

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1849. Montreal: Stewart Derbishire & George Desbarats, 1849.

12 Victoria – Chapter 13

**An Act for the Queen's Most Gracious General and Free Pardon. 1st February, 1849.**

The Queen's Most Excellent Majesty being assured of the loyalty of the Inhabitants of this Province, and of the firm establishment of peace therein, and being desirous of exercising Her Most Excellent Prerogative of Mercy towards all such of Her Subjects and others who, during the Rebellion which unhappily occurred in this Province in the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight, and during the domestic troubles and disorders which followed it, took part in the said Rebellion, troubles and disorders, or in the invasions and acts of hostile violence by which they were attended, and being desirous of quieting the minds of Her Subjects in general, hath, upon mature deliberation, resolved and determined to grant Her General and Free Pardon to all such persons as aforesaid, for all offences arising out of the part they may have respectively taken in the said Rebellion, troubles, disorders, invasions and acts of hostile violence, and through His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Her Majesty's Governor-General of this Province, hath signified Her Gracious intention in that behalf, to both Houses of the Parliament of this Province, to the end that Her said Merciful determination may be carried into effect in the most ample and beneficial manner: 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 all persons and parties whatsoever are and shall be acquitted, pardoned, released, discharged, indemnified and saved harmless, from all and all manner of treasons, misprisions of treason, suspicion of treason, felonies, sedition or seditious, or treasonable meetings, practices, words or writings, and of all riots, routs, contempts, wrongs, trespasses, misdemeanors, and other offences arising out of, dependent upon or connected with the part they may have respectively taken in, or with regard to the said Rebellion, troubles, disorders, invasions and acts of hostile violence, and whether precedent or subsequent to the same, and generally from all offences of a political nature, or against Her Majesty, Her Crown, Authority and Government, committed before the thirtieth day of January, in the year of Our Lord, one thousand eight hundred and forty-seven; nor shall any indictment, information, or other proceeding, in any Court or Tribunal of Criminal Jurisdiction, or any suit or action in any Court or Tribunal of Civil Jurisdiction, be hereafter maintained or maintainable for any crime, offence or act arising out of, dependent upon or connected with the part which any person or party may have taken, in or with regard to the said Rebellion, troubles, disorders, invasions or acts of hostile violence, whether precedent or subsequent to the same, and committed or done before the said thirtieth day of January, one thousand eight hundred and forty-seven.

II. And whereas Her Majesty hath been pleased to declare Her Gracious intention to remit and restore all forfeitures of lands, goods and chattels, and all penalties of a pecuniary nature incurred by reason of such crimes and offences as aforesaid, except as hereinafter mentioned: Be it therefore enacted, That lands and tenements, goods and chattels, or sums of money, which, for or by reason of any crime or offence of and from which the offender is or might be acquitted, pardoned, released and discharged by virtue of this Act, are forfeited to Her Majesty, shall be and are hereby freely granted and given by Her Majesty to such offender, his or her heirs or other legal representatives, according to the nature thereof, to belong and appertain to him, her or them, and to be dealt with as if such offence had never been committed; and all and every attainder, whether by outlawry or otherwise, for any such crime or offence as aforesaid, shall be and is hereby reversed, and the corruption of blood and forfeiture wrought by such attainder, shall be and are hereby taken away and avoided, and the estates, property and effects which immediately before such attainder were of and belonged to the offender, shall be and are hereby vested in the same party or parties, in the same manner and with the same effect to all intents and purposes, and with the same and no other consequence or effect as to the rights of third parties in, upon or with regard to the same, as if such offender had not been so attainted: Provided always that nothing herein contained shall extend to or affect any goods or chattels, lands or tenements, actually seized and sold under lawful authority in consequence of any such forfeiture or attainder, by any Public Officer or Minister of Justice, but such goods and chattels, lands and tenements, shall belong to the same parties and be dealt with in all respects as if this Act had not been passed.

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

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.

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.

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 Matthews, and to avoid the forfeiture of his*

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*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*.