

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 113

An Act to indemnify the Brock Monument Building Committee, and for other purposes therein mentioned. Assented to 22nd April, 1853.

Whereas divers persons have, by subscription among themselves, raised a sum of money for the purpose of rebuilding the Monument to the late General Sir Isaac Brock, on Queenston Heights, which had been maliciously destroyed by gunpowder, and certain persons from among them have acted as a Committee for the purpose of superintending the expenditure of the money so raised and the rebuilding of the said Monument, and it is right to indemnify them against any loss or responsibility which they might otherwise incur by any accident to or malicious attempt to destroy the said Monument: 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 no person who has acted or shall hereafter act as a Member of the said Committee, shall be personally responsible or liable for any accident which may happen to the said Monument or for any injury, it may sustain from any malicious attempt to destroy, deface or injure it.

II. And be it enacted, That whosoever shall wilfully set fire to any gunpowder or other explosive or combustible substance or material in or in contact with or in close proximity to the said Monument, or any fence or work therewith connected, with intent to destroy or injure the said Monument, fence or work, shall be guilty of felony, and being convicted thereof, shall be liable, in the discretion of the Court before which the conviction shall take place, to be imprisoned at hard labour in the Provincial Penitentiary, for the term of his natural life or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years, and if any other person be in the said Monument at the time of the commission of such felony or so near thereto that his life is endangered by such felony, or he be killed or maimed by reason thereof, then the offender being convicted, shall suffer death; and any attempt to commit such felony by placing in or in contact with or in close proximity to the said Monument, fence or work, any gunpowder or other explosive or combustible material, or the doing of any wilful injury to the same in any way, shall be a misdemeanor punishable by fine or imprisonment or both in the discretion of the Court before which the offender shall be convicted; and in any indictment or prosecution or trial for any offence against this Act, it shall not be necessary to allege or to prove that the said Monument, fence or other work were the property of any person, or to describe the same otherwise than they are described in this Act.