

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 an Act of the Parliament of the 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 ordained and enacted by the authority aforesaid, 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 November in the year of our Lord One thousand eight hundred and Thirty-eight, for apprehending, committing, imprisoning or 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 Her Majesty's subjects in their persons and properties, 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 or persons.

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 or 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 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.

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 in this province 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 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 any 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 Ordinance, 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 proceedings, 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.