

# PROVINCIAL STATUTES

OF

## CANADA,

ENACTED by Her Most Excellent Majesty, Our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., by and with the advice and consent of the Legislative Council and Assembly of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Third and Fourth years of Her Majesty's Reign, intituled, "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.*"

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Anno Domini, 1849.

**PROVINCIAL STATUTES**

OF

**CANADA.**

***ANNO REGNI DUODECIMO***

**VICTORIÆ,**

**DEI GRATIÂ BRITANNIARUM REGINÆ.**

HIS EXCELLENCY THE RIGHT HONORABLE

**JAMES, EARL OF ELGIN AND KINCARDINE, K. T.**

**GOVERNOR GENERAL.**

**BEING THE SECOND SESSION OF THE THIRD PROVINCIAL PARLIAMENT OF  
CANADA.**

Punishment for such offence.

acknowledgment shall severally be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable in the discretion of the Court to be imprisoned in the Provincial Penitentiary, and kept at hard labour for any period of time not exceeding three years, nor less than one year.

Persons fraudulently disposing of goods after having received advances upon them, to be guilty of a misdemeanor.

II. And be it enacted, That if any owner of merchandize, or other person in whose name merchandize shall be shipped or delivered to the Keeper of any Warehouse, or other Factor, or Agent, or Carrier, to be shipped or carried, shall, after the advancement to him of any money, or the giving to him of any negotiable security by the Consignee of such merchandize, for his own benefit and in violation of good faith, and without the consent of such Consignee being therefor first had and obtained, make any disposition of such merchandize different from and inconsistent with the agreement in that behalf between such owner or other person aforesaid and such Consignee at the time of or before such money being so advanced or such negotiable security being so given, with the intent to deceive, defraud or injure such Consignee, such owner or other person aforesaid, and each and every other persons knowingly and wilfully acting and assisting in making such disposition for the purpose of deceiving, defrauding or injuring such Consignee, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to be, in the discretion of the Court before whom the conviction shall take place, imprisoned in the Provincial Penitentiary, and kept at hard labour for any period of time not more than three years, nor less than one year; Provided, however, that no person shall be subject to prosecution under this section, who shall, before making such disposition as aforesaid of such merchandize, pay or tender to the Consignee the full amount of any advance made thereon.

Punishment for such offence.

Proviso as to partners not conniving.

Interpretation clause.

III. And be it enacted, That all words in this Act importing the singular number only, shall be construed as including the plural number also, unless there be something in the context inconsistent with such construction; and if any offence against this Act be committed by the doing of anything in the name of any firm, company or co-partnership of persons, the person by whom such thing shall be actually done, or who shall have connived at the doing thereof, shall be deemed guilty of such offence, and not any other person.

CAP. XIII.

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

[ 1st February, 1849. ]

Preamble.

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

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.

All persons freely pardoned for all offences connected with the Rebellion, invasions, &c. in 1837 and 1838, and for all political offences committed before 30th January, 1847.

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

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

Recital.

All lands and tenements, goods and chattels forfeited, freely restored, and all attainders reversed, and corruption of blood taken away, &c.

Proviso as to

to

property actually seized and sold under any forfeiture.

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.

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

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.

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 Matthews, 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*.

#### C A P. X I V.

An Act to continue and amend the Act imposing Duties on Spirits distilled in this Province, and to provide for the warehousing of such Spirits.

[30th May, 1849.]

Preamble.  
9 V. c. 2.

**W**HEREAS it is expedient to amend the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to impose a Duty on Distillers and on the Spirituous Liquors made by them, and to provide for the collection of such Duties*, and to continue the said Act as so amended: 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