

CHAP. X.

AN ACT to enable the Government of this Province to extend a conditional Pardon, in certain cases, to Persons who have been concerned in the late Insurrection.

[Passed 6th March, 1838.]

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 enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, an "Act to repeal certain parts of Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That upon the petition of any person charged with High Treason committed in this Province, preferred to the Lieutenant Governor before the arraignment of such person, and praying to be pardoned for his offence, it shall and may be lawful for the Lieutenant Governor of this Province, by and with the advice and consent of the Executive Council thereof, 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.

Preamble.

Persons charged with High Treason, petitioning before arraignment to be pardoned, may receive a pardon if Governor and Council see fit, on such conditions as may be prescribed:

Pardon granted under Great Seal, reciting petition, to have same effect as attainder of High Treason, so far as regards forfeiture of estate, real and personal.

II. *And be it further enacted by the authority aforesaid*, That in case any person shall be pardoned under this Act, 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.

Persons pardoned on condition of transportation or banishment, returning without lawful excuse, to suffer death.

This Act not to extend to persons who have fled, &c.

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

CHAP. XI.

AN ACT to prevent the unlawful Training of persons to the use of Arms, and to practice Military evolutions and exercises; and to authorise Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the public peace.

[Passed 6th March, 1838.]

Preamble.

WHEREAS in some parts of this Province, men clandestinely and unlawfully assembled have practised Military Training and Exercising in Arms, to the great terror and alarm of Her Majesty's loyal Subjects, and the imminent danger of the public peace: *Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That all meetings and assemblies of persons for the purpose of Training or Drilling themselves, or of being Trained and Drilled to the use of Arms, or for the purpose of practising Military Exercises, Movements or Evolutions, without any lawful authority for so doing, shall be and the same are hereby prohibited, as dangerous to the peace and security of Her Majesty's liege Subjects, and of this Province; and every person who shall be present or attend any such meeting or assembling, for the purpose of Training and Drilling any other person or persons, to the use of Arms, or to the practice of Military Exercise, Movement or Evolution, or who shall Train or Drill any other person or persons to the use of Arms, or to the practice of Military Exercise, Movement or Evolution, or who shall aid or assist therein, being legally convicted thereof, shall be liable to be confined in the public Penitentiary of this Province, for any term not exceeding two years, or to be punished by fine and imprisonment in any of the Common Gaols in this Province,*

Meetings of persons for the purpose of being drilled to the use of arms, prohibited:

Punishment of persons engaged in drilling, &c.: