

945.  
945.

Approved and ordered this 28th day of August

, A.D. 1924

*[Signature]*  
Lieutenant-Governor.

At the Executive Council Chamber, Victoria,

PRESENT:

The Honourable

in the Chair.

- Mr. Oliver
- Mr. Manson
- Mr. MacLean
- Mr. Hart
- Mr. Pattullo
- Mr. Sutherland
- Mr.
- Mr.

To His Honour

The Lieutenant-Governor in Council:

The undersigned has the honour to REPORT:

THAT on the second day of October 1923, John Bernadino was convicted of unlawfully selling liquor contrary to the provisions of the Government Liquor Act, and for such offence was sentenced by J.A. Findlay, Deputy Police Magistrate of the City of Vancouver, to six months imprisonment with hard labour.

THAT on or about the thirtieth of July last the said John Bernadino through error was released from custody and upon discovery of such error was immediately re-arrested on the original warrant of commitment.

THAT an application has been made for the pardon of the said John Bernadino and that a largely signed petition has been received praying that such pardon be granted.

THAT it appears that the sale for which the said Bernadino was convicted was of a bottle of whiskey which he procured for other persons; that he made no profit whatever on such sale.

THAT the Chief of Police of Vancouver reports that the said Bernadino is of previous good character and that whatever decision is arrived at in regard to the application for clemency will meet with his approval.

THAT medical certificates have been received certifying to the physical condition of the said Bernadino as follows:-

Doctor W.F. MacKay certifies as follows: "This is to certify that I have this day examined J. Bernadino, and find him to be suffering from Myocarditis, which unfits him for heavy work of any kind."

Doctor D.A. Thompsett certifies as follows:- "This is to certify that J. Bernadino is suffering from asthma and myocarditis and is physically unfit to undergo a gaol sentence."

Doctor W.T. Hoyes, Gaol Surgeon, certifies as follows:- "I have this day examined the above-named man (Bernadino) and find that he is suffering from Myocarditis, Endocarditis and Asthma. This combination I believe renders one unfit for gaol sentence."

THAT the said John Bernadino has already undergone two months imprisonment for his said offence and it is considered that such imprisonment is a sufficient punishment under the particular facts of the case.

*[Handwritten notes]*  
4 cc 28-8-24

THAT there is some doubt as to the right of the arrest of the said Bernadino under the original warrant after once being allowed his liberty.

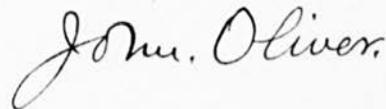
THE UNDERSIGNED HAS THEREFORE THE HONOUR TO RECOMMEND that under the provisions of Section 9 of Chapter 44 Revised Statutes of British Columbia 1911, the balance of the sentence of six months imposed upon the said John Bernadino be remitted on the following conditions, namely:- That if the said John Bernadino is found guilty during the said time of an infraction against either a Provincial or Dominion law, the Attorney-General may thereupon order the re-arrest of the said John Bernadino under the original warrant of commitment for the said offence above stated, and cause him to be sent to Oakalla Prison, there to undergo the unexpired portion of his sentence.

AND THAT a certified copy of this Minute, if approved, be forwarded to the Warden of Oakalla Prison Farm.

DATED this 28<sup>th</sup> day of August, A.D. 1924.

  
Attorney-General.

APPROVED this 28<sup>th</sup> day of August, A.D. 1924.



Presiding Member of the Executive Council.

Order in Council No. 9445/224

28.8.24

Received from the Provincial Secretary's Office / Certified Cop Y of  
above Order in Council.

Department of Attorney General

Per WRSB

850-894-5588

Order in Council No. 945/224  
28.8.24

Revised from the Provincial Secretary's Office 1 Certified Cop y of  
above Order in Council.

Department of Attorney General  
Per W. B. Brown

950-294-5309