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R.

BILL.

An Act to Reverse the Attainder of
Aaron Stevens and avoid the forfei-
ture of certain of his Estates and for
other purposes therein mentioned.

Received and Read first time, Monday, 14th July, 1851.

Second Reading, Thursday, 17th July, 1851.

[200 Copies.]

HON. MR. LESLIE.

Legislative Council

ELGIN AND KINCARDINE.

BILL.

An Act to Reverse the attainder of Aaron Stevens,
and avoid the Forfeiture of certain of his Estates,
and for other purposes therein mentioned.

WHEREAS Aaron Stevens, in his life time of the Town- Preamble.
ship of Niagara in the County of Lincoln in Upper
Canada, Yeoman, having been lawfully convicted and at-
tainted of High Treason by him committed, did in the year of
5 Our Lord one thousand eight hundred and fourteen suffer
capital punishment for his said crime; and whereas by the
said Attainder and the corruption of blood wrought thereby
the Estates and Property real and personal of the said Aaron
Stevens became forfeited, and were in part taken upon inquisition
10 found in that behalf and seized into the hands of the Crown
accordingly; and whereas a portion of the Estates of the said
Aaron Stevens was not found upon such inquisition or declared
forfeited by reason of his said Attainder and conviction as afore-
said, or seized into the hands of the Crown as aforesaid; and
15 the Queen's Most Excellent Majesty having been graciously
pleased, through his Excellency the Right Honorable James,
Earl of Elgin and Kincardine, Her Majesty's Governor
General of this Province, to signify to both Houses of Parlia-
ment Her Majesty's Royal pleasure that the said Attainder
20 of the said Aaron Stevens may be reversed, all corruption of
blood consequent thereon taken away, and no further forfei-
ture enforced against such of his Estates as have not been
already forfeited and disposed of under the authority of a cer-
tain Act of the Parliament of Upper Canada passed in the
25 fifty-ninth year of the Reign of Her Majesty's Royal Grand-
father King George the Third, intituled "An Act for vesting
" in Commissioners the Estates of certain Traitors and also the
" Estates of persons declared Aliens by an Act passed in the
" fifty-fourth year of His Majesty's Reign intituled 'An Act
30 " to declare certain persons therein described Aliens, and to
" vest their Estates in His Majesty and for applying the pro-
" ceeds thereof towards compensating the losses which His
" Majesty's subjects have sustained in consequence of the late
" war and for ascertaining and satisfying the lawful debts and
35 " claims thereupon;" To the end therefore that such Her Ma-
jesty's benevolent intentions towards the family of the said
Aaron Stevens may be carried into effect in the most ample
and beneficial manner for the behoof of such family: Be it

Act of U. C.
59 Geo. III. c.
12, cited.

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 the said Attainder of the said Aaron Stevens shall be and the same is hereby reversed, and the corruption of blood and forfeiture wrought by the said Attainder shall be and are hereby avoided and taken away so far as the same shall or may in anywise affect such portions of the Estate of him the said Aaron Stevens as have not already been declared forfeited and been sold under authority of Law; And such portions of the Estate of the said Aaron Stevens not already forfeited and sold as aforesaid are hereby vested in the same person persons or parties, whether claiming by will or otherwise, in the same manner and with the same and no other effect or consequence as to the rights of third parties in upon or with regard to such Estates as if the said Aaron Stevens had died without being so attainted as aforesaid: Provided always nevertheless that nothing herein contained shall extend or be construed to extend to or affect any goods or chattels, lands or tenements actually sold or conveyed by the said Commissioners of forfeited Estates under the said Act, or otherwise, or by any Public Officer or Minister of Justice acting on behalf of the Crown in that behalf, but all such goods and chattels, lands and tenements shall belong to the same parties and be dealt with in all respects as if this Act had not been passed.

Attainder reversed and consequent forfeiture avoided.

Proviso:
Except as to property sold under 59 Geo. III. c. 12, &c.

Recital.

II. And whereas it may be that certain parties have entered either wrongfully or otherwise into the possession of certain of the Estates of the said Aaron Stevens not so forfeited and disposed of, but whose cases as between the Crown and such parties could not be dealt with on strict legal or equitable grounds alone; and it is therefore Her Majesty's Royal pleasure that power be reserved to Her Majesty's Governor General of this Province for the time being to deal with such cases in such manner as may appear reasonable and just in the exercise of a sound and liberal discretion; be it therefore enacted, that in the event of the heirs devisees or assigns of the said Aaron Stevens being compelled to seek the recovery of any such last-mentioned lands or tenements by proceedings in any Court of Law or Equity, it shall and may be lawful for the party against whom he she or they shall be so proceeding to apply to the Court in which such proceedings shall be pending to stay all such proceedings till Her Majesty's pleasure shall be taken whether the heirs devisees or assigns of the said Aaron Stevens shall be at liberty to proceed for the recovery of such lands or tenements or any

Heirs &c. of Aaron Stevens may be compelled to obtain permission of the Crown to proceed for the recovery of his real estate.

part thereof; and such Court, upon such party establishing by affidavit or otherwise to their satisfaction that he is entitled to the benefit of this provision, shall order such proceedings to be staid till by an order of the Governor General of this Province for the time being it shall be declared that the said heirs devisees or assigns of the said Aaron Stevens may be at liberty to proceed for the recovery of such property; whereupon such proceedings shall be staid accordingly until His Excellency the Governor General shall through the Provincial Secretary declare it to be Her Majesty's pleasure that the heirs devisees or assigns of the said Aaron Stevens be permitted to proceed for the recovery of such property; whereupon every such Court shall order such proceedings to be continued as if the order to stay the same had not been made: Provided always nevertheless—Firstly, that it shall and may be lawful for the Governor General in the instrument granting permission to the heirs devisees or assigns of the said Aaron Stevens to proceed for the recovery of such property to impose any and such conditions upon the heirs devisees or assigns of the said Aaron Stevens as in his discretion he may think fit; and the Court in which such proceedings shall be pending shall enforce the performance of such condition before allowing such proceedings to be continued; And provided also—Secondly, that nothing in this section contained shall extend or be construed to extend to any proceedings that the heirs devisees or assigns of the said Aaron Stevens shall or may be driven to adopt after having once obtained by due process of Law or otherwise the quiet and peaceable possession of any of such lands or tenements.

Proviso: Governor General may attach certain condition to such permission.

Proviso: this section not to apply to proceedings by heirs &c. in possession.

25 III. And be it enacted, That this Act and the reversal of the Attainder of the said Aaron Stevens herein referred to shall be construed and taken in the most large and beneficial sense and manner in favour of the heirs devisees and assigns of the said Aaron Stevens.

Act &c. to be construed beneficially.