

Laws of Her Majesty's Province of Upper Canada, passed in the year 1838. York: Robert Stanton, 1838.

1 Victoria – Chapter 10

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.

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 my 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 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.