

The Provincial Statutes of Lower-Canada, Being the first session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, the eighteenth day of April, 1838. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1838.

1 Victoria – Chapter 7 (Session 1)

An Ordinance to authorize the appointment of Commissioners to investigate the Claims of certain loyal Inhabitants of this Province, for losses sustained during the late unnatural Rebellion.

Whereas during the late unnatural Rebellion, certain loyal Inhabitants of this Province sustained much loss and damage, by the destruction of their dwellings, buildings, and other property and effects by the Rebels; and whereas it is expedient, that a diligent and impartial inquiry should be made into the amount of such losses:—Be it therefore Ordained and Enacted by His Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, “An Act to make temporary provision for the Government of Lower Canada;”—And it is hereby Ordained and Enacted by the authority of the same, that it shall and may be lawful for the Governor of this Province, or for the person administering the Government thereof, from time to time, by Commission under the Great Seal of the said Province, to appoint three persons as Commissioners, whose duty it shall be to enquire into the losses sustained by Her Majesty's loyal subjects, during the late unnatural Rebellion, and also into the means which may be possessed by the parties, who may have occasioned such losses, to indemnify the sufferers, and the legal recourse which the said sufferers may have against the said parties.

II. And be it further Ordained and Enacted by the authority aforesaid, that the said Commissioners, before they enter upon the execution of their Office, shall take an Oath before any one of Her Majesty's Justices of any of Her Majesty's Courts of King's Bench, within the said Province, and which he is hereby authorized to administer, to the following effect.

“I, A. B., do swear that, according to the best of my skill and knowledge, I will faithfully, impartially and truly execute the duty of Commissioner for ascertaining losses sustained by certain loyal Inhabitants of this Province, during the late unnatural Rebellion. So help me God.”

III. And be it further Ordained and Enacted, by the authority aforesaid, that it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, and required to examine upon oath, all persons whom the said Commissioners shall think fit to examine, touching all such matters and things as shall be necessary for the

execution of the powers vested in the said Commissioners by this Act, and all such persons are hereby directed and required personally to attend the said Commissioners, at such time and place as they shall appoint.

IV. And be it further Ordained and Enacted by the authority aforesaid, that the said Commissioners be authorized, and they are hereby authorized to meet and sit, from time to time, at such place or places as the Governor, or person administering the Government of this Province, may direct, with or without adjournment, and to send their precept or precepts under their hand and seal, for any person or persons whatsoever, and for such books, papers, writings, or records, as they judge necessary for their information, or the execution of the powers vested in the said Commissioners, by this Act.

V. And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful for the Governor, or person administering the Government of this Province for the time being, by an instrument under his hand and seal at Arms, to appoint a Clerk and Messenger to the said Commissioners, and the same from time to time to remove, and others to appoint in their stead.

VI. And be it further Ordained and Enacted by the authority aforesaid, that the said Commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examination and proceedings, by virtue of this Act, and without any further requisition, furnish an account of their proceedings in writing to the Governor, or person administering the Government of the said Province for the time being.

VII. And be it further Ordained and Enacted by the authority aforesaid, that in case any person or persons upon examination upon oath before the said Commissioners respectively as before mentioned, shall wilfully and corruptly give false evidence, every such person, so offending, and being duly convicted thereof, shall be, and is, and are hereby declared to be subject and liable to such pains and penalties, as by any Law, now in being, persons convicted of wilful and corrupt perjury are subject and liable.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that the Clerk of the said Commissioners shall, and he is hereby required faithfully to execute and perform the trust in him reposed, without taking any thing for such service, other than such salary and reward, as the Governor, or person administering the Government for the time being, shall think fit to direct and appoint in that behalf.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the twenty-sixth day of April, in the first year of the Reign of Our Sovereign Lady Victoria, by the Grace

From: British North America Legislative Database; University of New Brunswick
bnald.lib.unb.ca

of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the year
of Our Lord, one thousand eight hundred and thirty-eight.

By His Excellency's Command,
Wm. B. LINDSAY,
Clerk Special Council.