



TUESDAY, JANUARY 26, 1841.

MARDI, JANVIER 26, 1841.

THE QUEBEC GAZETTE.



ORDINANCE SANCTIONED.

ANNO QUARTO

VICTORIE REGINÆ.

CAP. XIV.

An Ordinance to authorize the Council of the City of Montreal to discharge a certain debt, contracted by the Magistrates of the said City, for lighting the same with gas.

WHEREAS the Justices of the Peace residing in the city of Montreal, did, in the year of our Lord one thousand eight hundred and thirty-nine, contract and agree with the "Montreal Gas Light Company," to light certain parts of the said city with gas during the term of one year now expired, for the sum of nine hundred and fifty pounds currency, which said contract was duly performed on the part of the said company, to whom the said sum is now due and unpaid; and whereas the Council of the said city have expressed their willingness to assume and pay the said debt, as having been contracted for the benefit of the said city, but, because the same was contracted without strictly legal authority by the said Justices of the Peace, the said Council cannot, unless Legislative provision be made to that effect, lawfully pay the said debt out of the revenues of the said city, and have prayed that such provision be made; and whereas it is expedient to grant their prayer: Be it therefore ordained and enacted by His Excellency the Governor of the said Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue 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 also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the reign of Her present Majesty, intituled, "An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;" and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the reign of Her present Majesty, and intituled, "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;" and it is hereby ordained and enacted by the authority of the said Acts of Parliament, that it shall be lawful for the Council of the city of Montreal, to pay to the said "Montreal Gas Light Company," in discharge of the debt hereinbefore mentioned, the said sum of nine hundred and fifty pounds currency, from and out of the public monies raised or to be raised by assessments or otherwise, for public uses within and for the city and town of Montreal, and placed by law under the control and management of the said Council.

II. And be it further ordained and enacted, that all monies paid under the authority of this Ordinance, shall be accounted for in the manner by law provided with regard to other public monies paid and expended by or under the direction of the said Council.

III. And be it further ordained and enacted, that this Ordinance shall be permanent and shall remain in force until repealed or altered by competent authority.

SYDENHAM.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-first day of January, in the fourth 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 forty one.

By His Excellency's Command,

W. B. LINDSAY,
Clerk Special Council.

The following proposed Ordinance having been amended by the Special Council is republished previously to receiving the assent of the Governor General.

An Ordinance for the better regulation of the office of Sheriff, in this Province.

WHEREAS it is necessary to provide for the due execution of the office of Sheriff, in this Province, by other and further regulations than those now in force, in this behalf;—Be it therefore ordained and enacted, by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled

by virtue, 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 also by virtue, and under the authority, of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;" and also by virtue, and under the authority, of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, intituled, "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;" and it is hereby ordained and enacted, by the authority of the same, and by virtue of the powers vested by the said Acts of Parliament, That every person who shall hereafter be appointed a Sheriff, for any District, or for any two or more United Districts, hereafter to be erected and constituted within this Province, shall, before he executes any of the duties of the said office, enter into a recognizance to Her Majesty, her heirs and successors, with good and sufficient sureties, not exceeding four in number, to be approved by the Justice before whom such recognizance shall be taken, in the penal sum hereinbefore mentioned, that is to say, the persons to be appointed Sheriffs for the Districts in which the Cities of Quebec and Montreal, respectively, shall be situated, in the penal sum of five thousand Pounds, current money of this Province, and the persons to be appointed Sheriffs for the several other Districts and United Districts of this Province, respectively, in the penal sum of two thousand five hundred pounds, current money aforesaid, upon the condition contained in the Schedule No. 1, to this Ordinance subjoined; which Recognizance, fairly written on parchment, shall be so entered into before one of the Justices of the Court of Common Pleas for this Province, after the sureties therein named shall have made oath before the said Justice, that they are respectively worth so much of the penal sum in the said Recognizance specified as they respectively shall thereby become liable to pay, in the said Recognizance specified, over and above all debts, due and owing by them respectively; which oath shall be endorsed on the said Recognizance, and subscribed by the said sureties respectively, in the presence of the said Justice; and the said Recognizance shall be filed and remain of record in the said Court of Common Pleas, in the division thereof established for that part of the Province in which the Sheriffwick in question shall be situate, and shall constitute and carry with it, for the fulfilment of the condition aforesaid, an Hypothec on all such real or immovable estates of the Cognizors therein named, as may be specially described in such recognizance, and be therein and thereby hypothecated, from the day on which it shall bear date, and shall stand and be as and for a security, as well to Her Majesty, her heirs and successors, as to all other persons who may be aggrieved by the breach of the said condition, and who shall recover judgments against any such Sheriff, or his legal representatives, for any sum or sums of money for or by reason of any misfeasance, non-feasance, misconduct, or default, of such Sheriff, in the discharge of his official duties.

II. And be it further ordained and enacted, that if any person or persons, who shall have become surety or sureties for any Sheriff, by a Recognizance as aforesaid, shall afterwards, while such Sheriff shall continue in office, die, or become insolvent, or depart from this Province, with the intent of residing permanently elsewhere, every such Sheriff shall, within one calendar month after any such occurrence, enter into a new Recognizance, with sureties, not exceeding four in number, for the penal sum, and in the manner herein before prescribed; and like new Recognizances shall be entered into, from time to time, when the sureties named in the Recognizance last previously taken, shall die, become insolvent, or change their residence as aforesaid: And such renewed Recognizances shall have the same effect, and operate the same security, as the Recognizance hereinbefore first mentioned.

III. And be it further ordained and enacted, That any person appointed, or to be appointed Sheriff as aforesaid, who shall execute any of the duties of that office, without having first entered into a Recognizance as aforesaid, or who having entered into such Recognizance, shall afterwards refuse or neglect to enter into a new Recognizance, within one calendar month after any or either of the occurrences in the next preceding section of this Ordinance mentioned, as aforesaid, shall forfeit his office of Sheriff, which shall forthwith become and be vacant, and such vacancy shall forthwith be filled up by the appointment of another person in his place, and shall also forfeit and pay for the said offence the sum of £200 current money aforesaid, to be recovered with costs of suit, in any Court of Record in this Province, one moiety whereof shall belong and go to Her Majesty, her heirs and successors, and the other moiety to the person or persons who shall sue for the same, within six months after the said offence shall have been committed.

IV. And be it further ordained and enacted, That it shall be lawful for each of the Sheriffs of the aforesaid several Districts and United Districts in this Province, respectively, by an instrument or instruments in writing under his hand, to appoint an Under Sheriff, and such and so many Deputies, as he may deem necessary, in like manner as Sheriffs of Counties, in that part of Great Britain called England, may lawfully appoint an Under Sheriff and Deputies there:—Provided always, and be it further ordained and enacted, that no Under Sheriff, Deputy Sheriff, or Sheriff's officer, shall practise as an attorney, during the time he shall continue in any such office or employment: And provided also, and be it further ordained and enacted, that the said Sheriffs of the said several Districts and United Districts in this Province, respectively, shall be responsible to the persons injured or aggrieved, for the acts and omissions, and all misconduct, and neglects of duty, of the Under Sheriffs,

Deputies, Bailiffs, and Officers, by them respectively appointed.

V. And be it further ordained and enacted, That each and every person, to be appointed Sheriff and Under Sheriff as aforesaid, shall, before he enters on the execution of his office, take the Oath of Allegiance to Her Majesty, her heirs and successors, and also the Oath of Office contained in the Schedule No. 2, to this Ordinance subjoined, which oaths shall be fairly written on parchment, and signed by him, and shall also be sworn before the Justices of the Court of Common Pleas for this Province, in any of the Divisions thereof, or before any one of the said Justices; and the said oaths so written, signed, and sworn, shall be transmitted to the Clerk of the Peace for the District for which such person shall be appointed Sheriff, or Under Sheriff, who is hereby required to file the same, among the Records of his office, and for which he shall be entitled to demand and have from such Sheriff, or Under Sheriff, the sum of five shillings currency and no more.

VI. And be it further ordained and enacted, That it shall not be lawful for any person or persons whomsoever, to buy, sell, let, or take to farm, the office of Under Sheriff, Deputy Sheriff, Gaoler, Bailiff, or any other office or place pertaining to the office of Sheriff of any District in this Province, or to contract for, promise, or grant for money, or other reward or benefit, the said offices or places, or any of them, directly or indirectly: and whosoever shall offend in the premises, in violation of this Enactment, shall forfeit for every such offence the sum of £500, to be recovered with costs in any Court of Record in this Province; one moiety whereof shall belong and go to Her Majesty, her heirs and successors, and the other moiety to the person or persons who shall sue for the same, within two years after the said offence shall have been committed.—Provided that nothing in this Ordinance contained shall prevent any Sheriff, from constituting and appointing an Under Sheriff or Deputy Sheriff, to act in his stead, or prevent any Under Sheriff, in case of the Sheriff's death, from appointing a Deputy, nor to prevent any such Sheriff, or Under Sheriff, from demanding and taking, the just and lawful fees of the office of Sheriff, or any place or employment pertaining thereto, or from taking security for the due answering the same, nor to discharge or prevent such Under Sheriff, Deputy Sheriff, Gaoler, Bailiff, or other person executing any office under such Sheriff, from accounting to the Sheriff, for all such just and lawful fees as shall by them, or any of them, be taken and received, in their respective offices, places or employments, nor from giving security so to do; nor to prevent the Sheriff from allowing, or securing such salary or recompense to his Under Sheriff, Deputy Sheriff, Gaoler, Bailiff, or other officer, for the execution of the said offices, places or employments, or any of them, as to him shall seem meet, nor to prevent the Under Sheriff, Deputy Sheriff, or other officer, or person aforesaid, from taking and receiving such salary and recompense, for his, or their, pains and services therein.

VII. And be it further ordained and enacted, That the Under Sheriffs, or Deputy Sheriffs, respectively, who may be appointed by the Sheriffs of the said several Districts and United Districts in this Province, in case of the death of the Sheriffs, by whom they have been appointed, shall, notwithstanding such death, continue in their offices, and shall execute the same, and all things thereto belonging, in the names of the deceased Sheriffs, until other Sheriffs shall have been appointed, and shall have taken on themselves the said offices: and the said Under Sheriffs or Deputy Sheriffs shall be answerable for the execution of the offices of Sheriffs, in respect of which they shall have been appointed, in all ways, and to all intents and purposes, during the said interval, in like manner as the deceased Sheriffs would by law have been, if living: and the security given to the deceased Sheriffs, by the said Under Sheriffs, and their sureties, shall stand, remain, and be a security to the Queen, her heirs and successors, and to all persons whomsoever, for such Under Sheriffs' due execution and fulfilment of their offices, during such interval. And in case there shall be no Under Sheriff of any District, at the time of the death of any such sheriff or if such Under Sheriff, shall die, or remove out of the District, or become incapable of executing the office, before another Sheriff of the same District shall be appointed, and shall have taken on himself the said office, then, and in every such case, the Coroner, (or Coroners, if there should be more than one) in such District, shall in all things execute the office of Sheriff of the same District, except in what appertains to the judicial powers and duties of that office, until a Sheriff thereof shall be appointed, and shall take upon himself the said office.

VIII. And be it further ordained and enacted, that if any Sheriff of any District or of two or more United Districts of this Province shall be a party or interested in any suit instituted, or about to be instituted, the Writ or Writs to be issued in such cases shall be directed to, and executed, by the Coroner of the same District, or the Coroners, if there shall be more than one in such District.

IX. And be it further ordained and enacted, that every Sheriff of any and every of the aforesaid Districts and United Districts in this Province, when he shall cease to hold his said office, by reason of resignation, removal from office, or other cause whatsoever, shall make out and deliver, to the new or incoming Sheriff, a true and correct list and account, under his hand, of all prisoners in his custody, and of all writs and other process in his hands, not wholly executed by him, with all such particulars as may be necessary, to explain to the said incoming Sheriff, the several matters intended to be transferred to him, and shall thereupon turn over and transfer to the care and custody of the said incoming Sheriff, all such prisoners, writs, and process, and all records, books, documents, and papers appertaining to the said office of Sheriff; and the said incoming Sheriff shall thereupon sign and give a duplicate of such list and account to the Sheriff going out of office, to whom the same shall be a good and sufficient discharge of and from all the prisoners therein menti-

oned, and transferred to the said incoming Sheriff, and from the further or other execution of the writs, process and other matters therein contained, without any writ of discharge, or other writ whatsoever; and the said incoming Sheriff shall thereupon stand and be charged with the said prisoners, and also with the execution and care of the said writs, process, and other matters contained in the said list and account, as fully and effectually, as if the same writs and process had been turned over by Indenture and Schedule: and in case any Sheriff shall refuse or neglect, when he shall cease to hold the said office as aforesaid, to make out, sign, and deliver such list and account as aforesaid, and to turn over the writs and process aforesaid, in manner aforesaid, every such Sheriff so refusing or neglecting shall be held to be guilty of a misdemeanour, in having disobeyed this enactment, and shall besides be liable to make satisfaction to the parties aggrieved or injured, for all such damages and costs as he, she, or they shall sustain by reason of such refusal or neglect.

X. And be it further ordained and enacted, that whenever any Sheriff shall die, it shall be the duty of his heirs, executors, curators, or other legal representatives, to deliver to the new or incoming Sheriff, on his demand, all such writs and process as remained and were unexecuted in the hands of the deceased Sheriff, and all Records, Registers, Books, Documents and Papers appertaining to the office of such deceased Sheriff which may have come into their hands, possession or power: and in case the heirs, executors, curators, or other legal representatives of any such deceased Sheriff, shall refuse or neglect to deliver to the said new or incoming Sheriff, all such Writs and Process, Records, Registers, Books and Documents, or any of them as aforesaid, they, each and every of them so refusing or neglecting, shall be held to be guilty of a misdemeanour, in having disobeyed this enactment, and shall besides be liable to make satisfaction to the parties aggrieved or injured, for all such damages and costs as he, she, or they shall sustain by reason of such refusal or neglect.

XI. And be it further ordained and enacted, that no Sheriff, or person, after he ceases to hold the office of Sheriff, shall be liable to be called on to make a Return of any Writ or Process, unless he be required so to do, within six calendar months, after the period at which he shall cease to hold such office as aforesaid.

XII. And be it further ordained and enacted, that each of the Sheriffs of the aforesaid several Districts and United Districts in this Province, shall have in the Court of Queen's Bench, and in the Division of the Court of Common Pleas, established for that part of the Province in which his Sheriffwick shall be situated, one sufficient Deputy to receive all Writs directed to any such Sheriff, and shall be held and taken to be an officer of the said Courts respectively, and shall give his personal and ready attendance therein, in execution of the duties of his office when thereto required or commanded by the said Courts respectively.

XIII. And be it further ordained and enacted, that the Sheriffs of the several districts in this Province, when and as often as Courts of Oyer and Terminer, or General Gaol Delivery, and *Nisi Prius* or any or either of the said Courts, shall be held in such districts, shall, upon pain of being fined in the discretion of the said Courts respectively, give their attendance on the said Courts, during the sittings thereof, in such manner as the said Courts respectively shall direct.

XIV. And be it further ordained and enacted, That it shall be lawful for the Sheriffs of the aforesaid several Districts and United Districts in this Province, in the advertisements of lands and tenements, real or immovable estates for sale, under legal process, to advertise the same in an abbreviated form, in the manner now in use, in which advertisements, to be signed by such Sheriffs respectively, shall be mentioned the nature of the process under which such sale is to be had, the cause in which the said process has been issued, a description of the property to be sold, and the time and place of sale.

XV. And be it further ordained and enacted, that no Sheriff, of any District or of two or more United Districts in this Province, nor any under Sheriff, Deputy Sheriff, Bailiff, or other officer employed by any Sheriff, shall at any Public Sale made, or proposed to be made, by or under the authority of any such Sheriff, become the purchaser, directly or indirectly, of Goods or Chattels, Lands or Tenements offered or set up for sale by any such Sheriff, or by or under his authority; and if any such sale be made, in violation of this enactment, the same shall be null and void, and the Sheriff, Under Sheriff, Deputy Sheriff, Bailiff or other such officer so offending, in the premises, shall be deemed and held to be guilty of a misdemeanour, and punished accordingly; and every Sheriff so offending shall also be liable to the parties concerned, for all costs and damages occasioned by such sale.

XVI. And be it further ordained and enacted, that in all cases of Sales of Lands and Tenements, real or immovable Estates, by any Sheriff of any District in this Province, in virtue of his office, the Deeds or Instruments of Sale to be made and executed by every such Sheriff, in execution of such sales, shall be fairly engrossed or printed on parchment without any obliteration, erasure, interlineation, or marginal addition or correction; and every Sheriff who shall make, execute and deliver a Deed or Instrument of Sale contrary to, and in violation of this enactment, shall forfeit and pay for every such offence a sum not exceeding twenty five pounds to be recovered with Costs of Suit, in any Court of Record in this Province one moiety whereof shall belong and go to Her Majesty, her heirs and successors, and the other moiety to the person or persons who shall sue for the same, within six calendar months after the said offence shall have been committed.

XVII. And be it further ordained and enacted, that each and every of the Sheriffs of the several Districts of this Province, shall, respectively, have and keep a Register for the enregistering therein of all Deeds or Instruments of Sale of lands and tenements, real or immovable Estates, by him made and executed, in virtue of his office, which Register, before the making of any entries therein, shall be authenticated by a memorandum, to be written on the first page thereof, and signed by the Prothonotary of the Division of the Court of Common Pleas established for that part of the Province within which such Sheriff shall exercise his functions, in and by which memorandum shall be certified the purpose for which the said Register is intended, the number of pages contained therein, and the day, month, and year on which such memorandum shall be made; and shall also be authenticated by the numbering of each of the said pages, in words at full length, with

the initial letters of the name of the said Prothonotary subscribed thereto: And every such Sheriff shall from time to time, as deeds of sale are by him made and executed, enregister in the said Register, successively, and without any blank or interval between them, all each, and every of the deeds or instruments of sale of lands and tenements, real or immovable estates, by him made and executed, in virtue of his office, until the said Register shall be filled, or until such Sheriff shall cease to hold his office, to which said Register an alphabetical Index shall be made by such Sheriff: And every such Sheriff shall forthwith after the said Register shall be filled as aforesaid, or after his resignation or removal from office, if he should resign or be removed before it be filled, or if any such Sheriff shall die while in office and before the said Register be filled, then his legal representatives shall forthwith after his death, deposit the said Register in the office of the said Prothonotary, there to remain among the records of the said Court, and to be used as evidence by all persons interested therein, as to law and justice may appertain.

XVIII. And be it further ordained and enacted, that if any Sheriff of any District, or of two or more United Districts of this Province, shall neglect to have and keep a Register, for the purpose aforesaid, or to enregister therein the deeds or instruments of sale by him made and executed as aforesaid, or any of them, in the manner herein before prescribed, or if any such Sheriff while living, or his legal representatives, or any of them, after his death, shall refuse or neglect to deposit any such Register in the office of the said Prothonotary as aforesaid, every such Sheriff, and the legal representatives of every Sheriff so offending, shall forfeit and pay, for every such offence, the sum of three thousand pounds to be recovered with costs of suit, in any Court of Record in this Province, one moiety whereof shall belong and go to Her Majesty, her heirs and successors, and the other moiety to the person or persons who shall sue for the same.

XIX. And be it further ordained and enacted, that each and every of the Sheriffs of the aforesaid several Districts and United Districts in this Province shall, within the first fifteen judicial days of each and every term of the several divisions of the Court of Common Pleas for this Province, exhibit to the division of the said Court sitting in the Territorial Division within which such Sheriff shall exercise his functions, an accurate statement and account in detail, upon oath to be administered by such division of the said Court, of what has been done in execution of the writs and process directed to him by such division of the said Court and of all monies in his hands which have been received by him as such Sheriff, and when and from whom received, and of all orders and judgments in his hands directing any monies to be paid by him as such Sheriff, from the period of his appointment as Sheriff, or since the date of his last statement and account, specifying to whom the said monies were or are payable, and of all monies by him paid as such Sheriff, within the said period, and to whom, and of all monies remaining unpaid in his hands, though ordered and adjudged to be paid, and of the reasons why the same have not been paid: And the said statement and account shall be deposited and remain among the records of the said division of the said Court, and shall be entered in a Register or book, to be kept for that purpose by the Prothonotary of the said division.

XX. And be it further ordained and enacted, that any Sheriff, by whom such statement and account as herein before required shall be made and exhibited as aforesaid, who shall knowingly and wilfully swear falsely in respect of any of the matters contained, and which are required to be contained, in any such statement and account, shall be deemed and held to be guilty of wilful and corrupt perjury and shall suffer the pains and penalties by law provided for that offence.

XXI. And be it further ordained and enacted, that the Sheriffs of the aforesaid several Districts and United Districts in this Province shall, respectively, have the custody and keeping of the Gaols now erected and being or hereafter to be erected in their respective districts, and shall respectively appoint the Gaolers or Keepers of such Gaols, and shall be responsible for the acts and conduct of such Gaolers, in their capacity of Gaolers, and for the due discharge of their duty.

XXII. And be it further ordained and enacted, that the Sheriffs of the aforesaid several Districts and United Districts of this Province, and their Under Sheriffs, respectively, shall, within their respective districts, have the same and like authority to raise the power (*posse*) of the district, in execution of the Queen's writs, as the Sheriffs and Under Sheriffs of Counties, in that part of Great Britain called England, have and may lawfully exercise, in raising the power of the County, (*the posse comitatus*) in execution of the Queen's writs there; and every person required by any such Sheriff, or under-Sheriff, to assist him in the execution of any such writ or writs, who shall, without lawful cause, refuse or neglect so to do, shall be held to be guilty of a misdemeanour, and be punished by fine and imprisonment.

XXIII. And be it further ordained and enacted, that when the Sheriff of any district, or of two or more United Districts or any of his Deputies, shall find that resistance will be made against any process of execution directed to and in the hands of such Sheriff, the said Sheriff, laying aside all other things, and taking with him the power of the district, shall forthwith go in his proper person and do execution: and if he find resistance, he shall certify to the Court, from which such process of execution shall have issued, the names of the resisters, their aids and abettors, and they shall be attached to appear in the same Court, and if they be convicted of such resistance, they shall be punished by fine and imprisonment.

XXIV. And be it further ordained and enacted, that every person who shall be arrested by virtue of any writ of execution, to be issued from any competent Court, against his or her body, for any debt or damages, by any Sheriff or other officer to whom such writ shall be directed, and every person who shall be committed to the custody of any Sheriff or other officer, in execution for any such debt or damages, shall be safely kept in prison, in close and secure custody, without bail, living at his or her own costs unless legally entitled to be otherwise maintained, until such person shall satisfy such debt and damages; and if any such Sheriff or other officer shall permit any such person so arrested or committed to go out of prison, or be at large, by bail or otherwise, without the assent and agreement of the plaintiff or party in whose favour such execution may be, such Sheriff or other officer shall thereby become answerable to such plaintiff or party, for the debt and damages, for which such

person was arrested or committed, and the plaintiff or party may recover the same with costs, by action of debt against such Sheriff or other officer.

XXV. And be it further ordained and enacted, that all prisoners, either upon contempt or *mesne* process or in execution, who shall be committed to any prison in this Province, shall be actually detained within such prison, until they shall be thence discharged by due course of law; and if at any time the keeper of any prison shall permit or suffer any prisoner committed to his custody, either upon contempt or *mesne* process or in execution, to go or to be at large out of his prison, except by virtue of some writ of *Habeas Corpus* or rule of Court which rule of Court shall not be granted, but on motion made or petition read in open Court, every such going or being out of the said prison shall be adjudged, and is hereby declared to be an escape.

XXVI. Provided always, and be it further ordained and enacted, that nothing herein contained shall have the effect of repealing, altering, or in manner affecting a certain Act of the Legislature of this Province, made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intitled, "An Act to afford relief during a limited time to insolvent debtors," or any other Act or Law exempting certain persons from imprisonment, or entitling them, in certain cases, to be released or discharged from imprisonment, or any of the provisions contained in any such Act or Law, which shall continue to have the same force and effect as if this Ordinance had not been passed.

XXVII. And be it further ordained and enacted, that if any Sheriff, or keeper of any prison, shall take any sum of money reward, or gratuity whatsoever, or any security for the same, to procure, assist, connive at, or permit any escape of any prisoners in his custody, and shall be thereof lawfully convicted, every such Sheriff or keeper shall for every such offence forfeit the sum of five hundred pounds, and his said office, and be for ever after incapable of executing the said office.

XXVIII. And be it further ordained and enacted, that no retaking on fresh pursuit shall be given in evidence, on the trial of any issue in any action of escape, against any Sheriff or keeper of any prison, unless the same be specially pleaded, nor shall any special plea be taken, received or allowed, unless oath be first made in writing by such Sheriff or keeper of any prison, against whom such action shall be brought, and filed with such plea, that the prisoner for whose escape such action is brought, did, without his consent, privity, or knowledge, make such escape; and if such affidavit shall, at any time afterwards, appear to be false, and such Sheriff or keeper of any prison shall be convicted thereof, by due course of law, he shall forfeit the sum of five hundred pounds.

XXIX. And be it further ordained and enacted, that if any prisoner, who is or shall be committed, in execution, to any prison, shall escape from thence, by any ways or means howsoever, the creditor or creditors, at whose suit such prisoner was charged in execution at the time of his escape, may retake such prisoner by any new *Capias*, or *capias ad satisfaciendum*, or sue forth any other kind of execution on the judgment, as if the body of such prisoner had never been taken in execution.

XXX. And be it further ordained and enacted, that if any Sheriff or keeper of any prison shall, after one day's notice in writing given for that purpose, refuse to shew any prisoner committed in execution, to the creditor at whose suit such prisoner was committed or charged, or to his attorney, every such refusal shall be adjudged to be an escape in law.

XXXI. And be it further ordained and enacted, that every Sheriff or keeper of any gaol, upon whom a declaration, notice, or any other proceeding directed to, or intended for any prisoner in his custody, shall be served, shall, within three days after such service, deliver the same to such prisoner, with a note thereon of the time of the service thereof, and if he shall neglect so to do, shall be liable to such prisoner for all damages thereby occasioned.

XXXII. And whereas it is expedient to make provision for cases, in which defendants, against whom judgments have been recovered in the District Courts in this Province, may not have goods and chattels within such districts, for the satisfaction thereof, but may have goods and chattels in other parts of the Province; - Be it therefore ordained and enacted, that in all cases where a final judgment, for any sum or sums of money exceeding three pounds, shall have been recovered as aforesaid, in any District Court, it shall and may be lawful for the Court of Common Pleas for this Province, in any of its Divisions upon affidavit made and filed in any such division, that a judgment as aforesaid has been recovered, and that upon a precept of execution issued out of such District Court, for the satisfaction thereof, no sufficient goods and chattels of the defendants for that purpose have been found within the district in which the judgment has been recovered, to cause the record of every such judgment to be removed into the said Court of Common Pleas, in any of the divisions thereof as aforesaid, and to issue a Writ of execution thereupon, to the Sheriff of any of the districts within the Territorial Division in which the said Court so resorted to shall sit, against the goods and chattels of the defendant, in the same manner as upon judgments recovered in any such divisions of the said Court; and the Sheriff to whom such writ of execution shall be directed, shall and he is hereby authorized to levy the sum of twenty shillings, for the ordinary costs of the plaintiff, subsequent to the said judgment, and of the execution in the said Court of Common Pleas, over and above the money for which such writ of execution shall be issued.

XXXIII. And be it further ordained and enacted, That in all cases where a final judgment, for any sum or sums of money exceeding Ten Pounds, sterling, shall have been rendered in any District Court in this Province, it shall and may be lawful for the said Court of Common Pleas, in any of its Divisions, upon affidavit made and filed as in the next preceding Section of this Ordinance is mentioned, to cause the Record of every such judgment to be removed into the said Court of Common Pleas, in any of its Divisions as aforesaid, and to issue a Writ of execution thereupon, to the Sheriff or Sheriffs of any of the said Districts within the Territorial Division in which the Division of the said Court so resorted to shall sit, against the goods and chattels, lands and tenements and of the Defendant or Defendants, in the same manner as upon judgments recovered in any such Division of the said Court: And the Sheriff to whom such Writ of Execution shall be directed shall, and he is hereby authorized to levy the sum of twenty shillings, for the ordinary costs of the Plaintiff, subsequent to the said judgment, and of the execution in the said Court of Common Pleas, over and

above the money for which such Writ of Execution shall be issued.

XXXIV. And be it further ordained and enacted, That in cases where the Sheriff or Deputy Sheriff of any District, or of two or more United Districts, by whom a District Court may be held, shall be a party or interested in any suit to be brought, and which would otherwise be brought and be cognizable in such District Court, or would by law be disqualified from taking cognizance of any such suit, when brought, it shall be lawful for the District Court, nearest to the District Court disqualified as aforesaid, to have and take cognizance of such suit, in like manner as of ordinary suits and causes properly cognizable therein, and the service of process in such cases on such Sheriff or Deputy Sheriff, within his District, shall have the same effect, as if made within the District in which such District Court shall be held.

XXXV. And be it further ordained and enacted, That whenever any Sheriff or Deputy Sheriff of any District in this Province shall, by reason of sickness, absence, or other cause, be rendered incapable or incompetent to sit and exercise judicial functions in the District Court to be held by him in pursuance of the Ordinance or Law in such case made and provided, it shall be lawful for the Governor of this Province, by Warrant or instrument under his hand and seal, to nominate and appoint a fit and proper person to be and act as the substitute, and in the place and stead of such Sheriff or Deputy Sheriff so disqualified or rendered incompetent as aforesaid, and such substitute so appointed shall have the same powers and authority, during the continuance, and in execution of such appointment, as the said Sheriff or Deputy Sheriff so disqualified or rendered incompetent would otherwise have had.

XXXVI. And be it further ordained and enacted, That the penalties to be recovered and levied, in pursuance of this Ordinance, shall be paid into the hands of the Receiver General, to be appropriated by the Legislature to the public uses of this Province, and shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner as Her Majesty, her heirs and successors shall direct.

XXXVII. And whereas, by an Ordinance of the Legislative Council of the late Province of Quebec, made and passed in the twenty fifth year of the Reign of his late Majesty, King George the Third, intitled, "An Ordinance to regulate the proceedings in the Courts of Civil Judicature, and to establish Trials by Juries in actions of a commercial nature and personal wrongs to be compensated in damages," Sheriffs on every execution are allowed all their disbursements, and are authorized to charge over and above at the rate of two and a half per cent, to be deducted out of the money they levy; and whereas the said poundage authorized by the said Ordinance as aforesaid, is unreasonably large in cases of sales of property of considerable value; be it therefore further ordained and enacted, that so much of the said Ordinance as authorizes a poundage of two and a half per cent, as aforesaid, shall be and the same is hereby repealed; and that from and after the commencement of this Ordinance the sheriffs of the aforesaid several districts or united districts hereafter to be erected and constituted within this province, shall on all writs of execution, and on all writs of *Venditioni Exponas*, issued at any time before, or after the commencement of this Ordinance, and which may come to their hands or to be carried into effect by them, by whatever court the same may have been issued, be entitled to poundage as follows, that is to say: on sales of property real or personal not exceeding in price the sum or five hundred pounds, a poundage of two and a half per cent, and on sales exceeding that amount; a poundage at the rate of two and a half per cent on the first five hundred pounds, and of one per cent on every hundred pounds beyond that amount, and not exceeding one thousand pounds; and on sales exceeding the last mentioned sum one quarter per cent for every hundred pounds beyond that sum.

XXXVIII. And be it further ordained and enacted, That a certain Act of the Legislature of this Province, made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intitled "An Act for making certain Regulations respecting the office of Sheriff," shall be, and the same is hereby repealed.

XXXIX. And be it further ordained and enacted, that the words "Governor of this Province," wherever they occur in the foregoing enactments, are to be understood as meaning and comprehending the Governor or the person authorized to execute the Commission of Governor within this Province, for the time being.

XL. And be it further ordained and enacted, that it shall and may be lawful for the Governor of this Province, with the advice of Her Majesty's Executive Council, to fix and declare the day of the commencement of this Ordinance, provided that such day shall not be later than the Fifteenth day of May, now next ensuing.

XLI. And be it further ordained and enacted, that this Ordinance, and the provisions herein contained, shall not cease or expire on the first day of November, which shall be in the year of our Lord one thousand eight hundred and forty-two, but shall be and remain a permanent Law, and in full force in this Province, until the same shall be repealed, or altered by competent Legislative authority.

SCHEDULE No. 1.

REFERRED TO IN THE FOREGOING ORDINANCE.

Condition of Recognizances to be entered into, by Sheriffs of Districts.

WHEREAS the above bound A. B. hath been appointed Sheriff of the District of _____ in this Province; Now the condition of this Recognizance is such, that if the said A. B. while living, and his heirs, executors, curators, and administrators, after his death, when, where, and as often as he or they shall or may be required, shall make and yield a true and lawful account to the Queen's Majesty, her heirs and successors, before such person or persons as by Her said Majesty, her heirs or successors, may in this behalf be appointed or authorized, of the issues and profits of the said office, and of all things belonging to the Queen's Majesty, her heirs and successors, which shall come to the hands of the said A. B. as Sheriff as aforesaid, or to the hands of his under Sheriff, or any of his Deputies, Bailiffs or Servants, or which he may or ought lawfully to levy or receive, or with which he may be reasonably charged, to the Queen's use, by reason of his said office, or of any process to him directed, without any manner of concealment or delay, and do pay, or cause to be paid, into the hands of the

Queen's Majesty's Receiver General of the Revenue of and in this Province, or his Deputy, for the time being, to the use of Her Majesty, her heirs and successors, all and every such sum and sums of money as shall by him or them be due to Her Majesty, her heirs or successors; and if the said A. B. while living, and his heirs, executors, curators and administrators, after his death, do and shall well and truly account for, pay, satisfy, and deliver to all and every person and persons who are, or shall or may be entitled to the same, all such monies, goods, and chattels as have, or shall or may come into the hands, custody, or charge of the said A. B. under, in pursuance or by virtue of any writ or writs or legal process, or order, judgment or judgments of any Court or Court of Judicature in this Province, or by virtue or in right of his said office, in any manner or way whatsoever, and do not nor shall wrongfully withhold or delay the payment or delivery of any such sum or sums of money, goods or chattels, beyond the time or times at which the same of right ought to be paid or delivered; and also if the said A. B. do and shall assign and appoint, by his sufficient Warrant, his able or sufficient Attorney or Deputy, in Her Majesty's Court of Queen's Bench and Common Pleas of this Province, respectively, wherever the said Court shall happen to be kept, who shall attend the said Courts so long as they shall be open and sitting, and receive, open, and return all writs, process, and commandments, which shall be directed to the sheriff of the said district of _____ or his Deputy, by the said Courts respectively; and further, if the said A. B. so long as he shall be Sheriff of the said District of _____ do and shall by himself or his sufficient Deputies, not only well and sufficiently serve and execute all processes or mandates, and commandments, which to him shall be directed or awarded by the said Courts respectively, and make full and perfect returns of the same, according to the tenor and true purport of the same, but do and shall give his personal and ready attendance at and before the said Courts of Queen's Bench and Common Pleas, respectively, for the better service of Her Majesty, her heirs and successors, by the said A. B. Sheriff as aforesaid, or his Deputy to be had and done, as often and when he the said A. B. Sheriff as aforesaid, shall be required or commanded thereunto, by the said Courts respectively; and likewise if the said A. B. do and shall from time to time and at all times hereafter, by himself or by his sufficient Deputies, well, truly, faithfully and assiduously observe, perform, and execute, all and singular such attendances, offices, services, acts and things as shall or may be legally required of him, and do and shall well and truly demean himself in the execution of all and every the duties of his said office; then this present Recognizance to be void and of no effect; otherwise to remain in full force and virtue.

SCHEDULE NO. 2.

Referred to in the foregoing Ordinance.

Oaths to be taken by Sheriffs and Under-Sheriffs of Districts.
OATH OF ALLEGIANCE.

I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance, to Her Majesty Queen Victoria.—So help me God.

OATH OF OFFICE—to be taken by Sheriffs, and Under-Sheriffs, of Districts.

I, A. B. do swear, that I will well and truly serve the Queen's Majesty, in the office of Sheriff (or Under-Sheriff, as the case may be) of the District of _____ and promote Her Majesty's profit, in all things that belong to my office, as far as I legally can or may: I will truly preserve the Queen's rights, and all that belongeth to the Crown:—I will not assent to decrease, lessen or conceal the Queen's rights, or the rights of her Franchises; and whensoever I shall have knowledge, that the rights of the Crown are concealed or withdrawn, be it in lands, rents, franchises, suits, or services, or in any other matter or thing, I will do my utmost to cause them to be restored to the Crown again. I will not respite, or delay to levy the Queen's debts, for any gift, promise, reward, or favour, where I may raise the same, without great grievance to the debtors:—I will do right as well to poor as to rich, in all things belonging to my office: I will do no wrong to any man, for any gift, reward, or promise, nor for favour or interest:—I will disturb no man's right, and will truly and faithfully acquit, and cause to be acquitted, all those of whom I shall receive any debts or dues belonging to the Crown: I will truly serve, execute, and return all the Queen's Writs, according to the best of my skill and knowledge; and will duly account for and pay over, without delay, on my part, all monies that shall come into my hands as Sheriff, (or Under-Sheriff, as the case may be) to the parties or persons legally entitled to the same. I will take no Bailiffs into my service, but such as I will answer for, and will cause each of them to take such oaths as I do, in what belongeth to their business and occupation, I will truly set and return reasonable and due issues, of them that are within my Sheriffwick, according to their estate and circumstances, and make due panels of persons able and sufficient, and not suspected or procured, as is and shall be appointed by the laws of this Province. I have not sold or let to farm, nor will I sell or let to farm nor have I entered into, or will I enter into any contract for the sale or disposal, or the letting to farm, directly or indirectly, of my Sheriffwick, or any office belonging thereunto, or the profits of the same, to any person or persons whomsoever.—(Instead of the last sentence, beginning with the words "I have not sold," and ending with the word "whomsoever" the Under-Sheriff's Oath will here include the following sentence, to wit:—"I have not bought or taken to farm, nor will I buy, or take to farm, nor have I entered or will I enter into any contract for the purchasing, acquiring, or taking to farm, directly or indirectly, of the office of Under-Sheriff of the said District of _____ which I am now about to enter upon and enjoy, nor the profits of the same, or any office or place belonging to the said office of Under-Sheriff, nor have I sold or let to farm, nor will I sell or let to farm directly or indirectly, any place belonging to the said office of Under-Sheriff:—) I will truly and diligently execute the Laws of this Province, and in all things well and truly behave myself in my said office, for Her Majesty's advantage and the good of her subjects, and discharge my whole duty, according to the best of my skill and power.—So help me God.

PUBLIC NOTICE.

THE following Draught of an Ordinance, about to be submitted by His EXCELLENCY THE GOVERNOR GENERAL, for the concurrence of the Special Council, at a session thereof summoned to meet at the Government House, in the City of Montreal, on the FIFTH day of NOVEMBER, are published in conformity with the 5th Section of the Act of the Imperial Parliament, 2d. and 3d. Victoria, Chapter 53.

By Command,

T. W. C. MURDOCH,
Chief Secretary,

Government House,
Montreal, 3d November, 1840.

An Ordinance to amend two certain Ordinances therein mentioned relative to the administration of justice in this Province, and to make other and further provision on the same subject.

WHEREAS it is expedient to amend a certain Ordinance passed in the fourth year of Her Majesty's reign and intitled "An Ordinance to provide for the easy and expeditious administration of Justice in civil causes and matters involving small pecuniary value and interest throughout this Province," and a certain other Ordinance passed in the same year of Her Majesty's reign and intitled, "An Ordinance to establish new territorial divisions of Lower Canada, and to alter and amend the Judicature, and to provide for the better and more efficient administration of Justice throughout this province," and to make other and further provision touching the administration of justice within this province; and whereas in and by the Ordinance first above mentioned it is among other things in effect enacted that it shall be lawful for the Governor of this Province, with the advice of Her Majesty's Executive Council thereof, on or before the first day of December next ensuing after the passing of the said Ordinance, to issue a Proclamation under the Great Seal of the Province, whereby this Province shall be divided into Districts for the purposes of the said Ordinance, and the limits of such Districts, shall be fixed and appointed; and whereas no such Proclamation as aforesaid did issue, on or before the said first day of December next ensuing after the passing of the said Ordinance, and it is therefore necessary to make other and further provision for effecting such Division of this Province into Districts for the purposes aforesaid:—Be it therefore ordained and enacted by His Excellency the Governor of this province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue 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, intitled "An Act to make temporary provision for the Government of Lower Canada," and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the reign of Her present Majesty, intitled "An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada," and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of Her Majesty's Reign, and intitled "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby ordained and enacted by the authority of the said Acts of Parliament, that it shall be lawful for the Governor of this Province, by and with the advice of Her Majesty's Executive Council for the said Province, at any time and times before the twenty ninth day of December, in the year of Our Lord, one thousand eight hundred and forty one, and not afterwards, to issue his Proclamation or Proclamations under the Great Seal of the said Province, and by such Proclamation or Proclamations to divide or to re-divide this Province, or any portion thereof, into Judicial Districts for the purposes of judicature and of the Ordinance herein first above mentioned and to adopt as a division or divisions for the said purposes, any district or districts into which this Province may then be divided for municipal purposes under the authority of a certain Ordinance passed in the present session of the Legislature of this Province, and intitled, "An Ordinance to provide for the better internal Government of this Province, by the establishment of local or municipal authorities therein," and in and by any such Proclamation or Proclamations as aforesaid, to unite any two or more Municipal Districts into one Judicial District, and again to disunite or to re-unite the same, and to appoint or change the place or places in each Judicial District, at which the District Court shall be held after the said Ordinance herein first above mentioned shall come into force, and also, when such District Court shall be appointed to be held at more than one place in any Judicial District, (but not otherwise) to appoint or change the days in each month on which such District Court shall be held at each place; and such District Court shall be held at the places so appointed, respectively and on the days so prescribed, and not at any other time; any thing in the Ordinance last mentioned or in any other Ordinance or law to the contrary notwithstanding: Provided always, that whenever any such District Court shall be held at one place only in any Judicial District, it shall be held at the times appointed for that purpose in the Ordinance herein first above mentioned.

II. And be it further ordained and enacted, that so much of the thirtieth section of the said Ordinance of the Legislature of this Province, passed in the fourth year of Her Majesty's reign intitled, "An Ordinance to establish new Territorial Divisions of Lower Canada, and to alter and amend the judicature, and provide for the better and more efficient administration of Justice, throughout this

"Province," as provides for the holding of a General Session of the Peace, in each of the Territorial Divisions of Quebec, Montreal, and Sherbrooke, shall be, and the same is hereby repealed.

III. And be it further ordained and enacted, that there shall be held four times in every year, in each of the Judicial Districts in which the Cities of Quebec, Montreal, the Towns of Three-Rivers and Sherbrooke, respectively, shall be situate, a General Session of the Peace, by the Justices of the Peace of the said Judicial Districts, respectively, or any three of them, one of whom shall be of the Quorum, who shall hear, try and determine all matters relating to the conservation of the Peace, and all crimes and criminal offences, causes and matters, which are or may be cognizable in and by General or Quarter Sessions of the Peace, according to the Laws in force in this Province; and the said Sessions of the Peace, for the said last mentioned Judicial Districts, shall respectively be held as follows, that is to say, at the Cities of Quebec, and Montreal, and at the Towns of Three-Rivers and Sherbrooke, from the tenth to nineteenth day of each of the months of January and July, and from the twenty first to the thirtieth day of each of the months of April and October, the first and last days of each of the said periods being included, and Sundays and holidays excepted: And the said Justices of the Peace, in the said General or Quarter Sessions of the Peace, to be held as aforesaid, shall be invested with, and shall and may exercise, within the said last mentioned Districts, respectively, all and every the powers, authorities, and jurisdictions which, at the time herein after appointed for the commencement of this section, shall by Law be vested in, and required to be exercised by, the General or Quarter Sessions of the Peace, in the several Districts of Quebec, Montreal, and St. Francis.

IV. And be it further ordained and enacted, that all and every the records, registers, muniments and judicial and other proceedings of the several Courts of General or Quarter Sessions of the Peace, in the several Districts of Quebec, Montreal, Three-Rivers and St. Francis, as now constituted, shall forthwith, after the period hereinafter appointed for the commencement of this section, be transmitted into and make part of the records, registers, muniments, and judicial and other proceedings of the Courts of Quarter Sessions of the Peace, which are hereby substituted to and for the said Courts, in the said Judicial Districts in which the Cities of Quebec, Montreal, and the Towns of Three-Rivers, and Sherbrooke, shall be situate; and all and every the records, registers, muniments, and judicial and other proceedings of the Provincial Court of the said District of St. Francis, shall, in like manner, forthwith after the commencement of this section, be transmitted into, and make part of the records, registers, muniments and judicial and other proceedings of the Court of Common Pleas for this Province, in the third division thereof.

V. And be it further ordained and enacted, that no judgment, rule, or order of the said Courts of quarter sessions, in the said Districts of Quebec, Montreal, Three-Rivers, and St. Francis, and in the said Provincial Court of the said District of St. Francis, as now constituted, which have been or may be legally pronounced, given, had, or done, before the period hereinafter appointed for the commencement of this section, shall hereby, or by any other Ordinance or Law, be avoided, but shall remain in full force and virtue, as if this section, or any other Ordinance or Law, relating to the jurisdiction of the said courts, enacted by this Legislature, had not been passed; nor shall any indictment, information, suit, appeal or proceeding, depending in the said courts of quarter sessions, or any action, suit, cause, or proceeding depending in the said Provincial Court, be abated, discontinued, or annulled, but the same shall be transferred, in their then present condition, respectively, to and subsist and depend in the said Courts of quarter sessions, hereby established in the Judicial Districts in which the Cities of Quebec, and Montreal, and the Towns of Three-Rivers, and Sherbrooke, shall be situate, and in the said Court of Common Pleas in the said third Division thereof respectively, to all intents and purposes, as if they had been respectively commenced, brought, found, prosecuted, or removed in or into the said Courts respectively, to which they are to be transferred as aforesaid: And the said Courts of quarter sessions, hereby established in the Judicial Districts in which the Cities of Quebec and Montreal, and the Towns of Three-Rivers, and Sherbrooke, shall be situate, shall have full power and authority to proceed accordingly, to judgment and execution, and to make such rules and orders in the premises, as the said Courts of quarter sessions hereby established, might lawfully make in causes, appeals, actions, suits and pro-

ceedings commenced, or depending before the said last mentioned Courts respectively.

VI. And whereas, it is necessary to make further provision for the administration of Justice, in Criminal Cases, until Court-Houses and Gaols shall be erected in the aforesaid several Districts and United Districts as aforesaid; be it therefore further ordained and enacted, that all treasons, murders, felonies, and misdemeanors, crimes and criminal offences, which have been or may be committed in the Judicial Districts so constituted as aforesaid and lying within the Territorial Division of Quebec, or any of them, or at any place or places included in the same, shall and may, until Court-Houses and Gaols shall have been erected and completed, in the said Judicial Districts respectively, be enquired of, examined, tried, determined and adjudged, and punishment thereupon be awarded and executed, in the Judicial District in which the city of Quebec shall be situate in like manner and form as if the said treasons, murders, felonies, misdemeanors, crimes and criminal offences, had been done, committed, or perpetrated, within the said last mentioned Judicial District; and all treasons, murders, felonies, misdemeanors, crimes and criminal offences, which have been or may be committed in the Judicial Districts, so constituted as aforesaid and lying within the Territorial Division of Montreal, or any of them, or at any place or places included in the same, shall and may, until Court-Houses and Gaols shall be erected and completed in the said last mentioned Judicial Districts respectively, be enquired of, examined, tried, determined, and adjudged, and punishment thereupon be awarded and executed, in the Judicial District in which the city of Montreal shall be situate, in like manner and form as if the said last mentioned treasons, murders, felonies, misdemeanors, crimes and criminal offences, had been done, committed, or perpetrated, within the said last mentioned Judicial District; and all treasons, murders, felonies, misdemeanors, crimes and criminal offences, which have been or may be committed in the Judicial Districts, constituted as aforesaid and lying within the Territorial Division of Sherbrooke, or any of them, or at any place or places included in the same, shall and may, until Court-Houses and Gaols shall be erected and completed in the said last mentioned Judicial Districts, respectively, be enquired of, examined, tried, determined, adjudged, and punishment thereupon be awarded and executed, in the Judicial District in which the town of Sherbrooke shall be situate, in like manner and form, as if the said last mentioned treasons, murders, felonies, misdemeanors, crimes and criminal offences had been done, committed, or perpetrated, within the said Judicial District last mentioned: Provided always, that nothing therein contained shall in any manner abridge, alter, or affect the jurisdiction, power, and authority of the General Sessions of the Peace to be held in the said Judicial Districts respectively, or any of them, in pursuance of the provisions hereinbefore contained, which jurisdiction, power and authority shall and may be exercised, in the manner hereinbefore provided; any thing to the contrary thereof herein contained notwithstanding.

VII. And be it further ordained and enacted, that the Gaols now erected and being at the cities of Quebec and Montreal, and at the town of Three-Rivers, shall, from and after the commencement of this section, be and be deemed and taken to be the common gaols and House of correction of the Judicial Districts in which the cities of Quebec, Montreal, and the town of Three Rivers, respectively, as constituted and declared by the Proclamation or Proclamations aforesaid shall be situate, to all intents and purposes, and in like manner as the same are now the common gaols and houses of correction, for the districts of Quebec, Montreal, and Three Rivers, respectively, as now constituted.

VIII. And be it further ordained and enacted, that the Gaol now erected, and being at the town of Sherbrooke, in the Territorial Division of Sherbrooke, shall, from and after the commencement of this section be and be deemed and taken to be the common Gaol of and for the Judicial District as constituted and declared by the Proclamation or Proclamations aforesaid, in which the town of Sherbrooke shall be situate, to all intents and purposes, whatsoever.

IX. And be it further ordained and enacted, that the Gaol now erected and being at the City of Quebec, in the territorial division of Quebec, shall, to all intents and purposes, constitute and be a Common Gaol of and for each and every of the respective Judicial Districts comprehended within the said territorial division, in which a Gaol is not now erected, and until a Gaol shall be erected and made fit for the reception of prisoners, in the said Judicial Districts respectively: and in like manner the Gaol now erected and being at the City of Montreal, in the territorial division of Montreal, shall, to all intents and purposes, constitute and be the Common Gaol of and for each and every of the respective Judicial Districts comprehended within the said last mentioned territorial division, in which a Gaol is not now erected,

and until a Gaol shall be erected, and made fit for the reception of prisoners in the said Judicial Districts respectively: and in like manner the Gaol now erected and being at the Town of Sherbrooke, in the territorial division of Sherbrooke, shall, to all intents and purposes, constitute and be the Common Gaol of and for each and every of the respective Judicial Districts comprehended within the said last mentioned territorial division, in which a Gaol is not now erected, and until a Gaol shall be erected and made fit for the reception of prisoners, in the said last mentioned Judicial Districts respectively: and the Sheriffs of the Judicial Districts in which the said Gaols, at the said Cities of Quebec and Montreal, and at the said Town of Sherbrooke, respectively, are situate, shall receive into the said Gaols, and there safely keep all persons who may be therein imprisoned, or required to be imprisoned, in pursuance of the provision hereinbefore contained: and the said Sheriffs of the said last mentioned Judicial Districts, respectively, shall be answerable for the safe keeping of the persons committed to the said Common Gaols, in pursuance of the said provision hereinbefore contained, in the same manner as if they were Sheriffs of the Judicial Districts for and in respect of which the Gaols at the Cities of Quebec and Montreal, and the Town of Sherbrooke are constituted Common Gaols as aforesaid, and, with respect to the persons so committed, shall be deemed and held to be Sheriffs of the said last mentioned Judicial Districts respectively.

X. And be it further ordained and enacted, that it shall be lawful for the Governor of this Province, by his proclamation under the Great Seal thereof, to fix and appoint the day from and after which the said two Ordinances cited in the Preamble of this Ordinance and hereby amended, and also a certain Ordinance passed during the present session of the Legislature and intitled "An Ordinance for the better regulation of the office of Sheriff in this Province," and also the third, fourth, fifth, sixth, seventh, eighth and ninth sections of this Ordinance, shall have force and effect, and the said three Ordinances, (excepting such parts thereof as have been repealed, or derogated from by any Ordinance subsequent to them or any of them respectively, or by this Ordinance) and the said sections of this Ordinance, shall have force and effect from and after the day appointed for that purpose in such proclamation and not before; any thing in the said three Ordinances or in any other Ordinance heretofore passed, to the contrary notwithstanding. Provided always, that the day so fixed and appointed for the commencement of the said Ordinances and sections shall not be later than the thirty first day of December, which will be in the present year of our Lord one thousand eight hundred and forty one.

XI. And be it further ordained and enacted, that the words "Governor of this Province," wherever the same occur in the foregoing enactments, shall be understood, as comprehending the Governor, or person authorised to execute the commission of Governor, within this Province, for the time being.

XII. And be it further ordained and enacted, that this Ordinance, and the provisions herein contained, shall not cease or expire on the first day of November, which will be in the year of our Lord, one thousand eight hundred and forty two, but shall be and remain a permanent and public law, and in force in this Province, until the same shall be repealed or altered by competent Legislative authority; and all Judges, Justices, and other persons therein concerned, shall take notice thereof, though the same be not specially pleaded.

INQUIRY having been made through the Secretary of State for the Colonies, by the friends of Mr. Patrick Delmour, who is supposed to have lost his life during the insurrections in Canada, for information relative to the state of his affairs; it is requested that any person who may possess information on the subject will communicate it to this office, for transmission to the parties concerned.

By Command,

W. C. MURDOCH,
Chief Secretary.

Government House,
Montreal, 8th January, 1840.

To be published in the Official Gazette, and other papers, for two weeks.

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