

No. 3

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.

 BILL.

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

Preamble.

THE Queen's Most Excellent Majesty,
 2 being assured of the loyalty of the In-
 habitants of this Province and of the firm
 4 establishment of peace therein, and being de-
 sires 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 Pro-
 vince 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, re-
 solved 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 Maje-
 sty'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 Mer-
 ciful determination may be carried into ef-
 30 fect in the most ample and beneficial man-
 ner: 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; freely pardon- ed for all offen- ces, connected with the Re- bellion, inva- sions, &c. in 1837 and 1838, and for all po- litical offences committed be- fore 30th Janu- ary, 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 4
 all persons and parties whatsoever are and 4
 shall be acquitted, pardoned, released, dis- 6
 charged, indemnified and saved harmless, 6
 from all and all manner of treasons, mis- 8
 prisions of treason, suspicion of treason, 8
 felonies, sedition or seditions, or treasonable 10
 meetings, practices, words or writings, and 10
 of all riots, routs, contempts, wrongs, tres- 12
 passes, misdemeanors, and other offences 12
 arising out of, dependent upon or connected 14
 with the part they may have respectively 14
 taken in, or with regard to the said Rebel- 16
 lion, troubles, disorders, invasions and acts 16
 of hostile violence, and whether precedent 18
 or subsequent to the same, and generally 18
 from all offences of a political nature, or 18
 against Her Majesty, Her Crown, Authority 20
 and Government, committed before the thir- 20
 tieth day of January, in the year of Our 22
 Lord, one thousand eight hundred and forty- 24
 seven; nor shall any indictment, information, 24
 or other proceeding, in any Court or Tri- 26
 bunal of Criminal Jurisdiction, or any suit 26
 or action in any Court or Tribunal of Civil 28
 Jurisdiction, be hereafter maintained or 28
 maintainable for any crime, offence or act 30
 arising out of, dependent upon or connected 30
 with the part which any person or party 32
 may have taken, in or with regard to the 32
 said Rebellion, troubles, disorders, inva- 34
 sions or acts of hostile violence, whether 34
 precedent or subsequent to the same, and 36
 committed or done before the said thirtieth 36
 day of January, one thousand eight hundred 38
 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, 42
 goods and chattels, and all penalties of a 42
 pecuniary nature incurred by reason of such 44
 crimes and offences as aforesaid, except as 44
 hereinafter mentioned: Be it therefore 46
 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 ac-
 quitted, 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
 offender, his or her heirs or other legal re-
 8 presentatives, according to the nature there-
 of, 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 immedi-
 ately 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.

goods and
 chattels forfeit-
 ed, freely restor-
 ed, and all
 attainders
 reversed, and
 corruption of
 blood taken
 away, &c.

Proviso as to
 property actu-
 ally seized and
 sold under any
 forfeiture.

III. And be it enacted, That this Act and
 38 the free and general pardon herein men-
 tioned 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 (be-
 ing 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 par-
 don to be con-
 strued in the
 most liberal
 and beneficial
 manner.

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

Effect against private prosecutors.

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

How this Act may be pleaded.

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

This Act not to affect certain other Acts.

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