

The Provincial Statutes of Lower-Canada, Being the first session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, the eighteenth day of April, 1838. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1838.

1 Victoria – Chapter 15 (Session 1)

An Ordinance to enable the Governor, or person Administering the Government of this Province, to extend a conditional pardon, in certain cases, to persons who have been concerned in the late Insurrection.

Whereas there is reason to believe, that among the persons concerned in the late Treasonable insurrection in this Province, there were some to whom the lenity of the Government may not improperly be extended, on account of the artifices used by desperate and unprincipled persons, to seduce them from their allegiance:—Be it therefore Ordained and Enacted by the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of 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, that upon the Petition of any person, charged with High Treason, committed in this Province, preferred to the Governor or the person administering the Government of this Province, before the arraignment of such person, and praying to be pardoned for his offence, it shall and may be lawful for the Governor, or person administering the Government of the said Province, to grant, if it shall seem fit, a pardon to such person, in Her Majesty's name, upon such terms and conditions as may appear proper: which pardon being granted under the Great Seal of this Province, and reciting, in substance, the prayer of such Petition, shall have the same effect as an Attainder of the person therein named for the crime of High Treason, so far as regards the forfeiture of his Estate and property, real and personal. Provided always, that, in case a pardon shall not be granted upon any such Petition, no evidence shall be given of any admission or statement therein contained, upon any trial to be afterwards had.

II. And be it further Ordained and Enacted by the authority aforesaid, that in case any person shall be pardoned under this Ordinance, upon condition of being transported, or of banishing himself from this Province, either for life or for any term of years, such person, if he shall afterwards voluntarily return to this Province, without lawful excuse, contrary to the condition of his pardon, shall be deemed guilty of felony, and shall suffer death, as in cases of felony.

III. And be it further Ordained and Enacted, by the authority aforesaid, that the provisions of this Ordinance shall not extend, or be construed to extend, to such persons as have fled, or are still absent from this Province, under a charge of High Treason, and for whose apprehension a reward has been offered.

J. COLBORNE.

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 fourth day of May, in the first 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, in the Year of our Lord, one thousand eight hundred and thirty-eight.

By His Excellency's Command,
Wm. B. LINDSAY,
Clerk Special Council.