

**UPPER
CANADA.**

as aforesaid, or for suppressing the said traitorous insurrection, and discovering and guarding against any other the treasonable proceedings aforesaid, or for the discovering and bringing to justice the persons concerned therein, or for maintaining the public peace and the security 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.

Parties sued may plead general issue and give Act in evidence,

II. And be it further enacted by the authority aforesaid, that if any action or suit shall be brought, commenced, or had in any superior court in 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 nonsuit, or forbear further prosecution, or suffer discontinuance in any such action or suit, or if a verdict shall pass 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.

and entitled to double costs.

Persons prosecuted may apply to court in which prosecution commenced to stay proceedings, or if court be not sitting, then to any judge or justice of such court,

III. And be it further 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 and 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, in a summary way, 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 an 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 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 Act, and for which costs he and they shall have the like remedy as in cases where costs are by law given to defendants: 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 four days of the term 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 mean time 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.

and to order double costs to be paid defendant.

Prosecutor authorized to apply to court to discharge order of judge or justice, for stay of proceedings; application for such order to be made within first four days of next term of the court to which application is made.

Persons committed upon charges and heretofore discharged, to be deemed legally discharged.

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

CAP. XIII.

No. 1097.

AN ACT to authorize the Appointment of Commissioners to investigate the Claims of certain Inhabitants of this Province for Losses sustained during the late unnatural Rebellion.—(Passed 6 March 1838.)

Preamble.

WHEREAS during the late unnatural rebellion, certain inhabitants of this province sustained much loss and damage by the destruction of their dwellings and other buildings by the rebels; and whereas it is expedient that a diligent and impartial inquiry should be made into the amount of such losses: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority