

Act 3. Will. 4,
cap. 14., con-
tinued to 1st
Novr. 1842.

United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada,*" and it is hereby enacted and ordained by the authority of the same, that the said Act of the Legislature of the said Province, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled, "*An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time, the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes ;*" which would otherwise expire on the first day of May now next ensuing, shall continue to be in force until the first day of November, one thousand eight hundred and forty-two, and no longer.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and Passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the twenty-sixth day of April, in the first year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the Year of our Lord, one thousand eight hundred and thirty-eight.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

C A P. X.

An Ordinance for indemnifying persons who since the first day of October, 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.

Preamble.

WHEREAS a late armed insurrection of certain subjects of Her Majesty, in the District of Montreal, in this Province, with intent to subvert the Government,

ernment, and to plunder and destroy the property of the Loyal Inhabitants, has been happily subdued, but not until the Insurgents had committed acts of murder, robbery, and arson, and other offences, and had occasioned much alarm for the peace and security of the Province. And whereas, immediately before and during the said insurrection and in consequence thereof, it became necessary for Justices of the Peace, Officers of Militia, and other persons in authority in this Province, and for divers loyal subjects of Her Majesty to take all possible measures for apprehending, securing, detaining, and bringing to justice persons charged or suspected of joining in the said insurrection, or of aiding or abetting the same, or of other treasonable practices, dangerous to the peace of this Province, and the security of its Government, and also for the purpose of defeating and putting down the said insurrection, and for maintaining the peace of this Province, and securing the lives and properties of the Inhabitants thereof; and whereas some of such acts may not have been strictly legal and formal, but it is nevertheless just and necessary that the persons, doing or advising the same, should be kept harmless, and indemnified against actions at Law, or other proceedings with which they might otherwise be harassed. Be it therefore Ordained and Enacted by His Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of the Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the first Year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada,*" and it is hereby Ordained and Enacted, that all personal actions, suits, indictments, and prosecutions, heretofore brought, commenced, preferred, or exhibited, or now depending, or to be hereafter brought, commenced, preferred, or exhibited, and all judgments thereupon obtained, if any such there be or shall be, and all proceedings whatsoever against any person or persons, for or on account of any act, matter, or thing, by him or them done or commanded, ordered, or directed, or advised to be done since the first day of October, in the Year of our Lord, one thousand eight hundred and thirty-seven, for apprehending, committing, imprisoning, detaining in custody, or discharging any person or persons, who hath or have been imprisoned or detained in custody, for High Treason, Suspicion of High Treason, or Treasonable Practices, or for apprehending, committing, imprisoning or detaining in custody, any person or persons, who hath or have been imprisoned, or detained in custody, for having been so tumultuously, unlawfully, and traitorously assembled in arms, as aforesaid, or for dispersing by force of arms any persons assembled as aforesaid, or for suppressing the said traitorous insurrection, and discovering and guarding against any other of the treasonable proceedings aforesaid, or for discovering and bringing to justice the persons concerned therein, or for maintaining the public peace, and the security of

All persons indemnified for acts by them committed or advised since the 1st Octr. 1837, in putting down the rebellion.

of Her Majesty's subjects in their persons and property, or for supporting the Government and Constitution of this Province against the treasonable practices and proceedings aforesaid, shall be discharged and made void, and that every person by whom any such Act, matter or thing shall have been done or commanded, ordered, directed or advised to be done, shall be freed, acquitted, discharged and indemnified, as well against the Queen's Majesty, her heirs and successors, as against all and every other person and persons.

May plead this Act in evidence, and plaintiff, if non suited subject to double costs.

II. And be it further Ordained and Enacted by the authority aforesaid, that if any action and suit shall be, or have been brought, commenced or had in any Court of this Province against any person or persons, for and on account of any such act, matter or thing as aforesaid, he and they may plead the general issue, and give this Act and the special matter in evidence, and if the plaintiff or plaintiffs shall become non-suit, or forbear further prosecution, or suffer discontinuance in any such action or suit, or if a verdict shall pass, or judgment be pronounced or rendered against the plaintiff or plaintiffs therein, the defendant or defendants therein shall be entitled to double costs, for which he or they shall have the like remedy as in other cases in which costs by Law are given to Defendants.

Defendant may apply by motion or petition to the Court in which such action may be brought, or to one of the Judges, to stay proceedings, who on proof that such action is commenced may stay the same, and award double costs to defendant.

III. And be it further Ordained and Enacted by the authority aforesaid, that if any action, suit, indictment, information, prosecution, or proceeding shall be brought, commenced, preferred, exhibited, or had in any Court against any person or persons, for or on account of any such Act, matter, or thing as aforesaid, it shall be lawful for the defendant or defendants in any such action, suit, indictment, information, prosecution or proceeding, or for any of them, to apply by motion, petition, or otherwise to the Court, in which the same hath been or shall be brought, commenced, preferred, exhibited or had, or shall be depending, if such Court shall be sitting, and if not sitting, then to any one of the Judges or Justices of such Court, to stay all further proceedings in such action, suit, indictment, information, prosecution, or proceeding; and such Court, and any Judge or Justice thereof, when the said Court shall not be sitting, is hereby authorized and required to examine the matter of such application, and upon proof by the oath or affidavit of the person or persons making such application, or any of them, or other proof to the satisfaction of such Court, Judge or Justice, that such action, suit, indictment, information, prosecution or proceeding is brought, commenced, preferred, exhibited, or had, for or on account of any such act, matter, or thing as aforesaid, to make any order for staying execution, and all other proceedings in such action, suit, indictment, information, prosecution or proceeding, in whatever state the same shall or may then be, and the Court or the Judge or Justice making such order for stay of proceedings, in any action or suit as aforesaid, shall also order unto the defendant or defendants, and he

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or they shall have or be entitled to double costs for all such proceedings as shall be had or carried on in any such action or suit after the passing of this Ordinance, and for which costs he and they shall have the like remedy as in cases where costs are by Law given to defendants.

Parties to such action, &c. may apply by motion or petition to discharge such order, if application be made, &c.

Provided always that it shall be lawful for any person or persons being a party or parties to any such action, suit, indictment, information, prosecution or other proceeding, to apply by motion, petition or otherwise, in a summary way, to the Court in which the same shall have been brought, commenced, preferred, exhibited or had, or shall be depending, to vacate, discharge or set aside, any order made by any Judge or Justice of that Court, for staying proceedings, or for payment of costs as aforesaid, so as such application be made within the first two days of the Term or Session of such Court next ensuing the making of any such order by any Judge or Justice as aforesaid, and such Court is required to examine the matter of such application, and to make such order therein, as if the application had been originally made to the said Court; but nevertheless in the meantime, and until such application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, set aside or reverse the order made by any such Judge or Justice as aforesaid, the same shall continue in full force to all intents and purposes whatsoever.

Persons discharged out of custody.

IV. And be it further Ordained and Enacted by the authority aforesaid, that all and every person or persons discharged out of custody as aforesaid, although he or they shall not have been discharged according to Law, shall be deemed and taken to have been legally discharged out of custody.

J. COLBORNE

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the twenty-eighth day of April, in the first year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the year of Our Lord, one thousand eight hundred and thirty-eight.

By His Excellency's Command,

WM. B. LINDSAY,

Clerk Special Council.

C A P.