

*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 56 (Session 4)

**An Ordinance to amend an Act of the Legislature of this Province, intituled, “An Act for repealing certain Acts granting rates and duties to His Majesty, and for granting new and additional duties in lieu thereof, and for appropriating the same towards defraying the expenses of the administration of Justice and support of the Civil Government within this Province, and for other purposes therein mentioned.”**

Whereas it is expedient to amend the twenty-fourth section of an Act of the Legislature of this Province, passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled, “An Act for repealing certain Acts granting rates and duties to His Majesty, and for granting new and additional duties in lieu thereof, and for appropriating the same towards defraying the expenses of the administration of Justice and support of the Civil Government within this Province, and for other purposes therein mentioned:” —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 in the case of every person subpoenaed on behalf of the Crown, or bound by recognizance to give evidence in the Courts of King's Bench, Courts of Oyer and Terminer, or General Gaol Delivery, and General Quarter Sessions of the Peace, touching any felony or misdemeanor, it shall and may be lawful for any of such Courts, or for any Judge or Justice of any such Court, in which any such person shall appear, by virtue of any such subpoena, or under any such recognizance to give evidence as aforesaid, to order the Sheriff for its District to pay out of the monies which shall and may be advanced to such Sheriff as aforesaid, for that purpose out of any unappropriated monies in the hands of the Receiver General of the said Province, by warrant of the Governor, Lieutenant Governor, or person administering the Government thereof, to every such person, such sum of money as the Court, Judge, or Justice thereof shall think reasonable, not exceeding the expenses he or she was bona fide put unto, making also a reasonable allowance for his and her trouble and loss of time, which sum the Sheriffs aforesaid, upon the production of she said order, shall respectively forthwith pay, and the same shall be allowed and sustained in the respective accounts of the said Sheriff, any statute, law or usage to the contrary notwithstanding: Provided always, that any such Court, Judge or Justice shall not make any such order in the behalf aforesaid, unless the Attorney General, Solicitor General of the said Province, or other prosecuting officer on the part of the Crown, or Clerks of the Peace, prosecuting felonies in the several Courts of Quarter Sessions of the Peace, for and on behalf of the Crown, shall have certified, upon the

account made by such person, for his or her trouble and loss of time as aforesaid, that the charges therein contained are reasonable, and unless such person claiming the amount of charges stated in his or her account in the behalf aforesaid, shall make affidavit before such Court, Judge, or Justice, that the said charges are true and correct, and that unless the same be paid, he or she will sustain loss.

II. And be it further Ordained and Enacted by the authority aforesaid, that the Sheriff to whom any monies shall be advanced under the authority of this Ordinance, shall render such account, and support the same by such vouchers, and transmit it at such time as the Governor, or person administering the Government, shall direct; and the due application of all such monies shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of the Treasury, in such manner and form as Her Majesty, her heirs and successors shall direct.

III. 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 November, one thousand eight hundred and forty-two, and no longer.

J. COLBORNE.

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 Eleventh day of April, 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.