

The Provincial Statutes of Lower-Canada, Being the first session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1817.

57 George III – Chapter 3

An Act to provide for the maintenance of good order, on Sundays and Holidays. (8th March, 1817.)

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 or 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 and 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 and refusal, a sum that shall not be less than ten shillings, nor exceeding twenty shillings, currency.

II. And be it further enacted by the authority aforesaid, that every person as well in the Church or Chapel or without, and in the environs thereof, in each of the Parishes of this Province, who shall cause any disturbance on Sundays and Holidays or who during Divine Service, upon the days aforesaid, shall remain outside the said Churches or Chapels, or in the environs thereof, 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 Justice of the Peace shall fine such person 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 authority aforesaid, that all Captains, Officers and Serjeants 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 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.

VI. 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 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) 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.

VII. And be it further enacted by the authority aforesaid, that it shall be lawful for any two Justices of the Peace, to appoint one or two Constables for the purpose of assisting the Church Wardens and other Public Officers 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 Church Wardens and other Public Officers, and may be prosecutors of persons offending against this Act, and may be examined as witnesses in the same manner as the Church Wardens in virtue of this Act.

VIII. And be it further enacted by the authority aforesaid, that all Justices of the Peace who shall have received any fines imposed and paid in virtue of the prefect 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.

IX. 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 nineteen, and no longer.