

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 5 (Session 3)

An Ordinance to declare and define the period when the Rebellion, now unhappily existing in this Province, shall be taken and held to cease, and for other purposes.

Whereas it is expedient to declare and define the period at which the Rebellion, now unhappily existing in this Province, shall be held and deemed to cease, and to have ceased, and to make provision for obviating any questions that may arise, as to the validity of certain proceedings after such cessation:—Be it therefore Ordained and Enacted by His Excellency the Administrator of the Government of this Province, authorized to execute the Commission of 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 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 the traitorous conspiracy and rebellion, which now unhappily exists in this Province, shall be held and deemed to exist and prevail, within the said Province, until the Governor, Lieutenant Governor, or person administering the Government of the said Province, shall, by Proclamation, issued under his Hand and Seal at Arms, declare the same to have ceased, and been effectually suppressed, and that the said traitorous conspiracy and rebellion shall be held and taken to have ceased, and been effectually suppressed, upon and from and after the day of the date of the said Proclamation.

II. And be it further Ordained and Enacted by the authority aforesaid, that if any Court or Courts Martial, appointed and constituted by the Governor, or person administering the Government of the said Province, under and by virtue of an Ordinance passed in the second year of the Reign of Her Majesty, intituled, “An Ordinance for the suppression of the Rebellion which unhappily exists within this Province of Lower Canada, and for the protection of the persons and properties of Her Majesty's faithful subjects within the same,” shall, on the day of the date of the said Proclamation, be still in being, and remain constituted, it shall be lawful for such Court or Courts Martial, notwithstanding that the said traitorous conspiracy and rebellion shall be so as aforesaid declared to have ceased, to bear, try, and determine all charges and accusations, against any person or persons, to continue the trials then already begun, of any person or persons, and to give sentence for any of the offences in the said Ordinance mentioned, according to Martial Law, in the same manner as if such traitorous Conspiracy and Rebellion had not ceased, or such Proclamation had not been issued.

III. Provided always, and it is hereby further Ordained and Enacted, that the provisions of this present Ordinance shall not extend, nor be construed to extend, to any offences of the nature and description in the said Ordinance mentioned, other than those which were committed between the first day of this present month of November, and the day of the date of the Proclamation to be issued in manner aforesaid.

IV. 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 June now next ensuing, 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 sixteenth 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.