

CHAP. II.

AN ACT to provide for the more effectual and impartial Trial of Persons charged with Treason and Treasonable Practices, committed in this Province.

[Passed 12th January, 1838.]

Preamble.

Trials for High Treason, Misprision of High Treason, & Treasonable Practices, may be tried in Court of King's Bench where that Court shall sit, or before Justices of Gaol Delivery, in such District as shall be assigned by Governor.

FOR the more impartial and effectual trial and punishment of all Offences of High Treason, and Treasonable Practices, committed in this Province, and for taking away hopes of impunity from persons guilty of crimes so dangerous to Her Majesty's Government: *Be it 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 from and after the passing of this Act, all offences of High Treason, and Misprision of High Treason, and of Treasonable Practices, already committed or to be committed within this Province, may be inquired of, heard, tried and determined, in the Court of King's Bench within the same, in the District where that Court shall sit, or before such Justices of Oyer and Terminer and Gaol Delivery, within such District of this Province as shall be assigned by the Lieutenant Governor of this Province, by Commission under the Great Seal, in like manner and form, and to all intents and purposes, as if such offences had been done or committed in the same District where they shall be so inquired of, heard and determined, as aforesaid.

Jury to be summoned from District where Court of King's Bench sits, or where Commission of Gaol Delivery shall be executed.

II. *And be it further enacted by the authority aforesaid*, That all inquiries and trials for High Treason, or Misprision of High Treason, or Treasonable Practices, committed or to be committed in the said Province, may be had by good and lawful men of the District where the said Court of King's Bench shall sit, or of the District where the said Justices of Oyer and Terminer and Gaol Delivery shall execute their said Commissions by virtue of the provisions of this Act, and that no challenge to Jurors, for not being of the District where the offence was committed, shall be allowed.

III. *And be it further enacted by the authority aforesaid, That Her Majesty's Chief Justice of the said Province, and the Justices of the Court of King's Bench therein, shall be named and assigned Justices in every such Commission, whereof one to be of the quorum.*

Chief Justice, and Judges of King's Bench, to be assigned in Commission of Gaol Delivery, and one to be of the Quorum.

IV. *Provided always, and be it further enacted by the authority aforesaid, That all persons convicted or attainted of High Treason, or Misprision of High Treason, or Treasonable Practices, pursuant to this Act, shall be subject and liable to the same corruption of blood, pains, penalties and forfeitures, as persons convicted and attainted of High Treason, or Treasonable Practices, in the same District where such offences have been committed.*

Corruption of blood, &c. to follow attainder of persons convicted of High Treason in any District appointed for trial.

V. *And be it further enacted by the authority aforesaid, That this Act shall be and continue in force until the first day of January next, and from thence until the end of the next ensuing Session of Parliament.*

Limitation of Act.

CHAP. III.

AN ACT to protect the Inhabitants of this Province against Lawless Aggressions from Subjects of Foreign Countries, at Peace with Her Majesty.

[Passed 12th January, 1838.]

WHEREAS a number of persons lately inhabiting the State of New York, or some one of the other United States of America, have within the said State of New York, lately enlisted or engaged themselves to serve as Soldiers, or have procured others to enlist or engage themselves to serve as Soldiers, and have within the said State of New York collected Artillery, Arms and Ammunition, and made other preparations for a hostile invasion of this Province, under the pretext of assisting certain Traitors who have fled from this Province to the said United States: *And whereas* the said persons, without the authority of their Government, and in defiance of its express injunctions, have actually invaded this Province, contrary to the faith and obligations of the Treaties subsisting between the United Kingdom of Great Britain and Ireland, and the said United States, and during the continuance of the relations of amity and peace between the two Countries: *And whereas*, it is necessary for protecting the peace and security of this Province, to provide for the prompt punishment of persons so offending: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative

Preamble.