of this Province, to keep up and maintain good order in and about the Church or Chapel, or other place used for Public Worship, of each of the said Parishes or Settlements respectively, as well within as without the said Churches and Chapels, or other places used for Public Worship of each of the said Parishes or Settlements respectively, and in the public Hall attached or adjacent to the Parsonage House or Presbytery, as also in the roads or public places adjoining the same, and to enforce the present Act, and to prosecute offences committed against

Penalty on  
neglect.

against the same, and all and every Church-Warden or Church-Wardens who shall refuse or neglect to do the duties so imposed upon them, in their capacity aforesaid, shall incur and pay, for every neglect or refusal, a sum not less than ten Shillings, and not exceeding forty Shillings, currency.

Penalty on  
persons caus-  
ing disturban-  
ce in Churches  
&c.

III. And be it further enacted by the authority aforesaid, that any person or persons who shall cause any disturbance in the Church, Chapel, or other place used for public worship, in any Parish or Settlement in this Province, during Divine Service, or shall in any wise indecently or irreverently conduct himself in or about such Church or Chapel, or other place used for public worship, or shall resist the Church-Wardens, or other person or persons in the execution of the duties imposed on him or them by this Act, or insult them, shall and may be forthwith arrested by any or either of the said Church-Wardens, or by any constable or peace officer, and be conducted before a Justice of the Peace, and upon the oath of such Church-Warden or Church-Wardens, constable or peace officer, or of one or more credible witness or witnesses, declaring that such person or persons has or have caused any such disturbance, or conducted himself or themselves irreverently, or otherwise misdemeaned himself or themselves as aforesaid, or on confession of the offender, the said Justice of the Peace shall fine such person or persons in a sum not exceeding forty shillings, currency, nor less than five shillings, currency; and if such person or persons shall be unable forthwith to pay such fine, he or they shall and may, by Warrant under the hand and seal of such Justice, be committed to the common gaol of the district where the offence shall have been committed, there to remain for the space of fifteen days, unless such fine be sooner paid; and any person or persons who shall cause any disturbance or shall remain or loiter without any such Church or Chapel, or other place used for public worship, or in the highways and public places adjacent thereto, or in the public Hall attached or adjacent to the Parsonage House or Presbytery, or who so remaining and loitering without the said Church, Chapel or other place used for public worship, or in the highways and public places adjacent thereto, shall upon being directed to retire or to enter the said Church or Chapel, or other place used for public worship, during divine service, refuse or neglect so to do, shall and may be arrested by any or either of the said Church-Wardens, and be conducted before a Justice of the Peace, and on oath made by such Church-Wardens or either of them, or of one or more credible witness or witnesses, that such person or persons hath or have so made any disturbance, or loitered without any such Church, Chapel, or place of public worship as aforesaid, or hath or have refused, in manner aforesaid, to retire or to enter such Church, Chapel or place of public worship, or on confession of the offender

offender, such Justice of the Peace shall fine such person or persons in a sum not exceeding twenty shillings, nor less than five shillings; and if such person or persons shall be unable forthwith to pay such fine, he or they shall and may, by Warrant under the hand and seal of such Justice, be committed to the common gaol of the district where such offence shall have been committed, there to remain for the space of eight days, unless such fine be sooner paid.

Persons offending as above may be sued at any time within three months after the commission of the offence

IV. Provided always and be it further enacted by the authority aforesaid, that any person or persons offending as above or hereafter mentioned, although not forthwith arrested, may nevertheless be sued for the offence at any time within one month next after the commission of the same, before any Justice of the Peace, and upon conviction be fined or imprisoned as in and by this Act it is specified and provided.

The same powers granted to Officers of militia, &c as are delegated to Church wardens.

V. And be it further enacted by the authority aforesaid, that all officers and Serjeants of Militia, and other Peace Officers in each Parish, Seignior, Township or Settlement, or other extra-parochial place, shall have the same powers as those delegated to the Church-Wardens by this Act, in the execution of the duties imposed upon them by the same.

Penalty on persons loitering and tippling in public houses during divine service.

VI. And be it further enacted by the authority aforesaid, that it shall be the duty of every Officer and non-commissioned Officer of Militia, or other Peace Officer, to cause to be arrested and carried before any Justice of the Peace, all and every person or persons whom he or they may find, during any Sunday or Holyday, during Divine Service, loitering or tippling in any house of public entertainment, or in any place of public resort, whether within doors or in the open air, where any Ale, Wine, Spirits or strong drink may be sold or distributed on a Sunday or Holiday, during Divine Service as aforesaid, within the limits of their Parishes or Settlements respectively, and also each and every person whom they may find cursing and swearing or provoking to fight, drunk, or using violence in the streets, highways or other public places, and such person so conducted before such Justice of the Peace, may on conviction be condemned to pay a fine not exceeding twenty shillings, nor less than five shillings, currency: and if such person shall be unable to pay such fine forthwith, he shall and may be committed, by Warrant under the hand and seal of such Justice of the Peace

Peace, to the common Gaol of the district in which such offence shall have been committed, there to remain for the space of eight days, unless such fine be sooner paid.

Penalty against persons on horseback or on *voiture*, driving fast near Churches, &c. in going to or returning from divine service.

VII. And be it further enacted by the authority aforesaid, that any person attending at, as well in going to as returning from divine service at any such Church, Chapel, or other place used for public worship, who shall on approaching to or returning from the same, within the distance of ten arpents therefrom, drive, whether on horseback, or in a carriage, at any faster pace than a slow and moderate trot, shall for every such offence incur a penalty not exceeding ten shillings, nor less than five shillings, currency.

Constables may be appointed to assist Church-wardens in the performance of the duties imposed upon them.

VIII. And be it further enacted by the authority aforesaid, that it shall be lawful for any two Justices of the Peace, on the request of the Church-Wardens aforesaid, or any Rector or Priest officiating in any Church or Chapel within this Province, to appoint one or two Constables for the purpose of assisting the Church-Wardens in office, in the performance of the duties imposed upon them under and by virtue of this Act, which Constables shall obey the orders and directions which, from time to time, shall be given to them by the said Church-Wardens in office, and may be prosecutors of persons offending against this Act.

Penalties and Forfeitures, how to be recovered.

IX. And be it further enacted by the authority aforesaid, that all penalties and forfeitures by this Act imposed, for any offence against the same, shall be levied by distress and sale of the goods and chattels of the offender, by Warrant of distress, under the hand and seal of a Justice of the Peace for the District or County where such offence, neglect or default shall happen, rendering the overplus of such distress (if any there be,) to the party or parties, after deducting the costs of suit and the charges of making the distress; which Warrant such Justice of the Peace is hereby empowered and required to grant, after complaint or information to him made or given, upon conviction of the Offender by confession or upon the oath of one or more credible Witness or Witnesses, and all the penalties and forfeitures levied under the authority of this Act, shall be paid, one half to the Informer, and the other half to His Majesty, his Heirs and Successors. Provided always, that no Church-Warden, Constable or Peace Officer, prosecuting as such, shall be entitled by this Act to any part of any fine, but shall be only entitled to recover his costs. Provided always, that all Suits or Actions for Offences against this Act shall be commenced within one month next after the commission of the offence, and not afterwards.

Limitation of Action.

Church-Wardens, Constables or Peace Officers to be competent witnesses in matters relative to this Act and to an Act of the 15th Geo. III. prohibiting the sale of goods, &c. on Sundays.

X. Provided always, and be it further enacted by the authority aforesaid, that any Church-Warden, Constable or Peace Officer shall be deemed, in all cases, a competent witness in all matters relative to the execution of this Act, as well as of a certain other Act, passed in the forty-fifth year of the Reign of His Majesty, George the Third, intituled, "An Act to prohibit the sale of Goods, Wares and Merchandizes, Wines, Spirits and other strong Liquors on Sundays," notwithstanding he may be the Prosecutor or Informer, for any offence, neglect or default against either of the said Acts.

General issue.

XI. And be it further enacted by the authority aforesaid, that if any Action, Bill or Complaint be brought against any Church-Warden or Church-Wardens, Constable or Peace-officer as aforesaid, for any thing done in virtue of this Act, he or they may plead the general issue, and give the special matter and this act in evidence; and if a Judgment or verdict is given against the Plaintiff, or he shall become non-suit or discontinue his Suit or Action, in every such case the Judge before whom the said matter shall have been brought or tried, shall allow to the Defendant double costs.

Double costs.

This Act with certain parts of other Acts to be forwarded to the Curates.

XII. And be it further enacted by the authority aforesaid, that separate copies of this Act, and of the fifth Section of an Act of the British Parliament, passed in the fourteenth year of the Reign of His late Majesty, George the Third, chapter eighty-eight, and of the first, seventh and ninth Sections of an Act of the Legislature of this Province, of the thirty-fifth year of the Reign of His late Majesty, George the Third, chapter eight, and an Act passed in the forty-fifth year of the Reign of His late Majesty, George the Third, chapter ten, shall be forwarded in the same manner as the laws enacted in this Province are now forwarded to the Curate of each Parish within this Province, to be by such Curate delivered over to the Church-Warden on duty (*en charge*) for the time being, to be by him handed over to his successors in office, to be preserved among the papers of the Fabrique, and to be read yearly at the first general meeting of the Church-Wardens, after the election of any Church-Warden or Church-Wardens, which Church-Warden or Church-Wardens shall read the same, or cause the same to be publicly read at the Church-door of the Parish, on the three first Sundays of September in every year, immediately after divine service in the morning, under a penalty of twenty shillings, currency, for each and every offence.

XIII.

Finis under  
this Act, how  
to be applied  
and accounted  
for, &c.

XIII. And be it further enacted by the authority aforesaid, that all fines imposed and levied in virtue of the present Act, shall be applied to the public uses of the said Province, and towards the support of the Government thereof, and the same shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall please to direct.

Duration of  
this Act.

XIV. And be it further enacted by the authority aforesaid, that this Act shall remain in force until the first day of May one thousand eight hundred and thirty, and no longer.

#### C A P. IV.

AN ACT relating to the Wardens of the House of Industry in the City of Montreal.

(7th March, 1827.)

Preamble.

Governor to  
appoint eight  
Wardens, four  
of whom shall  
annually re-  
tire and be re-  
placed in rota-  
tion by the like  
number.

**W**HEREAS it is expedient that four of the Wardens for the House of Industry in the City of Montreal should annually retire and be replaced by an equal number ; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, " *An Act for making more effectual provision for the Government of the Province of Quebec, in North America ;*" and to " make further provision for the Government of the said Province ;" And it is hereby enacted by the authority of the same, that the Corporation of the Wardens of the House of Industry in the City of Montreal, shall, from and after the first day of April next, consist of eight Wardens, all of whom shall in the first instance be appointed by the Governor, Lieutenant Governor or Person administering the Government of the Province for the time being, of whom four shall, in the manner provided in the second clause or section of the Act passed in the fifty-eighth year of His late Majesty's Reign, intituled, " An Act to establish a " House of Industry in the City of Montreal," annually retire and be replaced in rotation by the like number, the first four to retire by ballot on the first day of May, one thousand eight hundred and twenty-eight, and to be replaced, and so on the like day every following year, the same number retiring shall be replaced by the like number.

II.