

## CAP. X.

UPPER  
CANADA.

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 6 March, 1838.) No. 1094.

**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, 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 of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by 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.

Preamble.

Persons charged with high treason petitioning before arraignment to be pardoned, may receive a pardon, if Governor and Council see fit, on such conditions as may be prescribed.

Pardon granted under great seal, reciting petition, to have same effect as attainder of high treason, so far as regards forfeiture of estate, real and personal.

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 any 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.

Persons pardoned on condition of transportation or banishment, returning without lawful excuse, to suffer death.

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.

This Act not to extend to persons who have fled, &c.

## CAP. XI.

AN ACT to prevent the Unlawful Training of Persons to the Use of Arms, and to practise Military Evolutions and Exercises; and to authorize Justices of the Peace to seize and detain Arms collected or kept for purposes dangerous to the Public Peace.—(Passed 6 March 1838.) No. 1095.

**WHEREAS** in some parts of this province men clandestinely and unlawfully assembled have practised military training and exercising in arms, to the great terror and alarm of Her Majesty's loyal subjects, and the imminent danger of the public peace: 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, 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 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 all meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained and drilled to the use of arms, or for the purpose of practising military exercises, movements or evolutions, without any lawful authority for so doing, shall be and the same are hereby prohibited as dangerous to the peace and security of Her Majesty's liege subjects, and of this province; and every person who shall be present at or attend any such meeting or assembling for the purpose of training and drilling any other person or persons to the use of arms, or to the practice of military exercise, movement or evolution, or who shall train and drill any other person or persons to the use of arms, or to the practice of military exercise, movement or evolution, or who shall aid or assist therein, being legally convicted thereof, shall be liable to be confined in the public penitentiary of this province, for any term not exceeding two years, or to be punished by fine and imprisonment in any of the common gaols in this province, for a period not exceeding two years, at the discretion of the court in which such conviction shall be had; and every person who shall attend or be present at any such meeting or assembly for the purpose of being, or who shall at any such meeting or assembly be trained or drilled to the use of arms, or the practice of military exercise, movements or evolutions, being legally convicted thereof, shall be liable to be punished

Preamble.

Meetings of persons for the purpose of being drilled to the use of arms prohibited.

Punishment of persons engaged in drilling, &c.

Punishment of persons present at such drilling, &c.