

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

2 Victoria – Chapter 11 (Session 3)

An Ordinance to authorise the Trial in any District of this Province, of persons charged with certain crimes and offences.

Whereas divers persons are now committed, and in custody, charged with High Treason, Misprisions of High Treason, and other crimes and offences, and it is expedient, for the purpose of ensuring impartial proceedings against the persons aforesaid, and such others as may hereafter offend, in the same respect, that the trials of any of the said persons should, if deemed necessary, be had in any of the Districts of the said Province, other than those in which such crimes and offences may have been committed:—Be it therefore Ordained and Enacted by His Excellency the Administrator of the Government of this Province, authorised 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 aforesaid, that it shall and may be lawful for the Governor or person administering the Government of the said Province, by a Commission or other instrument, to be issued from time to time, at his discretion, under the Great Seal of this Province, to order, direct, and appoint that any person or persons now committed to any Gaol, in the said Province, arrested or in custody, or who may hereafter be committed to any Gaol in the said Province, be arrested or be in custody, charged with High Treason, Suspicion of High Treason, Misprision of High Treason, Treasonable Practices, Sedition, Arson, or Murder, shall be tried, for any such crimes or offences, in any other District or Districts, in the said Province, other than that, or those, in which the said crimes or offences may have been committed; and that the trial and trials of the said person or persons shall be had, and the said crimes and offences with which they may stand charged, or for which they may be indicted, shall be enquired of, heard and determined before the Court of King's Bench, for any District or Districts, in the said Province, within which the Governor, or person administering the Government of the said Province shall have as aforesaid ordered, appointed and directed, such person or persons, or any of them, to be tried, or before any Commissioners of Oyer and Terminer, to be appointed by Commission to be issued, having power to enquire, hear and determine all Treasons, Misprisions of Treasons, Treasonable Practices, Sedition, Murder and Arson within any such District, in whatsoever other District or place, within the said Province such person or persons may have committed or done any of the said crimes and offences, and in like manner to all intents and purposes, as if such Treason, Misprision of Treason, Treasonable Practices, Sedition, Murder or Arson, had been done, perpetrated and committed within the said

District or Districts, where they shall have been so enquired of, heard and determined, as it is aforesaid; and that in such case and cases, no challenge of the District, or otherwise in that behalf, shall be allowed.

II. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall continue and be in force until the first day of November, in the year of our Lord, one thousand eight hundred and forty-two, and no longer.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and duly passed in Special Council, under the Great Seal of the Province, at the Government House in the City of Montreal, the twenty-fourth day of November, in the second 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, and in the year of Our Lord one thousand eight hundred and thirty-eight.

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