

AN ACT to provide for the Indemnification of Parties in Lower Canada whose Property was destroyed during the Rebellion in the years 1837 and 1838.

Received and Read a First Time, Tuesday, February 27, 1849.

Second Reading; Friday, March 2, 1849.

WHEREAS on the 28th day of February, 1845, an humble address was unanimously adopted by the Legislative Assembly of this province, and by them presented to the Right Honourable Charles Theophilus Baron Metcalfe, the then Governor-General of the same, praying "that his Excellency would be pleased to cause proper measures to be adopted in order to insure to the inhabitants of that part of this province, formerly Lower Canada, indemnity for just losses by them sustained during the Rebellion of 1837 and 1838;" and whereas on the 24th day of November, 1845, a Commission of five persons was, by his Excellency the said Governor-General, duly appointed to inquire into such losses arising from and growing out of the said rebellion; and whereas, it appears by the Report of the said Commissioners, dated the 18th day of April, 1846, that "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 amounts and nature of their losses;" and whereas, in order to redeem the pledge given to the sufferers of such losses, or their *bond’fide* creditors, assigns, or *ayant-droit*, as well by the said Address of the said Legislative Assembly, and the appointment of the said Commission, as by the letter addressed by the Honourable the Secretary of the Province, by order of the Right Honourable Charles Murray, Earl Cathcart, the then Administrator of the Government of the same, to the said Commissioners, on the 27th day of February, 1846, it is necessary and just that the particulars of such losses, not yet paid and satisfied, should form the subject of more minute inquiry under legislative authority, and that the same, so far only as they may have arisen from the total or partial, unjust, unnecessary or wanton destruction of the dwellings, buildings, property, and effects of the said inhabitants, and from the seizure, taking or carrying away of their property and effects, should be paid and satisfied; provided that none of the persons who have been convicted of high treason, alleged to have been committed in that part of this province formerly the Province of Lower Canada, since the 1st day of November, 1837, or who, having been charged with high treason or other offences of a treasonable nature, and having been committed to the custody of the sheriff in the gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's Islands of Bermuda, shall be entitled to any indemnity for losses sustained during or after the said rebellion, or in consequence thereof. Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, that, for the purposes of this Act, it shall be lawful for the Governor in Council to authorize the issue of debentures, payable out of the Consolidated Revenue Fund of this province, at or within 20 years after the date thereof, respectively, and bearing interest at the rate of 6 per cent., payable out of the said fund on such day in each year as shall be therein specified, provided the total amount of the said debentures shall not exceed the sum hereinafter mentioned.

II. And be it enacted, that the said debentures may be issued in such form and for such separate sums respectively as the Governor in Council shall deem expedient, and may be issued either to such parties as shall be willing to advance money for the same, or to parties to whom money shall be awarded for compensation of losses under this Act, or who shall demand them in exchange for debentures of like amount issued under the Act hereinafter mentioned.

III. And be it enacted, that the holder of any debenture issued under the authority of the Act passed in the ninth year of Her Majesty's reign, and intituled, "An Act to provide for the payment of certain Rebellion Losses in Lower Canada, and to appropriate the proceeds of the Marriage License Fund," may, on any day on which the interest on such debenture is payable, have the same exchanged for a debenture for a like amount to be issued under this Act, and the interest then payable on such debenture shall at the same time be paid out of the said Consolidated Revenue Fund, and the proceeds of so much of that portion of the Marriage License Fund arising in Lower Canada as shall not be required to pay off the principal and interest of any unexchanged debenture, shall form part of the said Consolidated Revenue Fund.

IV. Provided always, and be it enacted, that the Governor in Council may, at any time, by notice in the "Canada Gazette," require that all the debentures issued under this Act be presented at a time certain, and not less than six months from the date of such notice, for payment of the principal and interest thereof in full; and such payment shall be made accordingly out of the said Consolidated Revenue Fund, and after the time so appointed no interest shall accrue on the debentures which shall not be so presented.

V. And be it enacted, that the debentures issued under this Act shall be distinguished from those issued under other Acts, and that separate accounts shall be kept thereof, and of all money expended under this Act; and that such accounts shall be laid annually before the Provincial Parliament; and that the due application of all money expended under this Act shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty shall please to direct.

* For Report of Commissioners, 18th April, 1846, vide Papers relative to Rebellion Losses in Canada, ordered by the House of Commons to be printed 2nd May, 1849, No. 253, page 43.

† For Secretary's Letter, 27th February, 1846, vide ditto, page 42.

Preamble.
Recital.

Address of Feb. 28,
1845.

Report of Com-
missioners, April
18, 1846.*

Secretary's letter,
Feb. 27, 1846.†

Governor in
Council may
authorize issue of
debentures for
purposes of this
Act.

Debentures may be
issued in such form
as the Governor in
Council may deem
expedient.

Holders of de-
bentures under
9 Vic. c. 65, may
have them ex-
changed for deben-
tures under this
Act, for a like
amount.

Governor may at
any time require all
the debentures
issued under this
Act, to be pre-
sented for payment
in full.

Debentures under
this Act to be dis-
tinguished from
those issued under
other Acts, &c.