

*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 12 (Session 3)

**An Ordinance to authorise the Governor, or Person administering the Government of this Province, to cause the confinement in any of the Gaols the said Province, of persons committed, or detained, for certain crimes, and for other purposes.**

Whereas it is expedient that the Governor, or person administering the Government of the said Province, should be authorised and empowered, to cause any person or persons, now committed to Gaol, or arrested, or in custody, or who may be hereafter committed to Gaol, be arrested, or be in custody, charged with High Treason, Misprision of Treason, Treasonable Practices, Sedition, Murder, and Arson, to be committed to any Gaol or Gaols in this Province, and from time to time, to remove them to any other Gaol or Gaols in the said Province, as to him may seem meet:—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 Warrant or other Instrument, under his Hand and Seal at Arms, to cause and direct any person or persons, now committed to any Gaol, arrested or in custody, or who may hereafter be committed to any Gaol, arrested or in custody, charged with High Treason, Misprision of High Treason, Treasonable Practices, Sedition, Murder and Arson, to be conveyed and committed to any other Gaol, or to any Gaol or Gaols in the said Province, and again from time to time, at his discretion, to cause any of the persons aforesaid to be removed to any Gaol or Gaols in the said Province, and to be detained in safe custody in any of the said Gaols, until therefrom discharged by Warrant or Warrants of the Governor, or person administering the Government of the said Province, or until otherwise discharged therefrom, in due course of Law; any Law, Usage or Statute to the contrary thereof in anywise notwithstanding.

II. And be it further Ordained and Enacted by the authority aforesaid, that this present 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.