

*The Provincial Statutes of Canada*, passed in the year 1843. Kingston: Stewart Derbishire & George Desbarats, 1843.

7 Victoria – Chapter 6

**An Act to restrain Party Processions in certain cases. 9th December, 1843.**

Whereas divers persons in considerable numbers distinguished by ribbons, favors and other emblems expressive of party feelings, are in the practice of meeting and marching in procession in different parts of this Province, upon certain Festivals, Anniversaries and other occasions in celebration of certain Political Events; and whereas such celebrations under whatever pretence held, are found to give great offence to large portions of Her Majesty's faithful subjects, and to occasion heats and perpetuate animosities, injurious to social order and dangerous to the Public Peace, and it is therefore expedient entirely to prohibit the same; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that any body of persons who shall meet and parade together, or join in procession for any such purpose, and anybody of persons who shall march or parade together or join in procession, for the purpose of celebrating or commemorating any Festival, Anniversary, or Political Event, relating to or connected with any religious or other distinctions or differences, between any classes of Her Majesty's subjects, or of demonstrating any such religious or other distinctions or differences, and who shall bear, wear or have amongst them, any fire arms or other offensive weapons, or any Banner, Emblem, Flag or Symbol, the display whereof shall be calculated or shall tend to provoke animosity between Her Majesty's Subjects of different religious persuasions, or who shall be accompanied by any music of a like nature or tendency, shall be and be deemed an unlawful assembly, and every person present thereat shall be and be deemed to be guilty of a misdemeanor, and shall, upon conviction thereof, be liable to be punished by fine and imprisonment or either, at the discretion of the Court, whose duty it shall be to pass the sentence of the law upon such person upon his conviction.

II. And be it enacted, that any Justice or Justices of the Peace shall and may proceed, with such assistance as may be necessary, to the place where any procession or meeting of persons hereby declared to be unlawful shall be held or take place, and such Justices or one of such Justices, or some other person by their or his order, shall then and there read or repeat aloud to the persons so assembled, a command or notice to disperse, in the words or to the effect set forth in the Schedule to this Act annexed, marked A.

III. And be it enacted, that the persons so met and assembled together, shall upon such command or notice so given, forthwith disperse and depart; and in case any of such persons so met or assembled together as aforesaid, shall not disperse and depart in compliance with such command or notice, it shall be lawful for the Justice or Justices who shall have read such command

or notice or caused the same to have been read as aforesaid, or any other Justice or Justices of the Peace, to cause the persons so refusing or neglecting to disperse or depart or any of them, to be apprehended by a Warrant for that purpose, to be signed by him or them, and such offender or offenders shall thereupon be proceeded against in a summary way for such offence, either by the Justice who shall have issued such Warrant, who may convict the party so offending, upon his own view of such offence, or before any two Justices of the Peace before whom he or they may be brought, who are hereby authorised to hear and determine the said complaint, and every person being convicted thereof, either on view as aforesaid, or on the oath of one or more credible witness or witnesses, shall be committed to the Common Gaol of the District, County or City in which the offence shall be committed, for the term of one Calendar month, and until the necessary costs of such conviction shall be paid: Provided always that nothing herein contained shall extend or be construed to extend to limit or in any way interfere with the power now vested by law in the Justices of the Peace, or any other peace officer, to call in the aid of a military or other force in any case, in which the same might be lawfully done, had this Act not been passed.

IV. And be it enacted, that any person who shall be summarily convicted under the last preceding section of this Act, and committed to prison in execution thereupon, for a longer period than twenty four hours, may appeal from and against such conviction to the next Court of General Quarter Sessions of the Peace, which shall be holden not less than twelve days after the day of such conviction for the District, County, City or Place wherein the offence shall be charged to have been committed: Provided always, Firstly, that every such person shall give to the Justice or Justices, who shall have so convicted him, a notice in writing of such appeal and of the cause and matter thereof within three days after such conviction, and seven days at least before such Sessions. And provided always, Secondly, that every such person shall either remain in custody until such appeal shall have been disposed of, or enter into a recognizance with two sufficient sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such appeal and to abide the Judgment of the Court thereupon, and to pay such costs as shall be awarded by the Court he awarded thereupon, and in the mean time to keep the peace and be of good behaviour towards all Her Majesty's subjects. And provided always, Thirdly, that upon such notice being given and such recognizance entered into, the Justice before whom the same shall be entered into shall liberate such person, if in custody. And provided also, Fourthly, that the Court at such Sessions shall hear and determine the matter of the appeal, and in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be punished according to such conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

V. And be it enacted, that whenever an appeal shall be made in any such case, the Court of Quarter Sessions shall have power to empanel a Jury to try the matter on which such decision may have been made, and to administer to such Jury the following oath, that is to say, — “You \_\_\_\_\_ do solemnly swear that you will well and truly try the matter of the conviction of A.B., before C. D., against which the said A.B., has appealed to this Court, and a true verdict give according to the evidence — So help you God.” And the Court on the finding of such Jury shall thereupon give such judgment as the circumstances of the case may require.

VI. And be it enacted, that nothing in this Act contained, shall apply or extend to any religious procession of the Clergy or Laity of any Church or other religious community or persuasion, which shall take place in the course of public worship, or in the celebration of any religious rite enjoined or ordered by any such Church or other religious community or persuasion, or in compliance with the usage or discipline thereof, and which shall be accompanied by the Clergy or Ministers of such Church or other religious community or persuasion, any thing herein contained to the contrary notwithstanding.

VII. And be it enacted, that every action to be brought against any person for any thing by him done under authority of this Act, shall be brought within twelve Calendar months next after the cause of such action accrued, and in default thereof the lapse of such twelve Calendar months shall be a good defence to such action.

VIII. And be it enacted, that this Act shall be publicly read aloud at full length in open Court by the Clerk of the Peace or his Deputy, or other similar officer of the Court, on the first day of every General Quarter Sessions of the Peace, that shall be held for any District, County, City or Town in this Province, within the two years next after the passing thereof.

#### Schedule A.

#### Command to Disperse.

Our Sovereign Lady the Queen doth strictly charge and command all manner of persons being here assembled, immediately to disperse themselves, and peaceably to depart upon the pains contained in the Act of Parliament of (here insert the year and chapter of this Act,) intituled *An Act to restrain Party Processions in certain cases*.