
THE
PROVINCIAL STATUTES
 OF
LOWER-CANADA.

Anno Regni Primo, GEORGII IV.

HIS EXCELLENCY

GEORGE, EARL OF DALHOUSIE, K. G. C.
 GOVERNOR IN CHIEF.

“**A**T the Provincial Parliament, begun and holden at *Quebec*, the fourteenth day of December. *Anno Domini* one thousand eight hundred and twenty, in the first year of the Reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of **GOD**, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith, &c.

“ Being the First Session of the Eleventh Provincial Parliament of Lower-Canada.”

C A P. I.

An Act for the maintenance of good order in Churches, Chapels, and other places used for Public Worship, and for repealing an Act therein mentioned.

(17th March, 1821.)

Preamble.

WHEREAS an Act, passed in the fifty-seventh year of the reign of his late Majesty, George the Third, intituled, “An Act to provide for the maintenance of good order on Sundays and Holidays,” has, by experience, been found insufficient

insufficient for the purposes intended; and whereas it is necessary to repeal the same, and to make more ample provisions for the maintenance of good order within and without the Churches and Chapels, and other places used for public worship, and in the environs thereof, during Divine Service, in the respective Parishes in this Province: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, *"An Act for making more effectual provision for the government of the Province of Quebec, in North America"*; and to make further provision for the government of the said Province;" and it is hereby enacted by the authority of the same, that the said Act, passed in the fifty-seventh year of the reign of his late Majesty George the Third, intituled, "An Act to provide for the maintenance of good order on Sundays and Holidays," shall be and the same is hereby repealed; and that from and after the passing of this Act, it shall be the duty of the Churchwardens in office, in each of the Parishes of this Province, to keep up and maintain good order in the Church or Chapel, or other place used for public worship, of each of the said Parishes, respectively, as well within as without the said Churches and Chapels, or other place used for public worship, and in the public hall, attached to or adjacent to the Parsonage House, or Presbytery, as in the roads or public places adjoining the same: and all and every such Churchwarden or Churchwardens, who shall refuse or neglect to do the duties so imposed upon them, in their capacity aforesaid, shall incur and pay, for every neglect or refusal, a sum that shall not be less than ten shillings, and not exceeding forty shillings, currency.

Duty of Churchwardens in the Churches in this Province.

Penalty on neglect.

Penalty on persons causing disturbance in Churches, &c.

II. And be it further enacted by the authority aforesaid, that any person or persons who shall, during Divine Service, cause any disturbance in the Church, Chapel or other place used for public worship, in any Parish of this Province, or shall in any wise indecently and irreverently conduct himself in such Church or Chapel, or other place used for public worship or shall misdemean himself towards the said Churchwardens or other person or persons in the execution of the duties imposed on him or them by this Act, shall and may be forthwith arrested by any or either of the said Churchwardens, and be conducted before a Justice of the Peace, and upon the oath of such Churchwarden or Churchwardens, or of one or more credible witness or witnesses, declaring that such person or persons, has or have caused any such disturbance or conducted himself or themselves irreverently or otherwise misdemeaned himself or themselves, as aforesaid, or on confession of the offender, the said Justice of the Peace, shall fine such person or persons, in a sum not exceeding forty shillings, currency, nor less than twenty shillings, currency; and if such person

person or persons shall be unable forthwith to pay such fine, he or they shall and may, by Warrant under the hand and seal of such Justice, be committed to the common Gaol of the District where the offence shall have been committed, there to remain for the space of fifteen days, unless such fine be sooner paid; and any person or persons who shall cause any disturbance or shall remain and loiter without, any such Church, Chapel, or other place used for public worship, as aforesaid, or in the Highways and public places adjacent thereto, or in the public hall attached or adjacent to the Parsonage House or Presbytery, or who so remain and loitering without the said Church, Chapel, or other place used for public worship, or in the Highways and public places adjacent thereto, shall upon being directed to retire or to enter the said Church or Chapel, or other place used for public worship, during Divine Service, refuse or neglect so to do, shall and may be arrested by any or either of the said Churchwardens, and be conducted before a Justice of the Peace, and on oath made by such Churchwardens or either of them, or of one or more credible witnesses or witnesses, that such person or persons hath or have so made any disturbance or loitered without any such Church, Chapel or place of public worship as aforesaid, or hath or have refused in manner aforesaid, to enter such Church, Chapel or place of public worship, or on confession of the offender, such Justice of the Peace shall fine such person or persons in a sum not exceeding twenty shillings, nor less than five shillings; and if such person or persons shall be unable forthwith to pay such fine, he or they shall and may by Warrant, under the hand and seal of such Justice, be committed to the common Gaol of the District where such offence shall have been committed, there to remain for the space of eight days unless such fine be sooner paid.

The same powers granted to Captains of Militia as are delegated to the Churchwardens.

III. And be it further enacted by the authority aforesaid, that all Captains officers and serjeants of Militia in each Parish, shall have the same power as those delegated to the Churchwardens by this Act, in the execution of the duties imposed upon them by the same.

Penalty on persons loitering and tippling in public houses during Divine Service.

IV. And be it further enacted by the authority aforesaid, that it shall be the duty of every officer and non-commissioned officer of Militia or other Peace officer, to cause to be arrested and carried before any one of the nearest of His Majesty's Justices of the Peace, all and every person or persons which he or they may find during any Sunday or Holiday, during Divine Service, loitering or tippling in any Houle of Public Entertainment or in any place of public resort, whether within doors or in the open air, where any ale, wine, spirits or strong drink may be sold or distributed, on a Sunday or Holiday, during Divine Service as aforesaid, within the

the limits of their Parishes respectively, and also each and every person whom they may find cursing and swearing or provoking to fight, drunk, or using violence in the streets, highways or other public places, and such person so conducted before such Justice of the Peace, may on conviction be condemned to pay a fine not exceeding twenty shillings, nor less than five shillings, currency; and if such person shall be unable to pay such fine forthwith he shall and may be committed by Warrant under the hand and seal of such Justice of the Peace, to the common Gaol of the District in which such offence shall have been committed, there to remain for the space of eight days, unless such fine be sooner paid.

Penalties and
forfeitures
recoverable.

V. And be it further enacted by the authority aforesaid, that all penalties and forfeitures by this Act imposed, for any offence against the same, save and except those cases wherein imprisonment may be inflicted as is herein-before provided, shall be levied by distress and sale of the goods and chattels of the offender, by Warrant of distress under the hand and seal of a Justice of the Peace for the District or County where such offence, neglect or default shall happen, rendering the overplus of such distress (if any there be) to the party or parties, after deducting the charges of making the same; which Warrant such Justice of the Peace is hereby empowered and required to grant, after complaint or information to him made or given, upon conviction of the offender by confession, or upon the oath of one or more credible witness or witnesses, other than the informer, and all the penalties and forfeitures, levied under the authority of this Act shall be paid, the one half to the informer, and the other half to His Majesty, his Heirs and Successors. Provided always, that no suit or action shall be commenced or brought but within three months next after the offence committed, and not afterwards.

Limitation of
actions

General issue.

VI. And be it further enacted by the authority aforesaid, that if any action, bill or plaint be brought against any churchwarden or churchwardens, captain, officer or serjeant of Militia as aforesaid, for any thing done in virtue of this Act, he or they may plead the general issue, and give the special matter and this Act in evidence, and if a judgment or verdict is given against the Plaintiff, or he shall become non-suit or discontinue his suit or action, in every such case the Judge before whom the said matter shall have been brought or tried, shall allow to the defendant, double costs.

Double costs.

This Act with
certain parts of
other Acts to be
forwarded to the
Curates.

VII. And be it further enacted by the authority aforesaid, that separate copies of this Act and of the fifth section of an Act of the British Parliament, passed in the fourteenth year of the Reign of His late Majesty George the Third, chapter eighty-eight, and of the first, seventh and ninth sections of an Act of the Legislature of this Province, of the thirty-fifth year of the Reign of His late Majesty George the
Third

Third, chapter eight, and an Act passed in the forty-fifth year of the Reign of His late Majesty George the Third, chapter ten, shall be forwarded in the same manner as the laws enacted in this Province are now forwarded to the Curate of each Parish within this Province, to be by such Curate delivered over to the Churchwarden on duty, (*en charge*) for the time being, to be by him handed over to his successors in office, to be preserved among the papers of the Fabrique, and to be read yearly at the first General Meeting of the Churchwardens, after the election of any Churchwarden or Churchwardens, which Churchwarden or Churchwardens shall read the same, or cause the same to be publicly read at the Church door of the Parish, on the first Sunday of September in every year, immediately after Divine Service in the morning, under a penalty of twenty shillings, currency, for each and every offence.

Constables may be appointed to assist Churchwardens in the performance of the Duties imposed upon them.

VIII. And be it further enacted by the authority aforesaid, that it shall be lawful for any two Justices of the Peace, on the request of the Churchwardens aforesaid, or for any Rector or Priest officiating in any Church or Chapel within this Province, to appoint one or two Constables, for the purpose of assisting the Churchwardens in office, in the performance of the duties imposed upon them under and by virtue of this Act, which Constables shall obey the orders and directions which, from time to time, shall be given to them by the said Churchwardens in office, and may be prosecutors of persons offending against this Act.

Justices of the Peace to transmit annually the fines levied in virtue of this Act, to the Receiver-General and the same to be accounted for to his Majesty.

IX. And be it further enacted by the authority aforesaid, that all Justices of the Peace who shall have received any fines, imposed and levied in virtue of the present Act, shall be held to transmit the same every year, to the Receiver-General of this Province, for the public uses of the said Province, and towards the support of the Government thereof, and the same shall be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, his heirs and successors shall please to direct.

Continuance of this Act.

X. And be it further enacted by the authority aforesaid, that this Act shall remain in force until the first day of May, one thousand eight hundred and twenty-four, and no longer.