

*The Provincial Statutes of Lower-Canada, Being the fourth session of the fourth Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1808.

48 George III – Chapter 26

**An Act to provide for the maintenance of good order on Sundays and Holidays in the Country Parishes of this Province. (14th April, 1808.)**

Whereas it is necessary to provide, in a special manner, for the maintenance of good order within and without the Churches and Chapels and in the environs thereof in the respective Parishes of this Province, on Sundays and Holidays. 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 said authority, that from and after the passing of this Act, it shall be the duty of the three several persons who shall last have executed and discharged the trust and Office of Church Warden, in each of the Parishes in this Province, to keep up and maintain good order in the Church or Chapel of each of the said Parishes, respectively, as well within and without the said Churches or Chapels as in the environs thereof; and the said three ancient Church Wardens, in the discharge of the said duty of Overseers, shall be replaced in the manner following; that is to say; at the end of each year the eldest in Office of the aforesaid three ancient Church Wardens, shall be discharged of such duty, and shall be replaced, in that capacity of Overseer, by the person who shall then come out of the said Office of Church Warden; and all and every such ancient Church Warden, Overseer as aforesaid, 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, nor exceed twenty shillings.

II. And be it further enacted by the authority aforesaid, that every person as well in the Church or Chapel as without and in the environs thereof, in each of the Parishes of this Province, who shall cause any disturbance, on Sundays and Holidays, shall and may be arrested by either of them the said three Overseers so appointed, and be conducted before a Justice of the Peace: and upon the Oath of either of them the said ancient Church Wardens and Overseers as aforesaid, declaring that such persons have caused any disturbance as above mentioned, the said Justices of the Peace shall fine such persons in a sum not exceeding forty shillings, nor less than five shillings, currency, to be levied upon the effects of the persons so fined, by warrant of the said Justice of the Peace, by seizure and sale of the said effects.

III. Provided always and it is further enacted by the authority aforesaid, that if any person so condemned, shall be unable to pay the fine so imposed within the space of fifteen days, next after judgment given, it shall be the duty of the said Justice of the Peace to issue his warrant, under his hand and seal, to cause such person to be confined in the Common Gaol of the District where the offence shall have been committed, during a space of time, not exceeding one Month, which imprisonment in such case, shall be in lieu of the said fine.

IV. And be it further enacted by the said authority, that all Captains, Officers and Sergeants of Militia, in each Parish, who are already Peace Officers, and all Church Wardens and each and every of them, shall have the same power as is delegated to the ancient Church Wardens, appointed Overseers as aforesaid, to keep up and maintain good order in the Churches or Chapels, and in the environs of the same.

V. And it is further enabled by the authority aforesaid, that it shall also be incumbent upon the said three ancient Church Wardens, Overseers as aforesaid, and each of them, to inform against and prosecute all and every the person or persons who, in their respective Parishes, shall offend against an Act passed in the forty fifth year of His Majesty's Reign, intituled, "An Act to prohibit the sale of Goods, Wares and Merchandize, Wine, Spirits and other strong liquors on Sundays," and on refusal or neglect on the part of either of them to do and execute the duties of the said Office, when he or they shall have any knowledge, either by himself or themselves, or by information to him or them given of any such offence or offences; and every such ancient Church Warden, Overseer as aforesaid, so refusing or neglecting, shall incur and pay a fine of twenty shillings for every such refusal or neglect. Provided always, that this Act shall not be construed to extend to affect the right given to persons, by the aforesaid Act passed in the forty fifth year of His Majesty's Reign, to prosecute all offenders against the same.

VI. And be it further enacted by the authority aforesaid, that the Senior Church Warden of every Parish within this Province, shall read or cause to be read the present Act, at the Church door, immediately after divine service, in the forenoon, the first Sunday of September, in every year; and for every and for each neglect or refusal by the said Senior Church Warden to read or cause to be read the said Act, on the day and in the manner above mentioned, he shall be subject to a fine of twenty shillings.

VII. And be it further enacted by the authority aforesaid, that all penalties and forfeitures by this Act imposed, for any offence against the same, shall be levied by distress and sale of the Goods and Chattles 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), when the same is specially required by this Act; and the penalties and forfeitures, when so levied, shall be paid, the one

half to the informer and the other half to His Majesty, His Heirs and Successors: excepting when a Captain, Officer or Serjeant of Militia, or a Church Warden in office, or the ancient Church Wardens Overseers as aforesaid, shall be the informers; in which case the whole of the said fine shall belong to His Majesty. Provided always that no suit or action shall be commenced or brought but within three Months next after the offence committed, and not afterwards. Provided also, that all and every the Captains, Officers or Serjeants of Militia, the Church Wardens in office, and the said ancient Church Wardens Overseers as aforesaid, and each of them, shall be deemed in all cases, a competent Witness in all matters relative to the execution of this Act, notwithstanding he may be the prosecutor or informer for any offence, neglect or default against the same.

VIII. Provided always and it is hereby enacted by the authority aforesaid, that the present Act shall not extend or be construed in any manner to extend, to the Parishes of Quebec, Montreal and Three-Rivers [Trois-Rivières].

IX. And be it further enacted by the said authority, that all Justices of the Peace who shall have received any fines imposed and paid in virtue of the present Act, shall be held to transmit the same, every year, to the Receiver General of the Province, and they shall be accounted for to His Majesty, 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.

X. And be it further enacted by the authority aforesaid, that this Act shall remain in force until the first day of January, one Thousand eight hundred and twelve, and from thence to the end of the then next Session of the Provincial Parliament and no longer.