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 4 (Session 3)

An Ordinance to authorize the apprehension and detention of persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason, and Treasonable Practices, and to suspend, for a limited time, as to such persons, a certain Ordinance therein mentioned, and for other purposes.

Whereas divers persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason and Treasonable Practices, are detained in prison or custody in this Province, and it is highly expedient and necessary that means should be provided for the more easily apprehending and more secure detention of such persons for a limited time, and of others who may be suspected or charged with such crimes:—Therefore for the better preservation of the peace and of the laws and liberties of the Province, 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 of the same, that all or any persons that 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, or after by any Warrant for High Treason, Suspicion of High Treason, Misprision of High Treason, or Treasonable Practices, may be detained in safe custody, without bail or mainprize, during the continuance of this Ordinance, and that no Judge or Justice of the Peace shall, during such continuance, bail or try any person or persons so committed, without an order from the Governor or person administering the Government of this Province, by and with the advice and consent of the Executive Council of the said Province, any Law, Ordinance, or Statute to the contrary notwithstanding.

II.   And be it further Ordained and Enacted by the authority aforesaid, that the Ordinance of the Governor in Chief of this Province, made and passed by and with the advice and consent of the Legislative Council of the said Province, in the twenty-fourth year of the Reign of His late Majesty, King George the Third, intituled, "An Ordinance for securing the liberty of the subject, and for the prevention of imprisonment out of this Province," in so far as the same may be construed to relate to cases of High Treason, Suspicion of High Treason, Misprision of High Treason and Treasonable Practices, be suspended until the first day of June next, and that until the said day, no Judge, Justice of the Peace, or other Officer of the Law in this Province, shall liberate, try, or admit to bail any person or persons that is, are, or shall be in prison, committed or in custody within the said Province for such cause aforesaid,

without an order from the Governor, or person administering the Government of the said Province; Provided always, that from and after the said first day of June next, the said person so committed to prison, or in custody, shall have the benefit and advantage of all Laws, Ordinances and Statutes any way relating to, or providing for the liberty of Her Majesty's subjects in this Province.

III.   And be it further Ordained and Enacted, that this present Ordinance shall continue until the said first day of June next, and no longer.

IV.   And be it further Ordained and Enacted, that it shall be lawful for the Governor, or person administering the Government of the said Province, from time to time, and at such times, and for and during such periods of time, as to him shall seem meet, to suspend this present Ordinance and the operation thereof in anyone or more of the Districts of this Province, or in any part or parts thereof, by Proclamation under the Great Seal of the said Province in that behalf, and that this present Ordinance shall be suspended as to any one or more of the said Districts or parts of the said Province, from the day of the date of such Proclamation or Proclamations, for and during the period or periods in such Proclamation or Proclamations, defined, and declared.

V.   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 authorised 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 to 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, and in the year of Our Lord, one thousand eight hundred and thirty-eight.

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