

The Provincial Statutes of Lower-Canada, Being the fourth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fourteenth day of February, 1839. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 16 (Session 4)

An Ordinance to amend a certain Act therein-mentioned, and for the more effectual Punishment of such persons as shall seduce Soldiers to Desert.

Whereas by an Act of the Parliament of Great Britain, made and passed in the first year of the Reign of His Majesty King George the First, intituled, "An Act for the more effectual and exemplary punishment of such persons as shall seduce Soldiers to Desert, or who being Papists, shall enlist themselves in His Majesty's services in Great Britain and Ireland, or in the Islands of Jersey or Gurnsey," which said Act is in force in this Province, it is, among other things Enacted in effect, that if any person or persons whatsoever, (other than such as are or shall be enlisted as Soldiers, against whom sufficient remedy is already provided by law,) shall by words or other means whatsoever, directly or indirectly, persuade or procure any Soldier or Soldiers, in the service of His Majesty, his heirs and successors, to desert or leave such service, or shall go about or endeavour, in manner aforesaid, to persuade, prevail on, or procure such Soldier or Soldiers to desert or leave such service as aforesaid, every such person or persons so offending, as aforesaid, and being thereof lawfully convicted, shall, for every such offence, forfeit to His Majesty, his heirs and successors, or to any other person or persons who shall sue for the same, the sum of forty pounds sterling, to be recovered in the manner by the said Act provided; and that, if it shall happen that any such offender, so convicted as aforesaid, hath not any goods and chattels, lands or tenements, to the value of forty pounds sterling, to pay and satisfy the same, or that from the circumstances or heinousness of the crime, it shall be thought proper and convenient, the Court before whom such conviction shall be made, as aforesaid, shall award the said offender to prison, there to remain for any time not exceeding six months, without bail or mainprize, and also to stand in the pillory, for the space of one hour, in the manner mentioned in the said Act; And whereas, in the prosecution of such offenders, in the manner heretofore provided by law, it frequently happens that during the delay afforded to the offender, previous to his trial, the witness or witnesses against such offender, being Soldiers, or other persons in Her Majesty's service, are removed from, or leave this Province, and the ends of justice are thereby defeated, and such offenders escape, and it is therefore expedient so to amend the said Act as to remedy this evil:—Be it therefore Ordained and Enacted by His Excellency the Governor of the 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 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 each and every person who, not being such Soldiers as aforesaid, shall, by words or other means, directly or indirectly, persuade or

procure any Soldier or Soldiers, in the service of Her Majesty, her heirs or successors, to desert or leave such service, or shall go about and endeavour to persuade, prevail on, or procure such Soldier or Soldiers to desert or leave such service, as aforesaid, may be prosecuted either in the manner by the said Act provided, or in a summary manner, before any three Justices of the Peace for the District in which such offence shall have been committed, and if convicted of such offence on the oath of one or more credible witness or witnesses before such Justices of the Peace, may by them be condemned to pay the said penalty of forty pounds sterling, with costs, and may be committed by such Justices to the Common Gaol of the District, for a period not exceeding six months, and (if such penalty and costs be not forthwith paid) then for such further time as the same shall remain unpaid; and such penalty, when paid, shall belong to and be paid to Her Majesty, her heirs and successors, or to the prosecutor or person suing for the same.

II. And be it further Ordained and Enacted by the authority aforesaid, that no prosecution shall be commenced by virtue of this Ordinance more than six months after the offence committed.

III. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be in force until the first day of November, one thousand eight hundred and forty, and no longer.

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 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 authorised 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 Fourteenth day of March, 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-nine.

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