

*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 23 (Session 4)

**An Ordinance to abolish the practice of permitting Defendants to Traverse Indictments, for misdemeanors, before Courts of Oyer and Terminer, in this Province.**

Whereas the practice which has obtained of permitting defendants to Traverse Indictments, before Courts of Oyer and Terminer in this Province, has led to delays and abuses, inconsistent with the proper and impartial administration of justice, and it is expedient and necessary to remedy such 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 from and after, the passing of this Ordinance, it shall not be lawful for any defendant or defendants against whom any indictment or indictments for any misdemeanor, shall be found before any Court of Oyer and Terminer to be hereafter holden within the said Province, to traverse any such indictment or indictments; but that in all such cases of indictment or indictments for misdemeanor, the defendant or defendants shall plead to the indictment or indictments, and be tried at and during the same Session of such Court of Oyer and Terminer, in which such indictment or indictments shall be found, unless good and sufficient cause be shewn by such defendant or defendants for putting off any such trial; any law, usage or statute to the contrary hereof in anywise notwithstanding.

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

III. 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 authorized to execute the Commission of Governor, and Special Council of the said 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 Nineteenth 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.