

shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, set aside, or reverse the order made by any such Judge or Justice as aforesaid, the same shall continue in full force to all intents and purposes whatsoever.

IV. *And be it further enacted by the authority aforesaid,* That all and every person or persons discharged out of custody as aforesaid, although he shall not have been discharged according to Law, shall be deemed and taken to have been legally discharged out of custody.

Persons committed upon charges, and heretofore discharged, to be deemed legally discharged.

CHAP. XIII.

AN ACT to authorise the appointment of Commissioners to investigate the claims of certain Inhabitants of this Province, for losses sustained during the late unnatural Rebellion.

[Passed 6th March, 1838.]

WHEREAS during the late unnatural Rebellion, certain Inhabitants of this Province sustained much loss and damage, by the destruction of their Dwellings and other Buildings 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 enacted* by the Queen'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 Lieutenant Governor of this Province, from time to time, by Commission under the Great Seal of said Province, to appoint three persons as Commissioners, whose duty it shall be to inquire into the losses so sustained by Her Majesty's Subjects, during the late unnatural Rebellion.

Preamble.

Three Commissioners to be appointed.

II. *And be it further 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 the Peace, which he is hereby authorised to administer, to the following effect: "I, A. B. do swear, that according to the best of my skill and knowledge I will

Commissioners, before entering on their office, to take an oath, &c.

faithfully, impartially and truly, execute the duty of Commissioner for ascertaining the losses sustained by certain Inhabitants of this Province during the late unnatural Rebellion. So help me, God."

Authority given Commissioners to examine persons on oath, &c.

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 and empowered and required, to examine upon oath all persons whom the said Commissioners shall think fit to examine, and 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.

Commissioners to hold their meetings from time to time, and to summon persons to appear before them, and examine books, &c.

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 Lieutenant Governor or Person Administering the Government of the 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 judge necessary for their information, or the execution of the powers vested in the said Commissioners by this Act; and the said Commissioners are hereby authorised to appoint and employ a Clerk and Messenger.

Punishment for false swearing before Commissioners.

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 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.

Commissioners to furnish account of their proceedings to Governor, to be laid before Legislature.

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 examination and proceedings by virtue of this Act, and without any further requisition, furnish an account of their proceedings in writing to the Lieutenant Governor, and that a copy of such proceedings may be laid before the Legislature of this Province at the then next ensuing Session of Parliament.

VII. *And be it further enacted by the authority aforesaid,* That the Clerk to the said Commissioners is hereby required faithfully to execute

and perform the trust in him reposed, without taking any thing for such his service, other than such salary or reward as the said Commissioners shall think fit to direct and appoint in that behalf.

Clerk employed by Commissioners to receive no other pay than the salary ordered by Committee.

CHAP. XIV.

AN ACT to amend an Act, entitled, "An Act to establish a Court of Chancery in this Province."

[Passed 6th March, 1838.]

WHEREAS by an Act passed in the seventh year of the reign of His late Majesty, entitled, "An Act to establish a Court of Chancery in this Province," it is provided, that certain fees may be charged for services rendered in the said Court: *And whereas* it has been ascertained that the fees, according to the table in the said Act mentioned, have in some cases been found to be excessive: *And whereas* the said table of fees is in many instances defective: *Be it therefore enacted* by the Queen'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 from and after the first day of Trinity Term next, it shall and may be lawful to and for the Vice-Chancellor, and the Judges of Her Majesty's Court of King's Bench, and they are hereby required, by order or rule, or orders or rules; to be made during the said Term of Trinity, or during any subsequent Term or Terms, from time to time, to ascertain, determine, declare and adjudge, all and singular, the fees which shall and may be taken, or be allowed to be taken, by any Registrar of the said Court of Chancery, Counsel, Solicitor or other Officer of the said Court, for or in respect of any business, after the first day of July next, to be done or transacted in the said Court of Chancery, in all matters and things; causes and proceedings, which hereafter shall or may be depending in the said Court, any former Law to the contrary notwithstanding.

Preamble.

Vice Chancellor and Judges of Court of King's Bench to settle Fees to be taken.