

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

3 Victoria – Chapter 44 (Session 5)

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.

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and intercourse with the said Indians,” as is contained in the fourth clause thereof, shall be and the same is hereby repealed.

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

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.

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.

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.

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 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.