

Provincial Statutes of Canada, passed in the year 1845. Montreal: Stewart Derbshire & George Desbarats, 1845.

8 Victoria – Chapter 72

An Act to provide for the payment of Claims arising out of the Rebellion and Invasion in Upper Canada, and to appropriate the duties on Tavern Licenses to Local purposes. (29th March, 1845.)

Whereas it is necessary to provide means for paying the sums to be awarded by the Commissioners who may be appointed under the authority of the Act of the Legislature of Upper Canada, passed in the third year of Her Majesty's Reign, and intituled, "An Act to ascertain and provide for the payment of all just Claims arising from the late Rebellion and Invasions of this Province," to the Claimants under the said Act, as extended by the Act of the Legislature of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, "An Act to amend and enlarge an Act of the Legislature of the late Province of Upper Canada, intituled, 'An Act to ascertain and provide for the payment of all just Claims arising from the late Rebellion and Invasions of this Province'": 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 it shall be lawful for the Governor in Council to issue Debentures not amounting in the whole to more than forty thousand pounds, currency, to the Claimants to whom sums shall be awarded under the provisions of the Acts above mentioned, and for the sums awarded to them respectively; and such Debentures shall be issued in such form, and signed and attested by such officers and in such manner as the Governor in Council shall appoint, and shall bear interest, to be paid half yearly, from the date thereof, and shall be payable, as shall also such interest, out of the Fund hereinafter provided for that purpose, and no other, and shall respectively be made payable at such periods as the Governor in Council shall deem most for the public advantage, or at any time previous to such periods upon such notice as shall be expressed in the said Debentures respectively, after which, or after the period fixed for the payment thereof if such notice be not given, no interest shall accrue thereon: Provided always, that no such Debenture shall issue until the total amount of the sums awarded to the said Claimants shall be ascertained, and if such total amount shall exceed the said sum of forty thousand pounds, then the said sum shall be apportioned among the Claimants in proportion to the sums awarded to them respectively.

II. And be it enacted, That all the provisions of the Act of the Legislature of Upper Canada, passed in the seventh year of the Reign of His late Majesty King William the Fourth, and intituled, "An Act to supply by a general law certain forms of enactment in common use, which may render it unnecessary to repeat the same in Acts to be hereafter passed," which relate to the punishment of persons counterfeiting or forging Debentures, or issuing or using any such forged or counterfeit Debentures, one generally all the provisions of the said Act relating to Debentures, and not

inconsistent with the other provisions of this Act, shall be and are hereby extended to the Debentures to be issued under the authority hereof.

III. And be it enacted, That the monies arising from the duties on Licenses to keep Houses of Public Entertainment, issued after the passing of this Act, shall, as well in Upper Canada as in Lower Canada, be appropriated to the uses and purposes of the Districts, or other Municipal Divisions of this Province, in which they shall be collected, and shall be paid over to the Treasurers thereof accordingly; and such payment may be made either directly by the District Inspector, or by the intervention of the Receiver General, or other proper officer, as the Governor in Council shall from time to time direct.

IV. Provided always, That until the Debentures to be issued under this Act and all interest thereon shall have been paid, the monies arising from the duties on such Licenses in Upper Canada, shall be paid to the Receiver General, and shall be applied by him to form a fund for paying the said Debentures and interest, and in the last year in which such application shall be made, an equal per centage (if the whole be not required) shall be so applied from the monies collected in each District, and the balance shall be paid over to the District Treasurer for the purposes aforesaid.

V. And be it enacted, That the Receiver General shall keep separate accounts of all monies paid and received by him under the authority of this Act, and of the Debentures issued under the same and the interest thereon, so as to show at any time the amount due and outstanding for such Debentures and interest, and the amount received for the said Fund.

VI. And be it enacted, That all payments to be made by the Receiver General under the authority of this Act, shall be made on Warrants under the hand of the Governor, issued in the usual manner and form, and not otherwise.

VII. And be it enacted, That the due application of all public monies paid or received under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall direct; and an account thereof shall be laid before the Provincial Legislature at the then next Session thereof.

VIII. Provided always, and be it enacted, That the Commissioners to be appointed under the authority of the Act first above cited, shall not in their inquiries be bound by the strict legal rules of evidence, but may, if they think fit, examine the claimants themselves on oath, and may receive and admit all such evidence and information, whether documentary or otherwise, as they shall deem conducive to a correct decision on the merits of the respective claims brought before them, according to equity and good conscience, and to the true intent and meaning of the Acts hereinbefore cited, and of this Act.

IX. And be it enacted, That the words "Governor in Council" in this Act, shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province, acting by and with the advice of the Executive Council thereof; and the words "Upper Canada" shall mean all

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that part of this Province which formerly constituted the Province of Upper Canada; and the words “Lower Canada” shall mean all that part of this Province which formerly constituted the Province of Lower Canada.