

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

2 Victoria – Chapter 1 (Session 2)

An Ordinance to provide for the security of the Province of Lower Canada.

Whereas divers persons, Subjects of Her Majesty in this Province, have been charged with High Treason and other offences of a treasonable nature, some of which said persons are at present in custody, and others have withdrawn themselves from the pursuit of justice beyond the limits of this Province; And whereas of the persons so charged and in custody those whose names follow, that is to say:—Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessaulr, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe Des Rivieres, and Luc Hyacinthe Masson, all respectively now in the Gaol of Montreal, in custody of the Sheriff of Montreal, have severally acknowledged their participation in such High Treason, and have submitted themselves to the will and pleasure of Her Majesty; And whereas Louis Joseph Papineau, a Member of the late Assembly of Lower Canada and Speaker thereof, Cyrile Hector Octave Cdte, also a Member of the said late Assembly, Julien Gagnon, Robert Nelson, also a Member of the said late Assembly, Edmund Burke O'Callaghan, also a Member of the said late Assembly, Edouard Etienne Rodier, also a Member of the said late Assembly, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, a priest, George Et. Cartier, John Ryan, the elder, and John Ryan, the younger, Louis Perrault, Pierre Paul Demaray, Joseph Francois Davignon, and Louis Gauthier, all respectively subjects of Pier said Majesty, and against whom respectively warrants for High Treason have been issued, have severally absconded from this Province and withdrawn themselves from the limits thereof, and from the pursuit of justice;—And whereas it is Her said Majesty's most Gracious Will and Pleasure, that no further proceedings should be had or taken against any persons whomsoever on account of such High Treason or other offences of a treasonable nature, save and except as hereinafter provided; but it is nevertheless expedient to provide for the present security of this Province by effectually preventing the several persons whose names are hereinbefore set forth from being at large therein:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the consent and advice of the Special Council for the affairs of the said Province of Lower Canada, constituted and assembled by virtue 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 Her Majesty to transport to Her Majesty's Islands of Bermuda, during her pleasure, the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe Des Rivieres, and Luc Hyacinthe Masson respectively, and to subject them or any of them to such restraints in the said Islands, as may be needful to prevent their

return to this Province; And it is further Ordained and Enacted by and with the authority aforesaid, that if the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe Des Rivieres, and Luc Hyacinthe Masson, respectively or any of them, or if the said Louis Joseph Papineau, Cyrile Hector Octave Cote, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph Francois Davignon, and Louis Gauthier, against whom respectively such Warrants for High Treason have been issued, and who have so withdrawn themselves from the pursuit of justice as aforesaid, or any of them, shall at any time hereafter, except by permission of the Governor General of Her Majesty's Provinces on the continent of North America, and High Commissioner for the adjustment of certain important questions depending in the Provinces of Upper and Lower Canada, or if there shall be no such Governor General and High Commissioner, by permission of the Governor in Chief, or Governor, or other person administering the Government of this Province as hereinafter provided, be found at large, or come within the said Province, they or he shall in such case be deemed and taken to be guilty of High Treason, and shall on conviction of being so found at large or coming within the said Province without such permission as aforesaid, suffer death accordingly. Provided always that it shall and may be lawful for such Governor General and High Commissioner, or if there shall be no such Governor General and High Commissioner, then for the Governor in Chief, Governor, or other person administering the Government of this Province, acting for and in behalf of Her said Majesty, so soon as it shall to him appear consistent with the peace and tranquillity of this Province, by any act or instrument under his hand and Seal at Arms, to grant permission for the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe Des Rivieres, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Cote, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph Francois Davignon, and Louis Gauthier, or any of them, upon giving such security for their future good behaviour and loyal conduct as the said Governor General and High Commissioner, or if there shall be no such Governor General and High Commissioner, as the Governor in Chief, Governor, or person administering the Government of this Province shall think fit, to return to this Province and reside therein, and the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe Des Rivieres, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Cote, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne C harder, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph Francois Davignon, and Louis Gauthier, or such of them as shall receive such permission as aforesaid shall not thenceforth be subject to any penalty or prosecution whatever for any treason or treasonable or seditious practices by them or him at any time heretofore committed. Provided also that in any Indictment for being so found or coming within the Province without such permission as aforesaid, the

burthen of proof of having obtained such permission of the said Governor General and High Commissioner, Governor in Chief, Governor or other person administering the Government of this Province, shall lie upon the party accused or indicted thereof.

II. And it is hereby further Ordained and Enacted by and with the authority aforesaid, that nothing in any Proclamation of Her Majesty contained, shall extend or be held or construed to extend to the cases of Francois Jalbert, Jean Baptiste Lussier, Louis Lussier, Francois Mignault, Francois Talbot, Amable Daunais, Francois Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, or to the case of any other person or persons charged with the murder of the late George Weir, a Lieutenant in Her Majesty's thirty-second Regiment of Foot, or with the murder of the late Joseph Chartrand, nor shall Francois Jalbert, Jean Baptiste Lussier, Louis Lussier, Francois Mignault, Francois Talbot, Amable Daunais, Francois Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, nor shall any other persons suspected of being concerned in the said Murders or either of them, or any person concerned in the escape from the custody of the Sheriff of Montreal of Louis Lussier, charged with the murder of the said George Weir, or who may have harbored the said Louis Lussier after, or aided him in such escape, derive any benefit or advantage whatsoever from any Proclamation of Her Most Gracious Majesty, nor shall any amnesty thereby intended to be granted be taken in any way to apply to such person or persons, or any of them.

Durham

Ordained and Enacted by the authority aforesaid, and Passed in Special Council, at the City of Quebec, the twenty-eighth day of June, in the second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom 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.