

*The Provincial Statutes of Lower-Canada, Being the first session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, the eighteenth day of April, 1838.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1838.

1 Victoria – Chapter 2 (Session 1)

**An Ordinance to authorize the apprehending and detention of Persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason, and Treasonable Practices, and to suspend for a limited time, as to such persons, a certain Ordinance therein mentioned.**

Whereas divers Persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason, and Treasonable Practices, are detained in Prison, or in custody in this Province, and it is highly expedient and necessary that means should be provided for the more easily apprehending and more secure detention of such persons for a limited time, and of others who may be suspected or charged with such crimes. Therefore, for the better preservation of the Peace, and of the Laws and Liberties of this Province:—Be it Ordained and Enacted by His Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled, by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the first year of the Reign of Her present Majesty, intituled, “An Act to make temporary provision for the Government of Lower Canada;”—and it is hereby ordained and enacted by the authority of the same, that all or any person or persons that are or shall be in prison or otherwise in custody in this Province, at or upon the day of the making and passing of this Ordinance, or after, by any warrant for High Treason, Suspicion of High Treason, Misprision of High Treason, or Treasonable Practices, may be detained in safe custody, without bail or mainprize, during the continuance of this Ordinance; and that no Judge or Justice of Peace shall, during such continuance, bail or try any person or persons so committed, without an order from the Governor or Person Administering the Government of this Province, by and with the advice and consent of the Executive Council of the. said Province, any Law, Ordinance, or Statute to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, that the Ordinance of the Governor in Chief of this Province, made and passed by and with the advice and consent of the Legislative Council of the said Province, in the Twenty-fourth year of the reign of His late Majesty, King George the Third; “An Ordinance for securing the liberty of the subject, and for the prevention of imprisonment out of this Province”—in so far as the same may be construed to relate to cases of High Treason, Suspicion of High Treason, Misprision of High Treason, and Treasonable Practices be suspended until the Twenty-fourth day of August next; and that until the said day, no Judge, Justice of Peace, or other Officer of the Law in this Province, shall liberate, try or admit to Bail any person or persons that is, are, or shall be

in Prison, committed or in custody within the said Province, for such causes as aforesaid, without an Order from the Governor or Person administering the Government of the said Province: Provided always, that from and after the said Twenty-fourth day of August next, the said persons so committed shall have the benefit and advantage of all Laws, Ordinances, and Statutes any way relating to or providing for the liberty of Her Majesty's subjects in this Province; and that this present Ordinance shall continue until the said Twenty-fourth day of August next and no longer.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and Passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the twenty-third day of April, in the first year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the Year of our Lord, one thousand eight hundred and thirty-eight.

By His Excellency's Command,  
W. B. LINDSAY,  
Clerk Special Council.