

*Laws of Her Majesty's Province of United Canada*, passed in the year 1846. Montreal:  
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 106

**An Act to restore the rights of certain persons attainted for High Treason.**

Reserved for the signification of Her Majesty's pleasure, 9th June, 1846.

The Royal Assent given by Her Majesty in Council, on the 30th October, following; and  
Proclamation made thereof by His Excellency Earl Cathcart, in the Canada Gazette of December  
26, 1840.

Whereas by an Act passed by the Parliament of the late Province of Upper Canada in the first year of Her Majesty's Reign, intituled, *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*, provision was made for the granting of qualified conditional pardons to certain persons charged with High Treason in that Province, upon such persons petitioning for pardon in the manner prescribed by that Act, which pardon to be granted as therein provided, it was by the said Act enacted, should have the same effect as an attainder of the person therein named for the crime of High Treason, so far as regarded the forfeiture of his estate and property real and personal: And whereas since the passing of the said Act divers persons have been pardoned under the provisions of the same: And whereas divers others whose cases did not fall within the provisions of the said Act, have since the passing thereof, also received Her Majesty's most gracious pardon, either under the Great Seal of the said late Province or under the Great Seal of this Province: And whereas Her Majesty, in the gracious exercise of Her Royal Clemency, hath heretofore abstained from enforcing for the use or benefit of the Crown any forfeiture of the property or effects, real or personal, worked by the attainder of any of the persons so pardoned, and hath been graciously pleased to signify Her Royal Pleasure, that none of the forfeitures aforesaid should be enforced at any time hereafter: And whereas for the purpose of giving effect to such Her Majesty's gracious wishes in this behalf, and for the quieting of the rights and titles of all such persons, their heirs, executors, administrators and assigns, to all such property and effects, real and personal, it is expedient that full effect should be given to Her Majesty's most gracious intentions in the behalf aforesaid by Act of the Provincial Parliament: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all cases where any person or persons shall, since the fourth day of December, one thousand eight hundred and thirty-seven, have been attainted for High Treason, either after trial or under the provisions of the Act

first above cited, in Upper Canada, and have received Her Majesty's Pardon, every such attainer shall be and the same is hereby reversed; and all and singular the estate, property and effects, real and personal, of every such person, whether same be in possession or in action, shall be and the same is hereby vested in such person, his, or her heirs, executors, administrators and assigns, in like manner to all intents and purposes whatsoever, in as full and ample a manner, and with the like and no other or further effect or consequence as to the rights of third parties, as if such attainer of such person or persons had never taken place.

II. 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 other Act passed by the said Parliament of Upper Canada in the same year as the said Act above recited, and intituled, An Act for indemnifying persons who since the second of December, one thousand eight hundred and thirty-seven, have acted in apprehending, imprisoning or detaining in custody, persons suspected of High Treason or Treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned, nor to alter in any wise affect the provisions of a certain Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, intituled, An Act to vest John Montgomery and Thomas Ewart, the property forfeited to the Crown by the attainer of the said John Montgomery.