

ORDINANCE RESPECTING HIGH TREASON.

3. Provided always, and be it further ordained and enacted, by the authority aforesaid, that if any person, against whom any such judgment of attainder shall have been entered, shall, within three calendar months next after the day of entry of such judgment, surrender himself to the custody of the sheriff of the district in which such judgment of the Court of King's Bench had been entered up, and by the oath of two credible witnesses shall establish, to the satisfaction of the Court of King's Bench, that such person was actually and *bonâ fide* prevented from surrendering himself pursuant to the exigency of such proclamation, by reason of absence beyond seas, sickness, or other inevitable necessity, then and in such case it shall and may be lawful for the Court of King's Bench of such district in which such judgment has been entered up, to reverse the said judgment of attainder, and to transmit the indictment or indictments to any Court of Oyer and Terminer to be held in and for the district wherein such indictment or indictments was or were found, and such persons so surrendering shall be tried for the offence charged in such indictment in like manner as if no such judgment of attainder had been entered.

(signed) *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 19th day of March, in the second 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, and in the year of our Lord 1839.

By his Excellency's command,

(signed) *W. B. Lindsay,*
Clerk Special Council.