

# UPPER CANADA.

Justices, &c. authorized to disperse unlawful meetings of persons, and justices empowered to commit offenders.

Act not to prevent prosecution by indictment, &c.

Justices of the peace authorized to seize and detain arms, &c. upon complaint on oath that such arms are in the possession of any one for purposes dangerous to the public peace.

Justices being refused admittance into houses to search for arms, may enter by force and may detain arms kept for purposes dangerous to the public peace.

Party from whom arms are taken may apply to general quarter sessions for an order for restoration.

Justices of the peace may seize and authorize the seizure of arms under particular circumstances.

And unless bail be given by person carrying arms under suspicious circumstances, justices may commit him for trial.

Concurrent jurisdiction given to justices of different districts in carrying this Act into effect.

Action against justices, &c. for anything done under this Act, to be commenced within six months.

punished by fine and imprisonment, not exceeding two years, at the discretion of the court in which such conviction shall be had.

II. And be it further enacted, by the authority aforesaid, that it shall be lawful for any justice of the peace, or for any constable or peace officer, or for any person acting in their aid or assistance, to disperse any such unlawful meeting or assembly as aforesaid, and to arrest and detain any person present at, or aiding, assisting or abetting any such assembly or meeting as aforesaid; and it shall be lawful for the justice of the peace who shall arrest any such person, or before whom any person so arrested shall be brought, to commit such person for trial for such offence, under the provisions of this Act, unless such person can and shall give bail for his appearance at the next assizes to answer to any indictment which may be preferred against him for any such offence against this Act.

III. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend to prevent any prosecution by indictment or otherwise, for anything that shall be an offence within the intent and meaning of this Act, and which might have been so prosecuted if this Act had not been made, unless the offender shall have been prosecuted for such offence under this Act, and convicted or acquitted of such offence.

IV. And whereas arms and weapons of various sorts have in some parts of this province been collected, and are kept for purposes dangerous to the public peace, and it is expedient that the justices of the peace should be authorized and empowered to seize and detain such arms and weapons; be it therefore enacted by the authority aforesaid, that it shall be lawful for any justice of the peace, upon information on oath of one or more credible witness or witnesses, that any pike, pike-head or spear is in possession of any person or persons, or in any house or place, or that any dirk, dagger, sword, pistol, gun, rifle, or other weapon, is for any purpose dangerous to the public peace in the possession of any person, or in any house or place, to issue his warrant to any constable or other peace officer, to search for and seize any such pike, pike-head, spear, dirk, dagger, sword, pistol, gun, rifle, or other weapon being in the possession of any such person, or in any such house or place as aforesaid; and in case admission into such house or place be refused, or not obtained within a reasonable time after it shall have been first demanded, to enter by force, by day or by night, into any such house or place whatsoever, and to detain or cause to be detained in safe custody, in such place as the said justice shall appoint and direct, the arms and weapons so found or seized as aforesaid, unless the owner thereof shall prove to the satisfaction of such justice that such arms or weapons were not kept for any purpose dangerous to the public peace.

V. Provided always, and be it further enacted by the authority aforesaid, that it shall be lawful for any person from whom any such arms or weapons shall be so taken as last aforesaid, in case the justice of the peace upon whose warrant the same shall have been taken, upon application made for that purpose, refuse to restore the same, to apply to the next general or quarter sessions of the peace, upon giving ten days' previous notice of such application to such justice, for the restitution of such arms or weapons, or any part thereof; and the justices assembled at such general quarter sessions of the peace shall make such order for the restitution or safe custody of such arms or weapons, or any part thereof, as upon such application shall appear to them to be proper.

VI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice of the peace, or for any constable, peace officer, or other person acting under the warrant of any justice of the peace, or for any person acting with or in aid of any justice of the peace, or of any constable or other peace officer having such warrant as aforesaid, to arrest and detain any person found carrying arms in such manner and at such times as in the judgment of such justice of the peace to afford just grounds of suspicion that the same are for purposes dangerous to the public peace; and it shall be lawful for the justice who shall arrest any such person, or before whom any person arrested upon any such warrant shall be brought, to commit such person for trial for a misdemeanor, unless such person can and shall give good and sufficient bail for his appearance at the next assizes or general quarter sessions of the peace to answer to any indictment which may be preferred against him.

VII. And be it further enacted by the authority aforesaid, that all justices of the peace in and for any district in this province shall have concurrent jurisdiction as justices of the peace with the justices of any other district, in all cases as to the carrying into execution the provisions of this Act, and as to all matters and things relating to the preservation of the public peace, as fully and effectually as if each of such justices was in the commission of the peace for each of such districts.

VIII. And be it further enacted by the authority aforesaid, that any action or suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer, or other person or persons, for anything done or acted in pursuance of this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and that the venue in every such action or suit shall be laid in the proper district where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence in any trial to be had thereupon; and if such action shall be brought or