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LOWER CANADA.

COPIES of all ORDINANCES, except those already presented to The House, passed by the SPECIAL COUNCIL and GOVERNOR of *Lower Canada*, since the 24th day of November 1838.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,  
26 April 1839.

## LOWER CANADA.

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RETURN to an Address of the Honourable The House of Commons,  
dated 20 February 1839;—for,

COPIES of all ORDINANCES, except those already presented to this House, passed by the SPECIAL COUNCIL and GOVERNOR of *Lower Canada*, since the 24th day of November 1838.

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Colonial Office, Downing-street,  
25 April 1839.

H. LABOUCHERE.

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### SCHEDULE.

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- No. 45.—An Ordinance to authorize the Governor or Person administering the Government of this Province to appoint One or more Assistant Judges for the Courts of King's Bench for the Districts of Quebec and Montreal in this Province, and an Assistant Judge of the District of Three Rivers, in case of the Sickness, necessary Absence or Suspension from Office of any of the Justices of the said several Courts of King's Bench, or of the Resident Judge for the District of Three Rivers, in the said Province. (Passed 12 December 1838.)
- No. 46.—An Ordinance for indemnifying Persons who, since the First day of November 1838, have acted in apprehending, imprisoning or detaining in custody Persons suspected of High Treason or treasonable Practices, and in the Suppression of unlawful Assemblies, and for other purposes therein mentioned. (Passed 21 December 1838.)
- No. 47.—An Ordinance to declare that the Second Chapter of the Statute of the Parliament of England, passed in the Thirty-first year of the reign of King Charles the Second, is not nor has ever been in force in this Province, and for other purposes. (Passed 21 December 1838.)
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### COPIES OF ORDINANCES, No. 45, No. 46, and No. 47.

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#### No. 45.

(signed) J. COLBORNE.

AN ORDINANCE to authorize the Governor or Person administering the Government of this Province to appoint One or more Assistant Judges for the Courts of King's Bench for the Districts of Quebec and Montreal in this Province, and an Assistant Judge of the District of Three Rivers, in case of the Sickness, necessary Absence or Suspension from Office of any of the Justices of the said several Courts of King's Bench, or of the Resident Judge for the District of Three Rivers in the said Province.

WHEREAS it is expedient and necessary to authorize the Governor, Lieutenant-governor or Person administering the government of this province from time to time, in case of the sickness, necessary absence or suspension from office of any of the Justices of Her Majesty's Courts of King's Bench for the districts of Quebec and Montreal, or of the resident Judge of the district of Three Rivers in the said province, to appoint one or more Assistant Judges to supply his or their place or places during such sickness, necessary absence or suspension from office; Be it therefore ordained and enacted by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, 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 aforesaid, That from and after the passing of this Ordinance it shall be lawful for the Governor, Lieutenant-governor or person administering the government of the said province for the time being, from time to time, and whenever, by reason of illness or necessary absence, with the permission and license of the Governor, Lieutenant-governor or person administering the government of the said province, or of suspension from office, any of the Justices of the said Courts of King's Bench for the districts of Quebec and Montreal, or the resident Judge of the said district of Three Rivers, cannot sit in their respective Courts, or act as such Justices or resident Judge, to supply his or their place or places, and to nominate, constitute and

Governor thereof, 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 aforesaid, That all personal actions, suits, indictments and prosecutions heretofore brought, commenced, preferred or exhibited, or now depending or to be hereafter brought, commenced, preferred or exhibited, and all judgments thereupon obtained, if any such there be or shall be, and all proceedings whatsoever against any person or persons for or on account of any act, matter or thing by him or them done, or commanded, ordered or directed or advised to be done, since the first day of November in the year of our Lord One thousand eight hundred and Thirty-eight, for apprehending, committing, imprisoning or detaining in custody, or discharging any person or persons who hath or have been imprisoned or detained in custody for high treason, suspicion of high treason or treasonable practices, or for apprehending, committing, imprisoning or detaining in custody any person or persons who hath or have been imprisoned or detained in custody for having been so tumultuously, unlawfully and traitorously assembled in arms as aforesaid, or for dispersing by force of arms any persons assembled as aforesaid, or for suppressing the said traitorous insurrection, and discovering and guarding against any other of the treasonable proceedings aforesaid, or for discovering and bringing to justice the persons concerned therein, or for maintaining the public peace and the security of Her Majesty's subjects in their persons and properties, or for supporting the government and constitution of this province against the treasonable practices and proceedings aforesaid, shall be discharged and made void, and that every person by whom any such act, matter or thing shall have been done, or commanded, ordered, directed or advised to be done, shall be freed, acquitted, discharged and indemnified as well against the Queen's Majesty, Her heirs and successors, as against all and every other person or persons.

And be it further ordained and enacted by the authority aforesaid, That if any action and suit shall be or have been brought, commenced or had in any Court of this province against any person or persons for or on account of any such act, matter or thing as aforesaid, he and they may plead the general issue, and give this Act and the special matter in evidence, and if the plaintiff or plaintiffs shall become nonsuit or forbear further prosecution, or suffer discontinuance in any such action or suit, or if a verdict shall pass or judgment be pronounced or rendered against the plaintiff or plaintiffs therein, the defendant or defendants therein shall be entitled to double costs, for which he or they shall have the like remedy as in other cases in which costs by law are given to defendants.

And be it further ordained and enacted by the authority aforesaid, That if any action, suit, indictment, information, prosecution or proceeding shall be brought, commenced, preferred, exhibited or had in any Court in this province against any person or persons for or on account of any such act, matter or thing as aforesaid, it shall be lawful for the defendant or defendants in any such action, suit, indictment, information, prosecution or proceeding, or for any of them, to apply by motion, petition or otherwise to the Court in which the same hath been or shall be brought, commenced, preferred, exhibited or had or shall be depending, if such Court shall be sitting, and if not sitting, then to any one of the Judges or Justices of such Court, to stay all further proceedings in such action, suit, indictment, information, prosecution or proceeding; and such Court, and any Judge or Justice thereof, when the said Court shall not be sitting, is hereby authorized and required to examine the matter of such application, and upon proof, by the oath or affidavit of the person or persons making such application, or any of them, or other proof to the satisfaction of such Court, Judge or Justice, that such action, suit, indictment, information, prosecution or proceeding is brought, commenced, preferred, exhibited or had for or on account of any such act, matter or thing as aforesaid, to make an order for staying execution and all other proceedings in such action, suit, indictment, information, prosecution or proceeding, in whatever state the same shall or may then be, and the Court or the Judge or Justice making any such order for stay of proceedings in any action or suit as aforesaid, shall also order unto the defendant or defendants, and he or they shall have or be entitled to double costs for all such proceedings as shall be had or carried on in any such action or suit after the passing of this Ordinance, and for which costs he and they shall have the like remedy as in cases where costs are by law given to defendants.

Provided always, That it shall be lawful for any person or persons being a party or parties to any such action, suit, indictment, information, prosecution or other proceedings, to apply by motion, petition or otherwise, in a summary way, to the Court in which the same shall have been brought, commenced, preferred, exhibited or had, or shall be depending, to vacate, discharge or set aside any order made by any Judge or Justice of that Court for staying proceedings or for payment of costs as aforesaid, so as such application be made within the first two days of the term or session of such Court next ensuing the making of any such order by any Judge or Justice as aforesaid, and such Court is required to examine the matter of such application and to make such order therein as if the application had been originally made to the said Court; but nevertheless, in the meantime and until such application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, set aside or reverse the order made by any such Judge or Justice as aforesaid, the same shall continue in full force to all intents and purposes whatsoever.

And be it further ordained and enacted by the authority aforesaid, That all and every person or persons discharged out of custody as aforesaid, although he or they shall not have been discharged according to law, shall be deemed and taken to have been legally discharged out of custody.

And be it further ordained and enacted by the authority aforesaid, That an Ordinance of this province, made and passed in the first year of the reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the Period when the Laws and Ordinances made and passed by the Governor or Person authorized to execute the Commission of Governor and Special Council of this Province shall take effect," be and the same is hereby repealed, as to this Ordinance only, and that this present Ordinance shall commence and have effect within the said province so soon as the Governor or person authorized to execute the commission of Governor of the said province shall have assented to and signed this present Ordinance.

(signed) *J. Colborne.*

Ordained and enacted by the authority aforesaid, and duly passed in Special Council at the Government House in the City of Montreal, the twenty-first day of December, 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-eight.

By his Excellency's command,

(signed) *Wm. B. Lindsay,*  
Clerk Special Council.

(True copy.)

*Wm. B. Lindsay,* Clerk Special Council.

No. 47.

(signed) *J. COLBORNE.*

AN ORDINANCE to declare that the Second Chapter of the Statute of the Parliament of England, passed in the thirty-first year of the reign of King Charles the Second, is not nor has ever been in force in this Province, and for other purposes.

WHEREAS a certain Writ, purporting to be a Writ of Habeas Corpus in Her Majesty's name, was, on the application of John Teed, of the City of Quebec, tailor, charged with suspicion of High Treason, granted by the Honourable Philip Panet, one of the Justices of Her Majesty's Court of King's Bench for the district of Quebec, and was issued out of the said Court of King's Bench, bearing teste on or about the twenty-first day of November, in the second year of Her Majesty's reign, addressed to the keeper of the common gaol of the district of Quebec, commanding him to bring up the body of the said John Teed: And whereas the said Writ of Habeas Corpus was granted and issued under the pretended authority of an Act of the Parliament of England passed in the thirty-first year of the reign of King Charles the Second, intituled, "An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond Seas:" And whereas a certain other Writ, purporting to be a Writ of Habeas Corpus in Her Majesty's name, was, on the application of the said John Teed, charged with suspicion of High Treason as aforesaid, granted by the Honourable Philip Panet, one of the Justices of Her Majesty's Court of King's Bench for the district of Quebec, and was issued out of the said Court of King's Bench, bearing teste on or about the twenty-eighth day of November now last past, addressed to Thomas Ainslie Young, of Quebec, Esquire, Justice of the Peace, and Superintendent of Police for the city and *banlieue* of Quebec, commanding him to bring up the body of the said John Teed, which said last-mentioned Writ of Habeas Corpus was granted and issued under the pretended authority of the said Act of the Parliament of England: And whereas the said Act of the Parliament of England was not at the time and times of the granting and issuing of the said Writs of Habeas Corpus, nor ever has been in force in this province: And whereas for an alleged contempt for an insufficient return to the said first-mentioned Writ of Habeas Corpus, a Writ of Attachment, bearing teste on or about the twenty-second day of November, in the second year of Her Majesty's reign, was issued out of the said Court of King's Bench against the body of John Jeffreys, then being the keeper of the said common gaol, by virtue whereof the said John Jeffreys was committed to the common gaol of the said district of Quebec, and is now detained in the common gaol of the said district of Quebec: And whereas for an alleged contempt for an insufficient return to the secondly above-mentioned Writ of Habeas Corpus, a certain other Writ of Attachment, bearing teste on or about the twenty-ninth day of November now last past, was issued out of the said Court of King's Bench against the body of the said Thomas Ainslie Young: And whereas the said Act of the Parliament of England passed in the thirty-first year of the reign of King Charles the Second is not nor has ever been in force in this province, and it is expedient and necessary to declare the same, and to make other provisions in the premises; Be it therefore ordained, declared and enacted, by his Excellency the Administrator of the Government of this

this Province, authorized to execute the commission of the Governor thereof, 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, declared and enacted by the authority aforesaid, That the said Act of the Parliament of England passed in the thirty first year of the reign of King Charles the Second is not nor has ever been in force in this province, and that the granting and issuing of the said two several Writs of Habeas Corpus, under and by virtue of the said Act, and all and every the proceedings, acts, matters and things had and done, or to be had and done, under, for or by reason of the said two Writs of Habeas Corpus, and the said two Writs of Attachment, and each and every of them, were and are wholly irregular, illegal and void, and that the said John Jeffreys, the keeper of the common gaol of the said district of Quebec, be and he is hereby discharged from confinement and imprisonment under the said Writ of Attachment against him issued as aforesaid, and that the said Thomas Ainslie Young be and he is hereby wholly to all intents and purposes whatsoever discharged and set free from the said Writ of Attachment issued against him as aforesaid.

And whereas a certain other writ of Habeas Corpus, in Her Majesty's name, was, on the application of the said John Teed, granted by the Honourable Elzéar Bédard, one of the Justices of the said Court of King's Bench for the district of Quebec, and was issued out of the said Court of King's Bench for the said district of Quebec, bearing date on or about the twenty-first day of November, in the second year of Her Majesty's reign, addressed to George Bowles, Esquire, a superior officer in Her Majesty's Foot Guards, commanding him to bring up the body of the said John Teed; which said last-mentioned Writ of Habeas Corpus was so issued in virtue of an Act of the Legislature of this Province, passed in the fifty-second year of the reign of his late Majesty King George the Third, intituled, "An Act to secure the Liberty of the Subject by extending the Powers of his Majesty's Courts of Law in this Province as to Writs of Habeas Corpus *ad subjiciendum*, and as to the Means of enforcing Obedience to such Writs:" And whereas for want of a return to the said last-mentioned Writ of Habeas Corpus, a Writ of Attachment, bearing teste on or about the twenty-first day of November, in the second year of Her Majesty's reign, was issued out of the said Court of King's Bench for the said district of Quebec against the body of the said George Bowles: And whereas the said John Teed, so charged with suspicion of treason as aforesaid, was necessarily committed to the custody of the said George Bowles, to the end that he might be safely kept and detained; and that the provisions and intentions of an Ordinance of his Excellency the Administrator of the Government of the said Province, and of the Special Council for the affairs thereof, passed in the second year of Her Majesty's reign, intituled, "An Ordinance for the Suppression of the Rebellion which unhappily exists within this Province of Lower Canada, and for the Protection of the Persons and Properties of Her Majesty's faithful Subjects within the same," might, as to the said John Teed being a person charged with one of the crimes and offences in the said Ordinance mentioned, be enforced and fulfilled, and it is expedient and necessary that relief should be granted to the said George Bowles in that behalf; Be it therefore further ordained and enacted by the authority aforesaid, That the said last-mentioned Writ of Attachment so as aforesaid issued against the said George Bowles, and all the proceedings which may be had under the same, are hereby superseded, set aside and annulled, and that the said George Bowles be and he is hereby fully discharged and set free from the same, to all intents and purposes whatsoever.

And be it further ordained and enacted by the authority aforesaid, That an Ordinance of this province made and passed in the first year of the reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the Period when the Laws and Ordinances made and passed by the Governor or Person authorized to execute the commission of Governor and Special Council of this Province shall take effect," be and the same is hereby repealed as to this Ordinance only; and that this present Ordinance shall commence and have effect within the said province so soon as the Governor or person authorized to execute the commission of Governor of the said province shall have assented to and signed this present Ordinance.

(signed) J. Colborne.

Ordained and enacted by the authority aforesaid, and duly passed in Special Council at the Government House in the City of Montreal, the twenty-first day of December, 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-eight.

By his Excellency's command,

(signed) Wm. B. Lindsay,  
Clerk Special Council.

(True copy.)

Wm. B. Lindsay, Clerk Special Council.