

C A N A D A.

RETURN to an Address of the Honourable The House of Commons,
dated 23 March 1849;—*for*,

“ COPIES or EXTRACTS of DOCUMENTS and CORRESPONDENCE heretofore
received, relating to COMPENSATION for REBELLION LOSSES in *Canada*.”

Colonial Office, Downing-street, }
1 May 1849. }

B. HAWES.

(*Mr. Gladstone.*)

Ordered, by The House of Commons, to be Printed,
2 May 1849.

SCHEDULE.

REBELLION LOSSES IN CANADA.

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COPIES or EXTRACTS of DOCUMENTS and CORRESPONDENCE heretofore received,
relating to COMPENSATION for REBELLION LOSSES in *Canada*.

PART I.
CORRESPONDENCE DURING THE YEARS 1838 TO 1841.
FIRST COMMISSION.

— No. 1. —

(No. 14.)

COPY of a DESPATCH from Governor the Earl of Gosford to Lord Glenelg.

(Answered 15 June 1838, already printed in Canada Correspondence, presented to
Parliament February 1839, page 47.)

Castle of St. Lewis, Quebec,

26 January 1838.

(Received 25 April 1838.)

My Lord,

DURING the progress of the late rebellion in this province, many loyal individuals have sustained, as you may naturally suppose, losses to a greater or less extent, from the rebels having taken possession of and laid waste their property, or from the same having been destroyed by the military operations necessary for putting down the insurrection; and applications for indemnity having already been presented to me in two or three instances, it has become my duty to submit to your Lordship, for the consideration of Her Majesty's Government, the questions whether any and what descriptions of losses incurred from the above causes are to be indemnified, and in what manner. And I have to request that your Lordship will communicate with as little delay as possible your views on this subject, with such general instructions for the guidance of the Provincial Executive as you may think desirable.

As, however, there are two or three individuals who, from the extent and nature of their losses, would, unless some immediate assistance were afforded, be reduced to the verge of ruin, I submitted for the advice of the Executive Council, whether an advance by way of loan could with propriety be made by the Executive to such loyal subjects as might satisfactorily show that the whole or the greater part of their property had, without any fault or connivance of theirs, been destroyed by the rebels or Her Majesty's forces during the late insurrection, to the extent of one-third of their estimated loss; the party giving good security for the repayment of the amount so advanced, without interest, in the event of the Government hereafter deciding that such losses were not to be indemnified. The Council, a copy of whose Report is herewith transmitted, were of opinion that it might be proper to make advances to the extent and on the conditions I have just stated; suggesting, at the same time, that the proposed measure of relief be for the present limited to the most distressing cases, and that the question of affording such relief to all the loyal sufferers should be submitted without delay to Her Majesty's Government.

The most urgent case that has come before me in such a complete and satisfactory shape as would enable me to deal with it under this advice of the Council, is that of the Honourable Mr. Debartzch, who, residing at St. Charles, in the midst of the rebels, was forced abruptly and by night to fly from his home in order to escape from their hands, and to preserve his liberty, if not his life, and whose property in that village having been taken possession of and fortified as the head quarters of the insurrectionary force there, was almost totally destroyed by them, and by the conflagration caused by the fire of Her Majesty's troops, under Colonel Wetherall, when he attacked and carried the stockaded position on the 25th of November last, as reported in my Despatch of the 30th of the same month, No. 123. Mr. Debartzch laid before me a detailed account of his severe losses in respect of this property, exceeding 6,000 £, exclusive of 3,000 £ or 4,000 £ in debts, rent, &c., owing to him by many implicated in the

No. 1.
Governor the
Earl of Gosford
to Lord Glenelg,
26 January 1838.

Enclosure No. 1.
21 January 1838.

PAPERS RELATING TO COMPENSATION

late rebellion, for which he does not claim, nor do I think would be entitled to receive indemnity.

See Enclosure No. 2.
23 January 1838.

Although satisfied of the distressing situation to which this gentleman has been reduced in consequence of his known opposition to the views and designs of the rebel party, I did not act without bringing his case before the Council, and with their advice advanced to him at once the sum of 1,000 *l.*, taking his bond, with two responsible securities for repayment of the same, in case it should be decided that no indemnification was to be granted; and appointing an arbitrator to ascertain, in conjunction with one named by Mr. Debartzch, the actual extent of his losses in respect of the property at St. Charles, before any further sum is advanced to him to make up the one-third contemplated by the Report of Council.

No other case so clear or so pressing as that of Mr. Debartzch has yet been brought formally under my notice, and I trust that the arrangements I have thought it advisable to make in this matter will meet with the concurrence of Her Majesty's Government.

I have, &c.
(signed) *Gosford.*

Enclosure 1, in No. 1.

To his Excellency the Earl of *Gosford*, Captain General and Governor-in-Chief of the Province of Lower Canada, &c. &c. &c.

Encl. 1, in No. 1. REPORT of a Committee of the Executive Council on your Excellency's Reference in Council, of the 20th instant.

Present:—The Honourable Mr. Stewart, the Honourable Mr. Pemberton, the Honourable Mr. Panet, and the Honourable Mr. Guesnal.

May it please your Excellency,

THE Committee having deliberated upon your Excellency's reference in Council of the 20th instant, are humbly of opinion that it may be proper to advance, by way of loan, to any loyal subject who can show satisfactorily that the whole or greater part of his property has been destroyed, without any connivance or fault of the applicant, by the rebels or Her Majesty's Forces, during the late insurrection, a sum not exceeding one-third of the estimated loss; the party giving good security for the repayment of the amount so advanced, without interest, in case of the Government hereafter deciding that such losses are not to be indemnified by the public.

The Committee would, however, humbly suggest that the proposed relief be for the present limited to the most distressing cases, and that the measure of affording relief to all the loyal sufferers be submitted, without delay, to Her Majesty's Government.

All which is respectfully submitted to your Excellency's wisdom.

By order.
(signed) *J. Stewart,*
Chairman.

Council Chambers,
21 January 1838.

Enclosure 2, in No. 1.

At the Council Chamber, in the Government Buildings.

Encl. 2, in No. 1. Present:—His Excellency the Earl of *Gosford*, Captain-General and Governor-in-Chief, &c. &c. &c., the Honourable Mr. Stewart, the Honourable Mr. Pemberton, the Honourable Mr. Panet, and the Honourable Mr. Guesnal.

Thursday, 23 January 1838.

HIS Excellency submitted to the Board a petition and letter from Pierre Dominique Debartzch, esq., setting forth the losses to which he has been subjected, and the distressed situation in which he is placed by the destruction of his property at St. Charles during the late insurrection, and praying that a loan may be made to him of 3,000 *l.* currency.

Whereupon it was ordered, with the advice of the Board, that a sum not exceeding 1,000 *l.* may be advanced to Mr. Debartzch, upon his giving the necessary proof and security required by the Report of Council of the 21st instant, and that upon his furnishing proof under oath by two competent judges, one to be nominated by the Crown, of the extent of his loss, a sum not exceeding in the whole one-third of his actual losses may be advanced to him.

(Certified.)

(signed) *George H. Ryland.*

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(Certified.)
(signed) *George H. Ryland.*

—No. 2.—

ANNO PRIMO VICTORIÆ REGINÆ.*

No. 2.

CAP. 7.—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 inquire 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.

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 one of Her Majesty’s Courts of Queen’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.”

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.

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.

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.

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

* This Ordinance was inclosed in Sir J. Colborne’s Despatch, No. 36, 30 April 1838, already printed for Parliament; *vide* page 34, Canada Correspondence, presented to both Houses of Parliament by Command, (387), 4 May 1838.

they shall be thereunto required, and as soon as possible after the determination of their examination and proceeding, 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.

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 respectfully, 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.

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 anything 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 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of Our Lord 1838.

By his Excellency's command.

W. B. Lindsay,
Clerk of Special Council.

— No. 3. —

No. 3.

CHAP. XIII.—AN ACT to authorize 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.)

Preamble.

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, intituled, "An Act to repeal certain Parts of "an Act passed in the fourteenth year of His Majesty's reign, intituled, "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.

Three Commis-
sioners to be ap-
pointed.

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

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 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 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 authorized and empowered and required, to examine upon oath all persons whom the said

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.

IV. And be it further enacted by the authority aforesaid, that the said Commissioners are hereby authorized 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 authorized to appoint and employ a clerk and messenger.

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

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.

Punishment for false swearing before Commissioners.

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.

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

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 anything 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 Commissioners.

— No. 4. —

COPY of a DESPATCH from the Marquis of *Normanby* to Sir *J. Colborne*.

(A similar Despatch to the Lieutenant-Governor of Upper Canada, same date, No. 216.)

Sir,

Downing-street, 25 February 1839.

THE House of Commons having presented an humble address to The Queen, praying that there be laid before them "a copy of the Report of the Commissioners appointed in Lower Canada under an Ordinance of 1st Vict., c. 7, to "inquire into the losses sustained during the late rebellion; also of the names of "persons who claimed compensation before the said Commissioners, and the "amount of their claims;" and Her Majesty having been pleased to command a compliance with that address, I have to desire that you will, with the least possible delay, furnish me with the information in question for presentation to the House of Commons.

I have, &c.,
(signed) *Normanby*.

No. 4.
Marquis of Normanby to Sir J. Colborne, 25 February 1839.

— No. 5. —

(No. 86.)

COPY of a DESPATCH from Lieutenant-Governor Sir *George Arthur*, K. C. H., to the Marquis of *Normanby*.

Upper Canada, Toronto, 12 April 1839.

(Received 8 May 1839.)

My Lord,

IN compliance with the request contained in your Lordship's Despatch, No. 216,* of the 25th of February, I have the honour to transmit herewith a copy of the Report of the Commissioners appointed under the provincial statute, 1 Vict. c. 13, to investigate the claims of certain inhabitants of Upper Canada for losses sustained by them during the late rebellion.

No. 5.
Lieut.-Governor Sir George Arthur, K. C. H., to the Marquis of Normanby, 12 April 1839.

Vide supra.

PAPERS RELATING TO COMPENSATION

This Report will be found to embody all the information called for by you Lordship, and will, I trust, enable you fully to comply with the anticipated application of the House of Commons.

In connexion with this subject, I have further the honour to transmit a recapitulative statement of such claims as have come before me for losses which, subsequent to the rebellion, have been sustained by individuals in this province, from the acts of piratical bands armed and organized within the jurisdiction of the United States of America.

The documents having reference to the claims of most of the parties mentioned in this list have been already brought under the notice of your Lordship's predecessor in my despatches noted in the margin.

Your Lordship will perceive that the only fresh claims preferred are those numbered 4, 5 and 6, being the cases of Messrs. Holditch, Fraser and Macdonell, for losses on board the "Sir Robert Peel."

I beg to refer your Lordship to my despatch last quoted, as containing the only remarks which at present I have to offer respecting these or similar applications.

I have, &c.

(signed) *G. Arthur.*

No. 67, 27 Sept. 1838.
No. 13, 5 Feb. 1839.
No. 71, 30 Mar. 1839.

Enclosure 1, in No. 5.

Encl. 1, in No. 5. To His Excellency Sir *George Arthur*, K. C. H., Lieutenant-Governor of the Province of *Upper Canada*, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

THE Commissioners appointed under the provincial statute, 1st Vict., c. 13, "to investigate the Claims of certain Inhabitants of this Province for Losses sustained during the late unnatural Rebellion," respectfully beg leave to report:

THAT immediately after their appointment they gave public notice of their being prepared to receive claims for investigation under the Act of the Legislature, with a request that they should be forwarded to Toronto, the place appointed by your Excellency for the sittings of the board.

In the performance of their duties under the statute, the following claims have been brought before them for investigation, copies of which accompany this report:—

No. 1. John Butler—for loss of household furniture, &c., burned by the rebels	£.	s.	d.
	-	102	8 9
No. 2. Robert C. Horne, Esq.—dwelling-house, with other buildings and their contents, burned by the rebels	-	2,369	2 9
No. 3. Mrs. Margaret Washburn—dwelling-house, barn and contents, burned by the rebels	-	1,310	6 5
No. 4. William Burrows—loss of furniture, &c. in house burned by the rebels	-	448	9 5
No. 5. Nicholas Burrows—clothing, &c. in house burned by the rebels	-	33	5 3
No. 6. Michael Murnan—clothing in house burned by the rebels	-	7	4 -
No. 7. Jane Milligan—clothing in house, burned by the rebels	-	9	- -
No. 8. Clarke Gamble, Esq.—as acting executor and trustee for sundry property of the estate of the late Benjamin Whitney, Esq., in house burned by the rebels	-	125	- -

Copy of the evidence adduced on these several claims is also annexed for your Excellency's information.

Taking each claim in its order, with the evidence brought before them in support of the demands made upon the public by the parties who have suffered loss by the acts of traitors during the late rebellion, the Commissioners respectfully beg leave to submit the following observations for your Excellency's consideration:—

No. 1. *John Butler*.—It appears from the evidence of Richard Butler, who was left in charge of the family, that his father, the claimant, was meritoriously employed in the discharge of his duty as a militia-man on the Niagara frontier during a threatened invasion of the province, and that this period of his absence on such an occasion, when it is probable, too, that his fellow loyal subjects and neighbours were called from their homes, and his family left in comparative insecurity, was deemed most opportune by incendiary rebels to deprive them of their shelter, and to ensure the complete destruction of their property.

The evidence is not so clear and pointed in this case as in all the others, as to the act having positively been that of the rebels. In all the other cases no doubt whatever remains on this point, as the acts of destruction took place in open day, in the presence of several witnesses; in this, however, the dead hour of night, when the inmates were at rest, and

* These Despatches referred to the cases of particular individual claimants for compensation.

and the neighbourhood in repose, seems to have been appropriately chosen for the deed of darkness ; the family being first aroused by the fire, which speedily accomplished its work of destruction, and from which they escaped with some difficulty. The presumption, in the opinion of the Commissioners, is strongly in favour of the belief of the witness, that the house was fired by incendiaries from the rebels ; and as they see no cause to doubt the reasonableness of the charges made for the several items of property lost, they recommend this claim for payment, 102*l.* 8*s.* 9*d.*

No. 2. *Robert C. Horne*, Esq.—This gentleman’s residence, near Toronto, was burned by the rebels on December 5th, 1837, and involved the destruction of the whole establishment and its contents.

The value of the buildings destroyed is ascertained in a satisfactory manner, not only from the estimate of Dr. Horne himself, but from the testimony of the person from whom he purchased the premises, and that of one of the most respectable practical builders now in Toronto, who was actually employed upon them during their erection.

Of the contents of the dwelling-house, &c., the value is ascertained by the evidence of Dr. Horne, and with reference to the ordinary prices of similar articles, appear to be fairly stated.

It has been thought proper, however, to deduct from this claim certain items for which compensation ought more properly to be sought by other parties.

			£.	s.	d.
The total amount of claims submitted by Dr. Horne is			-	2,369	2 9
Subject to the following deductions:			£.	s.	d.
Amount of articles, the property of the estate of the late Benjamin Whitney, esq.			-	125	- -
Servants’ clothing			-	16	4 -
And taking the estimate of Messrs. Ewart and Ritchey as to value of buildings			100	-	-
Difference of			-	241	4 -
Leaving the sum of			£.	2,127	18 9

which they recommend to be allowed to Dr. Horne as compensation for the losses sustained by him.

No. 3. *Mrs. Margaret Washburn*.—This was a large and valuable property on the River Don, near the city of Toronto, newly built by the late Simon Washburn, esq., and not quite completed at the time of his death ; the evidence will show that the premises were on an extensive scale.

It appears from the Report of a Committee of the House of Assembly last session, that a larger amount was recommended as being due than what is now claimed. The items now specified in detail give a total of 1,310*l.* 6*s.* 5*d.*, with a statement annexed as explanation, that the actual cost was about 1,640*l.*, “ including excavation and other matters ;” and this may probably account for the difference in amount, but which the Commissioners did not consider as coming within the view of their investigation.

From the evidence adduced, the following amounts appear to be satisfactorily established :

			£.	s.	d.
Cash payments			-	986	15 -
Wragg & Co.			-	109	1 5
Timber, Hay, Oats, Laths			-	125	10 -
Amounting to			£.	1,221	6 5

and which they would recommend to be allowed to the claimant.

			£.	s.	d.
No. 4. <i>William Burrows</i> .—The claim now submitted by Mr. Burrows is			448	9	5
By a former one sent into the House of Assembly it was			-	304	7 6
The excess of claim now presented, being			-	£. 144	1 11

It will be seen from the testimony of the claimant, that he states the difference to have arisen from his having, in the first instance, been called upon in a hurry to prepare his claim, and that many items have since been recalled to his recollection.

With respect to this claim, it appears to the Commissioners that some of the items are charged at rather high prices ; this applies to his own clothing, to some of the books, as well as some other articles. The evidence of his wife, Mary Burrows, respecting the clothing belonging to herself, and the articles of property in the house more immediately under her care, is considered quite satisfactory.

On an account including such a variety of items it would be difficult to detail at length the particulars of overcharge; having, however, given the claim their attentive and careful consideration, and making deductions from those items which the Commissioners apprehend to be overcharged, giving at the same time credit to the statement of the claimant as to the cause of difference in the amount above alluded to, they have thought that this demand should be allowed to the extent of 350*l.*

No. 5. *Nicholas Burrows*.—This claim appears to the Commissioners to be satisfactorily sustained by the evidence, and they recommend its allowance as stated, 33*l.* 5*s.* 3*d.*

No. 6. *Michael Murnan*.—This claim appears to be satisfactorily sustained by the evidence, and is recommended to be allowed as stated, 7*l.* 4*s.*

No. 7. *Jane Milligan*.—This claim appears to be satisfactorily sustained by the evidence, and is recommended to be allowed as stated, 9*l.*

No. 8. *Clarke Gamble, Esq.*—This claim appears to be satisfactorily sustained by the evidence, and is recommended to be allowed as stated, 125*l.*

The amounts thus recommended to be allowed to the respective parties would stand as follows:—

RECAPITULATION.									
								£.	s. d.
No. 1.	John Butler	-	-	-	-	-	-	102	- 9
2.	Robert C. Horne	-	-	-	-	-	-	2,127	18 9
3.	Mrs. Washburn	-	-	-	-	-	-	1,221	6 5
4.	William Burrows	-	-	-	-	-	-	350	- -
5.	Nicholas Burrows	-	-	-	-	-	-	33	5 3
6.	Michael Murnan	-	-	-	-	-	-	7	4 -
7.	Jane Milligan	-	-	-	-	-	-	9	- -
8.	Clarke Gamble	-	-	-	-	-	-	125	- -
TOTAL - - -								£. 3,975	15 2

The Commissioners beg leave to state to your Excellency, that under the statute, the powers vested in them being limited to the investigation of claims for losses sustained to the date of its becoming a law, they did not feel themselves authorized, under its provisions, to take into their consideration the claim of a respectable and loyal inhabitant of the province, whose house was damaged at the time of the attack at the Short Hills in the Niagara District, in the month of June 1838, subsequent to the passing of the Act.

On account of the disbursements incurred by the Commissioners in the discharge of the duties entrusted to them, and for which they pray your Excellency's authority for liquidation, is annexed to this report.

All which is most respectfully submitted,

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae,

Toronto, 23d February 1839.

No. 1.—CLAIM of *John Butler*.

The Queen,
Townships of Grimsby,
To John Butler, Dr.

To losses sustained during the late rebellion in the destruction of property by fire (through incendiaries or evil-disposed persons opposed to the constitutional government of this province), in the following articles:—

	£.	s.	d.
5 Tables, value 6 <i>l.</i> 5 <i>s.</i> ; bedsteads, 4 <i>l.</i>	-	-	10 - -
1 Clock, 6 <i>l.</i> 5 <i>s.</i> ; 1 desk, 5 <i>l.</i>	-	-	11 5 -
2 Barrels Pork, 8 <i>l.</i> ; bedding, 3 <i>l.</i>	-	-	11 - -
Wearing apparel, 5 <i>l.</i> ; 2 barrels salt, 1 <i>l.</i> 10 <i>s.</i>	-	-	6 10 -
2½ dozen Chairs, 8 <i>l.</i> ; 4 barrels flour, 7 <i>l.</i>	-	-	15 - -
50 bushels Potatoes, 4 <i>l.</i> 13 <i>s.</i> 9 <i>d.</i> ; books, 5 <i>l.</i>	-	-	9 13 9
Bank bills and pocket-book	-	-	30 - -
Flax wheels, yarn, &c., 5 <i>l.</i> ; cooking utensils and delft-ware, 4 <i>l.</i>	-	-	9 - -
£. 102			8 9

We,

FOR REBELLION LOSSES IN CANADA.

9

We, the undersigned, do certify, that we were at the burning on the same night, which was on the 7th February, and that his statement is correct.

(signed) *Orell Smith.* *Daniel Lines.*
David Smith. *Joseph Merritt.*
Charles Roy. *John Cutler.*

The above signers are respectable persons of that neighbourhood.

2d June 1838.

(signed) *Robert Nelles, J. P.*

Niagara, 4 June 1838.

We, the undersigned, do certify, that John Butler, a private soldier belonging to the 2d Company 1st Frontier Light Infantry, was on duty on the night that his house and property were destroyed by fire, which is mentioned in his claim. This man has served on the lines since the month of December 1837.

(signed) *John Clark, Lieut.-Colonel,*
Commanding 1st Frontier Light Infantry.

(signed) *Lewis Clement, Captain 2d Company,*
1st Frontier Light Infantry.

EVIDENCE ON Claim of *John Butler.*

Richard Butler, sworn.—Is son of the claimant, John Butler; resides in the township of Grimsby; resided there on the 7th February 1838, living in the house there occupied by his father's family, who was then absent on militia duty on the Niagara frontier; on that night, viz., 7th February 1838, the house was destroyed by fire by incendiaries, as the deponent suspects and believes from the rebels; the fire broke out about midnight, and was first seen to break out from the stoop in front of the house; himself, his mother and family, in all seven, then at home, being aroused by the fire, with difficulty made their escape from the building, which was filled with smoke and burning; found it impossible to save anything from the house, their attention being first directed to get the children out of the house; they are distant from their nearest neighbours above 50 rods; some of the neighbours came to the fire, but could render no assistance in saving the furniture, it being impossible to venture into the burning house, which was eventually totally consumed, his father's household stuff and furniture being burnt in it.

The inventory of articles for which claim is made being read to deponent, he states that to his knowledge they were in the house when destroyed; the money he knows was in the house, having had it in his hands the day before the fire; the pocket-book contained 120 dollars in bank-notes, the greater part being in Bank of Upper Canada notes; the articles enumerated, to the best of his knowledge and belief, are fairly valued.

The house was rented by his father from Merritt Paulding, late of Grimsby, yeoman, latterly of the town of Niagara, where he kept a tavern, and who left the province soon after the rebellion broke out.

(signed) *Richard Butler.*

Sworn before the Commissioners at Toronto, this 5th November 1838.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

No. 2.—CLAIM of *Dr. Horne.*

The Commissioners upon Claims for Losses during the Rebellion.

Gentlemen,

Toronto, 20 November 1838.

I ENCLOSE an estimate of my losses by the rebels when advancing upon this city in December last.

The impossibility of accuracy in making such a return must be obvious; and I trust the Commissioners, taking that into consideration, and the undoubted fact, that the burning of my house saved the whole city from destruction, by exposing to many of the insurgents the true nature of the conspiracy, and by exciting a more determined spirit among the loyalists, will make some allowance in addition for interest, as it may be several years before the claim is paid.

I have, &c.

(signed) *R. C. Horne.*

ESTIMATE of the Value of Property belonging to *R. C. Horne*, destroyed by the Rebels,
5th December 1837.

	£.	s.	d.
1 large cooking-stove, 11 <i>l.</i> 5 <i>s.</i> ; 1 box ditto, 6 <i>l.</i> 3 <i>s.</i> ; 3 ditto, at 3 <i>l.</i> 15 <i>s.</i> -	28	10	-
3 „ Russian iron dumb stoves, 9 <i>l.</i> 10 <i>s.</i> ; stove pipes, 60 <i>s.</i> -	12	10	-
Chairs, 24 at 11 <i>s.</i> 3 <i>d.</i> ; 5 at 7 <i>s.</i> 6 <i>d.</i> ; 12 at 5 <i>s.</i> ; 6 at 2 <i>s.</i> 6 <i>d.</i> ; benches, 10 <i>s.</i> -	18	17	6
„ 4 arm ditto, with covers, 20 <i>s.</i> ; 2 ditto, 15 <i>s.</i> ; work-table, 3 <i>l.</i> -	5	10	-
Tables, 3, at 50 <i>s.</i> ; 6, at 30 <i>s.</i> ; 4, at 11 <i>s.</i> 3 <i>d.</i> ; 3, at 6 <i>s.</i> 3 <i>d.</i> ; 2 kitchen tables, at 45 <i>s.</i> -	21	18	9
4 Sofas, at 5 <i>l.</i> ; hall clock and case, 18 <i>l.</i> 15 <i>s.</i> -	38	15	-
Carpet, 34 yards, at 6 <i>s.</i> 3 <i>d.</i> ; 72, at 5 <i>s.</i> ; 92, at 3 <i>s.</i> ; stair-carpet and rods, 6 <i>l.</i> 10 <i>s.</i> -	55	3	6
Wash-hand stand and furniture, 2 double, at 50 <i>s.</i> ; 1, at 18 <i>s.</i> 9 <i>d.</i> -	5	18	9
Wash-hand stands, 2 double, at 7 <i>s.</i> 6 <i>d.</i> ; extra furniture for ditto, 20 <i>s.</i> -	1	15	-
Sideboard and drawers, 12 <i>l.</i> 10 <i>s.</i> ; chest of drawers, 3 <i>l.</i> -	15	10	-
4 Book-cases, with doors and drawers, 17 <i>l.</i> ; 3 writing desks, 6 <i>l.</i> -	23	-	-
2 black walnut closets, 6 <i>l.</i> ; 3 wardrobe ditto, 16 <i>l.</i> -	22	-	-
Closets, 3, at 20 <i>s.</i> ; 2, at 50 <i>s.</i> ; 2 double bedsteads, at 5 <i>l.</i> -	16	-	-
3 double bedsteads, curtains, at 24 <i>l.</i> ; 2 French ditto, at 3 <i>l.</i> -	27	-	-
4 single ditto, at 45 <i>s.</i> ; 6 hair mattresses, at 30 <i>l.</i> -	32	5	-
3 Feather-beds, 18 <i>l.</i> 5 <i>s.</i> ; bolsters, 62 <i>s.</i> 6 <i>d.</i> ; 14 pillow-cases, 4 <i>l.</i> 7 <i>s.</i> 6 <i>d.</i> -	25	10	-
12 Quilts, 7 <i>l.</i> 10 <i>s.</i> ; 2 ditto, 20 <i>s.</i> ; 10 bolster cases, 37 <i>s.</i> 6 <i>d.</i> -	10	7	6
9 pairs of blankets, 15 <i>l.</i> 15 <i>s.</i> ; 6 ditto, 5 <i>l.</i> 5 <i>s.</i> ; 20 pillow-cases, 4 <i>l.</i> -	25	-	-
10 Cases for Under-beds, 4 <i>l.</i> ; 4 chintz curtains, 5 <i>l.</i> 8 <i>s.</i> -	9	8	-
13 moreen curtains, at 30 <i>s.</i> ; table linen and napkins, 20 <i>l.</i> -	39	10	-
Table-covers, 3 <i>l.</i> ; dinner set, 5 <i>l.</i> ; 1 double ditto, 20 <i>l.</i> -	28	-	-
2 Breakfast sets, 9 <i>l.</i> ; spar candlesticks, 40 <i>s.</i> ; salts, 50 <i>s.</i> -	13	10	-
Decanters, glasses, tumblers, &c., and common crockery -	8	-	-
4 Dressing-glasses, 3 <i>l.</i> 2 <i>s.</i> 6 <i>d.</i> ; 2 dressing cases, 5 <i>l.</i> -	8	2	6
1 pair silver-edged plated candlesticks, snuffers and tray -	4	5	-
1 ditto cruet-stand, 25 <i>s.</i> ; toast-rack, 16 <i>s.</i> 3 <i>d.</i> ; silver ladle, 4 <i>l.</i> 5 <i>s.</i> -	6	6	3
12 Table-spoons, 12 <i>l.</i> ; 12 dessert ditto, 8 <i>l.</i> ; plate-warmer, 2 <i>l.</i> -	22	-	-
2 Telescopes, 5 <i>l.</i> 10 <i>s.</i> ; paint box and drawing instruments, 75 <i>s.</i> -	9	5	-
1 India cabinet, furnished, 18 <i>l.</i> 15 <i>s.</i> ; large fender, 3 <i>l.</i> -	21	15	-
Block tin covers, 5 <i>l.</i> 10 <i>s.</i> ; tea and other trays, 50 <i>s.</i> ; various tools, 5 <i>l.</i> -	13	-	-
Plants and flowers, tubs, pots, shelves and garden seeds -	8	-	-
4 cases surgical instruments, and 2 medicine chests -	30	-	-
Medicines, bottles, &c., 15 <i>l.</i> ; 2 cases minerals and apparatus, 12 <i>l.</i> 10 <i>s.</i> -	27	10	-
Fire-irons, pots, kettles, knives and forks, and other iron ware -	27	10	-
Stock of store-room and pantry, consisting of flour, meat and other provisions, groceries, preserves, tin boxes, canisters, jars, bottles, &c. -	50	-	-
Stock of cellars, as vegetables, wines, beer, barrels, casks, bottles, paints, &c. shelves and other fixtures -	20	-	-
Stock of stable and yards, as fuel, hay, gig and cart harness, 2 saddles and bridles, 3 buffalo robes, 2 wheel-barrows, axes, saws, wedges, garden and stable tools, &c. -	30	-	-
Stock of bees and honey, 10 <i>l.</i> ; fruit trees, 2 <i>l.</i> 10 <i>s.</i> -	12	10	-
Clothes of self, wife, daughter, son, and nephew -	165	-	-
Books, maps and drawings -	250	-	-
Man and 2 female servants' clothes and money -	30	-	-
	£. 1,219	2	9
A two-story dwelling-house, 44 feet square, exclusive of a story and a half log building weather-boarded, containing pantry and store room, and servant's rooms, a verandah 10 feet wide, and close gallery of the same size, two cisterns, two wood sheds, smoke and ash house, and other small buildings, stable and coach house, cart-shed, poultry-house, gates, division fences, and high weather-boarded front fence -	1,150	-	-
Toronto, 19th November 1838.	£. 2,369	2	9

The above estimate was made out when the transaction was recent; even at that time it was found impracticable to enumerate everything lost, many articles being recollected after making up the account, which were not considered worth while to add to it, as the whole was expected to be paid immediately; the omission cannot now be remedied.

A large quantity of books and furniture belonging to the estate of the late Mr. Whitney are included in the above list. I may be mistaken in the value of some of the items, but cannot hesitate to declare that the whole is within the amount lost by me on that occasion.

(signed) *R. C. Horne.*

EVIDENCE

EVIDENCE on Claim of Dr. *Horne*.

Robert C. Horne, sworn.—Says that the house and premises, with their contents, as set forth in the claim which he presents to the Board, were, with the exceptions therein named, his property, and that the same were destroyed by fire by the rebels on the 5th December 1837; to the best of this deponent's knowledge and belief, the amount claimed by him, as set forth in this his claim, is just and true in all its particulars, and that the several items therein mentioned are charged at a fair and reasonable value. The articles noticed, as exceptions in his account, were in his house at the time of its destruction, and the two sons (minor children) of the late Benjamin Whitney, esq., were residing with deponent and under his charge at the time; the clothes of these two boys were destroyed in the house, and to the best of this deponent's knowledge, would amount in value to the sum of 25*l.* currency. The articles of furniture and books included in his claim belonging to the estate of the late Mr. Whitney, would amount, to the best of his belief, to the sum of 100*l.* currency, making in all the sum of 125*l.* currency. With respect to the clothes and money of servants destroyed in the house, the value of about 7*l.* 10*s.* currency were the personal property of this deponent; the remainder of the items charged in the account belonged to a male and female servant in his employ at that time.

(signed) *R. C. Horne*.

Sworn before us, at Toronto, this 24th December 1838.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

John Ewart, sworn.—This deponent was formerly owner of the premises set forth in this claim; he sold them to Dr. Horne, delivering him the dwelling-house in a finished state; it was finished in good style. Deponent was called upon, together with Mr. Ritchey, last winter, to make an estimate of the value by a Committee of the House of Assembly; their estimate, as he recollects, was stated at 950*l.* currency, which amount was subsequently increased 100*l.* in consideration of additions and improvements made by Dr. Horne subsequently to his purchase of the premises from this deponent. The total value of the buildings destroyed by the rebels, to the best of this deponent's knowledge and belief, is of the value of 1,050*l.* currency.

(signed) *John Ewart*.

Sworn before us, at Toronto, this 24th December 1838.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

John Ritchey, sworn.—Knows the premises set forth in this claim; is a carpenter, and worked upon the house previous to its delivery to Dr. Horne; it was well finished, and with the additions and improvements since made by Dr. Horne, corroborates the value as stated by Mr. Ewart, that to the best of his knowledge and belief the premises were fairly worth 1,050*l.* currency.

(signed) *John Ritchey*.

Sworn before us, at Toronto, this 24th December 1838.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

No. 3.—CLAIM of *Margaret Washburn*.

Sir,

Toronto, 31 January 1839.

HEREWITH I enclose you the amended statement of the property destroyed, belonging to Mrs. Washburn, signed by herself.

You will perceive I have altered it to a certain extent, on account of circumstances which I was not aware of previously.

(signed) *Josh. C. Morrison,*

Agent to the Estate of the late Simon Washburn, Esq.

Alexander Wood, Esq.
 Chairman, Board of Claims.

PAPERS RELATING TO COMPENSATION

STATEMENT of the Cost of building the Houses, Premises and Stables destroyed by the Rebels, near the Don Bridge, on the 7th December 1837, belonging to the Estate of the late Mr. Washburn.

	£.	s.	d.
To amount paid Wm. Burrows, as per receipts -	986	15	-
To Commission charged by him -	30	-	-
To one year's rent expended on premises -	60	-	-
To amount paid Wragg & Co. as per account -	109	1	5
To 3,500 feet hewn timber, at 10 <i>l.</i> per 1,000 -	35	-	-
To 16 acres of oats, at 4 <i>l.</i> per acre -	64	-	-
To 56 bundles laths, at 6 <i>s.</i> 3 <i>d.</i> per bundle -	17	10	-
To 3 tons of hay, at 3 <i>l.</i> per ton -	9	-	-
	£. 1,310	6	5

The actual cost to the late Mr. Washburn was about 1,640*l.*, including on account of excavation and other matters, 520*l.*, which, from the loss of the papers relating thereto, cannot now be accounted for.

The excavations are a total loss to the estate, as the land is not thereby intrinsically increased in value. Mrs. Washburn would respectfully draw the attention of the Board to this particular.

The only vouchers that can be furnished are the receipts of Mr. Burrows, who superintended the erection of the buildings, and the account of Messrs. Wragg & Co. for materials, &c.; the papers containing the detailed expenditure having been burnt at the fire.

The laths, hay and oats were burnt in the buildings, and are charged at a lower rate than their value at that time.

The buildings were intended by the late Mr. Washburn for a large brewery, distillery, and inn attached. Mr. Burrows, at the time of the destruction of the premises, occupied the same, under a rental of 60*l.* per annum, and under a further agreement, that when Mr. Washburn had completed the inn and stabling, Mr. Burrows should pay at the rate of 6 per cent. on the actual cost, or at the rate of 130*l.* per year for the same.

There were many other articles destroyed, but Mrs. Washburn is unable from many circumstances, and particularly on account of Mr. Burrows (who is the only person acquainted with the subject), and who has shown himself inimical to her interests, to ascertain their description or value.

(signed) *Margaret Washburn,*

Executrix and sole Devisee of the late Mr. Washburn.

EVIDENCE ON Claim of *Margaret Washburn.*

James FitzGibbon, Esquire, Clerk of the House of Assembly, sworn.—Says, that the claim of Mrs. Washburn was presented to the House of Assembly, and was referred to a Committee appointed by the House to inquire into the said claim, and others of a similar nature, during the last session. George S. Boulton, Esquire, M. P. P., was Chairman of the Committee.

A Report was made to the House by the said Committee, which deponent here presents. The following in an Extract therefrom, dated 24th February 1838:—

“It appears satisfactorily proven that the house and brewery belonging to Mr. Washburn, with a number of articles therein, were destroyed by the rebels during the late rebellion, and that their value was One thousand six hundred and fifty-three pounds three shillings, 1,653*l.* 3*s.*, which your Committee consider her entitled to for such loss as stated in her petition.”

The said Report was placed upon the Journal of the House in the ordinary manner, but no particular action took place upon it by the House. It was then near the close of the session, the prorogation having taken place on the 6th day of March following.

(signed) *James FitzGibbon.*

Sworn before us, at Toronto, this 1st February 1839.

(signed) *Alexander Wood,*
Robert Stanton,
Thomas Carfrae, } Commissioners.

Mary Burrows, sworn.—Says, that on the 5th December 1837, her husband, William Burrows, resided in the house on the east side of the Don Bridge, near Toronto, being the property set forth in Mrs. Washburn's claim. On the 7th December, during the rebellion, her husband observing the approach of a body of the rebels, left the house to go to Toronto, in order to give the alarm of their approach. The band of rebels, most of them being armed, came to the house not long after her husband had left for the city; a number of them

them came into the house, desiring her to leave it; on looking out, she saw the stable adjoining the house on fire; she was forced out of the house, without time being allowed her to remove anything out of it, or even to take necessary articles of clothing. In a short time the whole premises were in flames, and were entirely destroyed by the fire; she has no doubt the fire was set by the rebels; she fled to the office of the keeper of the toll-gate, and there saw some of the rebels take a brand from the fire-place, with which they fired the bridge. In the stable and barn, deponent is aware that a considerable quantity of hay and oats was stored away, as well as a quantity of squared timber and laths.

(signed) *Mary Burrows.*

Sworn before us, at Toronto, this 1st day of February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae. }

William Burrows, sworn.—Was residing in the house mentioned in this claim at the time of the rebellion; on the 7th of December 1837, he went up on the top of the house, with a spy-glass in his hand, and observed at some distance a body of armed men approaching, whom he believed to be a party of the rebels; he immediately proceeded to Toronto to give the alarm, and not very long after he saw the premises on fire, and has no doubt but that they were fired by the rebels whom he had previously seen approaching.

Deponent has resided on the premises from their first construction, and was himself employed in their erection. They consisted of a building constructed with a view to its being subsequently used as a brewery; a dwelling-house, which was used as an inn, granary, stable, and shedding with hay-loft, these latter being three stories in height; they were all frame buildings on stone foundations; the dwelling-house, was two stories in height, and that part of the premises intended for the brewery was to have corresponded with the granary and stables, being three stories in height. The materials for this part of the premises were all prepared and on the ground; the dwelling-house and granary, above mentioned, were completely finished and in the occupation of this deponent, who kept an inn there. Deponent was employed in the erection of the buildings, generally, as superintendent of the same, by Mr. Washburn; the disbursements were made through this deponent, he receiving from time to time the means of paying the people employed from Mr. Washburn. Materials, such as timber, stone, nails, iron-work and some other items, were disbursed by Mr. Washburn, without reference to this deponent, who has no personal knowledge of such items of expense. Deponent had kept account of the outlay made by him on account of the buildings, from monies placed in his hands by Mr. Washburn for that purpose. These accounts as well as all others, his own papers, books, and the articles of property belonging to himself, were burned in the house by the rebels, and he cannot now therefore state the particulars.

A book produced to witness, containing receipts for monies paid to him by Mr. Washburn at various times; deponent admits the correctness of these receipts; they are signed by him, and the several amounts were paid into his hands by Mr. Washburn, and by him expended on Mr. Washburn's account in the erection of the premises in question, and in the laying in of the materials to be used as before stated. These sums are exclusive of the excavation of the brewery part of the building, which was a separate job. A commission was charged by this deponent against Mr. Washburn on the expenditure, amounting to about 30*l.*, independently of the money receipts now produced. The excavation part of the brewery was performed by this deponent, and he was to have continued in possession of the inn and its appurtenances, as the tenant of Mr. Washburn, at the rate of 65*l.* per annum, till the job was settled up; he remained in actual possession from 13th January 1837 to the time of the destruction of the premises, being about 11 months. Deponent is aware that a considerable quantity of squared timber and other materials were prepared and on the premises, with a view to the completion of the brewery part; a great part of these were totally consumed by the fire, and other parts damaged. Cannot speak positively as to the total quantity of timber, materials, &c., laid down on the premises, but is aware the whole which would have been required for the erection of the brewery were there, for the framing, flooring and covering it in to the three stories in height. There were also some thousands of laths, which were totally destroyed by the fire. In the barn and granary a quantity of hay and oats were laid in; these were the property of Mr. Washburn, having been brought there from his farm; the produce of about 16 acres of oats was so laid up, and part of the produce of about 12 acres of hay; the value of the oats, at a fair and reasonable valuation, this deponent believes would be about 5*l.* the acre; thinks there were about three tons of the hay. The whole of the oats and hay on the premises were destroyed by the fire.

The brewery was intended as a building larger than the granary part, which was 80 feet by 40, and to have been, as before stated, three stories in height; the materials provided and on the premises were in accordance with that design, and from his knowledge of building and quantities required for such a purpose, would, he thinks, exceed 3,500 feet

PAPERS RELATING TO COMPENSATION

squared timber; he is not aware of any other articles being on the premises, the property of Mr. Washburn, than those stated in this his deposition.

(signed) *William Burrows.*

Sworn before us, at Toronto, this 1st February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

Henry Layton, sworn.—Is a clerk in the employ of Wragg & Co., of this city, hardware merchants. Knows the premises at the Don Bridge, the property of the late Mr. Washburn. During the erection of the buildings, various materials of hardware were furnished on Mr. Washburn's account by Wragg & Co., and delivered to William Burrows, as deponent understood, to be made use of in the erection of the buildings at the Don, the property of Mr. Washburn. The value of materials, &c., procured on such account, amounts, to the best of deponent's knowledge, to about 100*l*.

(signed) *Henry Layton.*

Sworn before us, at Toronto, this 1st February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

Joseph C. Morrison, sworn.—Says, that he is employed on the part of Mrs. Washburn, as her agent in the affairs of her late husband, to whose estate she is sole executrix; he was in the employ of Mr. Washburn in his lifetime, while the buildings in question were in the course of being erected, and knows that William Burrows, as stated in his deposition, was engaged as superintendent of the same, the expenditure passing through his hands from monies paid to him in various sums, at various times, by Mr. Washburn. Deponent has himself at times paid sums to Burrows for Mr. Washburn for this purpose. The book presented contains the receipts of Burrows for monies paid to him on various occasions on this account. Deponent has added these receipts together; they amount in all to the sum of 959*l*. 15*s*.; in addition to which are two sums of 24*l*. 10*s*. paid by Mr. Washburn on Burrows's account, and an order of Burrows for 2*l*. 10*s*., making in all the sum of 986*l*. 15*s*. as the total sum so paid by Mr. Washburn to Burrows on account of the said premises. Deponent has no personal knowledge of the excavation at the brewery part of the premises, as a separate job, or the agreement made with Burrows by Mr. Washburn on the subject, nor has he any knowledge of the amount which was to be allowed for the same.

The detailed accounts connected with the buildings were, as he believes, destroyed in the house at the Don when it was fired by the rebels. The book now produced with Burrows's receipts, and the items included in the statement of claim submitted, being the only data within his power as the agent of Mrs. Washburn to exhibit with any degree of certainty.

This deponent is aware that a claim was submitted to the House of Assembly last session exceeding this in amount; and from deponent's general knowledge of the transactions, as connected with these premises, he has no doubt that the total loss is not short of the sum stated in the Report of the Committee.

(signed) *Jos. C. Morrison.*

Sworn before us, at Toronto, this 1st February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

No. 4.—CLAIM of *William Burrows.*

7 December 1837.

ESTIMATE of Property burnt by the Rebels in the Houses belonging to the late
Simon Washburn, owned by *William Burrows.*

	£.	s.	d.
Clothing, 1 suit, 7 <i>l</i> . 10 <i>s</i> .; 1 great coat, 6 <i>l</i> .	-	-	-
3 pair men's trowsers, 2 <i>l</i> . 12 <i>s</i> . 6 <i>d</i> .; 2 pair cloth ditto, 5 <i>l</i> .	-	-	-
1 roundabout jacket, 30 <i>s</i> .; 4 waistcoats, 50 <i>s</i> .	-	-	-
1 hat, 30 <i>s</i> .; 6 shirts, 75 <i>s</i> .; 3 flannel ditto, 30 <i>s</i> .	-	-	-
6 handkerchiefs, 30 <i>s</i> .; 4 ditto, 15 <i>s</i> .; 1 shawl, 10 <i>s</i> .; 6 pair stockings, 22 <i>s</i> . 6 <i>d</i> .	3	17	6
2 pair gloves, 5 <i>s</i> .; 2 pair boots, 2 <i>l</i> . 10 <i>s</i> .	-	-	-
	2	15	-
	Clothes		

Clothes belonging to <i>Mary Burroughs</i> .		£.	s.	d.
1 dozen linen aprons, 34s.; 1 dozen cotton ditto, 15s.	- - -	2	9	-
$\frac{1}{2}$ dozen blue aprons, 12s.; 1 gown, 50s.; 1 ditto, 25s.; 1 ditto, 25s.	- - -	5	12	-
2 gowns, 40s.; 1 ditto, 12s.; 1 ditto, 15s.; 2 ditto, 20s.	- - -	4	7	-
6 petticoats, 40s.; 1 dozen flannel ditto, 5 <i>l.</i> 10s.	- - -	7	10	-
3 pair stays, 40s.; 1 dozen linen shifts, 5 <i>l.</i> 8s.	- - -	7	8	-
1 dozen stockings, 45s.; 2 bonnets, 45s.; 2 veils, 40s.	- - -	6	10	-
1 dozen caps, 60s.; 1 pair boots, 15s.; 2 pair shoes, 15s.	- - -	4	10	-
1 shawl, 45s.; 1 ditto, 30s.; 1 ditto, 25s.	- - -	5	-	-
1 fur tippet, 35s.; 3 lace collars, 45s.; 2 pair gloves, 7s. 6 <i>d.</i>	- - -	4	7	6
Beds and bedding, 7 mattresses and feather beds	-	49	-	-
14 feather pillows, 7 <i>l.</i> ; 28 pillow-cases, 56s.	- - -	9	16	-
28 pair linen sheets, 35 <i>l.</i> ; 2 pair blankets, 4 <i>l.</i>	- - -	39	-	-
16 quilts, 24 <i>l.</i> ; 9 bedsteads, 9 <i>l.</i> ; 1 ditto, 40s.	- - -	35	-	-
6 table-cloths, 5 <i>l.</i> ; 3 table covers, 45s.	- - -	7	5	-
1 dozen towels, 31s.; 1 dozen glass cloths, 24s.	- - -	2	15	-
$\frac{1}{2}$ dozen roller towels, 23s. 2 <i>d.</i> ; 1 dozen kitchen towels, 24s.	- - -	2	7	2
1 set drawers, 7 <i>l.</i> ; 1 writing desk, 5 <i>l.</i>	- - -	12	-	-
1 clock, 6 <i>l.</i> 15s.; 3 black walnut tables, 6 <i>l.</i> 15s.	- - -	13	10	-
1 large kitchen table, 55s.; 2 common ditto, 55s.	- - -	5	10	-
3 dressing tables, 48s.; 3 wash stands, 41s. 3 <i>d.</i>	- - -	4	9	3
1 dozen chairs, 60s.; $\frac{1}{2}$ dozen ditto, 4 <i>l.</i> 10s.	- - -	7	10	-
1 sofa, 60s.; 1 looking-glass, 25s.; 3 ditto, 45s.	- - -	6	10	-
Earthenware, 16 <i>l.</i> ; 2 large glass lanterns, 35s.	- - -	17	15	-
1 glass drainer, 10s.; 1 large sugar-box, 15s.	- - -	1	5	-
Measures, gallons, quarts and pints	- - -	-	18	-
1 stable lantern, 5s.; 1 dozen decanters, 45s.	- - -	2	10	-
2 dozen wine-glasses, 15s.; 3 dozen tumblers, 18s.	- - -	1	13	-
Spirituous liquors, 22 <i>l.</i> ; 1 barrel beer, 25s.	- - -	23	5	-
1 barrel cider, 18s.; 10 kegs, 1 <i>l.</i> 17s. 6 <i>d.</i>	- - -	2	15	6
8 whiskey and beer barrels, 30s.; 3 boxes and tubs, 67s.	- - -	4	17	-
1 stove and pipes, 10 <i>l.</i> 10s.; 1 boiler, 30s.	- - -	12	-	-
1 large baking oven and other pans	- - -	4	15	-
2 dozen knives and forks, 30s.; 1 dozen silver tea-spoons, 40s.	- - -	3	10	-
2 dozen common spoons, 10s.; 1 sword, 40s.	- - -	2	10	-
Money in the bar	- - -	4	-	-
7 axes, 3 <i>l.</i> 10s.; 2 Bibles, 15 <i>l.</i> 15s.	- - -	19	5	-
1 surveying book and case of instruments	- - -	7	-	-
1 Testament and other books	- - -	5	10	-
1 set fleams, 15s.; 1 set fire and smoothing irons, 15s.	- - -	1	10	-
2 hogs, 6 <i>l.</i> ; fowls, 4 <i>l.</i> 10s.	- - -	10	10	-
1 double sleigh and box, 8 <i>l.</i> ; 1 pile wood, 5 <i>l.</i>	- - -	13	-	-
2 harrows, 3 <i>l.</i> ; 1 barrel salt, 12s. 6 <i>d.</i>	- - -	3	12	6
1 new panel and 6 sashes and glass	- - -	2	10	-
13 barrels plaster	- - -	8	2	6
1 barrel apples, 10s.; 4 pickaxes, 30s.	- - -	2	-	-
Flour, potatoes and meat	- - -	4	15	-
2 steel shovels, 15s.; 1 sign, 6 <i>l.</i> 10s.	- - -	7	5	-
		£.	448	9 5

EVIDENCE on Claim of *William Burrows*.

William Burrows, the claimant, sworn.—A claim was submitted by him to the House of Assembly last session, amounting to three hundred and some odd pounds. The claim he now submits is for 448*l.* 9*s.* 5*d.*

The previous claim was as stated in the Report of the Committee	£.	s.	d.
of the Assembly	-	-	304 7 6
The difference between the two, being	-	-	144 1 11
		£.	448 9 5

He endeavours to account for this large difference between the two claims made, from the fact, that the one submitted to the Assembly being called for in a hurry, and being handed in without having sufficient time to recall to recollection all the things which were destroyed in the house, it did not contain many items which have since been recalled to his recollection; of the items contained in the claim now made, deponent swears that most of them are within his own knowledge as having been in the house at the time it was burned by the rebels; he states with certainty the following:—

All the clothes belonging to himself; the beds, bedding, and bed furniture; the earthenware; ordinary house-furniture; liquors and bar-furniture; and generally to the other items

items stated in the account, with the exception of his wife's clothing. The table linen spoons and some few other things which were particularly in his wife's charge, and more under her observation. The house was fitted up and furnished for the purposes of an inn. Seven beds were made up in the house for the accommodation of persons calling. The bar was supplied in the ordinary way with liquors of various kinds. Some of the articles enumerated were burned in the barn or stable adjoining the house, by the destruction of the house when fired by the rebels; all his property contained in it at the time was totally lost to him.

For many of the articles contained in the statement of claim he had paid the accounts of tradesmen and others, and had their receipts for the amount paid; these documents, as well as his other papers, were destroyed in the house; for several items he had paid ready money, and for some of them he yet remains indebted. Of the earthenware, charged at 16*l.*, he recollects one blue dinner set for which he paid 7*l.*; there were various other articles necessary in such a house, such as common plates and dishes, tea-services, mugs and measures of different sorts. The glass ware, he states, was of the usual description for an inn, and the items charged he believes to be truly stated. The stock of liquors in his bar at the time of the burning consisted of various kinds. Brandy, gin, whiskey, some wine contained in kegs and small barrels. The money in the till he had not counted for two or three days previous, but on looking at it on the morning of the burning, he recollects that it consisted of bank bills, silver and small change, and from ordinary receipts of the house, he verily believes the amount to be reasonably stated.

To the best of his knowledge and belief, the items contained in this his claim are fairly and truly stated, that they were destroyed by the fire, and are a total loss to him, and the prices charged are just and true.

(signed) *W^m Burrows.*

Sworn before us, at Toronto, this 6th February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

Mary Burrows, sworn.—Is the wife of the claimant William Burrows. The house in which they resided and kept an inn, was burned by the rebels in December 1837, and all their property contained in it, and the adjoining stable and barn, were totally destroyed and lost to them in consequence. She was herself not allowed to save any article, even of her own clothing, and she was compelled to leave the house to its fate; the whole of her own clothes were destroyed by the fire; it consisted of an ample and comfortable stock mostly purchased for her by her parents when leaving England about eighteen months before; many of the articles were yet new as when purchased, not having had occasion to make use of them; some of them were purchased in Toronto, both before and after her marriage to Burrows, and these are charged in statement of claim at the prices actually paid for them, and had been but little in use.

This deponent further swears that the several articles being now called over to her, are those actually lost, and that their value is truly and justly stated, having personal knowledge of the prices paid for nearly the whole of them. The inn they kept was supplied with the usual bed and table linen, for most of which she made the purchases. The bed linen consisted of the necessary articles; sheets, pillows and bolster cases, sufficient for making up and having change for the number of beds they made up, which were seven in number, with feather beds and mattresses to each. The table linen consisted of diaper table-cloths, hand towels, bed-room towels, and towels for kitchen and common use. There were several bed counterpanes, cotton and worsted. The table and bed linen were procured mostly by herself.

The articles of bed and table linen and furniture are read over to the deponent; she knows that the numbers of each as stated were in the house at the time of the fire, and destroyed, and having herself purchased several of the articles for the use of the house, believes them to be truly stated as to quantities and prices.

The knives and forks, spoons and kitchen utensils, baking ovens, pans and other kitchen furniture, she knows to be truly stated. Their house was newly built; a large building; they had been in occupation for about 11 months, when it was destroyed by the rebels. They had moved into it immediately after their marriage, and commenced fitting it up as an inn. The house for this purpose was comfortably furnished, and provided in all respects as to bedding, furniture, kitchen utensils, bar room, and the usual requisites in a house of that kind. The purchases were all of new articles, and having been not more than 11 months in use were nearly as good as new; some of them had not been at all used. The whole was lost by the destruction of the house by the rebels.

(signed) *Mary Burrows.*

Sworn before us, at Toronto, this 6th February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

Edward

Edward Foley, sworn.—Is keeper of the east toll-gate at the Don; resided at the toll-house in December 1837, when the rebels approached towards Toronto; on their advance, he, with some other persons, retreated into the city; it was subsequently that the premises in question were fired; his residence was near that of the claimant, William Burrows, who kept an inn in the house built by Mr. Washburn; had frequent opportunities of personally witnessing the manner in which the house was provided and furnished by Burrows for this purpose; it was well and comfortably furnished as a respectable country inn. It was a large house, two stories in height, and would require a considerable quantity of furniture to enable Burrows to keep it properly and respectably; and in this respect, having been his near neighbour all the time he was there, he had not heard of, nor does he believe there could be any ground of complaint, as the character of Burrows and his wife was such as in his opinion to preclude any ground for complaint; it was a respectable, comfortable, and well-kept house.

(signed) *Edward Foley*.

Sworn before us, at Toronto, this 8th February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae,

No. 5.—CLAIM of *Nicholas Burrows*.

December 7, 1837.

MEMORANDUM of Apparel and Clothing belonging to *Nicholas Burrows*, lost and destroyed in the Dwelling-house owned by the *Washburn* Estate, and occupied by *William Burrows*.

	£.	s.	d.
3 suits clothing - - - - -	15	-	-
1 working ditto, moleskin - - - - -	3	-	-
10 linen shirts, 62 s. 6d.; 2 cotton ditto, 12 s. 6d. - - - - -	3	15	-
3 hats, 30 s.; 1 pair shoes, 10 s.; 1 pair boots, 11 s. 3d. - - - - -	2	11	3
13 pair woollen stockings, 30 s.; 3 silk handkerchiefs, 7 s. 6d. - - - - -	1	17	6
2 pair muslin handkerchiefs, 3 s. 8 cotton ditto, 8 s. - - - - -	-	11	-
1 summer jacket, 15 s.; 1 pair linen trowsers, 10 s. - - - - -	1	5	-
1 over-coat, 40 s.; 2 razors, 5 s.; 2 ditto strops, 3 s. 6d. - - - - -	2	8	6
1 Bible, 2 s. 6d.; 1 prayer-book, 5 s.; 2 vests, 15 s.; 1 chest, 25 s. - - - - -	2	7	6
Powder-flask, shot-belt and wad-cutter - - - - -	-	7	-
1 screw-driver and nipple-wrench - - - - -	-	2	6
	£. 33	5	3

Nicholas Burrows maketh oath and saith, that the particulars of the above account are truly stated, and that the prices charged are reasonable.

(signed) *Nicholas Burrows*.

Sworn before me, at Toronto, this 28th May 1838.

(signed) *James Fitzgibbon*, J. P., Home District.

EVIDENCE on Claim of *Nicholas Burrows*.

Nicholas Burrows, the claimant, sworn.—The statement of claim now handed in by him and sworn to before *James Fitzgibbon*, Esq., on 28th May 1838, contains a true and correct account of the articles lost by him in the house of his brother Wm. Burrows, when fired by the rebels in December 1837. His brother's house was his usual home when not employed at work at a distance; he kept his clothing there in a chest; the articles enumerated he so left in the house in December 1837, and has no doubt they were there and consumed by the fire; has resided in this country rather more than two years; came from England; previous to leaving home, he purchased his stock of clothing; they are justly stated in his claim as to quantities and prices.

(signed) *Nicholas Burrows*.

Sworn before us, at Toronto, this 6th February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae.

William Burrows, sworn.—*Nicholas Burrows* is his brother, and made deponent's house his ordinary home; he kept his clothes there in a chest; at the time of the house being fired by the rebels, his brother's chest was in one of the rooms, and with its contents, consisting,

sisting, as deponent believes, of the clothing claimed for, was totally destroyed by the fire; has no doubt, from having often seen the chest opened, that its contents are truly stated as set forth in his brother's claim.

(signed) Wm. Burrows.

Sworn before us, at Toronto, this 6th February 1839.

(signed) Alexander Wood, }
Robert Stanton, } Commissioners.
Thomas Carfrae. }

No. 6.—CLAIM of Michael Murnan.

ESTIMATE of the Value of the Articles of Clothing, &c., the Property of Michael Murnan, destroyed in the House of R. C. Horne, Esq., by the Rebels, 5th December 1837.

	£.	s.	d.
2 hats and 1 fur cap, 27s.; 3 pair trowsers 30s.	-	2	17
1 pair shoes, 9s.; 1 pair boots, 10s.; 2 razors, 5s.	-	1	4
1 looking-glass, 1s.; 2 clothes brushes, 2s.; 1 chest, 5s.	-	-	8
2 pocket-knives, 2s. 6d.; 4 pair stockings, 4s.	-	-	6
4 shirts, 15s.; 2 pair drawers, 5s.	-	1	-
2 silk handkerchiefs, 5s.; 4 shirt collars, 4s.	-	-	9
3 vests, 5s.; 3 pair gloves, 7s. 6d.	-	-	12
2 pair of gaiters, 2s. 6d.; 1 night-cap, 1s.; 3 books, 3s. 6d.	-	-	7
	£.	7	4

Witness. (signed) John Develin.

(signed) his Michael x Murnan. mark.

EVIDENCE on Claim of Michael Murnan.

Michael Murnan, the claimant, sworn.—Was living as servant to Dr. Horne in December 1837, when his house was fired by the rebels; he was in the house when the rebels forced into it, against his will; when the house was fired, he endeavoured to be allowed to save some of the things as well as his own clothing, which was refused, because, as they said, he had resisted or refused to admit them willingly; he escaped from them and got into the city immediately. The statement in his claim is just and true, the items being priced at less than their first cost value.

Sworn before us, at Toronto, this 6th February 1839
(first read and explained to the Deponent).

(signed) Alexander Wood, }
Robert Stanton, } Commissioners.
Thomas Carfrae, }

(signed) his Michael x Murnan. mark.

No. 7.—CLAIM of Jane Milligan.

ESTIMATE of the Value of the Articles of Clothing, &c., the Property of Jane Milligan, destroyed in the House of R. C. Horne, Esq., by the Rebels, on the 5th December 1837.

	£.	s.	d.
3 print frocks, 10s., 30s.; 4 petticoats, at 5s., 20s.	-	2	10
1 umbrella, 6s.; 4 chemises, 3s., 12s.	-	-	18
2 pair stays, 5s.; 4 aprons, 4s.; 4 silk handkerchiefs, 20s.	-	1	9
1 veil, 6s.; 4 lace caps, 15s.; 8 pair hose, 16s.	-	1	17
3 pair shoes, 20s.; 1 pair boots, 10s.; 1 fur tippet, 12s. 6d.	-	2	2
3 pair silk gloves, 6s.; 1 chest, 12s. 6d.; 1 basket, 2s.	-	1	-
Ribbons, 15s.; 3 lace caps, 15s.	-	1	10
1 Bible, 5s.; 1 book, 7s. 6d.; in money, 9l.	-	9	12
	£.	20	19

Witness. (signed) John Develin.

(signed) her Jane x Milligan. mark.

EVIDENCE on Claim of *Jane Milligan*.

Jane Milligan, the claimant, sworn.—Was living as servant to Dr. Horne in December 1837, when his house was fired by the rebels; the whole of her clothing in the house, as stated in her claim, was destroyed by the fire, together with 9*l.* in money, in bank bills. She can read print, and to the best of her belief there were 15 dollars in notes of the bank of Upper Canada, and the remainder of the 9*l.* in Commercial Bank and Montreal notes. The articles and prices set forth in her claim are justly and reasonably stated, being put at under first cost to her.

(signed) *Jane* ^{her} ~~×~~ *Milligan*.
mark.

Sworn to before us, at Toronto, this 6th February 1839 (first read and explained to deponent).

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

ON Claim of *Michael Murnan* and *Jane Milligan*.

Robert C. Horne, sworn.—Knows the claimants, *Michael Murnan* and *Jane Milligan*; they were living as servants in his house at the time of its destruction by the rebels in December 1837; he has no doubt of the correctness of the statements made in their several claims; that their clothing was destroyed at the time; a few days previous he saw some money in bank notes in the possession of *Jane Milligan*, but does not know the exact amount.

(signed) *R. C. Horne*.

Sworn before us, at Toronto, this 6th February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae, }

No. 8.—CLAIM of *Clarke Gamble*, Esq., as Acting Executor and Trustee of the Estate of the late *Benjamin Whitney*, and Guardian to his Heirs.

Sir,

Toronto, 20 January 1839.

As acting executor and trustee of the estate of the late *Benjamin Whitney*, and guardian to his heirs, I beg to lay before the Board, of which you are chairman, the following claim for property belonging to the said estate, destroyed in the dwelling-house of *R. C. Horne*, esq., on the 5th December 1837, when the same was fired by the rebels and totally consumed.

The property lost consisted of household furniture, bed and bedding, books, plate and china, together with wearing apparel, estimated, at a low value, at 125*l.*

The particulars further I am unacquainted with, but I beg to refer you to the evidence of *R. C. Horne*, esq., who can give you all the information required by your Board.

I have, &c.

Alexander Wood, Esq.
Chairman, Board of Claims.

(signed) *C. Gamble*.

Memorandum of Loss.

	£.	s.	d.
Books - - - - -	50	-	-
Clothes - - - - -	25	-	-
Furniture, Plate and China - - -	50	-	-
	£. 125	-	-

EVIDENCE on Claim of *Clarke Gamble*, Esq.

Robert C. Horne, Esq., sworn.—The amount of claim here set forth was included in a claim made by the deponent, the articles lost being in his house when destroyed by the rebels in December 1837; this amount is now deducted from his claim. The articles destroyed were the property of the estate of the late Mr. Whitney, and consisted of books, furniture, plate, china and clothing, belonging to his children. It is not in deponent's power, from
253. D recollection,

PAPERS RELATING TO COMPENSATION

recollection, to particularise the several items of property lost; they were generally valuable, and the amount claimed, as stated at 125*l.*, he has every reason to believe is justly set forth, and, to the best of his knowledge and belief, under the actual value of the same.

(signed) *R. C. Horne.*

Sworn to before us, at Toronto, this 6th February 1839.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae,

(Certified.)

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae,

Toronto, 23 February 1839.

ACCOUNT of DISBURSEMENTS incurred and payable by the Commissioners, under the Statute 1 Vict., c. 13, between 26th September 1838 and 22d February 1839.

DATE.	FOR WHAT.	AMOUNT.
1838:		£. s. d.
October - 5	2 Blank Minute Books, 6/3 - - -	- 12 6
November - 22	Postages - - - - -	- - 4½
December - 10	ditto - - - - -	- - 9
" 14	ditto - - - - -	- 10 3½
1839:		
January - 2	ditto - - - - -	- 1 8
" - 7	ditto - - - - -	- - 9
" - 17	ditto - - - - -	- 2 3
" - 21	ditto - - - - -	- - 9
" 30	ditto - - - - -	- - 9
February - 2	ditto - - - - -	- - 11
" - 22	Allowance to Mr. John Laing, as Clerk to the Board, for attendance, entering Minutes and making copies - -	7 10 -
	£.	9 1 -

Amounting to Nine pounds one shilling currency.

(signed) *Alexander Wood,*
Robert Stanton, } Commissioners.
Thomas Carfrae,

Enclosure 2, in No. 5.

5. STATEMENT of LOSSES which certain Inhabitants of *Upper Canada* have suffered from the Acts of Piratical Bands, armed and organized in the United States of America.

No.	NAMES.	AMOUNT.
		£. s. d.
1.	Sufferers by the invasion of Point Pelee Island	1,067 4 10
2.	Owners of steam-boat "Sir Robert Peel" -	12,737 2 5
3.	George Auldjo, esq., destruction of steam-boat "Sir Robert Peel" - - - -	3,252 17 6
4.	James Holditch, esq., destruction of steam-boat "Sir Robert Peel" - - - -	1,000 - -
5.	Duncan Fraser, esq., destruction of steam-boat "Sir Robert Peel" - - - -	125 10 8
6.	James M'Donnell, destruction of steam-boat "Sir Robert Peel" - - - -	13 15 -
7.	Owners of the "Thames" steamer - - -	4,500 - -
8.	Sufferers at Prescott by the invasion of the brigands - - - - -	1,388 8 7
9.	T. L. Ritter, by the incursion of the brigands at Windsor - - - - -	327 7 6

— No. 6. —

Sir *J. Colborne's* Despatch, 8 May 1840, No. 69, in reply to Lord *Normanby's* Despatch, 25 February 1839; *vide* p. 5.

No. 6.

Encloses First and Second Reports of the Commissioners appointed in Lower Canada, under the Ordinance 1 Vict. c. 7, to inquire into the Losses sustained during the late Rebellion; also, of the Names of Persons who claimed compensation before the said Commissioners, and the amount of their claims.

Already printed for Parliament; *vide* Paper No. 483, 13 July 1840.

— No. 7. —

CAP. 35.—AN ORDINANCE to extend the Provisions of the Ordinance therein mentioned to the Losses sustained by certain loyal Inhabitants of this Province during the Rebellion which has occurred since the passing of the said Ordinance.

No. 7.

WHEREAS it is expedient to extend the provisions of the Ordinance hereinafter mentioned to certain cases which have arisen since the passing thereof; Be it therefore ordained and enacted, by his Excellency the Governor of the Province of Lower Canada, 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 the United Kingdom 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 the several enactments and provisions of the Ordinance passed in the first year of Her Majesty's reign, chapter seven, intituled, “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,” shall be and are hereby extended to all losses which may have been sustained by any of Her Majesty's loyal subjects in this province during the unnatural rebellion which has occurred since the time of the passing of the said Ordinance; and the Commissioners appointed, or who may hereafter be appointed under the authority thereof, may and shall inquire into the losses last mentioned, and 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, in the manner and form, and under the provisions of the said Ordinance, with regard to the losses therein mentioned; and any person who shall wilfully or corruptly give false evidence in any examination on oath before the said Commissioners, under the provisions of the said Ordinance, as hereby extended, shall be guilty of perjury.

The enactments of the Ordinance, 1 Vic. c. 7, extended to all losses sustained by loyal subjects since the time of the passing thereof.

Persons giving false evidence on oath shall be guilty of perjury.

(signed) *J. Colborne.*

— No. 8. —

CHAP. 68.—AN ACT to make provision for the Payment of certain Losses, sustained by sundry Individuals therein named.—(Passed 11th May 1839.)

No. 8.

WHEREAS during the last session of the Legislature of this Province, the claims of sundry inhabitants thereof, for losses during the late insurrection, have been duly investigated by the Commissioners appointed under the Act passed during the said session, intituled, “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,” who have reported thereupon, and it is expedient to make provision for the satisfaction of such claims: 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, intituled, “An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's

Preamble.

Debentures to be issued in payment of losses during the Rebellion.

“ Majesty’s reign, intituled, ‘ 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 immediately after the passing of this Act, it shall and may be lawful for the Receiver-general of this Province to issue debentures to the following persons, inhabitants of this Province, whose claims for losses during the insurrection, in the month of December, in the year of our Lord one thousand eight hundred and thirty-seven, have been investigated by the Commissioners appointed under the before recited Act, for the amount of their several and respective claims, as allowed by the said Commissioners, which claims are as follows; that is to say, Robert Charles Horne, esquire, the sum of two thousand one hundred and twenty-seven pounds eighteen and nine-pence; Clarke Gamble, esquire, trustee to the estate of the late Benjamin Whitney, esquire, the sum of one hundred and twenty-five pounds; Michael Murnan, the sum of seven pounds four shillings; Jane Mulligan, the sum of nine pounds; Mistress Washburn, the sum of one thousand two hundred and twenty-one pounds six shillings and five-pence; Michael Burrough, the sum of thirty-three pounds five shilling and three-pence; William Burrough, the sum of three hundred and fifty pounds; J. Stafford for O. Stafford, the sum of one hundred and thirty-three pounds; James Stafford, the sum of thirty-six pounds five shillings; J. Detchman, the sum of sixty pounds four shillings.

Amount, &c., and period for redemption of such debentures.

II. And be it further enacted by the authority aforesaid, That the said debentures may be issued to the said individuals, in such amounts as the said Receiver-general may deem expedient, and shall bear interest at the rate of six per centum per annum, and be redeemable at the expiration of twenty years from the time of issuing the same, and bear date from the first day of January last.

— No. 9. —

(No. 102.)

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *G. Arthur*, K. C. H., to the Marquis of *Normanby*; dated Upper Canada, Toronto, 11 May 1839.

No. 9.

Lieut.-Governor Sir George Arthur, K. C. H., to the Marquis of Normanby, 11 May 1839.

“ I HAVE the honour to transmit to your Lordship, to be laid at the foot of the Throne, the following Addresses to Her Majesty, from the Parliament of Upper Canada.

“ An Address from the House of Assembly, praying that the Provincial Legislature may be indemnified from the Imperial Treasury for such advances as may be made from provincial funds as compensation to individuals in Upper Canada, who have sustained losses in consequence of the rebellion, and of the repeated invasions of the province by American citizens.”

Enclosure in No. 9.

TO THE QUEEN’S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

Encl. in No. 9.

WE, Your Majesty’s dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave humbly to represent to Your Majesty, that during the present session we have had presented to us very numerous petitions from our constituents, praying to be remunerated for losses and injuries sustained by them in consequence of the late unnatural rebellion in this province, as well as from a series of unparalleled invasions and aggressions by the subjects of a neighbouring republic, professing to be at peace with Your Majesty

Knowing, as we do, the urgency of the demands thus made upon us, we have to the utmost of our power provided for their speedy payment, notwithstanding the embarrassed state of our finances, and the conviction that they are charges which, to a great extent, are not such as should be made upon our provincial revenue. And we assure Your Majesty, that nothing but the knowledge of the pressing want of our loyal fellow-subjects who have thus suffered would have induced us to consider claims which, we humbly submit, should for the greater part be paid by the Imperial Government, which alone has the power to compel foreign nations to indemnify those who may suffer from the aggressions of their subjects.

We, however, rely with confidence on the justice and integrity which have ever distinguished the Sovereigns of the powerful empire to which it is our pride to owe allegiance and

and feel assured that when we shall have ascertained the amount and character of the various demands which we may be called upon to satisfy, Your Majesty will be graciously pleased to cause the same to be reimbursed to us from the Imperial Treasury.

(signed) *Allan N. MacNab*, Speaker.

Commons House of Assembly,
4th day of May 1839.

— No. 10. —

(No. 69.)

COPY of a DESPATCH from the Marquis of *Normanby* to Sir *George Arthur*.

Sir,

Downing-street, 27 June 1839.

No. 10.

I HAVE had the honour to lay before The Queen the Address from the House of Assembly of Upper Canada, praying, that the advances which have been made from the Provincial Treasury as compensation to individuals who have sustained losses in consequence of the late rebellion, and of the repeated invasions of Upper Canada by American citizens, may be repaid from the Imperial revenue.

Marquis of Normanby to
Sir George Arthur,
27 June 1839.

The Queen commands me to instruct you to express to the Assembly Her Majesty's regret, that she cannot hold out any prospect that Parliament will grant the indemnity to the Provincial Treasury proposed in this Address. In undertaking the whole charge of the military defence of the Province, Parliament has subjected the revenue of this Kingdom to a burthen of very great extent and pressure; and it does not appear to The Queen probable that the House of Commons would think it just towards the people of this country to subject them to the additional charge contemplated by the House of Assembly.

I have, &c.

(signed) *Normanby*.

— No. 11. —

(No. 20.)

EXTRACTS of a DESPATCH from Lord *John Russell* to Lieutenant-Governor Sir *George Arthur*; dated Downing-street, 12 October 1839.

No. 11.

HER Majesty's Government having had under their consideration your several despatches of the numbers and dates noted in the margin, containing various Bills which had been passed by the Legislature of Upper Canada during their last Session, and which you had felt it your duty to reserve for the signification of Her Majesty's pleasure, I have now to furnish you with such observations as your communications on these Bills appear to require, and to announce to you the decision of Her Majesty upon them.

Lord John Russell
to Lieut.-Governor
Sir George Arthur,
12 October 1839.

No 110, 14 May 1839.
" 118, 18 " "
" 131, 8 June "
" 135, 8 " "
Separate, 27 July "

The third Bill to be considered is that 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 this Bill, in its present form, I fear that Her Majesty's Assent cannot be given.

Her Majesty's Government readily concur in the propriety of the measure which it is the object of the Bill to effect, but they cannot undertake the obligation which, if it were sanctioned, would be imposed upon them by the preamble of the Bill, of providing ultimately for the payment of this indemnity from the British Treasury. Such a principle Her Majesty's Government are not prepared to recognize, neither, if it were otherwise, would it be of any avail, unless with the previous sanction of Parliament.

Should a similar Bill be passed for this important object, free from the objection which I have pointed out, Her Majesty will be ready to concur in the enactment of it.

— No. 12. —

(No. 53.)

EXTRACT of a DESPATCH from the Right Honourable *C. Poulett Thomson* to Lord *John Russell*; dated Toronto, 15 February 1840.

(Answered 15 July 1840, No. 184 $\frac{1}{2}$, p. 26.)

No. 12.

Right Hon.
C. Poulett Thom-
son to Lord John
Russell,
15 February 1840.

I HAVE the honour to transmit to your Lordship, in order that they may be laid at the foot of the Throne, seven Addresses to Her Majesty, adopted by the House of Assembly during their last session.

No. 5. Praying that Great Britain will assume the charge of indemnifying the sufferers by the insurrection.

Enclosure in No. 12.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Encl. in No. 12.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to renew to Your Majesty our assurance of dutiful and loyal attachment to Your Majesty's person and Throne.

We beg, further, humbly to call to Your Majesty's attention, that during the last session of the Legislature an Act was passed and reserved for the signification of Your Majesty's pleasure, intituled, "An Act to ascertain and provide for the Payment of all just Claims arising from the late Rebellion and Invasion of this Province."

That during this Session we have been informed, by message, from the Right honourable the Governor-general, that your Majesty's Government felt it impossible to advise Your Majesty to assent to the Bill, because the terms of the preamble conveyed a pledge that the charge of this indemnity should be ultimately borne by the British Treasury, which was considered to involve a principle too important to be incidentally recognized, even if it were right to admit it at all, and the admission whereof by Your Majesty should, it is stated, be preceded by the sanction of the Imperial Parliament, but that a Bill for the same object, omitting the preamble, would at once receive the Royal Assent.

Influenced by the pressing exigency of the case, and knowing the utter ruin which delay in making this indemnity will occasion to the sufferers within this Province, we have passed an Act* for their particular relief; but we feel it our bounden duty humbly to address Your Majesty on the justice and propriety of relieving Your Majesty's dutiful and loyal subjects in Upper Canada from the burden thus incurred. When the unprovoked aggressions and invasions of our shores by a foreign country (a country, too, professedly at peace with Your Majesty) first took place, Your Majesty's subjects in this province were left without the protection of any military force. The troops had been withdrawn for the safety of Lower Canada, and the apparently defenceless state of the province no doubt greatly encouraged the hopes of our invaders. It is well known to Your Majesty how and by whom the lawless invaders of Your Majesty's dominions here were promptly met and repelled, and also how and by whom the rebellion in this province was suppressed, and the loyalty and attachment of the Upper Canadian people vindicated from the aspersions of the disaffected to Your Majesty's Crown and person.

Notwithstanding their defeat, the fugitive traitors from this province finding an asylum in a neighbouring country, and receiving countenance and assistance from many of its inhabitants, continued their efforts against Your Majesty's royal authority; and on various occasions and at different places repeated invasions of the most hostile nature were made on Upper Canada by large bodies of citizens from foreign countries at peace with Your Majesty, in connexion with the aforesaid traitors.

In the earliest of their aggressions Your Majesty's dutiful and loyal subjects were left to their own courage and energies, without the aid of a sufficient regular military force to maintain Your Majesty's sovereignty in Upper Canada, and thrown upon their own resources, and in their strenuous and successful efforts for such object the sacrifice and loss of property chiefly occurred, and for which indemnity is now (as we with all humility conceive) so justly claimed.

We respectfully submit to Your Majesty's most gracious consideration, that losses so incurred, and sacrifices so made, should receive their indemnity from the empire in whose behalf they arose, and that the people whose zeal and loyalty alone exposed them to such hazard and loss, should not also be taxed to relieve the sufferers.

We further humbly beg Your Majesty's gracious attention to the fact, that in providing from our own resources for the pensioning of the wounded and of the widows and children of the slain in resisting those hostilities, we have shown our readiness to assume every reasonable charge, and that having thus cheerfully met both the danger and loss arising from personal exertions, we ought not to be left unassisted with regard to loss of property. After the late war with the United States, the Imperial Parliament authorized a payment to be made to sufferers from invasion; and we dutifully submit, that the reasons for that grant apply with increased force in support of the present application.

We

* See Page 28.

We therefore pray Your Majesty to take this matter into your most favourable consideration, and to submit it to your Parliament with a recommendation in favour of our claims.

Commons House of Assembly,
4th day of February 1840.

Allan N. MacNab,
Speaker.

— No. 13. —

(No. 115.)

EXTRACT of a DESPATCH from the Right Honourable *C. Poulett Thomson* to Lord *John Russell*; dated Government House, Montreal, 26 May 1840.

(Received 17 June 1840.)

No. 13.

Right Hon.
C. Poulett Thomson to Lord *John Russell*,
26 May 1840.

* Page 24.

“ In my Despatch, No. 53,* I transmitted different addresses from the House of Assembly of Upper Canada, and stated that I should take an opportunity of referring more particularly to their contents.”

“ The last address to which I need call your attention relates to the indemnity to sufferers from the late rebellion. The Legislature, as you are aware, passed an Act in the Session of 1839 for the payment of these claims, to which Her Majesty’s assent could not be given, because the terms of the preamble conveyed a pledge that the charge should be ultimately borne by the British Treasury. By your Lordship’s instructions I was directed to inform the Legislature of the grounds on which this Bill was not assented to, and at the same time authorized to give my assent to any measure which was free from this objectionable proviso. The Legislature, during the last Session, passed an Act† by which authority was given to distribute as far as 40,000*l.* in payment of these claims; but I thought it my duty to reserve it for the signification of the Queen’s pleasure, first to afford an opportunity for Her Majesty’s Government to consider this address, and next on account of the financial state of the province.

† Page 28.

“ Although the Legislature have voted a sum of ‡ 40,000*l.*, I have reason to believe that these claims, if properly sifted, might be covered by an actual payment of not more than half their demand; whether greater or less, however, it is clear that if the Queen’s assent be given to the Act passed last Session, the amount, whatever it be, can only be raised by adding to the debt of the province. This I should think highly objectionable; the debt has been stated as it existed at the time the union was agreed to, and I should be very unwilling to add to it any fresh charge not absolutely called for. But in the present state of the credit of the province, it would, I believe, besides, be impossible to raise any such sum by debentures, except at an enormous sacrifice. I cannot, therefore, recommend to Her Majesty’s Government to assent to the Bill.

‡ *Vide* Upper Canada Act, 3 Vict., c. 76, p. 28.

“ But the faith of the Government is undoubtedly pledged either to that or to affording the relief from the Imperial Treasury, which last course the answers given to the Legislature do not absolutely refuse. However objectionable it may be in principle to make good losses of this description, there are circumstances connected with this transaction in Upper Canada which seem to call for an exception. The severe sufferings entailed upon the people of the province by its invasion from the States, sufferings which can be little compensated, after all, by any pecuniary payment, and the great sacrifices made by all classes of Her Majesty’s subjects in defence of the rights of the Crown, establish a just claim upon the liberality of Parliament. The expense seems more justly to belong to the mother country, whose dominions were invaded and whose power was threatened, than to the colony itself.

“ Under these circumstances, the pledge given by the Crown, the impossibility of providing the means from the provincial funds, or from provincial credit, and the peculiar nature of the claim, I beg earnestly to recommend to the consideration of the Government the propriety of adopting this charge. If that be done, I would then take measures for securing the strictest scrutiny into the validity of the claims, and I entertain no doubt that if the investigation were properly conducted, under persons altogether unconnected with the province, the amount might be reduced to a very moderate sum, whilst the act of grace and generosity on the part of Parliament would be highly felt and appreciated throughout Upper Canada.”

— No. 14. —

(No. 184 $\frac{1}{2}$.)COPY of a DESPATCH from Lord *John Russell* to the Right Honourable
C. P. Thomson.

No. 14.
Lord John Russell,
to the Right Hon.
C. P. Thomson,
15 July 1840.

Sir,

Downing-street, 15 July 1840.

WITH reference to my Despatch of the 1st instant, No. 171,* I am now to acquaint you, that the Lords Commissioners of the Treasury having had under their consideration the Act passed by the Legislature of Upper Canada in the last session, providing for the payment of claims arising from the late rebellion and invasion, together with the Address of the House of Assembly to Her Majesty, praying for compensation for the losses sustained by the province in consequence of those events, have decided that the circumstances under which the losses in question have been incurred were not such as to warrant an application to Parliament for the indemnity prayed for, and that there was not sufficient reason for objecting to the allowance and confirmation of the provincial enactment on this subject.

I enclose you extracts from their Lordships' two letters relative to the Act and Address, and have to add that the Order of Her Majesty in Council, conveying Her Majesty's assent to the Act, will be forwarded by an early opportunity.

I have, &c.
(signed) *J. Russell*.

20 June 1840.
9 July 1840.

Enclosure 1, in No. 14.

EXTRACT of a Letter from *C. E. Trevelyan*, Esq., to *James Stephen*, Esq.; dated
Treasury Chambers, 20 June 1840.

Encl. 1, in No. 14.
† Vids Page 28.

† Page 23.

WITH respect to the Act, No. 1300,† to “Ascertain and Provide for the Payment of all “just Claims arising from the late Rebellion and Invasions of the Province,” I am to request that you will state to Lord John Russell, that, as it appears to have been passed in accordance with the suggestions in a despatch addressed by his Lordship to Lieutenant-governor, Sir George Arthur, on the 12th October last,‡ and does not contain the reference to obligation, on the part of Her Majesty's Government, to provide from funds of this country for the satisfaction of the claims to which it relates, which had been objected to in the previous Act, my Lords have not seen reason to object to the allowance and confirmation of it.

Enclosure 2, in No. 14.

EXTRACT of a Letter from *C. E. Trevelyan*, Esq., to *James Stephen*, Esq.; dated
Treasury Chambers, 9 July 1840.

Encl. 2, in No. 14.

MY Lords having, also, duly considered the representations in the Address of the House of Assembly to Her Majesty, to which the Governor-general refers in his despatch respecting the Act first mentioned, I am commanded to request you will state to Lord John Russell, that my Lords do not conceive that the circumstances under which the losses arising from the rebellion were incurred, were such as to warrant an application to Parliament for the means of indemnifying the sufferers at the expense of this country. My Lords, therefore, do not deem it necessary to add anything to the communication on the subject of the Provincial Act, No. 1300, providing for the payment of claimants on this account, which was addressed by their direction to you on the 20th.

— No. 15. —

(No. 184.)

COPY of a DESPATCH from Lord *John Russell* to the Right Honourable
C. P. Thomson.

No. 15.
Lord John Russell,
to the Right Hon.
C. P. Thomson,
15 July 1840.

Sir,

Downing-street, 15 July 1840.

THE House of Commons having presented an humble Address to The Queen, for a “Return of the names of the Commissioners appointed to investigate the “Claims of certain loyal Inhabitants of Lower Canada for Losses sustained “by

* Stating that the Address of the Assembly on Rebellion Losses had been referred to the Treasury.

“ by them during the late disturbances, the salaries received by them, and the “ amount of their contingent expenses,” and Her Majesty having been graciously pleased to command a compliance therewith, I have to desire that you will, without loss of time, furnish me with this Return to be laid on the table of the House. I have further to suggest that you will supply me with a similar Return for Upper Canada.

I have, &c.

(signed) J. Russell.

— No. 16. —

(No. 167.)

COPY of a DESPATCH from Lord Sydenham to Lord John Russell.

My Lord,

Government House, Montreal, 2 October 1840.

I HAVE the honour to transmit herewith, in compliance with the instruction conveyed in your Despatch, No. 184,* of the 15th July last, a return containing the information required by the House of Commons with respect to the Commissioners appointed to investigate the claims of certain loyal inhabitants of Lower Canada for losses sustained by them during the late disturbances.

In further pursuance of your Lordship's instructions, I have directed that a similar Return may be furnished from Upper Canada.†

No. 16.

Lord Sydenham
to Lord John
Russell,
2 October 1840

* See page 26.

I have, &c.

(signed) Sydenham.

† Such Return does not appear to have been received from Upper Canada.

Enclosure in No. 16.

LOWER CANADA.

RETURN of the NAMES of the COMMISSIONERS appointed to investigate the Claims of certain loyal Inhabitants of Lower Canada, for Losses sustained by them during the late Disturbances, the SALARIES received by them, and the Amount of their CONTINGENT EXPENSES.

Encl. in No. 16

NAMES of Commissioners.	Period of Service.		Amount of Salary.	Amount of Allowance while absent from Home.	TOTAL Salary and Allowance for each, Sterling.
	From	To			
Pierre E. Leclerc †	19 May 1838	26 Feb. 1839	£. s. d. 254 14 -	£. s. d. 45 18 -	£. s. d. 300 12 -
E. A. Clarke -	ditto	15 May 1840	654 6 -	409 10 -	1,063 16 -
Charles Tait -	ditto	ditto	654 6 -	409 10 -	1,063 16 -
Charles S. Rodier §	27 Feb. 1839	ditto	399 12 -	344 14 -	744 6 -
Secretary :					
John C. Fisher -	25 May 1838	30 May 1840	662 8 -	400 10 -	1,062 18 -
Total Salaries and Allowances			- - -	- - -	4,235 8 -
Amount of Contingent Expenses			- - -	- - -	1,102 3 9
TOTAL, Sterling			- - - £.	- - -	5,337 11 9

† Resigned on 26 February 1839.

§ Appointed to succeed Mr. Leclerc.

Note.—The Salaries of the Commissioners and Secretary were 20 s. currency per diem each ; and allowance of 20 s. currency per diem each while absent from home.

Quebec, 21 August 1840.

Jos. Cary,

Insp. Gen. Pub. Accounts.

—No. 17.—

CHAP. 76.—AN ACT to ascertain and provide for the Payment of all just Claims arising from the late Rebellion and Invasion of this Province.—(Royal Assent promulgated by Proclamation, 22d October 1840.)

Most Gracious Sovereign,

Preamble.

40,000 £. granted
for payment of
claims.

Governor to appoint
three Commissioners
in each district.

To inquire into
losses during the
rebellion.

Oath to be taken
by the Commis-
sioners.

WHEREAS during the late unnatural rebellion, and on the several hostile invasions of and lawless aggressions upon this province, at various points, by foreigners and others from the United States of America, divers inhabitants of this province sustained much loss and damage by the destruction of their dwellings and other buildings and property, and by the seizure and carrying away of their property by the rebels and invaders, and otherwise: And whereas others of the said inhabitants essentially contributed to the effectual defence of the province, by capturing many of the rebels and invaders, by advancing money and supplying meat, drink, lodging, clothing, arms and accoutrements, and also conveyances for the militia forces and otherwise, and by performing many important services in various ways, for which they have not hitherto been paid or satisfied, and their claims and demands are still outstanding: And whereas it is just and expedient that all such claims and demands should be paid and satisfied, after the same have been ascertained in the manner hereinafter mentioned: We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, therefore, humbly beseech Your Majesty that it may be enacted; And be it 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, intituled, "An Act to repeal certain Parts of an Act passed in the Fourteenth Year of his Majesty's reign, intituled, '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 authority of the same, that from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver-general of this province, and unappropriated, there be granted to Her Majesty, Her heirs and successors, a sum not exceeding 40,000 £., which said sum, not exceeding the said sum of 40,000 £., shall be appropriated, applied and disposed of in the payment of all and every and so many and such of the claims or "sums allowed" in the third column of the schedules hereinafter directed to be made out and delivered or sent to the Governor of this province, by the Commissioners to be appointed under this Act, and the same shall be paid under the warrants of the Governor, as hereinafter provided.

II. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the Governor of this province, as soon as may be after the passing of this Act, by several Commissions under the great seal of this province, to appoint three Commissioners for each district of this province, one of whom shall have been a resident for at least one year within the district, whose duty it shall be to inquire into the losses sustained by Her Majesty's subjects and other residents within this province, during and in consequence of the late rebellion and invasions; and also into the said several claims and demands which have accrued in respect of any loss, destruction or damage of property occasioned by violence on the parts of brigands or pirates, on the waters of the lakes or rivers dividing this province from the United States; and they or a majority of them shall ascertain, determine and allow the amount thereof respectively.

III. And be it further enacted, by the authority aforesaid, that the said Commissioners, before they enter upon the execution of the duties of their office, shall severally take an oath before any one of Her Majesty's Justices of the Peace (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 judgment, I will faithfully, impartially and honestly execute the duties imposed upon me, under and by virtue of an Act, intituled, 'An Act to ascertain and provide for the Payment of all just Claims arising from the late Rebellion and Invasions of this Province,' without favour or affection, prejudice or partiality to any person or persons whomsoever. So help me God."

IV. And

IV. 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 authorized to examine upon oath all persons whom they shall think fit to examine upon the several claims and demands, which may from time to time come before them, and touching all such matters and things as shall be necessary for the execution of the powers vested in them by virtue of this Act, which oath shall be in the following form, or to the following effect: "You, A. B., do swear, that the evidence which you shall give upon the matter now before us shall be the truth, the whole truth, and nothing but the truth. So help you God;" and all persons whom they, or a majority of them, shall summon before you are hereby directed and required personally to attend them, the said Commissioners, at such time and in such places as they shall from time to time appoint.

Commissioners to examine persons upon oath touching claims, &c.

Oath of witnesses

Witnesses summoned to attend Commissioners.

V. And be it further enacted, by the authority aforesaid, that the said Commissioners are hereby authorized to meet and sit from time to time at such two places (and at two places only) and for a period not exceeding six days at each sitting in each district, as they shall think proper, and to send their precept under their hands for any person whomsoever, and for such books, papers and writings as they may judge necessary for their information, or the execution of the powers vested in them by this Act.

Commissioners to meet at two places for six days each (see 4 & 5 Vict., c. 39, s. 1.)

VI. And be it further enacted by the authority aforesaid, that a printed notice shall be published in the Upper Canada Gazette, and in such newspapers in each district as the said Commissioners may respectively think fit, twice successively; and similar notices shall be posted or fixed up against the churches, meeting-houses and principal taverns in each county, at least three weeks previous to the said Commissioners holding their first meeting; which notice shall be in the following form, or to the following effect: "Public Notice is hereby given, that we, the undersigned Commissioners, appointed by his Excellency the Governor (or Lieutenant-governor, as the case may be), to investigate all claims and demands against the Government of this province, for losses, injuries, or otherwise arising out of the late rebellion and invasion of this province, will hold our first meeting at (naming the tavern or place) in the township of _____ in the county of _____ on the _____ day of _____ next, at nine o'clock in the forenoon; and our second meeting at (naming the tavern or place) in the township of _____ in the county of _____ on the _____ day of _____ next, at nine o'clock in the forenoon, and we shall continue our sitting for a period not exceeding three successive days at each place, and no longer; all farmers, merchants, tavern keepers, teamsters, and all other persons who have any claims upon the country, will punctually attend the several places and times above mentioned, with their accounts, papers and witnesses, to prove and substantiate the same, or in default thereof, their claims will for ever thereafter be excluded and barred. Given under our hands, this _____ day of _____.

Notice to be given by Commissioner of times and place of meeting.

"A. B. }
"C. D. } Commissioners."
"E. F. }

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

False swearing, perjury.

VIII. And be it further enacted by the authority aforesaid, that, before the said several Commissioners shall finally close their sittings, they, or any two of them, shall make out a schedule of all claims examined and allowed or rejected by them in the following form, or as near thereto as may be; which said schedule shall be in duplicate, and free from erasures or interlineations, and shall be signed by the said Commissioners, or any two of them:

Schedule of claim allowed or rejected to be made out by Commissioners.

"We, the undersigned persons, appointed by his Excellency the Governor to examine, inquire into, and allow or reject the claims or demands of the inhabitants of the county of _____ in the _____ district of _____ this _____ 253.

Form of Schedule &c.

to direct ; provided always, that any claims arising under this Act may be paid, whenever the same shall be practicable, in the whole, or in part, in any debentures or public bills of credit, which shall or may hereafter be issued in aid of the public service ; and such debentures or bills of credit shall be a legal tender for the whole, or in part, of any such claims.

Claims may be paid in debentures, &c.

XII. And be it further enacted by the authority aforesaid, that, in the event of the damages authorized to be paid under the provisions of this Act exceeding the sum herein granted, it shall be the duty of the Governor, and he is hereby required, to apportion the said sum of 40,000 *l.*, in proportion to the respective claims ascertained to be due.

If claims allowed exceed amount granted, Governor to apportion the same to the respective claimants.

— No. 18. —

CHAP. 39.—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.” (17th August 1841.)

No. 18.

WHEREAS by the fifth section of an Act passed in the last session of the Legislature of the 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,” it is enacted (among other things), that the Commissioners to be appointed by that Act should sit from time to time at two places only, and for a period not exceeding six days at each sitting in each district, and it is by the tenth section of the said Act provided, that in no case shall any Commissioner be allowed for more than fourteen days’ occupation in any one district : And whereas it is expedient to extend the provisions of the said Act so far as to enlarge the period for the said Commissioners holding their sittings ; 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, 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 said Commissioners to sit twenty-eight days in each district, but at two places only in such district ; and that neither of such sittings shall exceed fourteen days, for the purposes of the said in part recited Act : Provided always, that in no case shall any Commissioner be allowed for more than thirty-one days occupation in any one district.

Preamble.

* Page 28.

A certain Act in part recited.

The period during which the Commissioners under the said Act may sit, and the number of days for which they may receive compensation extended.

Proviso.

II. And be it enacted, That the powers vested in, and duties required of the said Commissioners under the said Act, shall extend and be construed to extend to inquire into all losses sustained by Her Majesty’s subjects and other residents within that part of this province to which the said Act extends, from the first breaking out of the said rebellion to the passing of the said Act, and the several claims and demands which have accrued to any such persons by such losses, in respect of any loss, destruction or damage of property occasioned by violence on the part of persons in Her Majesty’s service, or by violence on the part of persons acting or assuming to act on behalf of Her Majesty, in the suppression of the said rebellion, or for the prevention of further disturbances, and all claims arising under or in respect of the occupation of any houses or other premises by Her Majesty’s naval or military forces, either imperial or provincial.

The powers of the Commissioners extended to other claims for losses and demands not before provided for.

— No. 19. —

(No. 108.)

COPY of a DESPATCH from Lord Sydenham to Lord John Russell.

Government House, Kingston, 25 August 1841.

My Lord,

(Received 15 September 1841.)

I HAVE the honour to acknowledge the receipt of your Lordship’s Despatch, of the 21st ultimo, No. 408, relative to the claim of Mr. Isaac Smith to indemnity

No. 19.
Lord Sydenham to Lord John Russell,
25 August 1841.

nity for the destruction of his property by Colonel Cyril Taylor, as a measure of defence against the attacks of the insurgents at Odelltown. Your Lordship desires me to report my opinion, whether the indemnity to which Mr. Smith is entitled ought to be paid from the military chest or from the provincial revenue.

In reply, I have to state, that were Mr. Smith's an isolated case, or were the principle now first brought forward for decision, I should be prepared to contend that all losses caused by operations for strengthening or defending a military post ought to be defrayed out of the military chest, and that the province should bear only those losses which were caused by the insurgents. This was the principle of the first Ordinance for the appointment of an Indemnity Commission, passed by Sir J. Colborne and the Special Council, although the operation of the Commission was afterwards extended to all losses of every kind. I am, however, aware that losses caused by the direct action of Her Majesty's troops, and intended either to strengthen their positions or to weaken those of the insurgents, have been indemnified out of provincial funds; and perhaps, therefore, it may be now too late to assert the contrary principle with reference to this individual case.

But, on my arrival in Lower Canada, I found that no less a sum than 21,000*l.* had already been awarded by Sir John Colborne to the sufferers by the rebellion, for the greater part of which I had to provide, and that in this manner the provincial chest had become so exhausted as scarcely to meet the current expenses of the province. I accordingly felt bound to bring to a close the operations of the Indemnity Commission, and to allow the claims which they had recommended since their previous reports to stand over till the financial condition of the province should have improved. Among these was the claim of Mr. Smith; but, considering the very peculiar circumstances out of which it had arisen; the loyalty of the sufferer; the promise made to him by Sir John Colborne; the immediate intervention in the matter of the officer commanding Her Majesty's troops on the frontier, and the discontent which would necessarily be produced by its non-payment; I recommended that in the absence of any provincial funds applicable to the service, it should be defrayed from the military chest. I am still of the same opinion, and I would therefore submit to your Lordship, that the Commissary-general should be authorized at once to pay to Mr. Smith the sum to which by the award of the Commissioners he has been declared entitled.

I have, &c.
(signed) *Sydenham.*

— No. 20. —

(No. 49.)

COPY of a DESPATCH from Lieut.-General Sir *R. D. Jackson* to Lord *Stanley*.

Government House, Kingston, 14 December 1841.

(Received 17 January 1842.)

My Lord,

No. 20.
Lieut.-Gen.
Sir R. D. Jackson,
to Lord Stanley,
14 December 1841.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th October last, No. 15, on the subject of the claim of Mr. Isaac Smith, whose property at Odelltown was destroyed in 1838, by direction of the officer in command of Her Majesty's troops at that post, when engaged in action with the insurgents, to be indemnified for his losses out of imperial funds. Your Lordship observes, that Lord Sydenham, while he adverts to peculiar claims possessed by Mr. Smith, does not specify them, and that as many similar claims referred to the Indemnity Commissioners stand over for want of funds, you cannot, without further information, separate this case from others.

From Lord John Russell's Despatch, No. 408, to which Lord Sydenham's Despatch of the 25th of August was an answer, it was evident that the Colonial Office were already in possession of all the documents connected with Mr. Smith's case, and it therefore appeared, I presume, to Lord Sydenham, unnecessary to recapitulate circumstances which were so fully set forth in Mr. Smith's petition, and in Colonel Cyril Taylor's letters. The circumstances to which Lord Sydenham intended to advert as constituting the peculiarity of Mr. Smith's claim were, I conceive, the fact that Mr. Smith was a man of undoubted loyalty in a part of
the

the country where disaffection very generally prevailed; that when it was stated to him that the position of his property afforded shelter to the insurgents in their attack on Her Majesty's troops, he at once consented to its destruction; that accordingly it was so destroyed by Colonel Taylor's orders, and that when reported to the Commander of the Forces on the following day, this proceeding received his especial approval; and last, that an express promise was given by Lord Seaton, or by his authority, to Mr. Smith, that he should be indemnified. Some of these circumstances may have occurred in other cases included among those not yet satisfied, but all of them occur in none. Mr. Smith's case may, therefore, I think, be fairly treated by itself, without the risk of establishing a precedent for the decision of others.

The delay in satisfying claims like the present, although, under the existing circumstances of the provincial revenue, unavoidable, had given rise to considerable discontent, and was felt as a peculiar hardship by the few loyal inhabitants of that section of the country, whose loyalty had then, and has since, exposed them to outrage and insult from their disaffected neighbours. In another despatch,* which I address to you by this opportunity, your Lordship will find a striking and most unhappy illustration of the sufferings to which the well-disposed inhabitants of that frontier are subjected, and you will, I trust, consider that while their attachment to the British Government exposes their property and their lives to attacks of so atrocious a nature, it is no less impolitic than unjust to give them any fair ground to complain that the losses which they have suffered by the act of the Government are left unrequited. If this be so, it is not possible but that a feeling of self-preservation on the one hand, and a sense of injury on the other, should undermine the loyalty of all who are settled in disaffected communities; or, at any rate, should induce them to conceal sentiments which, while they expose them to unpopularity, suspicion and outrage, afford them no protection whatever.

Lord Sydenham felt very strongly the evils of such a state of things, and anxious to remove the bad impression produced even by delay in satisfying a claimant, who appealed not only to the just and favourable consideration of the Government, but also to the direct promise of the Governor, he recommended the payment of this claim out of the military chest, as the only fund then available. But at the same time he directed a Bill to be introduced into the Legislature to provide for the liquidation of all claims of this nature in Lower Canada, as had previously been done in the Upper Province. Unfortunately, owing to the lateness of the season, this Bill did not pass into a law, and there is, therefore, no fund, nor any prospect of a fund, out of which Mr. Smith can be paid, should your Lordship still continue to think that his case ought not to be made an exception. But I trust that the circumstances which I have now stated, and the strong conviction which I feel it my duty to express, that if a claim like this be left unsatisfied, it will have the worst effect on the loyalty of persons similarly situated, may induce your Lordship to take a different view of the matter.

I do not know that I need add anything more on the subject, although I feel the greatest anxiety to rescue the Government from the odium of a breach of faith to one of the few individuals who in that part of the country came forward to support them in 1838. Mr. Smith has intimated his intention, in the event of his appeal to the Government being unsuccessful, to commence legal proceedings against Colonel Taylor, and it is probable, if he do so, that he will recover damages. In that case it will not, I presume, be permitted that Colonel Taylor should be subjected to so heavy a loss for proceedings adopted in the execution of his military duty, and subsequently approved by the Commander of the Forces. I would, however, request your Lordship's instructions as to the course which should be pursued by the Government in such a contingency.

I have, &c.

(signed) *R. D. Jackson.*

PART II.

* No. 53, 20 December, referring to the border attacks of United States citizens on the lives and properties of the Canadian inhabitants.

PART II.

CORRESPONDENCE, &c. SINCE THE YEAR 1844.

— No. 21. —

(No. 44.)

COPY of a DESPATCH from Sir *Charles Metcalfe* to Lord *Stanley*.
(Answered 8 May 1844, page 35.)No. 21.
Sir Charles Metcalfe to Lord Stanley,
7 March 1844.

Government House, Kingston, 7 March 1844.

(Received 16 April 1844.)

My Lord,

I HAVE the honour to submit, at their request, a petition to Her Majesty from certain inhabitants of the county of Huntingdon in Lower Canada, praying to be indemnified for losses sustained by them during the rebellions of 1837 and 1838.

The prayer of the petitioners is entitled to earnest consideration, for no one can question their claim to relief, or that of others, who have suffered under similar circumstances. It is to be regretted that so much delay has taken place in doing justice to loyal subjects, who have perilled both property and life in the defence of the Crown, and still more to be lamented that there is little prospect of any better result, owing to disinclination in influential parties in the colony to provide the requisite funds. The effect of this neglect cannot be other than prejudicial and disheartening; it is an aggravation of misfortune to those whose claims remain unsatisfied, that others were recompensed for their losses, and all in progress to the same consummation, when the inquiry was suddenly stopped, and that since then all recompense has ceased.

I am aware that Her Majesty's Government have replied to former applications that they have no means of complying with them; and as there are no funds under the control of the Provincial Government out of which these claims can be satisfied, I am reluctantly compelled to defer their settlement, in the faint hope, bordering on despair, that the local legislature may hereafter be moved to make the necessary appropriation.

I have, &c.

(signed) *C. T. Metcalfe*.

Enclosure in No. 21.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE PETITION of certain Loyal Inhabitants of the County of Huntingdon and Province of Canada;

HUMBLY SHEWETH,

Encl. in No. 21.

THAT your petitioners, residing in the county and province aforesaid, are loyal and devoted subjects of Your Majesty, who during the late unhappy rebellions of 1837 and 1838 were active in the defence of the laws and constitution of Great Britain, and suffered many and serious evils in consequence thereof.

That in the autumn of 1838 your petitioners suffered all the complicated evils incident to civil war, several of them having been imprisoned by the insurgents, while others were engaged in repelling the hostile attacks of a portion of their fellow-subjects then in arms against the authority of Your Majesty; and that, during that unhappy period, their homes and properties were consequently abandoned to pillage and spoliation, involving all in considerable and many in ruinous losses.

That a Commission was appointed to investigate the claims of the loyal sufferers during the rebellion, and that the persons included in the First, Second and Third Report of the Commissioners received their pay; after which proceedings were suddenly suspended, although the claims of most of your petitioners had been examined and approved, and, in several instances, the warrants actually made out for their payment.

That each successive Governor has acknowledged the justice of your petitioners' claims upon the Government, but regretted the want of the necessary funds.

That

That your petitioners can only look upon their case as one of extreme neglect, inasmuch as others who had suffered less, and done less in the loyal cause, were promptly remunerated; while this section of the province, which bore the weight of the second rebellion in Lower Canada, and under the most discouraging circumstances, without any assistance from the regular forces, met and defeated the insurgents in the actions of the 7th and 9th November (which actions terminated the unhappy struggle), have now remained more than five years unremunerated.

That it is with extreme regret your petitioners recall the recollection of those unhappy passages in our colonial history, more particularly as it appears the wish of Your Majesty the past should be forgotten, but that the peculiar circumstances of your petitioners render the allusion necessary and unavoidable.

That many of your petitioners, merchants and others, in consequence of their losses, were obliged to contract debts in order to continue their accustomed business, which they did under the assurance of speedy remuneration; and that those debts, in too many instances, remain unliquidated, threatening the parties with utter ruin.

Wherefore, with every confidence in Your Majesty's justice, your petitioners lay their case at the foot of the Throne, humbly praying Your Majesty to adopt such measures for our relief as in your wisdom may seem just and equitable.

And may the blessing of Almighty God rest upon Your Majesty, and long continue your benignant reign over a devoted people.

Signed by 67 Persons.

Lacolle, February 15, 1844.

--No. 22.--

(No. 215.)

COPY of a DESPATCH from Lord *Stanley* to the Right Honourable
Sir *C. Metcalfe*.

Sir,

Downing-street, 8 May 1844.

I HAVE received your Despatch, of the 7th March, No. 44,* with a petition addressed to The Queen by certain inhabitants of the county of Huntingdon, praying for indemnification for their losses by the late rebellions in Canada.

I have laid this petition before The Queen, and Her Majesty was pleased to receive it very graciously. I regret, however, to have to add, that it has not been in my power to advise Her Majesty to accede to it, owing to the absence of any funds from which relief could be afforded to the petitioners.

I find that in Upper Canada an Act was passed, with the intention of providing indemnification, by the means of debentures, for a certain number of persons who had sustained losses by the rebellion, but which Act, if I am rightly informed, never went into operation. It has been suggested to me, that if the claims from both sections of the province were submitted in one application to the House of Assembly, they might receive favourable consideration, and be compensated by debentures. I do not venture an opinion whether it is practicable to adopt this course, or if it be so, whether it would be satisfactory to the petitioners themselves; but, as I perceive no other mode of procuring them redress, and there are no hopes of relief from Imperial funds, I think it right to offer you the suggestion, leaving it entirely at your discretion to act upon as you may think proper.

I have, &c.

(signed) *Stanley*.

No. 22.
Lord Stanley to
the Right Hon.
Sir C. Metcalfe,
8 May 1844.

* Page 34.

— No. 23. —

(No. 263.)

COPY of a DESPATCH from Lord *Metcalfe* to Lord *Stanley*.

Government House, Montreal, 30 April 1845.

(Received 2 June 1845.)

My Lord,

I HAVE the honour to submit a Report by Mr. Attorney-general Smith on the laws passed by the Legislative Council and Legislative Assembly of Canada in the last Session, and assented to by me in Her Majesty's name.

No. 23.
Lord Metcalfe to
Lord Stanley,
30 April 1845.

I have, &c.

(signed) *Metcalfe*.

Enclosure 1, in No. 23.

Encl. 1, in No. 23. EXTRACT from REPORT of Mr. Attorney-General *Smith* on the Laws of Canada, Session of 1845, enclosed in Lord *Metcalf*'s Despatch, No. 263, 30 April 1845.

CAP. 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.

Introduced by Mr. Commissioner of Crown Lands *Papineau*.

THIS Act directs that the monies arising from tavern licenses shall be appropriated for local purposes under the municipal authorities of the places in which they are collected. It would not, of course, extend to the duty imposed by the Imperial Act, 14 Geo. 3, c. 88, whenever that duty, or any portion of it, should under the Union Act cease to be at the disposal of the Provincial Parliament; nor would it affect the provision of the Union Act by which the order of charges on the Consolidated Revenue is established, if by any chance the fund should be insufficient to meet prior charges. It would seem, in principle, better to have appropriated a sum equal to that produced from the said duty, to be paid out of the Consolidated Revenue Fund, in its proper order of charge. But no practical inconvenience seems likely to ensue in this instance. The appropriation is a very popular one. The remainder of the Bill provides, that out of the monies coming to Upper Canada under it, the claims allowed under the Act of Upper Canada, 3 Vict., c. 76, and of Canada, 4 & 5 Vict., c. 39, shall be paid, or as far as the sum of 40,000 *l.* appropriated by the first of those Acts will go. This part of the Act is very important, and has settled a question which had excited great discussion and created great difficulty. Debentures are to issue in the first place, to be payable out of the said monies.

Enclosure 2, in No. 23.

ANNO OCTAVO VICTORIÆ REGINÆ.

Encl. 2, in No. 23. CAP. 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.—(29 March 1845.)

Preamble.

Act of Upper
Canada, 3 Vic. c. 76,
cited.

Act of Canada,
4 & 5 Vic., c. 39,
cited.

Governor in Council
may issue debentures
to a certain amount
to the Claimants
under the said Act.

Proviso if the
sums awarded
exceed in the whole
the said sum.

Provisions of Act
of Upper Canada,
7 Will. 4, c. 14,
extended to debentures
issued under
this Act.

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 40,000 *l.* 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 40,000 *l.*, 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,

debentures, or issuing or using any such forged or counterfeit debentures, and 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.

Monies arising from Tavern Licenses to be applied to municipal purposes.

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.

But such monies from Upper Canada shall be appropriated to pay the debentures issued under this Act until the same, and the interest thereon, be paid.

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.

Separate accounts.

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.

Payments to be made by warrant.

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.

Accounting clause.

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.

Commissioners in their inquiry not to be bound by the strict legal rules of evidence.

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 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.

Interpretation clause.

— No. 24.—

ANNO NONO VICTORIÆ REGINÆ.

CAP. LXV.—AN ACT to provide for the Payment of certain Rebellion Losses in Lower Canada, and to appropriate the Proceeds of the Marriage License Fund.—9 June 1846.

WHEREAS it is expedient to make provision for the payment of the sums ascertained by the Fourth and Fifth Reports of the Commissioners appointed under the Ordinance of the Administrator of the Government of the late province of Lower Canada, and the Special Council for the affairs thereof, passed in the first year of Her Majesty's reign, and intituled, "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;" 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

Preamble.

Ordinance, Lower Canada, 1 Vic. c. 7, cited.

£. 9,986. 7. 2. (to be raised by debenture), appropriated to pay indemnity awarded in the said Ordinance.

“Provinces of Upper and Lower Canada, and for the Government of Canada,” and it is hereby enacted by the authority of the same, That there be granted to Her Majesty a sum not exceeding 9,986*l.* 7*s.* 2*d.* currency, to be raised by debentures in the manner hereinafter mentioned, to enable Her Majesty to pay the sums reported by the Commissioners under the Ordinance aforesaid, in their said Fourth and Fifth Reports, as being required to indemnify the persons therein mentioned respectively for their lossess sustained during and by reason of the rebellion in the said Ordinance mentioned.

Governor in Council may authorize the issue of debentures to the said amount; such debentures to be chargeable against the Lower Canada portion of the Marriage License Fund, and not against the general revenue.

II. And be it enacted, That for the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council to authorize the issue of debentures to an amount not exceeding the said sum, in such form, and for such separate sums, and redeemable respectively at such times as may be found most convenient, bearing interest at a rate not exceeding six per centum per annum, the principal and interest of the said debentures not being chargeable on the Consolidated Revenue Fund of this province, but being payable out of that portion of the Marriage License Fund arising in Lower Canada, as the same shall come into the hands of the Receiver-general, the proceeds of which portion of the said fund are hereby specially appropriated to the payment of the said principal and interest.

Upper Canada portion of the said fund appropriated towards the support of certain public institutions in Upper Canada.

III. And be it enacted, That the proceeds of that portion of the said Marriage License Fund arising in Upper Canada shall be and are hereby specially appropriated towards the support of the public institutions in that portion of the province for which grants have usually been made out of the Consolidated Revenue Fund of this province; that is to say, the Toronto General Hospital, the Kingston Hospital, the Toronto House of Industry, the Kingston Indigent Sick, and the Upper Canada Lunatic Asylum, to be applied in such manner and for such amounts as the Governor in Council shall direct.

Punishment of persons forging debentures, &c.

IV. And be it enacted, That if any person or persons shall forge or counterfeit any debenture to be issued under the authority of this Act, or any stamp, indorsement, or writing thereon or therein, or shall demand to have such counterfeit debenture, or any debenture with such counterfeit writing or other indorsement thereon or therein, to be exchanged for money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the debenture so tendered, or the indorsement or writing thereon or therein, to be so forged or counterfeited with intent to defraud Her Majesty, Her heirs and successors, or the person appointed to pay the same, or any of them, or any other person or persons, body or bodies politic or corporate, then every person so offending being thereof lawfully convicted shall be adjudged guilty of felony, and shall suffer such punishment as shall be adjudged in that behalf, not exceeding imprisonment at hard labour in the provincial penitentiary for seven years.

Debentures may be called in and paid off at any time.

V. And be it enacted, That it shall and may be lawful for the Governor of this province at any time, by proclamation, to call in any of the said debentures, although the time therein named for the payment thereof may not have arrived, in order that the same may be paid off, and that at the expiration of six months from the date of such proclamation all interest on the debentures called in for payment as aforesaid shall cease.

Accounts in detail to be laid before the Legislature.

VI. And be it enacted, That accounts in detail of all monies received and paid, and of the debentures issued and the interest thereon, and of the redemption of the whole or any part of such debentures, and all expenses attending the collection and payment of the sums of money collected, received or paid by authority of this Act, shall be laid before the legislature of this province at each session thereof.

Accounting clause to Her Majesty.

VII. And be it enacted, That the due application of the monies so to be raised shall be accounted for to Her Majesty, Her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her heirs and successors, shall be graciously pleased to direct.

Interpretation clause.

VIII. And be it enacted, That the words “Governor in Council,” wherever they occur in this Act, shall be construed to mean the Governor, Lieutenant-Governor or person administering the government of this province, acting by and with the advice of the Executive Council thereof.

— No. 25. —

ANNO DECIMO ET UNDECIMO VICTORIÆ REGINÆ.

CAP. 33.—AN ACT to authorize the issuing of Debentures to pay the Balance due to Claimants for Losses during the Rebellion and Invasion in Upper Canada.—28th July 1847.

WHEREAS by an Act passed in the eighth year of Her Majesty's reign, intituled, "An Act 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," it was amongst other things provided, that it should be lawful for the Governor in Council to issue debentures, not amounting in the whole to more than 40,000 *l.* currency, to the claimants, to whom sums should be awarded under the provisions of a certain 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," 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;'" and for the sums awarded to them respectively: And whereas the sums awarded under the provisions of the said Acts amount in the whole to the sum of 43,463 *l.* 3 *s.* 9 *d.*: And whereas debentures have been issued under the said first-recited Act to the extent of 40,000 *l.* currency, and the proceeds thereof have been distributed rateably among the said claimants; And whereas a further sum of 3,613 *l.* 8 *s.* 9 *d.* is required to settle the said claims in full, and to pay a certain per-centage to the Treasurer of each district in Upper Canada, for the services he shall be required to perform under the provisions of this Act; 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, 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 and may be lawful for the Governor in Council to issue debentures, amounting in the whole to 3,613 *l.* 8 *s.* 9 *d.* currency, to raise a like sum to pay to the claimants the balance due on the respective sums which have been so awarded to them under the authority of the said last-recited Acts, and the per-centage aforesaid.

Preamble.
Certain Acts cited
Act 8 Vic. c. 72.

Act of Upper
Canada, 3 Vict.,
c. 76.
4 & 5 Vict., c. 39.

Amount of awards
under the said Acts

£3,613. 8s. 9d. to
be raised for paying
the balance of the
said awards.

II. And be it enacted, That all the provisions of the said first herein recited Act, passed in the eighth year of Her Majesty's reign, intituled, "An Act 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," which relate to the debentures issued, or to be issued, under the said Act, for the purposes therein mentioned, shall be and are hereby extended to the debentures to be issued under the authority of this Act.

Provisions of 3 Vic.
c. 72, extended to
Debentures to be
issued under this
Act.

III. And be it enacted, That it shall be the duty of the Treasurers of districts in Upper Canada, so soon as they shall be furnished with the means of so doing, to pay the several balances which may be due to claimants, as hereinbefore mentioned in their respective districts, and to take acquittances for the same; for which said services the said Treasurers shall be entitled to receive 5 per cent. upon the amount they shall respectively disburse.

Treasurers to pay
the sums to
claimants, and to
receive a per-
centage.

—No. 26.—

EXTRACT from the JOURNALS of the LEGISLATIVE ASSEMBLY of *Canada*,
16 April 1845.

Return to
Address.
Rebellion Losses,
Lower Canada.

THE Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of his Excellency the Administrator of the Government, "Return to an Address of the Legislative Assembly to his Excellency the Administrator of the Government, dated 8th instant, praying that his Excellency will be pleased to cause to be laid before the House, "A Copy of all Correspondence which may have taken place between the Government and the Commission now appointed to inquire into the Losses sustained by the Inhabitants of Lower Canada during the late Rebellion, "with the Instructions given to the said Commissioners."

Secretary's Office,
Montreal, 12 December 1845.

Correspondence
relative to Commis-
sion of Inquiry
into Rebellion
Losses, Lower
Canada.

Sir,

I HAVE the honour, by command of the Administrator of the Government, to transmit to you the accompanying Commission appointing yourself, the Honourable P. H. Moore, and Jacques Viger, John Simpson, and Joseph U. Beaudry, Esquires, to be Commissioners for inquiry into the losses sustained by Her Majesty's subjects during the unhappy troubles in Lower Canada of the years 1837-8; and also arising from and growing out of the same. And I am to inform you, that his Excellency has been pleased to appoint Mr. J. G. Barthe to be Secretary to the Commission. The necessary instructions for the guidance of the Commissioners are transmitted to you herewith.

I am accordingly to express to you his Excellency's wish, that you should lose no time in communicating on the subject with your fellow Commissioners, and making the necessary arrangements for entering with them on the active prosecution of the labours of the Board. The remuneration of each Commissioner will be at the rate of 1*l.* per diem while actually engaged in the inquiry, or in travelling in pursuance of it.

I have, &c.
(signed) *D. Daly*,
Secretary.

Honourable Joseph Dionne, &c. &c. &c.,
St. Pierre les Becquets, District of Three Rivers.

Gentlemen,

Montreal, 12 December 1845.

HIS Excellency the Administrator of the Government, having been pleased to appoint you to be Commissioners for inquiring into the losses sustained by the inhabitants of that portion of thi sprvince, formerly Lower Canada, during the late unhappy rebellion therein, as also into the losses sustained by those inhabitants arising out of that rebellion, I have the honour, by command of his Excellency, to transmit the following instructions for your guidance in conducting your inquiry:—

1st. You will, in the performance of the duties devolving upon you, under the present Commission, carefully classify the cases of those who may have joined in the said rebellion, or may have been aiding and abetting therein, from the cases of those who did not; stating particularly, but succinctly, the nature of the loss sustained in each case, its amount and character, and, as far as possible, its cause.

2d. You will abstain from entering into the consideration of any cases which may have been reported upon by the Commissioners formerly appointed to examine into the rebellion losses. To enable you to do this, the Reports made by them will be furnished to your secretary, on his making application in your behalf for the same.

3d. You will accompany your Report on the claims investigated by you with such remarks as may be necessary to a perfect understanding of the matters entrusted to your investigation, in order that the same may be submitted to the Provincial Legislature at its approaching Session.

I have, &c.
(signed) *D. Daly*,
Secretary.

The Commissioners of Inquiry.

His

Province of Canada. (L. s.) *Metcalf*.

His Excellency the Right Honourable *Charles Theophilus* Baron *Metcalf*, of Fernhill, in the County of Berks, G. C. B., one of Her Majesty's most Honourable Privy Council, Governor-general of British North America, and Captain-general and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

To all to whom these presents shall come, or whom the same may concern, greeting:—

Know ye, that reposing trust and confidence in the loyalty, integrity, prudence and ability of the Honourable Joseph Dionne and the Honourable Philip H. Moore, Esquires; and Jacques Viger, John Simpson, and Joseph U. Beaudry, Esquires, I have nominated, constituted and appointed, and by this instrument, under my hand and seal, do nominate, constitute and appoint the said Joseph Dionne, Philip H. Moore, Jacques Viger, John Simpson and Joseph U. Beaudry, to be Commissioners for inquiry into the losses sustained by Her Majesty's loyal subjects in that part of the province of Canada which formerly constituted the late province of Lower Canada during the late unnatural rebellion which unhappily existed in that part of the said province, and arising from and growing out of the said rebellion; to have and to hold the said office of Commissioners as aforesaid unto them, the said Joseph Dionne, Philip H. Moore, Jacques Viger, John Simpson and Joseph U. Beaudry, for and during pleasure; together with all and every the rights, authorities and emoluments thereunto belonging or appertaining.

Given under my hand and seal at arms, at Montreal, in the said province of Canada, this 24th day of November, in the year of our Lord 1845, and in the ninth year of Her Majesty's reign.

By his Excellency's command,

(signed) *D. Daly*,
Secretary.

The following letter was addressed respectively to the Honourable *P. H. Moore*, St. Armand West, district of Montreal; *Jacques Viger*, Esquire, Montreal; *John Simpson*, Esquire, Coteau-du-Lac; and *Joseph U. Beaudry*, Esquire, Montreal.

Secretary's Office, Montreal,
12 December 1845.

Sir,

I HAVE the honour, by command of the Administrator of the Government, to inform you that a Commission has been, by this day's post, transmitted to the Honourable Joseph Dionne, appointing that gentleman (yourself and Messrs. Jacques Viger, John Simpson, and Joseph U. Beaudry) to be Commissioners for inquiry into the losses sustained by Her Majesty's subjects during the unhappy troubles of Lower Canada of the years 1837-8; and also arising from and growing out of the same. And I am to inform you, that his Excellency has been pleased to appoint Mr. J. G. Barthe to be Secretary to the Commission. The necessary instructions for the guidance of the Commissioners are this day sent to the Honourable Mr. Dionne, and a copy of them is enclosed herewith for your information.* I am accordingly to express to you his Excellency's wish, that you should lose no time in communicating on the subject with your fellow Commissioners, and making the necessary arrangements for entering with them on the active prosecution of the labours of the Board.

The remuneration of each Commissioner will be at the rate of 1 *l.* per diem while actually engaged in the inquiry, or in travelling in pursuance of it.

I have, &c.
(signed) *D. Daly*,
Secretary.

Office

* See Instructions to the Commissioners of Inquiry.

Office of Losses, 1837-8,
Wardrobe of the Legislative Assembly,
Montreal, 11 February 1846.

Sir,

I HAVE the honour to transmit to you, by order of the Commissioners to inquire into the losses sustained by Her Majesty's subjects during the troubles of 1837-8, to be submitted to his Excellency the Administrator of the Province, the following questions, the answer to which will serve as their guidance in the execution of the duties imposed upon them.

The instructions of the 12th December last, transmitted to the Commissioners, differing essentially from the tenor of the Commission by which they have been appointed, as to the persons who have a right to indemnification?

What are the powers conferred on the Commission to establish the classifications required by the instructions?

What are the powers conferred on the Commissioners to call before them the necessary witnesses, and to procure the necessary evidence, in order to obtain an exact valuation of the losses?

Are the Commissioners to travel to the different parts of the district, in order to accomplish the object of the Commission?

Is the remuneration of the Secretary left to the discretion of the Commissioners, or reserved for the decision of his Excellency?

I have, &c.

(signed) *J. G. Barthe,*
Secretary Commission of Inquiry, &c.

To the Hon. D. Daly, &c. &c. &c.

Secretary's Office,
Montreal, 27 February 1846.

Gentlemen,

THE Administrator of the Government having had under consideration in Council the queries addressed in your behalf by your Secretary, in his letter of the 11th instant, I have received his Excellency's commands to communicate to you the following replies for your instruction and guidance:—

1st. In making out the classification called for by your instructions of the 12th December last, it is not his Excellency's intention that you should be guided by any other description of evidence than that furnished by the sentences of the courts of law.

2d. His Excellency considers that you have no power as Commissioners to call either for persons or papers; and that you must, therefore, be satisfied with such general evidence as the claimants may produce, or as may enable you to form a general estimate of the losses they have suffered.

3d. The object of the Executive Government in appointing your Commission, being merely to obtain a general estimate of the rebellion losses, the particulars of which must form the subject of more minute inquiry hereafter, under legislative authority, his Excellency cannot regard it as necessary that you should travel to the country parts of the district to obtain such particulars.

4th. His Excellency has been pleased to fix the rate of your Secretary's remuneration at 1*l.* currency per diem.

I have, &c.

(signed) *D. Daly,*
Secretary.

Commissioners of Inquiry relative to Losses,
in 1837-8.

(Immediate.)

Gentlemen,

Secretary's Office, Montreal, 2 April 1846.

I HAVE the honour, by command of the Administrator of the Government, to request from you, with the least possible delay, your Report upon the subject of your inquiry; his Excellency being desirous to be enabled, by its receipt, to come to an early decision as to the course to be taken by the Executive during the present Session of Parliament, in regard to the same.

I have, &c.

(signed) *D. Daly,*
Secretary.

Commissioners of Indemnity Inquiry.

—No. 27.—

FIRST REPORT of the COMMISSIONERS appointed to inquire into the Losses occasioned by the Troubles during the years 1837 and 1838, and into the Damages arising therefrom.

No. 27.

To his Excellency the Right Honourable *Charles Murray*, Earl *Cathcart*, of Cathcart, in the County of Renfrew, K.C.B., Lieutenant-General, Administrator of the Government of the Province of Canada, and Commander of the Forces in British North America.

May it please your Excellency,

THE undersigned have the honour to submit to your Excellency the Report of their proceedings under the Commission issued on the 24th day of November last, under the seal of his Excellency Lord Metcalfe, the then Governor of this province, appointing them Commissioners to inquire into the losses sustained during the troubles of 1837 and 1838, and into the damages arising therefrom.

The want of power to proceed to a strict and regular investigation of the losses in question left the Commissioners no other resource than to trust to the allegations of the claimants, as to the amount and nature of their losses. It is from these data alone, and the general inferences which could be drawn therefrom, that the Commissioners can form an approximate estimate of the sums requisite to cover the amount of damages sustained.

In order to throw more light upon this investigation, the Commissioners have drawn up, as showing the result of their labours, a* Table, exhibiting at one glance the nature and particular circumstances of each claim, making a distinction between losses sustained on property, and those of another description. One column is reserved for the latter, and in it the Commissioners have put down the sums claimed for damages arising from the loss of property destroyed or carried off; claims for interest; claims for damages sustained from interruption of business or trade, and from the quartering of troops; claims for sums extorted by threats of accusation or prosecutions on accusation of high treason; damages arising from imprisonment for political misdemeanors, without having been brought to trial; in fine, every claim not relating to the value of property destroyed or carried off has been placed under that head.

* See Appendix containing a List of Claimants under the Commission, amounting to 2,176 persons, claiming a total amount of 241,965*l.* As this Return is very voluminous it is omitted.

The claims for immoveable property are mostly founded on the destruction of buildings by fire, by order of the military authorities, or by the volunteers or the insurgents, according to the allegations of the claimants. There are also several claims, to the amount of 2,605*l.* 6*s.* 8*d.*, for property destroyed since the troubles, and during the years 1839, 1840, 1841 and 1843, and which is supposed to have been destroyed by the insurgents who took refuge on the frontier, and who are said to have been actuated by political animosity.

The claims on losses of moveable property are alleged, in great part, to have arisen from the pillaging of the insurgents, or of Her Majesty's troops, or the volunteers. Under this head are a great many claims resulting from the disarming of the population during the troubles which occurred in those years.

There are many particular cases which the Commissioners cannot pass over in silence. Two claims were made in consequence of sickness and infirmities contracted by the claimants while serving as volunteers, without, however, specifying any particular sum. Two other individuals claim for wounds received from one of the insurgents. A third for the loss of a leg in trying to escape from them. Another individual claims a pension of 12*l.*, or a capital of 200*l.*, for the loss of his mental faculties from bad treatment and illegal imprisonment. A case still more painful is the claim of a mother for the murder of her son, her sole support, by a soldier while escorting property belonging to Her Majesty's Government.

A great number of applications made to the first Commission of Inquiry appointed under the authority of the Ordinance of the Special Council of Lower Canada, chapter VII., in the first year of Her Majesty's reign, have been renewed before the undersigned Commissioners. Some of these have been objects of the investigation of the first Commissioners, and by them approved in whole or in part, those interested not being able to receive the amount of their respective allowances for want of disposable funds. Others, again, were returned as not falling under the above cited Ordinance, which had a less general and more

restricted character than the instructions given to the undersigned Commissioners; and finally, others could not be examined on account of the suspension of the first Commission.

These different proceedings appear under their respective headings in the Table, to which we take the liberty to refer your Excellency. The total amount claimed before the old Commission, and renewed before the undersigned Commissioners, is 70,551*l.* 3*s.* 9*d.*, of which 10,292*l.* 4*s.* 1*d.* have been allowed by the first Commission, and have not yet been paid. The amount which they have not recognized is 59,403*l.* 16*s.* 10*d.*

All the claims which the undersigned Commissioners have recognized amount to 2,176*l.*, and represent a sum total of 241,965*l.* 10*s.* 5*d.*, divided as follows :

	£.	s.	d.
Personal property - - - - -	111,127	4	9
Real property - - - - -	68,961	7	11
Damages not comprised in the two foregoing heads -	61,876	17	9

This latter sum includes about 9,000*l.* for interest; 2,000*l.* for quartering of troops; 30,000*l.* indemnity for imprisonment, interruption of business or trade, privation of goods destroyed or carried off, and banishment; and the remainder represents various losses, such as account-books, trade effects, and many others which it is needless to detail.

To attain the ends which your Excellency appears to have in view in your last instructions, and in particular to submit to your Excellency an approximate estimate of the sum required to indemnify those who have sustained losses, the Commissioners have thought it their duty to take into consideration—1st, certain parts of the claims which from their nature appear inadmissible, such as the claim for interest; 2dly, the claims themselves, which in many cases are evidently exorbitant; and, 3dly, the proportion of the allowances of the first Commissioners, which is 61 $\frac{1}{4}$ per centum.

Actuated by these considerations, the Commissioners are of opinion that the sum of 100,000*l.* would be nearly equivalent to the losses suffered, and sufficient to meet the amount of such claims as shall have been the object of a closer examination.

The Commissioners, in the above enumeration, have omitted to mention that different sums, to the amount of 25,903*l.* 15*s.* 7*d.*, are claimed by persons who appear to have been condemned by the court martial established under the authority of the Ordinance of the Special Council for the province of Lower Canada, passed in the second year of Her Majesty's reign, c. 3, and who are named in the sentences of the said Court, a copy whereof is submitted along with the present Report. [The copy of the sentences is preserved among the files of the Session.]

The Commissioners have reason to believe that all the claims have not been presented, although notice was given on the 23d of December last, the day on which the Commissioners commenced their labours; those, however, which may be received hereafter, will form the subject of a supplementary Report.

The whole respectfully submitted by the Commissioners.

(signed) *Jos. Dionne.*
P. H. Moore.
J. Viger.
Jno. Simpson.
J. U. Beaudry.

Montreal, 18 April 1846.

C A N A D A.

COPIES or EXTRACTS of DOCUMENTS and
CORRESPONDENCE heretofore received, relating
to COMPENSATION for REBELLION LOSSES in
Canada.

(*Mr. Gladstone.*)

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