

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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CAP. CXII.

An Act for indemnifying those who have issued or acted under certain Parts of a certain Ordinance made under colour of an Act passed in the present Session of Parliament, intituled *An Act to make temporary Provision for the Government of* Lower Canada. [16th *August* 1838.]

WHEREAS an Act was made this present Session of Parliament, intituled *An Act to make temporary Provision for the Government of* Lower Canada: And whereas a certain Law or Ordinance hath been made and published by the Governor of the said Province, by and with the Advice and Consent of the Special Council, bearing Date the Twenty-eighth Day of *June* last, intituled *An Ordinance to provide for the Security of the Province of* Lower Canada, which Ordinance cannot be justified by Law, but was so much intended for the Security of the said Province that it is expedient that all Persons advising or acting under or in obedience to so much of the same as relates to the sending of certain Persons to *Bermuda*, who are stated in the same to have made certain Confessions, and to the subjecting such Persons to Restraint, should be indemnified by Parliament in the Manner and to the Extent herein-after provided for: Be it enacted by the Queen's most Excellent Majesty, by and with the Ad- 1 Vict. c. 9.

vice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all personal Actions and Suits, Indictments, Informations, and all Prosecutions and Proceedings whatsoever, which have been or shall be prosecuted or commenced in any Court or before any Tribunal in any Part of Her Majesty's Dominions against any Person or Persons for or by reason of any Act, Matter, or Thing advised, commanded, appointed, or done in relation to the Premises before the Proclamation of this Act in the said Province of *Lower Canada* and in the Islands of *Bermuda* respectively or elsewhere in manner hereinafter provided, be, are, and shall be discharged and made void by virtue of this Act; and that if any Action or Suit shall be prosecuted or commenced against any Person or Persons for any such Act, Matter, or Thing so advised, commanded, appointed, or done, he, she, or they may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff or Plaintiffs in any Action or Suit so to be prosecuted or commenced, except in that Part of *Great Britain* called *Scotland*, after the First Day of *October* next, shall become Nonsuit, or forbear further Prosecution, or suffer Discontinuance, or if a Verdict pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his, her, or their Double Costs, for which he, she, or they shall have the like Remedy as in Cases where Costs by Law are given to Defendants; and if any such Action or Suit as aforesaid shall be commenced or prosecuted, after the First Day of *October* next in that Part of *Great Britain* called *Scotland* the Court before whom such Action or Suit shall be commenced or prosecuted shall allow to the Defender the Benefit of the Discharge and Indemnity hereby provided, and shall further allow to him his Double Costs of Suit in all such Cases as aforesaid.

Indemnity for Persons advising or acting under an Ordinance of the Governor and Council of Lower Canada of the 28th of June last.

II. And be it enacted, That this Act shall be proclaimed in the said Province of *Lower Canada* and in the said Islands of *Bermuda* by the Governor, or by the Person authorized to execute the Commission of Governor, of the said Province and of the said Islands respectively, forthwith after he shall have received a Copy of the same from one of Her Majesty's Principal Secretaries of State.

This Act to be proclaimed in Lower Canada and Bermuda respectively.

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