

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 3 (Session 2)

An Ordinance to prevent the discharge of certain persons, until they shall have given security.

Whereas by a certain proclamation of Our Sovereign Lady Victoria, given at the Castle of Saint Louis, in the city of Quebec, in the Province of Lower Canada, and bearing date the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and thirty-eight, it was amongst other things Ordained and Directed that all persons then in custody and charged with High Treason and other offences of a Treasonable nature, should immediately upon giving such security for their future good and loyal behaviour as the Governor General and High Commissioner, or if there be no such Governor General or High Commissioner, then the Governor in Chief, Governor or the person, administering the Government of this Province should direct, be at liberty to return to their homes and there remain wholly unmolested by reason of any High Treason or other offences of a Treasonable nature, in which he or they may have been concerned. And whereas by the said Proclamation it was Ordered and Directed that no further proceedings should be had or taken against any persons whatsoever on account of any High Treason or offences of a Treasonable nature, wherewith they then stood charged or wherewith they might be chargeable at that time, but that all such proceedings without exception or distinction except as therein mentioned, should thenceforth cease and determine. And whereas the great body of the said persons so in custody have availed themselves of the benefits held out to them by the said Proclamation and given the security required: And whereas the said Proclamation was intended to apply to all without distinction who were so in custody, so that the conditions annexed to its benefits might alike be enforced against all. And whereas certain persons who were at the time of the issuing of the said Proclamation and at present continue to be in custody and charged with High Treason and other offences of a Treasonable nature, have not given such security for their future good and loyal behaviour, as directed and required by the said Governor General, but have totally neglected and refused so to do. And whereas it is necessary to provide for the detention in custody and safe keeping of the said last mentioned persons: Be it therefore Ordained and Enacted by His Excellency the Governor of the Province, by and with the advice and consent of the Special Council for the affairs of the said Province of Lower Canada, and it is hereby Ordained and Enacted by the authority aforesaid, that all or any person or persons who 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, by any Warrant for High Treason, Suspicion of High Treason, Misprision of High Treason or Treasonable Practices, who may have neglected or refused to give such security as aforesaid shall and may be detained in safe custody without any bail or mainprize, until any or all such person or persons shall have duly given such security for his

or their future good and loyal behaviour as the Governor General and High Commissioner, Governor in Chief, Governor or person administering the Government of this Province shall direct and require, and that until all or any such person or persons shall have given such security as aforesaid, no Judge or Justice of the Peace shall bail or discharge any person or persons so committed, without an order from the Governor General and High Commissioner, Governor in Chief, or other person administering the Government of this Province, any Law, Ordinance or Statute to the contrary notwithstanding.

Durham

Ordained and Enacted by the authority aforesaid, and passed in Special Council, at the City of Quebec, the twenty-third day of August, 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,
Wm. B. LINDSAY,
Clerk Special Council.