

Provincial Statutes of Canada, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 9

An Act to indemnify Clergymen and others who have voted at the last General Election in ignorance of the Law. (10th February, 1845.)

Whereas by an Act passed in the last Session of the Provincial Legislature, and intituled, “An Act for better securing the independence of the Legislative Assembly of this Province,” it is among other things in effect enacted, That all Clergymen of the Church of England or Scotland, and all Priests and Ministers either according to the rites of the Church of Rome or under any other form or profession of religious faith or worship, shall be incapable and incompetent to vote at any election of a member or members to serve in the Legislative Assembly of this Province, under a penalty of five hundred pounds, current money of this Province, to be recovered by such person as shall sue for the same, by action of debt, bill, plaint or information, in and before any Court of competent civil jurisdiction in this Province: And whereas certain other persons mentioned in the said Act are by certain other provisions thereof prohibited from also voting at such election under certain penalties; And whereas by reason of the insufficient promulgation of the said Act before the last General Election of Members to serve in the Legislative Assembly of this Province, many such Clergymen, Priests and Ministers and other persons prohibited by the said Act voted thereat in ignorance of the provisions of the said Statute, and thereby rendered themselves liable to certain penalties, and it is right that they should be indemnified, subject to the provisions hereinafter made: Be it therefore 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 after the passing of this Act, no action of debt, bill, plaint or information shall be brought under the said Act against any such Clergyman, Priest or Minister, or any other person so prohibited as aforesaid, for having so voted at the said last General Election; and if before the passing of this Act, any such action of debt, bill, plaint or information shall have been brought against any such Clergyman, Priest or Minister, or other person so prohibited as aforesaid for having so voted, the Defendant may apply for and obtain from the Court in which the same shall be pending, an order to stay all proceedings in the case, on condition that the Defendant shall pay to the Plaintiff or his Attorney all the costs then incurred by such Plaintiff, within Sixty days after he shall have caused the same to be duly taxed; and if the Defendant shall so pay such costs, then the said order shall be absolute, and no further proceedings of any kind shall be had in the case; but if the Defendant shall fail so to pay the said costs, then further proceedings shall be had as if this Act had not been passed.