

C A P. XLIV.

An Ordinance to repeal certain parts of an Ordinance therein-mentioned, and to amend certain other parts of the said Ordinance, and to provide for the further protection of the Indians in this Province.

Preamble.

WHEREAS it is necessary to repeal certain parts of an Ordinance hereinafter mentioned, and to amend certain other parts of the said Ordinance, and to make provision for the further protection of the Indians in this Province:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue 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 also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, “ *An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;*” and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that from and after the passing of this Ordinance, so much of an Ordinance passed in the seventeenth year of the Reign of His late Majesty George the Third, intituled, “ *An Ordinance to prevent the selling of strong liquors to the Indians in the Province of Quebec, as also to deter persons from buying their Arms or Clothing, and for other purposes relative to the trade and intercourse with the said Indians,*” as is contained in the fourth clause thereof, shall be, and the same is hereby repealed.

The 4th clause
of the Ord. 17
Geo 3, Cap. 7
repealed.

Governor may
order any per-
son resident in
the Indian
villages to
remove there,
from under a
penalty and
imprisonment.

II. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Governor of this Province, by a written Instrument, to order any person who heretofore hath been, or now is, or may hereafter become resident in any of the Indian Villages in this Province, to remove from such Village; and in case of default by the said person or persons so to remove from such Indian Village, within seven days from such order being signified to him, he shall forfeit the sum of five pounds currency, for each and every day after the said seven days during which he shall continue to reside or remain in such Indian Village, with all costs of prosecution; and shall suffer imprisonment for a period not less than one month

month and not exceeding two months, and further, until he shall have paid the said last mentioned penalty and costs.

How penalties
are to be
recovered and
imprisonment
inflicted.

III. And be it further Ordained and Enacted by the authority aforesaid, that all the penalties imposed by the second and third clauses of the said Ordinance for the offences therein specified, and all the penalties and forfeitures imposed by this Ordinance shall be recovered by information on behalf of Her Majesty, Her Heirs or Successors, before any two or more of Her Majesty's Justices of the Peace for the District or Division of the said Province, in which the offence shall have been committed, and such two or more Justices of the Peace are hereby authorised and required to hear and determine such information in a summary manner, and upon the oath of one credible witness, and to levy the said penalties together with the costs of suing for the same by a Warrant, to seize and sell the goods and chattels of the person or persons offending, and to inflict the said imprisonment in the manner hereinbefore provided, all which said penalties and forfeitures shall be paid into the hands of Her Majesty's Receiver General, for the public uses of this Province.

Information to
be brought
within six
months.

IV. And be it further Ordained and Enacted by the authority aforesaid, that all informations under and by virtue of this Ordinance, shall be brought within six calendar months from the time that the offence shall have been committed, and not afterwards.

The term "Go-
vernor"
defined.

V. And be it further Ordained and Enacted by the authority aforesaid, that the word "Governor," shall be taken and held to mean and comprehend, as well the Governor as the Lieutenant Governor and person administering the Government of this Province for the time being.

This ordinance
made perma-
nent.

VI. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and remain a permanent law, and in full force until it shall be repealed by competent authority.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-fifth day of June, in the fourth year of the Reign of Our Sovereign Lady Victoria, by the
Grace

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 forty.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

C A P. XLV.

An Ordinance to establish new Territorial Divisions of Lower Canada, and to alter and amend the Judicature, and provide for the better and more efficient administration of Justice throughout this Province.

Preamble.

WHEREAS the provisions of Law under which the existing Courts of Judicature in this Province have been established, are, and have been found by experience to be altogether insufficient and inadequate for the due administration of justice, and other and further provisions in this behalf as well as a corresponding alteration in the division of this Province, for the purposes of Judicature have become necessary;—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue 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 also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "*An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada*;" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that so much of an Act of the Legislature of this Province, passed in the thirty-fourth year of the Reign of His late Majesty King George the Third, intituled, "*An Act for the division of the Province of Lower Canada, for amending the*" Judicature

Certain parts
of the Acts 34
Geo. 3 cap. 61
3 Geo. 4 cap.
17, 18 & 19.