

or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, after appearance, or if the jury find a verdict for the defendant or defendants upon the merits, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

IX. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, by and with the advice of the Executive Council, by proclamation to declare that this Act shall be no longer in force in any particular district therein specified; and from and after the period specified in any such proclamation, the powers of this Act shall no longer be in force in such district: provided always, that nothing herein contained shall prevent, or be construed to prevent, the Governor, Lieutenant-governor, or person administering the government of this province, upon such advice as aforesaid, declaring by proclamation any such district to be again within the powers of this Act.

X. Provided always, and be it further enacted by the authority aforesaid, that no person shall be prosecuted for any offence done or committed contrary to the provisions of this Act, unless such prosecution be commenced within six calendar months after the offence committed.

XI. And be it further enacted by the authority aforesaid, that the fourth, fifth, and sixth clauses of this Act shall continue in force during the present Parliament, and to the end of the first session of the next Parliament, and no longer.

XII. Provided also, and be it further enacted by the authority aforesaid, that this Act may be repealed in the whole or any part thereof, or in any manner altered and amended during the present session of Parliament.

UPPER
CANADA.Other protection to
Justices, &c.Governor may de-
clare, by proclama-
tion, that this Act is
no longer in force in
any particular dis-
trict, and again to de-
clare the same in
force.All prosecutions for
offences committed
against this Act to be
commenced in six
months.Fourth, fifth and
sixth clauses to con-
tinue in force to the
end of next Parliament.Act may be altered
or amended during
the present session.

CAP. XII.

AN ACT for indemnifying Persons who since the 2d of December 1837 have acted in Apprehending, Imprisoning, or Detaining in custody Persons suspected of High Treason, or Treasonable Practices, and in the Suppression of Unlawful Assemblies, and for other Purposes therein mentioned.—(Passed 6 March 1838.)

No. 1096.

WHEREAS a late armed insurrection of certain subjects of Her Majesty in this province, with intent to subvert the government, and to plunder and destroy the property of the loyal inhabitants, has been happily subdued, but not until the insurgents had committed acts of murder, robbery, and arson, and had occasioned much alarm for the peace and security of the province; and whereas immediately before and during the said insurrection, and in consequence thereof, it became necessary for justices of the peace, officers of the militia, and other persons in authority in this province, and for divers loyal subjects of Her Majesty, to take all possible measures for apprehending, securing, detaining, and bringing to justice persons charged or suspected of joining in the said insurrection, or of aiding and abetting the same, or of other treasonable practices dangerous to the peace of this province and the security of its government, and also for the purpose of defeating and putting down the said insurrection, and for maintaining the peace of this province, and securing the lives and properties of the inhabitants thereof; and whereas some of such acts may not have been strictly legal and formal, but it is nevertheless just and necessary that the persons doing or advising the same should be kept harmless and indemnified against actions at law or other proceedings with which they might otherwise be harassed: 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 of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, 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 2d day of December, in the year of our Lord 1837, for apprehending, committing, imprisoning, detaining in custody, or discharging any person or persons who hath or have been imprisoned or detained in custody for high treason, or 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 so assembled

Preamble.

All prosecutions here-
tofore brought or
hereafter to be
brought, and all judg-
ments and proceed-
ings for or on account
of any act done since
2d December 1837,
in apprehending, im-
prisoning, &c. persons
charged with high
treason, or for other
acts relating to recent
insurrections, to be
made void and par-
ties indemnified.