

to the loyal character of the claimant, and it is but justice to them to state that they promoted to the best of their ability the objects of the Commission. As to the point of loyalty, therefore, the Commissioners apprehend that they acquired the best proof that could be obtained by investigation on the spot, and, consequently, that their decision and award in each case are well founded, equitable and correct. In addition to the evidence of the loyalty of the claimant, affidavits as to the amount of loss sustained, the fairness of the prices charged for each article, with testimony as to the fact of the property having been in the possession of the claimant at the time of the alleged loss, have been taken in every case, and filed of record with the papers belonging thereto. It was the general practice of the claimants to appear before the Commission well provided with certificates and affidavits as to the extent of their losses and the value of the property; but these it was found necessary to disregard, and depositions on oath taken before the Commissioners were solely admitted in evidence. In all cases where goods and effects are stated to have been destroyed, the cost price only of the article is taken to be the value, and nothing, except in very extraordinary cases, has been allowed for alleged loss of profit, interest on capital or time. Where real property in houses and buildings has been destroyed, the Commissioners have availed themselves of the services of an experienced surveyor, who, after being duly sworn to do equal justice, has been employed to inspect and estimate the value.

As the affidavits filed are in general numerous in each case, it is right to explain that where only one has been taken it has been that of the claimant, disqualified by his own confession from prosecuting any claim upon the liberality of the Government.

The Report now submitted to your Excellency contains the decision of the Commissioners on 90 cases. The amount of claims for indemnification already decided is 18,497*l.* 8*s.* 9½*d.* currency; the amount of compensation awarded is 7,427*l.* 3*s.* 3½*d.* currency, showing a saving to Government of 11,070*l.* 5*s.* 6*d.* currency.

Besides the claims decided in the present Report, about 20 cases are nearly complete, which will form part of a Supplementary Report, and be submitted to your Excellency as soon as possible.

Although the Ordinance under which they were appointed does not expressly enjoin the Commissioners to inquire into and report upon claims for losses sustained by loyal subjects, in consequence of the necessary occupation of their property, and injury done thereto, by Her Majesty's forces, the Commissioners have nevertheless given their attention to claims of this nature, which are very numerous, conceiving by implication that such claims were within the scope of their Commission, the losses in question having been the consequence of the late rebellion, and having before them several claims of this description specially referred by the Civil Secretary to their decision.

By the first clause of the Ordinance, 1 Vict. c. 7, the Commissioners are instructed "to inquire 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 pursuance of this instruction, the undersigned Commissioners have not failed to make diligent inquiry as to the real property possessed by the leaders and abettors of the rebellion of 1837. There can be no doubt that the perpetrators of the criminal outrages on persons and property in this district, during the last winter, were generally without character or property, to whom plunder was more immediately an object than the prospective subversion of the Government. In some instances, however, it has been satisfactorily established that persons possessing real property to a considerable amount were deeply implicated, and even actively employed in the outrages committed on the River Richelieu, particularly against the properties of the Hon. P. D. Debartzch, Mr. Chaffers and Mr. Casavant. One individual, by name Lachapelle, who was concerned in the seizure of the seigniorial house at St. Charles, and in fortifying the rebel camp around it, possesses real property more than sufficient to pay the amount of loss claimed by Mr. Debartzch; and as there is reason to believe that this person has again been implicated in the late rising in that part of the district, it may fairly be submitted to your Excellency's consideration, how far it would be expedient to make the property of persons similarly situated responsible for the injuries done by their followers, and contributory to the pecuniary amount of the indemnification awarded to loyal subjects for losses sustained in consequence of their criminal acts. With reference to the three cases above cited, the Commissioners have ascertained that the parties implicated in these outrages have, in their unmolested possession, real property in lands and houses more than sufficient to defray the whole amount awarded as compensation for damages on the River Richelieu. The names of these guilty parties, with a description of their property, are in the hands of the Commissioners, subject to the disposal of Government, and ready to be produced at a moment's notice. There can be no doubt that loyal sufferers, in all cases, have a clear legal recourse against the parties who occasioned their losses; and the Commissioners have ascertained that this legal recourse has been admitted and confirmed by the decision of the highest court of justice in this district; viz. in the case of William Snowdon, of St. Eustache, who, on the 18th October last, recovered damages as plaintiff in two actions instituted by him for trespass and injury, during the rebellion of 1837.

As many of the parties to whom an indemnity has been awarded are resident on the River Richelieu, it was considered important to ascertain whether any claimant for losses sustained during the rebellion of 1837 had been implicated in the late rising in that part