

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

manifest inconvenience, *Be it Enacted by the Authority aforesaid*, That when any person shall be convicted of any crime, for which he, or she, shall be liable by law to be transported, the court before which such person shall be so convicted, or any court holden for the same place with the like authority, instead of the sentence of transportation, shall order and adjudge, that such person be banished from this province, for and during the same number of years, or term for which he, or she would be liable by law to be transported, and do remove him, or herself therefrom within a space of time to be then fixed and declared by the court, and which shall, in no instance, be less than two days nor more than eight, including the day on which such sentence of banishment shall be passed.

Provisions in case of return from banishment or being found at large in the Province before the period is expired.

VI. *And be it further Enacted by the Authority aforesaid*, That if any person on whom such sentence of banishment shall have been passed as aforesaid, or to whom his Majesty, his heirs or successors, shall hereafter be graciously pleased to extend the Royal mercy upon condition of his, or her, leaving the province for any term of years, or for life, shall be found at large in any part thereof without some lawful cause, after the time within which he, or she, shall have been so banished, or shall have so consented to leave the province, and before the expiration of the term for which he, or she, shall have been so banished, or shall have so consented to leave the same, every such offender being thereof lawfully convicted, shall suffer death as in cases of felony, without benefit of Clergy; and such offender may be tried either before Justices of Assize, Oyer and Terminer or Gaol Delivery, for the district, county, or place where such offender shall be apprehended and taken, or where he, or she, may have received such sentence of banishment; and the Clerk of the Crown, Clerk of the Peace or other officer, having the custody of the records where such sentence of banishment shall have been pronounced, or the Register of the Province in the case of such conditional pardon as shall at the request of any person on his Majesty's behalf, and without fee or reward, make out and give a certificate in writing, signed by him the said Clerk of the Crown, Clerk of the Peace or other officer, or by the said Register, respectively, containing the effect and substance, omitting the formal part of every indictment and conviction of such offender, and of the sentence of banishment, or of such conditional pardon respectively, to the Justices of Assize, Oyer and Terminer and Gaol Delivery, where such offender shall be indicted, which certificate shall be sufficient proof of such conviction and sentence of banishment, or of such conditional pardon respectively.

Not to restrain the power of his Majesty to pardon.

VII. *Provided nevertheless*, That nothing herein contained shall be construed in any manner to restrain, or prevent his Majesty, his heirs or successors, to grant an absolute and unconditional pardon to such offender, and to allow of his, or her return to this Province.

CHAP. II.

An ACT for the Regulation of Special Juries.

BE it enacted by the King'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*, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province