

LOWER CANADA.

RETURN

To an Address of the Lords Spiritual and Temporal of the
30th July 1838,

FOR

COPIES of all APPOINTMENTS made by the Earl of
DURHAM to the SPECIAL COUNCIL of Lower
Canada; and Copies of all ORDINANCES passed
in such SPECIAL COUNCIL, together with the
Dates of the same respectively; of any Pro-
clamation issued by the Earl of Durham on the
28th of June last, and of all Minutes of the
Proceedings of the Special Council of Lower
Canada on the 28th of June last.

Ordered to be printed 2d August 1838.

(325.)

LOWER CANADA.

R E T U R N

To an Address of the Lords Spiritual and Temporal of the 30th July 1838,

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Colonial Department, Downing Street, }
2d August 1838.

EXTRACT of a DESPATCH from the Earl of DURHAM to Lord GLENELG, dated Castle of St. Lewis, Quebec, 29th June 1838.

THE first Step which I took on my Arrival was to examine most carefully the List of Prisoners and the Depositions affecting each: in so doing I discovered that against only Eight or Nine there existed any Evidence which would warrant the Application of great Severity, the chief Leaders and Instigators of the Revolt having fled from the Province and being in Safety in the United States. I next applied myself, by Answers to Addresses and private Applications, to the Discouragement of any Notion of the Possibility of a general Amnesty, and announced that my Determination was to punish the guilty and to extend Mercy to the misguided; for which Purpose I issued a special Commission for the Trial of the Prisoners, and sent the Attorney General with it to Montreal. These Measures produced the salutary Consequences which I expected, and, joined to other Means through which they became convinced that I would not suffer the guilty to escape, induced the Ringleaders to plead guilty, and throw themselves on the Mercy of the Crown.

Yesterday I summoned a Special Council, a List of the Members of which I inclose your Lordship, and passed an Ordinance by which the Prisoners who pleaded guilty are transported from the Continent of America during Her Majesty's Pleasure. M. Papineau and his Associates, who fled from Justice, are prevented from re-entering the Province, and the Remainder are enlarged on giving Security for their good Conduct. I also issued a Proclamation in

Her Majesty's Name which announces the latter Act of Grace at the same Time with the Ordinance which inflicts the Punishment.

These Measures have met with the entire Approbation of Sir John Colborne and of the Heads of what is called the British Party: they declared they did not require any sanguinary Punishment, but they desired Security for the future, and the Certainty that the returning Tranquillity of the Province should not be arrested by the Machinations of these Ringleaders of the Rebellion, either here or in the United States. This I have effected for them to their Contentment. I did not think it right to transport these Persons to a Convict Colony, for Two Reasons: First, because it was affixing a Character of moral Infamy on their Acts which Public Opinion would not sanction; and, secondly, because I hold that it would be impolitic to force on the Colony itself Persons who would be looked upon in the Light of political Martyrs, and thus acquire, perhaps, a Degree of Influence which might be applied to evil Uses in a Community composed of such dangerous Elements. On Consultation, therefore, with Vice Admiral Sir Charles Paget, I determined on sending them to Bermuda, where they could be placed under strict Restraint and Surveillance. There is, however, little Fear of their attempting to escape, as such an Act would close at once and for ever the Door against their ever re-entering their native Country.

Sir Charles Paget has ordered the Vestal to be prepared to take the Prisoners, Eight in Number, to Bermuda immediately on their Arrival here; and I trust, therefore, that in a very few Days there will not remain in Confinement One single Person charged with treasonable and seditious Practices in this Province. Of course I do not refer to the Murderers of Lieutenant Weir, who will be arraigned in the usual Manner at the usual Assizes, and whose Case ought to be clearly excepted from the Class of political Offenders.

No. 1.

APPOINTMENTS to the SPECIAL COUNCIL.

Vice Admiral The Honourable SIR CHARLES PAGET, G. C. H.
 Major General Sir JAMES MACDONNELL, K. C. B. and G. C. H.
 Lieutenant Colonel the Honourable CHARLES GREY.
 Colonel COUPER, K. H.
 CHARLES BULLER, Esquire.

Copies of Ordinances passed in the Special Council.

Anno Secundo Victoriae Reginae.

CAP. I.

An Ordinance to provide for the Security of the Province of Lower Canada.

WHEREAS divers Persons Subjects of Her Majesty in this Province have been charged with High Treason and other Offences of a treasonable Nature, some of which said Persons are at present in Custody, and others have withdrawn themselves from the Pursuit of Justice beyond the Limits of this Province:
 And

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And whereas of the Persons so charged and in Custody those whose Names follow, that is to say, Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe Des Rivières, and Luc Hyacinthe Masson, all respectively now in the Gaol of Montreal in Custody of the Sheriff of Montreal, have severally acknowledged their Participation in such High Treason, and have submitted themselves to the Will and Pleasure of Her Majesty : And whereas Louis Joseph Papineau, a Member of the late Assembly of Lower Canada and Speaker thereof, Cyrile Hector Octave Côte, also a Member of the said late Assembly, Julien Gagnon, Robert Nelson, also a Member of the said late Assembly, Edmund Burke O'Callaghan, also a Member of the said late Assembly, Edouard Etienne Rodier, also a Member of the said late Assembly, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, a Priest, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, all respectively Subjects of Her said Majesty, and against whom respectively Warrants for High Treason have been issued, have severally absconded from this Province, and withdrawn themselves from the Limits thereof, and from the Pursuit of Justice : And whereas it is Her said Majesty's most gracious Will and Pleasure, that no further Proceedings shall be had or taken against any Persons whomsoever on account of such High Treason or other Offences of a treasonable Nature, save and except as herein-after provided ; but it is nevertheless expedient to provide for the present Security of this Province by effectually preventing the several Persons whose Names are herein-before set forth from being at large therein : Be it therefore ordained and enacted by his Excellency the Governor of the Province of Lower Canada, by and with the Consent and Advice of the Special Council for the Affairs of the said Province of Lower Canada constituted and assembled by virtue 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 it shall and may be lawful for Her Majesty to transport to Her Majesty's Islands of Bermuda, during Her Pleasure, the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe Des Rivières, and Luc Hyacinthe Masson respectively, and to subject them or any of them to such Restraints in the said Islands as may be needful to prevent their Return to this Province : And it is further ordained and enacted, by and with the Authority aforesaid, that if the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe Des Rivières, and Luc Hyacinthe Masson respectively, or any of them, or if the said Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, against whom respectively such Warrants for High Treason have been issued, and also have so withdrawn themselves from the Pursuit of Justice as aforesaid, or any of them, shall at any Time hereafter, except by Permission of the Governor General of Her Majesty's Provinces on the Continent of North America and High Commissioner for the Adjustment of certain important Questions depending in the Provinces of Upper and Lower Canada, or if there shall be no such Governor General and High Commissioner by the Permission of the Governor in Chief, or Governor or other Person administering the Government of this Province as herein-after provided, be found at large, or come within the said Province, they or he shall in such Case be deemed and taken to be guilty of High Treason, and shall, on Conviction of being so found at large, or coming within the said Province without such Permission as aforesaid, suffer Death accordingly : Provided always, that it shall and may be lawful for such Governor General and High Commissioner, or if there shall be no such Governor General and High Commissioner, then for the Governor in Chief, Governor, or other Person administering the Government of the Province, acting for and in behalf of Her said Majesty, so soon as it shall to him

him appear consistent with the Peace and Tranquillity of this Province, by any Act or Instrument under his Hand and Seal at Arms, to grant Permission for the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe Des Rivières, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, or any of them, upon giving such Security for their future good Behaviour and loyal Conduct as the said Governor General and High Commissioner, or if there shall be no such Governor General and High Commissioner, as the Governor in Chief, Governor, or other Person administering the Government of this Province, shall think fit, to return to this Province and reside therein; and the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe Des Rivières, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, or such of them as shall receive such Permission as aforesaid, shall not thenceforth be subject to any Penalty or Prosecution whatever for any Treason or treasonable or seditious Practices by them or him at any Time heretofore committed: Provided also, that in any Indictment for being so found or coming within the Province without such Permission as aforesaid the Burthen of Proof of having obtained such Permission of the said Governor General and High Commissioner, Governor in Chief, Governor, or other Person administering the Government of this Province, shall lie upon the Party accused or indicted thereof.

And it is hereby further ordained and enacted, by and with the Authority aforesaid, That nothing in any Proclamation of Her Majesty contained shall extend or be held or construed to extend to the Cases of François Jalbert, Jean Baptiste Lussier, Louis Lussier, François Mignault, François Talbot, Amable Daunais, François Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, or to the Case of any other Person or Persons charged with the Murder of the late George Weir, a Lieutenant in Her Majesty's 32d Regiment of Foot, or with the Murder of the late Joseph Chartrand; nor shall François Jalbert, Jean Baptiste Lussier, Louis Lussier, François Mignault, François Talbot, Amable Daunais, François Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, nor shall any other Persons suspected of being concerned in the said Murders, or either of them, nor any Person concerned in the Escape from the Custody of the Sheriff of Montreal of Louis Lussier, charged with the Murder of the said George Weir, or who may have harboured the said Louis Lussier after, or aided him in such Escape, derive any Benefit or Advantage whatsoever from any Proclamation of Her most Gracious Majesty, nor shall any Amnesty thereby intended to be granted be taken in any way to apply to such Person or Persons, or any of them.

DURHAM.

Ordained and enacted by the Authority aforesaid, and passed in Special Council at the City of Quebec, the Twenty-eighth Day of June, in the Second Year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the Year of our Lord One thousand eight hundred and thirty-eight.

By his Excellency's Command,

W. B. LINDSAY,
Clerk Special Council.

Anno Secundo Victoriae Reginae.

C A P. II.

An Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal.

WHEREAS it is expedient to establish an efficient System of Police in the Cities of Quebec and Montreal, and to constitute Offices of Police, which, acting under the immediate Authority of the Civil Secretary of the Governor of this Province of Lower Canada for the Time being, shall direct and control the whole of such System of Police within the said Cities: Be it therefore ordained and enacted by his Excellency the Governor of the said Province, by and with the Advice and Consent of the Special Council for the Affairs of Lower Canada constituted and assembled by virtue and under the Authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, in the First Year of the Reign of Her present Majesty, intituled "An Act to make temporary Provision for the Government of the Province of Lower Canada;" and it is hereby ordained and enacted by the Authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of the said Province for the Time being to cause Police Offices to be established in the said Cities, and by a Commission under the Great Seal of the Province to appoint fit and proper Persons to be Inspectors and Superintendents of the Police for the said Cities, to execute the Duties of Justices of the Peace at the said Offices and in all Parts of the said Cities, together with such other Duties as shall be herein-after specified, or as shall be from Time to Time directed by such Civil Secretary, for the more efficient Administration of the Police within the Limits of the said Cities; and that the Governor or Person administering the Government of the said Province for the Time being shall and may remove the said Inspectors and Superintendents of Police, if he shall see Occasion so to do, and may, upon any Vacancy in the said Offices by Death, Removal, or otherwise, appoint other fit Persons as Inspectors and Superintendents of the Police for the said Cities to execute the Duties aforesaid in lieu of the Persons making such Vacancy; and that it shall be lawful for the Governor or Person administering the Government of the said Province to appoint any Person to be Inspector and Superintendent of the Police for either of the said Cities under and by virtue of this Ordinance; and that it shall be lawful for any Person so appointed, during the Continuance of his Appointment, to execute the Duties of Justice of the Peace for the said Cities, although he may not have any such Qualification by Estate or Property which is or may be required by Law, in case of any other Person being a Justice of the Peace for the said Cities: Provided always, and it is hereby further ordained and enacted by the Authority aforesaid, that no Person appointed to be such Inspector and Superintendent of the Police shall act as a Justice of the Peace at any Court of General Quarter Sessions.

2. And be it further ordained and enacted by the Authority aforesaid, That every Person to be appointed Inspector and Superintendent of the Police for the said Cities by virtue of this Ordinance shall, before he begin to execute the Duties of his Office, take the following Oath before a Judge of Her Majesty's Court of Queen's Bench; (that is to say,)

' I A. B. do swear that I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute all the Powers and Duties of a Justice of the Peace under and by virtue of an Ordinance passed in the Second Year of the Reign of Queen Victoria, intituled 'An Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal.'

3. And be it further ordained and enacted by the Authority aforesaid, That a sufficient Number of fit and able-bodied Men shall from Time to Time, by the Directions of the said Civil Secretary, be appointed as a Police Force for the said Cities, who shall be sworn by the said Inspectors and Superintendents of the Police, to act as Constables for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn shall within the said Cities have all such Powers, Authorities, Privileges, and Advantages, and be liable to all such Duties and

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Responsibilities, as any Constable duly appointed now has or hereafter may have by virtue of the Laws of this Province, or any Statutes made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from the said Inspectors and Superintendents of the Police for conducting themselves in the Execution of their Office.

4. And be further ordained and enacted by the Authority aforesaid, That the said Inspectors and Superintendents of the Police may from Time to Time, subject to the Approbation of the Civil Secretary, make such Orders and Regulations as they shall deem expedient relative to the general Government of the Men to be appointed Members of the Police Force under this Ordinance, the Places of their Residence, the Classification, Rank, and particular Service of the several Members, their Distribution and Inspection, the Description of Arms, Accoutrements, and other Necessaries to be furnished to them, and all such other Orders and Regulations relative to the said Police Force as the said Inspectors and Superintendents of the Police shall from Time to Time deem expedient for preventing Neglect or Abuse, and for rendering such Force efficient in the Discharge of all its Duties; and the said Inspectors and Superintendents of the Police may at any Time suspend or dismiss from his Employment any Man belonging to the said Police Force whom they shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same; and be it further ordained and enacted, that when any Man shall be so dismissed, or cease to belong to the said Police Force, all Powers vested in him as a Constable by virtue of this Act shall immediately cease and determine.

5. And be it further ordained and enacted by the Authority aforesaid, That if any Victualler or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any Man belonging to the said Police Force, or permit such Man to abide or remain in his or her House, Shop, Room, or other Place during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper as aforesaid, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds Sterling Money of Great Britain, as they shall think meet.

6. And it is further ordained and enacted by the Authority aforesaid, That it shall and may be lawful for any Man belonging to the said Police Force, during the Time of his being on Duty, to apprehend all loose, idle, and disorderly Persons whom he shall find disturbing the public Peace, or whom he shall have just Cause to suspect of any evil Designs, and all Persons whom he shall find lying in any Field, Highway, Yard, or other Place, or loitering therein and not giving a satisfactory Account of themselves, and to deliver any Person so apprehended into the Custody of the Constable appointed under this Ordinance who shall be in attendance at the nearest Watch-house, in order that such Person may be secured until he can be brought before a Justice of the Peace to be dealt with according to Law.

7. And be it further ordained and enacted by the Authority aforesaid, That if any Person shall assault or resist any Person belonging to the said Police Force in the Execution of his Duty, or shall aid or incite any Person so to assault or resist, every such Offender, being convicted thereof before Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds Sterling Money aforesaid, as the said Justices shall think meet.

8. And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for any Justice of the Peace to commit all loose, idle, and disorderly Persons, being convicted before him by his own View, or by his, her or their own Confession, or by the Oath of One or more credible Witness or Witnesses, to the Common Gaol or House of Correction, there to be kept at hard Labour for any Time not exceeding Two Calendar Months: Provided always, that it shall be in the Discretion of the Justice of the Peace before whom any Person apprehended as a loose, idle, and disorderly Person shall be brought either to commit or discharge such Person, although an Act of Vagrancy be proved against the Person so charged: Provided also, that it shall be in the Discretion of such Justice, on discharging such loose, idle, and disorderly Person, to bind him or her in a sufficient Recognizance to appear before the Justices at their next General or Quarter Sessions of the Peace to answer such Charge or Charges as shall be alleged against him or her respectively.

9. And

9. And be it further ordained and enacted by the Authority aforesaid, That Persons who, being able to work, and thereby or by other Means to maintain themselves and Families, shall wilfully refuse or neglect to do so :

Persons openly exposing or exhibiting in any Street, Road, public Place, or Highway any indecent Exhibition, or openly and indecently exposing their Persons :

Persons loitering in the Streets or Highways, and obstructing Passengers by standing across the Footpaths, or by using insulting Language, or in any other Way tearing down or defacing Signs, breaking Windows, breaking Doors or Door Plates, or the Walls of Houses, Yards, or Gardens, destroying Fences, causing a Disturbance or Noise in the Streets or Highways by screaming, swearing, or singing, being drunk, and impeding or incommoding the peaceable Passengers in the Streets, or any way disturbing the peaceable Inhabitants :

All common Prostitutes or Nightwalkers wandering in the Fields, public Streets, or Highways not giving a satisfactory Account of themselves :

Persons in the habit of frequenting Houses of ill Fame not giving a satisfactory Account of themselves :

Persons tippling in Taverns or Tap Rooms after the Hour of Ten at Night and before the Hour of Five in the Morning between the Twenty-first Day of March and the First Day of October, and after the Hour of Nine at Night and before the Hour of Six in the Morning from the First Day of October to the Twenty-first Day of March :

Persons winning Money or other valuable Thing in playing at Cards, Dice, or other Chance Game in Taverns, shall be deemed loose, idle, and disorderly Persons within the Meaning of this Ordinance.

10. And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for any Justice of the Peace, upon Information upon Oath before him made that any Persons herein-before described are loose, idle, and disorderly Persons, and are or are reasonably suspected to be harboured or concealed in any House or Houses of ill Fame, Tavern or Taverns, Boarding House or Boarding Houses, by Warrant under his Hand or Seal, to authorize any Constable or other Person or Persons to enter at any Time such House or Houses, Tavern or Taverns, and to apprehend and bring before him or any other Justice or Justices all Persons found therein and so suspected as aforesaid; and if on examining such Person or Persons so apprehended and brought as aforesaid it shall appear to such Justice or Justices that they or any or either of them cannot give a satisfactory Account of themselves it shall and may be lawful for such Justice or Justices to commit him, her, or them to the Common Gaol or House of Correction, there to be dealt with in the same Manner as loose, idle, and disorderly Persons are herein-before directed to be dealt with by this Ordinance.

11. And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for any Justice of the Peace to commit any Person or Persons, being convicted before him by his own View, or by the Oath of One or more creditable Witness or Witnesses, or by his, her, or their Confession, of overloading, over-driving, or otherwise ill-treating any Horse, Dog, or other Animal, to the Common Gaol for any Time not exceeding One Calendar Month; and all Constables shall and may apprehend such Person or Persons, and bring him, her, or them before a Justice of the Peace to be dealt with according to the Provisions of this Ordinance.

12. And for the more effectual Prosecution of Offences punishable by a Penalty upon summary Conviction by virtue of this Ordinance; be it further enacted by the Authority aforesaid, That where any Person shall be charged on the Oath of a credible Witness with any such Offence before any Justice of the Peace the Justice may summon the Person charged to appear before any Two Justices of the Peace at a Time and Place to be named in such Summons; and if the Person charged shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering a Copy thereof to such Person, or by delivering a Copy to the Wife or Servant or some Inmate of the Family of such Person, at his or her usual Place of Abode) the Justices before whom he ought to have appeared may either proceed to hear and determine the Case ex parte, or may issue their Warrant for apprehending such Person and bringing him or her before them. Provided always, that the Prosecution for any Offence punishable

punishable by a Penalty upon summary Conviction by virtue of this Ordinance shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise.

13. And be it further ordained and enacted by the Authority aforesaid, That every Sum which by any Justices of the Peace shall be adjudged to be paid for any Offence against this Ordinance shall be paid to Her Majesty's Receiver General, to be by him added to and applied as Part of the Funds for the Purposes of the Police under this Ordinance; and no Person shall by reason of the Application of any Penalty to the Use of the Police Funds be deemed to be an incompetent Witness before any Court or Justice or Justices of the Peace in any Proceeding whatever for any Offence against this Ordinance.

14. And be it further ordained and enacted by the Authority aforesaid, That the Justices of the Peace by whom any Person shall be convicted and adjudged to pay any Sum of Money for any Offence against this Ordinance may adjudge that such Person shall pay the same either immediately or within such Period as they shall think fit; and in default of Payment at the Time appointed the said Person shall be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Two Calendar Months, which said Imprisonment shall cease upon Payment of the Sum due.

15. And be it further ordained and enacted by the Authority aforesaid, That no Conviction, Order, Warrant, or other Matter made or purporting to be made by virtue of this Ordinance shall be quashed for Want of Form or be removed by Certiorari or otherwise into any of Her Majesty's Courts of Record, and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

16. And be it further ordained and enacted by the Authority aforesaid, That for the Protection of the Persons acting in the Execution of this Ordinance all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Ordinance shall be laid and tried in the District where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in such Action the Defendant may plead the General Issue, and give this Ordinance and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought by or on the Behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in such Action such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

17. And be it further ordained and enacted by the Authority aforesaid, That it shall be lawful for the Governor, or other Person administering the Government of the Province for the Time being, to pay or cause to be paid, out of any Monies which may be in the Hands of the Receiver General of this Province not otherwise appropriated by Law, such Sums as may be required for the Maintenance of the Police under this Ordinance; and that all Salaries, Allowances, and contingent Charges in that Behalf shall be paid upon Pay Lists to be made out on the First of each Month by the Inspector and Superintendent of the Police, signed by him, and approved by such Civil Secretary as aforesaid.

18. And be it further ordained and enacted by the Authority aforesaid, That for the Purposes of this Ordinance any Person acting as Secretary of the Governor, or of the Person authorized to execute the Commission of Governor, shall be taken to be the Civil Secretary of the Governor.

19. And be it further enacted, That for the Purposes of this Ordinance the Word City or Cities, as applied to the Cities of Quebec and Montreal, wherever

wherever used in this Ordinance, shall be held to denote the said Cities, together with such neighbouring Districts as the Governor or Person administering the Government of the Province of Lower Canada shall at any Time direct.

DURHAM.

Ordained and enacted by the Authority aforesaid, and passed in Special Council, at the City of Quebec, the Twenty-eighth Day of June, in the Second Year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the Year of our Lord One thousand eight hundred and thirty-eight.

By his Excellency's Command,

WM. B. LINDSAY,
Clerk Special Council.

No. 2.

Copy of a Proclamation issued by the Earl of Durham on the
28th June 1838.

Province of }
Lower Canada. } DURHAM.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To all to whom these Presents shall come, or whom the same may concern, greeting :

PROCLAMATION.

WHEREAS Our Province of Lower Canada hath been long disturbed by Political Dissensions, and was recently afflicted with Rebellion and Civil War, whereby it hath become necessary to suspend the Constitution of the said Province, and to provide for the temporary Government thereof, by means of extraordinary Powers conferred upon Us by the Imperial Legislature : And whereas We are firmly resolved to punish with the utmost Severity any future Act of Insubordination in Our said Province, and more especially to prevent in future, as far as is in Our Power, the Occurrence of Dissensions similar to those by which Our said Province has been long disturbed as aforesaid, by effectually removing all Causes of Dissension, so that Our said Province may be established in Peace as a loyal and truly British Colony : And whereas, in the Exercise and in pursuance of the extraordinary Powers as aforesaid, it hath been ordained and enacted by an Ordinance this Day made and passed according to Law, entitled "An Ordinance to provide for the Security of the Province of Lower Canada," that it shall be lawful for Us to transport certain Persons named in the said Ordinance to Our Island of Bermuda during Our Pleasure ; and that, if the said Persons, or certain other Persons also named in the said Ordinance, who have withdrawn themselves from the Pursuit of Justice beyond the Limits of Our said Province, shall at any Time hereafter, except by Permission of Our Governor General of Our Provinces on the Continent of North America, and High Commissioner for the Adjustment of certain important Questions depending in the Provinces of Lower and Upper Canada, or if there shall be no such Governor General or High Commissioner, by the Permission of the Governor in Chief or Governor or other Person administering Our Government of Lower Canada, as provided in the said Ordinance, be found at large, or come within Our said Province, they shall in that Case be taken and deemed to be guilty of High Treason, and shall suffer Death accordingly : And whereas, under the peculiar Circumstances of Our said Province as aforesaid, it is not less expedient in Our Judgment than grateful to Our Heart to mark, by an Act of Royal Grace, Our Recollection of the ancient and well-proven Loyalty of all Our Canadian Subjects, rather than, by any Severity of Punishment, Our Sense of the recent Disaffection of some of them : Know ye therefore that We have
(325.) C ordained,

ordained, directed, and declared, and by these Presents do ordain, direct, and declare, That no further Proceedings shall be had or taken against any Persons whatsoever on account of any High Treason or Offences of a treasonable Nature with which they now stand charged or wherewith they may be chargeable at this Time, but that all such Proceedings, without Exception or Distinction, save as herein-after mentioned, shall henceforth cease and determine: And it is Our further Will and Pleasure, that with the Exception of such Persons as are in that Behalf named in the said Ordinance, and whose Cases are thereby provided for, all Persons at present in Custody and charged with High Treason or other Offences of a treasonable Nature, and also, with such Exception as aforesaid, all Persons who have withdrawn themselves from the Pursuit of Justice beyond the Limits of Our said Province, shall immediately, upon giving such Security for their future good and loyal Behaviour as Our said Governor General and High Commissioner, or if there should be no such Governor General or High Commissioner then the Governor in Chief, Governor, or the Person administering the Government of this Province, shall direct, be at liberty to return to their Homes, and may and shall there remain wholly unmolested by reason of any High Treason or other Offences of a treasonable Nature in which he or they may have been concerned.

In testimony whereof we have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Lower Canada to be affixed thereto.

Witness Our right trusty and right well-beloved John George Earl of Durham, Viscount Lambton, &c., &c., Knight Grand Cross of the most Honourable Military Order of the Bath, One of Our most Honourable Privy Council, and Governor General, Vice Admiral, and Captain General of all Our Provinces within and adjacent to the Continent of North America, &c., &c., &c., &c.

At Our Castle of St. Lewis, in Our City of Quebec, in Our said Province of Lower Canada, the Twenty-eighth Day of June in the Year of our Lord One thousand eight hundred and thirty-eight, and in the Second Year of Our Reign.

(Signed) D. DALY, Secretary.

No. 3.

Copy of all Minutes of the Proceedings of the Special Council of Lower Canada on the 28th of June last.

No Copy of the Minutes of the Proceedings of the Special Council of Lower Canada on the 28th June last has been received at the Colonial Office.
