

C H A P. IV.

AN Act to provide for the Appointment of Commissioners to investigate the claims of certain Inhabitants of this Province, for losses sustained by them during the late War with the United States of America, and for other purposes therein mentioned.

[Passed 19th March, 1823.]

Preamble.

WHEREAS during the late War with the United States of America many of Your Majesty's faithful Subjects, Inhabitants of this Province, sustained much loss and damage by the plundering and burning their dwellings and other buildings, and by the devastation of their estates by the enemy, and by other causes incidental to a state of warfare; and whereas Your Majesty has signified Your Royal pleasure in a despatch from Your Majesty's Principal Secretary of State for the Colonial Department, to His Excellency Sir Peregrine Maitland, and your Majesty's Lieutenant Governor of this Province, that a Commission should be appointed for the investigating the claims of the sufferers prior to any compensation being made for the same. And whereas it is expedient that a diligent and impartial enquiry should be made into the amount of such loss, We, Your Majesty's faithful Subjects, the Commons of Upper Canada, beseech Your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, from time to time, by commission under the Great Seal of this Province, to appoint Five persons, three of whom shall form a Quorum, who shall be, and they are hereby constituted Commissioners, to enquire into the losses respectively sustained by His Majesty's subjects during the late war with the United States of America, whether arising from the act of the King's enemies, or of His Majesty's generals, or troops, or of the Indians serving with them.

Governor &c. to appoint 5 Commissioners, 3 of whom to be a quorum.

To inquire into the losses sustained by His Majesty's subjects during the late war with the United States of America.

Commissioners to take an Oath of Office.

Oath.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners before they enter upon the execution of the same, shall take an Oath before any one of His Majesty's Justices of the Court of King's Bench, which he is authorised and required to administer in the form following, that is to say:—

"I, A. B. do swear that according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an Act, entitled "An Act for enquiring into the losses of

Persons who have suffered losses during the late War with the United States, according to the tenor and purport of the said Act." 2

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said Commissioners, and they are hereby authorised, 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 punctually to attend the said Commissioners at such time or place as they shall appoint. Commissioners may examine witnesses on Oath.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby authorised to meet and sit from time to time at such place or places as the Governor, Lieutenant Governor, or person administering the Government of this Province may direct, with or without adjournment, and to send their precept or precepts under their hands and seals for any person or persons whatsoever, and for such books, papers, writings or records as they shall judge necessary for their information, in the execution of the powers vested in the said Commissioners by this Act, and the said Commissioners are hereby authorised to appoint and employ such Clerks, Messengers and Officers as they shall think meet, which Clerks and Officers are hereby required faithfully to execute and perform the trust in them severally and respectively reposed, without taking any thing for such their service, other than such salary or reward as the said Commissioners shall think fit to direct and appoint in that behalf. Time of sitting. Commissioners may send their precept for Persons and Papers, And appoint clerks and other officers.

V. *And be it further 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 thereof duly convicted, 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 to. Penalty of perjury upon persons guilty of false swearing.

VI. *And be it further 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 examinations and proceedings by virtue of this Act, without any further requisition, give an account of their proceedings in writing, to the Governor, Lieutenant Governor, or Person administering the Government of this Province, and that a copy of such proceedings may be laid before the House of Assembly of this Province at the then next ensuing Session thereof. Commissioners to give an account of their proceedings in writing, to the Governor, &c. to be laid before the House of Assembly.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, from time to time to issue his warrant to the Receiver General of this Province for a sum or sums not exceeding One Thousand Pounds, for defraying the necessary charges and expences incurred under the authority of this Act, which sums shall be accounted for by the Receiver General of this Province through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, His Heirs and Successors shall direct. Governor, &c. may issue his warrant to the Receiver General for 1000l. to defray expences.

Continuation of
this Act 3 years.

VIII. *And be it further enacted by the authority aforesaid, That this Act shall be in force for three years and no longer.*

C H A P. V.

AN Act to Repeal part of the Tenth Clause of an Act passed in the forty-eighth year of His late Majesty's Reign, entitled "An Act to Explain, Amend, and Reduce to One Act of Parliament the several Laws now in being for the Raising and Training the Militia of this Province," and also part of an Act passed in the last Session of the present Parliament, entitled "An Act to Repeal part o, and Amend the Laws now in force for the Raising and Training the Militia of this Province," and to increase the Strength of the Companies of Militia.

[Passed 19th March, 1823.]

Preamble.

WHEREAS difficulties having arisen in carrying into effect many of the provisions of an Act passed in the last session of the present Parliament, entitled, "An Act to Repeal part of, and Amend the Laws now in force for the Raising and Training the Militia of this Province, it is expedient to repeal part thereof: Be it Enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the sixth clause, so much of the seventh as relates to the appointment of a clerk, the ninth, tenth, eleventh, thirteenth and sixteenth clauses of the said recited Act, be, and the same are hereby repealed.

6th part of 7th, the 9
10 11 13 and 16th
Secs of Geo 4 Ch. 3
repealed.

10th Sec of 48th
Geo. 3. Ch. 1. repeal-
ed.

Companies to consist
of not more than 80.
nor less than 30 men.

Companies of Artil-
lery may be formed.

II. And whereas the strength of Militia Companies is at present too limited, *Be it further enacted by the authority aforesaid, That so much of the tenth clause of an Act passed in the forty-eighth year of His late Majesty's Reign, entitled "An Act to Explain, Amend, and Reduce to One Act of Parliament the several Laws now in being for the Raising and Training the Militia of this Province," as declares that Companies of Militia shall consist of not more than Fifty, nor less than Twenty Men, be and the same is hereby repealed; and that the said Companies shall in future consist of not more than Eighty, nor less than Thirty private men.*

III. And whereas it is expedient to form one or more Company or Companies of Artillery, *Be it enacted, by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to form and embody from time to*