

Provincial Statutes of Canada, passed in the year 1845. Montreal: Stewart Derbshire & George Desbarats, 1845.

8 Victoria – Chapter 106

An Act to vest in John Montgomery and Thomas Ewart the property forfeited to the Crown by the attainder of the said John Montgomery. (20th December, 1844.)

Whereas John Montgomery, of the Township of York, in the Home District of this Province, hath been lawfully convicted and attainted of High Treason, for certain treason by him committed and done; And whereas after the said conviction and attainder it hath pleased our Sovereign Lady the Queen mercifully to extend Her Majesty's gracious pardon to the said John Montgomery; And whereas, at the time of the conviction and attainder aforesaid, the said John Montgomery was seized and possessed of divers estates of freehold and inheritance and of other estates of and in certain lands and hereditaments in that part of this Province formerly Upper Canada; And whereas the said John Montgomery, at the time of the conviction and attainder aforesaid, was indebted to divers persons, Her Majesty's subjects in Upper Canada aforesaid; And whereas the said estates by the said conviction and attainder aforesaid and by inquisition found in that behalf, became and were and now are vested in Her Majesty; And whereas Her Majesty's Governor General of this Province, acting in the name and on behalf of Her Majesty, hath been graciously pleased to express the pleasure of Her Majesty to grant to the said John Montgomery, restitution of the said estates, lands and tenements, subject to the said debts and to all and singular the liabilities, in law and equity, which existed or were attached to the same at the time of the conviction and attainder aforesaid: 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 from and after the passing of this Act, all and singular the estates, lands, tenements, hereditaments and all and singular other the estates and property which were of the said John Montgomery at the time of his conviction and attainder aforesaid, and which by reason thereof have become or are liable to become vested in Her Majesty, shall be and are hereby vested in the said John Montgomery and Thomas Ewart, of the City of Toronto, Esquire, as joint tenants in the same estate, right and title in law and equity, as the same were vested in the said John Montgomery before the same became forfeited or liable to be forfeited to Her Majesty as aforesaid, but upon trust nevertheless to sell and dispose of the same, or such part or parts thereof, as shall be necessary for that purpose, and apply the proceeds of such sale to the payment of all and singular the debts and liabilities of the said John Montgomery at the time of the said conviction, and apply the residue (if any) to the use of the said John Montgomery, his heirs and assigns: Provided always, that the receipt or receipts for the purchase money to be contained in any conveyance made by the said John Montgomery and Thomas Ewart, or the survivor of them, or the heirs and assigns of such survivor, to any purchaser of such lands or any part thereof made in fulfilment of the trusts hereby declared, shall be a full discharge to such purchaser for the

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same, who shall in no respect be held liable for the application, misapplication or non-application thereof, or any part thereof.