

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 it shall and may be lawful for the Judge of the County Court for the United Counties of Wentworth and Halton, and he is hereby required, upon the Petition of the said Caira Robbins Wilkes, to appoint a Trustee in addition to the number provided by the said Marriage Settlement, in whom and the said other Trustees and their Successors, to be appointed as provided by the said Settlement, the said property, both real and personal, shall be vested upon the trusts mentioned in the said Settlement and those hereinafter mentioned; and as often as any Trustee, so to be appointed by the said Judge, may die, refuse to act, or become incapable of acting, such vacancy shall be supplied by the said Judge in the manner aforesaid.

Caira R. Wilkes empowered to dispose of the said estate, &c.

II. And be it further enacted, That it shall and may be lawful for the said Trustees, or any two of them, during the life of the said Caira Robbins Wilkes, and they are hereby required at her request in writing, to exchange or sell and convey any part of the said Real Property: Provided that the property taken in exchange shall be held by them upon the said trusts, and the purchase money or consideration of such sales, as well as the said other personal property or the principal moneys to be obtained therefrom, shall be invested by the said Trustees, or any two of them, in buildings or improvements on some of the remainder of the said Real Estate, or upon the Land so taken in exchange, or in Government or Municipal Debentures, or Stocks of Incorporated Companies, or in Securities upon Real Estate as required by the said Caira Robbins Wilkes, the rents and use of the said buildings and improvements to belong, and the interest upon such investments to be held, by the said Trustees upon the trusts mentioned in the said Settlement.

Trustees may sell, &c., property, in a certain case.

Proviso.

III. Provided further, and be it enacted, That all actions to be brought upon any Security for Money so set apart as aforesaid, not in their nature negotiable, shall be brought in the name of the legal personal representatives of the said Richard Wilkins, but that the receipts and acquittances for the said moneys, by the said Trustees or any two of them, shall be legal discharges to the debtor: And Provided also, that the liabilities of the said Trustees shall not be greater than that mentioned in the said Settlement.

Certain actions how brought.

Receipts. Proviso.

### C A P . C L X X .

An Act to reverse the Attainder of Aaron Stevens, and avoid the Forfeiture of certain of his Estates, and for other purposes therein mentioned.

[ 30th August, 1851. ]

(Signed,)

ELGIN AND KINCARDINE.

**W**HEREAS Aaron Stevens, in his lifetime of the Township of Niagara, in the County of Lincoln, in Upper Canada, yeoman, having been lawfully convicted and attainted of High Treason by him committed, did, in the year of Our Lord, one thousand eight hundred and fourteen, suffer capital punishment for his said crime; And whereas by the said Attainder, and the corruption of blood wrought thereby, the Estates and Property, real and personal, of the said Aaron Stevens, became forfeited, and were in part taken upon inquisition found in that behalf, and seized into the Hands of the Crown accordingly; And whereas a portion of the Estates of the said Aaron Stevens was not found, upon such inquisition, or declared forfeited by reason of his said Attainder and conviction as aforesaid, or seized into the Hands of the Crown as aforesaid; and the Queen's Most Excellent Majesty having been graciously pleased, through His

Preamble.

Excellency

Act of U. C. 59 Geo.  
III. c. 12, cited.

Attainder reversed  
and consequent for-  
feiture avoided.

Proviso:  
Except as to property  
sold under 59 Geo.  
III. c. 12, &c.

Recital.

Heirs &c. of Aaron  
Stevens may be com-  
pelled to obtain per-  
mission of the Crown  
to proceed for the  
recovery of his real  
estate.

Excellency the Right Honorable James, Earl of Elgin and Kincardine, Her Majesty's Governor General of this Province, to signify to both Houses of Parliament Her Majesty's Royal pleasure, that the said Attainder of the said Aaron Stevens may be reversed, all corruption of blood consequent thereon taken away, and no further forfeiture enforced against such of his Estates as have not already been forfeited and disposed of under the authority of a certain Act of the Parliament of Upper Canada, passed in the fifty-ninth year of the Reign of Her Majesty's Royal Grandfather, King George the Third, intituled, *An Act for vesting in Commissioners the Estates of certain Traitors, and also the Estates of persons declared Aliens by an Act passed in the fifty-fourth year of His Majesty's Reign, intituled, 'An Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty, and for applying the proceeds thereof towards compensating the losses which His Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon ;'* To the end therefore that such Her Majesty's benevolent intentions towards the family of the said Aaron Stevens, may be carried into effect in the most ample and beneficial manner for the behoof of such family: 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 the said Attainder of the said Aaron Stevens shall be and the same is hereby reversed, and the corruption of blood and forfeiture wrought by the said Attainder shall be and are hereby avoided and taken away, so far as the same shall or may in any wise affect such portions of the Estate of him the said Aaron Stevens, as have not already been declared forfeited, and been sold under authority of law; And such portions of the Estate of the said Aaron Stevens not already forfeited and sold as aforesaid, are hereby vested in the same person, persons or parties, whether claiming by will or otherwise, in the same manner and with the same and no other effect or consequence as to the rights of third parties, in, upon or with regard to such Estates, as if the said Aaron Stevens had died without being so attainted as aforesaid: Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to or affect any goods or chattels, lands or tenements actually sold or conveyed by the said Commissioners of Forfeited Estates, under the said Act or otherwise, or by any Public Officer or Minister of Justice acting on behalf of the Crown in that behalf, but all 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.

II. And whereas it may be that certain parties have entered, either wrongfully or otherwise, into the possession of certain of the Estates of the said Aaron Stevens not so forfeited and disposed of, but whose cases as between the Crown and such parties could not be dealt with on strict legal or equitable grounds alone, and it is therefore Her Majesty's Royal pleasure that power be reserved to Her Majesty's Governor General of this Province, for the time being, to deal with such cases in such manner as may appear reasonable and just in the exercise of a sound and liberal discretion: Be it therefore enacted, That in the event of the Heirs, Devisees or Assigns of the said Aaron Stevens being compelled to seek the recovery of any such last mentioned lands or tenements by proceedings in any Court of Law or Equity, it shall and may be lawful for the party against whom he, she or they shall be so proceeding, to apply to the Court in which such proceedings shall be pending, to stay all such proceedings till Her Majesty's pleasure shall be taken, whether the Heirs, Devisees or Assigns of the said Aaron Stevens, shall be at liberty to proceed for the recovery of such lands or tenements, or any part hereof; and such Court, upon such party establishing by affidavit or otherwise, to their satisfaction, that he is entitled to the benefit of this provision, shall order such proceedings to be staid, till by an Order of the Governor General of this Province for the time being, it shall be declared that the said Heirs, Devisees or Assigns of the said Aaron Stevens may

may be at liberty to proceed for the recovery of such property ; whereupon such proceedings shall be staid accordingly until His Excellency the Governor General shall, through the Provincial Secretary, declare it to be Her Majesty's pleasure that the Heirs, Devisees or Assigns of the said Aaron Stevens be permitted to proceed for the recovery of such property ; whereupon every such Court shall order such proceedings to be continued as if the Order to stay the same had not been made : Provided always, nevertheless, firstly, that it shall and may be lawful for the Governor General, in the Instrument granting permission to the Heirs, Devisees or Assigns of the said Aaron Stevens to proceed for the recovery of such property, to impose any and such Conditions upon the Heirs, Devisees or Assigns of the said Aaron Stevens, as in his discretion he may think fit ; and the Court in which such proceedings shall be pending, shall enforce the performance of such Condition, before allowing such proceedings to be continued : And provided also, secondly, that nothing in this Section contained shall extend or be construed to extend to any proceedings that the Heirs, Devisees or Assigns of the said Aaron Stevens shall or may be driven to adopt after having once obtained, by due process of Law or otherwise, the quiet and peaceable possession of any of such Lands or Tenements.

III. And be it enacted, That this Act and the reversal of the Attainder of the said Aaron Stevens, herein referred to, shall be construed and taken in the most large and beneficial sense and manner in favour of the Heirs, Devisees and Assigns of the said Aaron Stevens.

Proviso : Governor General may attach certain condition to such permission.

Proviso : this section not to apply to proceedings by heirs &c. in possession.

Act, &c. to be construed beneficially.