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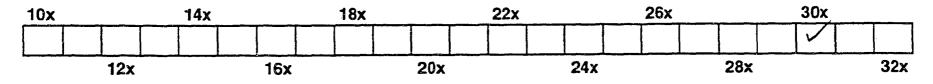
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Commentaires supplémentaires:



No. 34.

2D SESSION, 3D PARLIAMENT, 12 VICTORIA, 1849.

BILL.

An Act for the Queen's Most Gracious, General and Free Pardon.

Received and read first time,

Second reading,

[350 Copies.]

Honble. Mr.

S. Derbishire and G. Desbarats, Queen's Printer.

3.4

BILL.

An Act for the Queen's Most Gracious. General and Free Pardon.

THE Queen's Most Excellent Majesty, Preamble. 2 being assured of the loyalty of the Inhabitants of this Province and of the firm 4 establishment of peace therein, and being desirous of exercising Her Most Excellent Pre-6 rogative of Mercy towards all such of Her Subjects and others who, during the Rebel-8 lion which unhappily occurred in this Province in the years 1837 and 1838, and du-10 ring the domestic troubles and disorders which followed it, took part in the said Re-12 bellion, troubles and disorders, or in the invasions and acts of hostile violence by 14 which they were attended, and being desirous of quieting the minds of Her Subjects in 16 general, hath upon mature deliberation, resolved and determined to grant Her General 18 and Free Pardon to all such persons as aforesaid, for all offences arising out of the 20 part they may have respectively taken in the said Rebellion, troubles, disorders, invasions 22 and acts of hostile violence, and through His Excellency the Right Honorable, James 24 Earl of Elgin and Kincardine, Her Majesty's Governor General of this Province, 26 hath signified Her Gracious Intention in that behalf, to both Houses of the Parliament of 28 this Province, to the end that Her said Merciful determination may be carried into ef-30 fect in the most ample and beneficial manner: Be it therefore enacted, by the Queen's 32 Most Excellent Majesty, by and with the advice and consent of the Legislative Coun-³⁴ cil and of the Legislative Assembly of the Province of Canada, constituted and assem- 36 bled by virtue of and under the authority of an Act passed in the Parliament of the Uni-³⁸ ted Kingdom of Great Britain and Ireland, and intituled. An Act to re-unite the Provin-

All persons i freely pardoned for all offences, connected with the Rebellion, invaeions, &c. in 1837 and 1838, and for all political offences committed before 30th January, 1817.

No proceeding, criminal or civil, shall be maintainable for any such offence.

Recital.

All lands and tenements,

ces of Upper and Lower-Canada, and for the Government of Canada, and it is hereby 2 enacted by the authority of the same, That all persons and parties whatsoever are and å shall be acquitted, pardoned, released, discharged, indemnified and saved harmless. 6 from all and all manner of treasons, misprisions of treason, suspicion of treason, 8 felonies, sedition or seditions, or treasonable meetings, practices, words or writings, and 10 of all riots, routs, contempts, wrongs, trespasses, misdemeanors, and other offences 12 arising out of, dependent upon or connected with the part they may have respectively 14 taken in, or with regard to the said Rebellion, troubles, disorders, invasions and acts 16 of hostile violence, and whether precedent or subsequent to the same, and generally 18 from all offences of a political nature, or against Her Majesty, Her Crown, Authority 20 and Government, committed before the thirtieth day of January, in the year of Our 22 Lord, one thousand eight hundred and fortyseven; nor shall any indictment, information, 24 or other proceeding, in any Court or Tribunal of Criminal Jurisdiction, or any suit 26 or action in any Court or Tribunal of Civil Jurisdiction, be hereafter maintained or 28 maintainable for any crime, offence or act arising out of, dependent upon or connected 30 with the part which any person or party may have taken, in or with regard to the 32 said Rebellion, troubles, disorders, invasions or acts of hostile violence, whether 34 precedent or subsequent to the same, and committed or done before the said thirtieth 36 day of January, one thousand eight hundred and forty-seven. 38

II. And whereas Her Majesty has been pleased to declare Her gracious intention to 40 remit and restore all forfeitures of lands, goods and chattels, and all penalties of a 42 pecuniary nature incurred by reason of such crimes and offences as aforesaid, except as 44 hereinafter mentioned: Be it therefore enacted, That lands and tenements, goods 46 and chattels, or sums of money, which, for

or by reason of any crime or offence of and 2 from which the offender is or might be acquitted, pardoned, released and discharged 4 by virtue of this Act, are forfeited to Her Majesty, shall be and are hereby freely 6 granted and given by Her Majesty to such away, &c. offender, his or her heirs or other legal re-8 presentatives, according to the nature thereof, to belong and appertain to him, her or 10 them, and to be dealt with as if such offence had never been committed; and all and 12 every attainder, whether by outlawry or otherwise, for any such crime or offence as 14 aforesaid, shall be and is hereby reversed, and the corruption of blood and forfeiture 16 wrought by such attainder, shall be and are hereby taken away and avoided, and the es-18 tates, property and effects which immediately before such attainder were of and be-20 longed to the offender, shall be and are hereby vested in the same party or parties, 22 in the same manner and with the same effect to all intents and purposes, and with the 24 same and no other consequence or effect as to the rights of third parties in, upon or 26 with regard to the same, as if such offender had not been so attainted: Provided always, 28 that nothing herein contained shall extend to or affect any goods or chattels, lands or 30 tenements, actually seized and sold under lawful authority in consequence of any such 32 forfeiture or attainder, by any Public Officer or Minister of Justice, but such goods and 34 chattels, lands and tenements, shall belong to the same parties and be dealt with in all 36 respects as if this Act had not been passed.

III. And be it enacted, That this Act and 38 the free and general pardon herein mentioned and granted, shall be construed and 40 taken in the most large and beneficial sense and manner in favor of the persons and par-42 ties hereinbefore mentioned and every of them, and shall have as full and ample effect 44 in the case of each offender to whom (being so largely and beneficially construed) 46 they can apply, as if Her Majesty's free and unconditional pardon, had been specially

This Act and the said pardon to be construed in the most liberal and beneficial manner.

Proviso as to property actually seized and sold under any forfeiture.

goods and chattels forfeited, freely res-tored, and all attainders reversed, and corruption of blood taken

granted to such offender for the offence of which he may have been guilty, or as if he .2 had been specially named, and his offence specified and freely pardoned in and by this 4 Act.

Effect against private prosecutors. IV. And be it enacted, That this Act 6 shall have as full effect against any private prosecutor or party as against the Queen's 8 Majesty, Her Heirs and Successors.

How this Act may be pleaded. V. And be it enacted, That any person 10 or party hereby pardoned and discharged, may in any prosecution, suit or action 12 against him or her, founded on any offence from which he or she is hereby pardoned 14 and discharged, plead the general issue, and give this Act and the special matter in evi-16 dence.

'Fhis Act not to affect certain other Acts.

VI. And be it enacted, That this Act shall 18 not extend or be construed to extend to alter or in any wise affect the provisions of a 20 certain Act of the Parliament of this Province, passed in the Session held in the 22 eighth year of Her Majesty's Reign, and intituled, An Act to vest in John Montgomery 24 and Thomas Ewart the property forfeited to the Crown by the Attainder of the said on John Montgomery, nor to alter or in any wise affect the provisions of a certain other 28 Act of the Parliament of this Province, passed in the Session held in the ninth year 30. of Her Majesty's Reign, intituled, An Act to reverse the Attainder of Peter Mathews 32 and to avoid the forfeiture of his estates and property, nor to alter or in any wise affect 34 the provisions of a certain other Act of the Parliament of this Province, passed in the 36 Session held in the tenth year of Her Majesty's Reign, intituled, An Act to restore 38 the rights of certain persons attainted of High Treason. 40