

**TABLE OF THE PROVINCIAL
STATUTES AND ORDINANCES IN
FORCE OR WHICH HAVE BEEN
IN FORCE IN LOWER CANADA**

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Table of the Provincial Statutes and Ordinances in Force or Which Have Been in Force in Lower Canada by Gustavus William Wicksteed

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GUSTAVUS WILLIAM WICKSTEED

**TABLE OF THE PROVINCIAL
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Quebec (Province). Laws, statutes, etc. (Indexes)

TABLE
OF THE
PROVINCIAL STATUTES
AND ORDINANCES

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IN FORCE
OR WHICH HAVE BEEN IN FORCE
IN
LOWER CANADA,
IN THEIR
CHRONOLOGICAL ORDER,

Shewing which of them, or what parts of any of them, are now in force, and by what subsequent Acts they have been amended, continued, repealed or otherwise affected.

With a continuation of the **index to the Statutes in force, &c,**
to the end of the Session of 1857.

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PREPARED BY ORDER OF THE LEGISLATIVE ASSEMBLY,

ON MOTION OF

J. W. GAMBLE, ESQ.

BY

G. W. WICKSTEED, Q. C., Law Clerk of the House,  
And one of the Commissioners for revising the Statutes.



Printed by

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LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1857.

*Harv. Dep.*

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## NOTICE.

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The following Table is published under the resolution of the Legislative Assembly of the 8th May, 1856, adopting the recommendation of the Committee to whom my report had been referred. It is that adverted to in the Notice prefixed in the Index to the Statutes in force in Lower Canada, as necessary to exhibit clearly the result of the revision which the order to prepare that work had obliged me to undertake, and to afford directly that information as to what Acts and parts of Acts are or are not in force, which can only be gathered indirectly from the Index. The Table and the Index supplement and check each other, the former affording fuller information as regards the Statutes and parts of Statutes not in force, and the latter as regards those in force. Any Act referred to in the Index can be found at once in the Tables, in its place according to date and chapter; and if fuller information be required than the Table furnishes as to the provisions of any Act in force, it will be found under the same Title in the Index, where a brief note of the subject of each section in force is entered.

The object of the Table is not to shew what any Act under consideration itself provides, (for this appears on the face of the Act which is supposed to be before the reader,) but how its provisions are affected by later Acts which are not before him. This could, however, be done only so far as their action upon it is direct and susceptible of being briefly stated, for it would be impossible in any moderate space, to trace the indirect effect of every Act upon every other; there are probably, for instance, few Statutes connected with the administration of the law which will not be in some way or other incidentally affected or modified by the new Judicature Act of 1857, (cap. 44,) when it comes fully into force.

The Index having been published before the Table, and containing a brief summary of every section of every Public Act in force, and the Acts on the same subject being arranged in it under the same Title so that reference can easily be made from one to the other, it was thought unnecessary (even had time permitted) to enter into quite so much detail as to the effect of one Act upon another, as is contained in the former Tables to the Acts and Ordinances then in force in Lower Canada, which were published without an Index and before the publication of the Revised Statutes. Indeed the main object of the present Table, is rather to account for the repealed and expired Acts and parts of Acts, and to shew how they ceased to be in force, (which the Index does not generally do,) than to shew the existing Statute Law, which is more fully given in the Index.

If the information now given could have preceded or accompanied the Index, I should have felt more at liberty as to the form of the latter, and could perhaps have improved it for some purposes by dividing the Acts more and entering their provisions under a greater number of special titles. There is, however, considerable advantage in referring to the whole of an Act under one title, in an Index not attached to the volume containing such Act; and the important object of enabling every one to test for himself and easily, whether the Index is or is not correct in treating any Act or part of an Act as in force or not in force, will be at least equally well attained by the form and order of publication actually adopted.

The Table comes down to the present time, including the Acts of 1857, and their effect on former Acts: and as the changes made by these Acts in the Index are important, a brief continuation of that work to the same period is added, including not only the additions and corrections consequent on the said Acts, but the *Errata* in the original work, and some references from one part of it to another which appeared

desirable. The Acts of 1857 are referred to by their chapters only, except—the new Judicature Act, and the Act amending the Municipal Corporations and Road Act, which are so important that the subjects of the several divisions adopted in the Acts themselves have been separately entered.

In preparing the Table the same distinction has been made between Public Acts and those of a Local or Private nature, as in the Index. As regards the former, every section found to be directly repealed or affected, has been mentioned: as regards the latter, the Acts amending them are referred to without entering into further details. An Act, the special purpose of which is confined to Upper Canada, is omitted in the Index, and merely referred to in the Tables by the words "Upper Canada" opposite the number of its chapter.

A later Act upon the same subject as a former one is considered as amending it, although it may merely make additional provisions upon the subject without actually repealing any thing in the prior Act: and it has been deemed convenient under the first Act upon any subject, to refer to all the Acts relating specially to the same subject.

Acts repealed by permanent Acts which have themselves been afterwards repealed, are treated as not revived by such repeal, although the usual form of words for preventing doubts as to the revival may have been omitted, unless there is something to shew the intention of the Legislature that the repealed Act should revive.

As regards Acts supposed to be "EFFECTIVE" because nothing more remains to be done under them, the remarks in the Notice prefixed to the Index are applicable; the word merely expresses an opinion that such is in all probability the case.

When no part of an Act is deemed to be in force, this opinion is expressed and the reason assigned; but for greater facility of reference, the subject (or some part of it) of an Act supposed to be wholly or partly in force, is printed in full Capitals, and the Chapter in Roman Numerals. The date of the Royal Assent is given after the subject, except where it is the same as that of the next preceding chapter or chapters, in which case it is not repeated. When the Act has been originally temporary the letter T. is put after the subject matter as in the former Tables.

Although the Table forms a necessary part of the work ordered by the Legislative Assembly, and must have been performed by me under Mr. Gamble's Resolution whether the Statutes were further revised or not; yet, it now forms an essential part of the work of Revision, and its preparation has constituted, with the approval and assistance of my Colleagues, a very large portion of my labours as one of the Revisers. Indeed it is self evident, that the first step in revision must be an Expurgatory List separating the living from the dead and effete matter,—accounting for every Act and Section which has ever been in force, and shewing whether the whole or any part of it is still law, and if it is not, then how and when it ceased to be so. This List the Table is intended to be and this account it professes to render, subject to the modification above mentioned as regards Local and Private Acts. The consolidation of the Public Statutes which will be the result of the labours of the Commissioners will partially supersede my work, and the changes to be wrought by future legislation must soon more or less impair its utility, but it will, I hope, always remain useful as shewing how the Statute Law stood in 1857, as the former Tables and the Revised Statutes of Lower Canada will do, as a memorial of what it was in 1841.

G. W. WICKSTEED.

Toronto, 1st November, 1857.

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ORDINANCES

OF THE GOVERNOR AND LEGISLATIVE COUNCIL OF THE  
PROVINCE OF QUEBEC.

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17 GEO. III.—(*Sir Guy Carleton, Governor.*) 1777.

CAP. 1.—ADMINISTRATION OF JUSTICE.—25th February, 1777.—Repealed by 34 G. 3, c. 6, s. 38.

CAP. 2.—ADMINISTRATION OF JUSTICE.—T. To be in force until 25th February, 1779; continued to 30th April, 1781, by 19 G. 3, c. 1.—Expired.

CAP. III.—BILLS OF EXCHANGE.—4th March, 1777. Suspended, except the last section, until 1st May, 1829, by 6 G. 4, c. 4, s. 1,—which last Act was amended and the said suspension continued by 9 G. 4, c. 1, until 1st May, 1833, when both Acts expired; and from and after that day the Ordinance, except the last section, was suspended by 3 W. 4, c. 14, during the continuance of that Act, which was enacted to continue in force until 1st May, 1838, but was continued by 1 V. c. 9—6 V. c. 11, s. 3—9 V. c. 39—10, 11 V. c. 8—11 V. c. 3—12 V. c. 17—13, 14 V. c. 10—14, 15 V. c. 68—16 V. c. 151—18 V. c. 85—19, 20 V. c. 85, and 20 V. c. 16, to 1st Jan., 1858, &c. And the last sect. (4) is repealed by 16 V. c. 80, except as to Banks, Insurance Companies, and certain money-lending Institutions.



- CAP. IV. ?—FORESTALLING, REGRATING, &c.**, in Quebec and Montreal.—Suspended, except sections 5, 6 and 7, by 1 W. 4, c. 28, during the continuance of that Act, which was enacted to continue in force until 1st May, 1836, but was continued by 6 W. 4, c. 32, until 1st May, 1840, when it expired. It is repealed as to Quebec by 16 V. c. 231, and now applies to Montreal only, and in so far as it may not be superseded by the Laws incorporating that City and the By-laws legally made under it ?
- CAP. 5.—ADMINISTRATION OF JUSTICE.**—Repealed by 34 G. 3, c. 6, s. 38.
- CAP. 6.—ORDINANCES, PUBLICATION OF.**—It relates only to Ordinances of the Legislative Council of Quebec, and can therefore have no further effect now.
- CAP. VII.—INDIANS, Sale of Liquors to, &c.**—29th March, 1777. Sect. 4 is expressly repealed by 3, 4 V. c. 44, s. 1, and the recovery and distribution of the penalties under sects. 2 and 3 are provided for by sect. 3 of the said Ordinance. The 31 G. 3, c. 1, ss. 3 and 6, seem to restrain the operation of sects. 3, 5, 6 and 7, to Aliens refusing to take a certain oath. *Query*, whether the 3rd section of the last mentioned Ordinance has not a like effect on 1st section of that under consideration ?
- CAP. 8.—MILITIA.**—To be in force two years and until the end of the session in 1779. Continued by 19 G. 3, c. 2—and 25 G. 3, c. 1, and to 30th April, 1787, by 26 G. 3, c. 1.—Expired.
- CAP. 9.—CURRENCY.**—Repealed by 36 G. 3, c. 5, and again with the said Act by 48 G. 3, c. 8, s. 10, which is also repealed, with all Laws relating to the Currency, by 4, 5 V. c. 93, s. 1, which is itself repealed by 16 V. c. 158, s. 1, but with express provision that Acts repealed by it are not to revive.
- CAP. 10 ?—BREAD, ASSIZE OF, BAKERS**, in Quebec and Montreal.—Repealed by 55 G. 3, c. 5, s. 17. But that Act was temporary, and after being amended and continued as amended to 1st May, 1819, by 57 G. 3, c. 9, and again to 1st May, 1821, by 59 G. 3, c. 11, it expired. The ordinance seems to be now superseded by the Laws incorporating Quebec and Montreal, which give the City Councils power to regulate the weight and quality, though not the *price* of Bread.
- CAP. 11.—ROADS, BRIDGES, &c.**—Repealed by 36 G. 3, c. 9, s. 81.
- CAP. 12.—FERRIES, CARTERS.**—Repealed by 16 V. c. 212, except as to Licenses then granted.
- CAP. 13.—FIRE, ACCIDENTS BY ?**—Amended by 30 G. 3, c. 7, and by 59 G. 3, c. 8, which repeals sect. 8 of 17 G. 3, c. 13. The ordinances (but not the Act) were suspended as to Montreal to 1st May, 1834, by 9 G. 4, c. 57, amended by 1 W. 4, c. 50 :—as to Quebec to the same day, by 2 W. 4, c. 57 :—and as to Three Rivers to 1st May, 1838, by 3 W. 4, c. 25 :—all expired. But this ordinance seems superseded by the provisions of the Acts incorporating Quebec, Montreal and Three Rivers, and by the general Municipal Act, 18 V. c. 100, giving powers to make regulations for like purposes to the Municipal Councils.
- CAP. 14.—PROVINCE, persons leaving it.**—23rd April, 1777.—Repealed by the Act of Canada 4, 5 V. c. 53.

- CAP. 15 ?—POLICE, in Quebec and Montreal, &c.—T. To be in force until 23rd April, 1799 ; continued by 19 G. 3, c. 3—25 G. 3, c. 8—27 G. 3, c. 5—and 29 G. 3, c. 5 ; and amended and extended to Villages, by 31 G. 3, c. 3, and continued during the continuance of the last mentioned ordinance, which was permanent. Both ordinances were repealed by 42 G. 3, c. 8, but this Act was temporary, and after several continuations expired on the 1st May, 1816, when the ordinances might seem to have again come into force.—The Legislature appears however to have held the contrary, for on the 22nd March, 1817, the 57 G. 3, c. 16, was passed on the same subject, except that it did not relate to villages. But the 4 G. 4, c. 2, provided for *that* object and was made permanent by 3, 4 V. c. 6, s. 1 ; and the 58 G. 3, c. 16, had before made temporary provision for the same purpose. None of these Acts refer to the ordinances 17 G. 3, c. 15, and 31 G. 3, c. 3 ; and the Legislature may be considered to have held them not to have revived !
- CAP. 16.—DEBTORS LEAVING THE PROVINCE.—Disallowed by His Majesty in Council. See Proclamation of 31st October, 1778.

18 GEO. III.—(*Sir F. Haldimand, Governor.*) 1778.

No Ordinances.

19 GEO. III.—(*Sir F. Haldimand, Governor.*) 1779.

- CAP. 1.—ADMINISTRATION OF JUSTICE.—16th January, 1779. It continued 17 G. 3, c. 2, until 30th April, 1781.—Effete.
- CAP. 2.—MILITIA.—It continued 17 G. 3, c. 8, for two years and to the end of the session in 1781.—Effete.
- CAP. 3.—POLICE.—It continued 17 G. 3, c. 15, for two years and to the end of the session in 1781.—Effete.

20 GEO. III.—(*Sir F. Haldimand, Governor.*) 1780.

- CAP. 1.—PROVISIONS, EXPORTATION OF, PROHIBITED.—9th March, 1780. T. To be in force for two years and until the end of the session in 1778.—Expired.
- CAP. 2.—FORESTALLERS, REGRATORS, &c.—12th April, 1780.—T. To be in force for two years and until the end of the session in 1782.—Expired.
- CAP. 3.—FEES, REGULATION OF.—9th March, 1780.—T. To be in force for two years and until the end of the session in 1782.—Continued by 25 G. 3, c. 7—26 G. 3, c. 2—and to the end of the session in 1788, by 27 G. 3, c. 7.—Expired.
- CAP. 4.—MAITRES DE POSTE.—T. To be in force until the end of the session in 1782.—Continued by 27 G. 3, c. 10, which was continued by 29 G. 3, c. 6, and by 31 G. 3, c. 4. Both ordinances (20 G. 3, c. 4, and 27 G. 3, c. 10,) were amended and continued by 33 G. 3, c. 6. The 20 G. 3, c. 4, was amended and made permanent by 35 G. 3, c. 7, which was itself permanent. The ordinance and

act last mentioned were repealed by 47 G. 3, c. 5: but this act was temporary and to be in force only until 1st May, 1811, and to the end of the next session. It was not continued, and expired. The legislature seem to have held that the ordinance and act first mentioned did *not* revive, for on 17th March, 1814, the temporary act 54 G. 3, c. 7, was passed on the same subject, and, without alluding to the said ordinance or act, begins by stating the necessity of "making regulations, &c." The 54 G. 3, c. 7, was enacted to be in force until 1st May, 1817, but was continued by 57 G. 3, c. 25, until 1st May, 1819, when it expired. No further enactments were made on the subject, and the legislature would appear to have intended the 20 G. 3, c. 4, and 35 G. 3, c. 7, to remain repealed. *See also* 39 G. 3, c. 8, and 48 G. 3, c. 9.

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21 GEO. III.—(*Sir F. Haldimand, Governor.*) 1781.

No Ordinances.

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22 GEO. III.—(*Sir F. Haldimand, Governor.*) 1782.

CAP. I.—MAJORITY, AGE OF.—16th Feb., 1782.

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23 GEO. III.—(*Sir F. Haldimand, Governor.*) 1783.

No Ordinances.

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24 GEO. III.—(*Sir F. Haldimand, Governor.*) 1784.

CAP. I.—HABEAS CORPUS.—29th April, 1784.—P. In force as extended and amended by 34 G. 3, c. 6, s. 37—35 G. 3, c. 1—52 G. 3, c. 8, ss. 1 to 7—1 G. 4, c. 8, ss. 1 and 2—12 V. c. 37, s. 41—and 12 V. c. 38, s. 98. This ordinance was temporarily amended by 37 G. 3, c. 6, and 43 G. 3, c. 1, and suspended by 1 V. c. 2—2 V. (2) c. 4—2 V. (3) c. 31—and 3, 4 V. c. 2—all expired. As to section 17, *see* 4, 5 V. c. 24, ss. 5 and 6.

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25 GEO. III.—(*Henry Hamilton, Esq., Lieut. Governor.*) 1785.

CAP. I.—MILITIA.—21st April, 1785. It continued 17 G. 3, c. 8, until 30th April, 1786.—Effete.

CAP. II.—ADMINISTRATION OF JUSTICE.—T. To be in force until the end of the Session in 1787; amended and continued in force until the end of the Session in 1789, by 27 G. 3, c. 4; both ordinances were continued to 30th April, 1791, by 29 G. 3, c. 3;—and all three were made permanent, until other provision should be made on the subject, by 31 G. 3, c. 2. Very little of this ordinance (27 G. 3, c. 2) is expressly repealed, and it is in force except in so far as it may be inconsistent with other subsequent Acts relating to the same subject and now in force. Sect. 1 is repealed by 41 G. 3, c. 7, s. 1; and as to that Act, *see* 12 V. c. 38,