

*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 2 (Session 3)

**An Ordinance to authorize the Seizing and Detaining for a limited lime of Gunpowder, Arms, Weapons, Lead, and Munitions of War.**

Whereas it is necessary, during the Insurrection and Rebellion now existing within the District of Montreal, to prevent Gunpowder, Arms, Lead, or other materials for making or casting Musket Bullets, Weapons and Munitions of War from being acquired by or conveyed to the disaffected and rebellious within this Province:—Be it therefore 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 aforesaid, that from and after the passing of this Ordinance, it shall and may be lawful for any Justice of the Peace, Magistrate, or other person or persons whomsoever, by any of them authorized, subject or subjects of Her Majesty, to take possession of, seize and detain any Gunpowder, Arms, Lead, or other materials for making or casting musket bullets, weapons and munitions of war in the possession of any person or persons whomsoever within this Province, save and except such as are or may be in the hands and possession of Her Majesty's Forces, or of Her Majesty's officers, or of persons holding the same under the authority of Her Majesty's Government, and to enter in, into and upon any dwelling-house, building of any kind whatsoever, lands and tenements to search for the same, and there to seize, attach and detain the same, and that it shall be the duty of the Justice, Magistrate, or other person or persons by any of them authorized, so seizing or taking, or causing to be arrested and taking away, such gunpowder, arms, lead or other materials for making or casting musket bullets, weapons and munitions of war, to convey the same or cause the same to be conveyed to the Police Office in the Cities of Montreal and Quebec and Town of Three-Rivers [Trois-Rivières], respectively, and to the office of the Clerk of the Peace, in the Village of Sherbrooke, as the case may be, or to some Military Post within the said District respectively, and to deliver them there, to the end that the same may be secured and disposed of in a manner as to the authorities, civil or military, then and there being, may determine.

II. And be it further Ordained and Enacted by the authority aforesaid, that any person or persons who shall resist or otherwise impede any such Justice of the Peace, Magistrate, Peace Officer, or other person or persons, whomsoever, subjects of Her Majesty, in the due execution of the provisions of this Ordinance, shall be guilty of a misdemeanor, and being

thereof convicted on the oath of one witness before any Justice of the Peace, shall be committed to the Common Gaol without bail or mainprize for the space of three calendar months.

III. 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 January, one thousand eight hundred and forty, and no longer; Provided always that it shall be competent for the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice of the Executive Council, to limit by Proclamation, the duration of this Ordinance to a period within the said date.

IV. And be it further Ordained and Enacted by the authority aforesaid, that an Ordinance of this Province, made and passed in the first year of the Reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor, or person authorized to execute the Commission of Governor, and Special Council of this Province, shall take effect," be and the same is hereby repealed as to this Ordinance only; and that this present Ordinance shall commence and have effect within the said Province, so soon as the Governor, or person authorized to execute the Commission of Governor of the said Province, shall have assented and signed this present Ordinance.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and duly passed in Special Council, at the Government House, in the City of Montreal, the eighth 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, in the Year of our Lord One Thousand Eight Hundred and Thirty-eight.

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