

FIRST REPORT of the COMMISSION of INDEMNIFICATION, under 1 Vict. c. 7.
December 1838.

To his Excellency Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Order, Lieutenant-general of Her Majesty's Army, Commander of Her Forces in the Provinces of Upper and Lower Canada, and Administrator of the Government of the Province of Lower Canada.

THE Commissioners appointed under the authority of the Provincial Ordinance, 1 Vict. c. 7, 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," beg leave respectfully to submit to your Excellency the First Report of their proceedings.

Instructed by their Commission to make diligent inquiry into the losses sustained by Her Majesty's loyal subjects during the rebellion which broke out in 1837, the undersigned Commissioners, having taken an office in the city of Montreal, and arranged their plan of proceeding, on the 23d July last, entered upon the consideration of the matters previously submitted to them.

The authority of the Governor-general having been received to adjourn their sittings to such parts of the country as they might find it expedient to visit in the execution of the powers vested in them, the Commissioners proceeded, in the first instance, to the village of St. Charles, where, after due notice given at the church-door and elsewhere, they opened the Commission on the 15th August.

Having completed, by evidence taken on the spot, a number of cases in which indemnification was claimed from the Government, the Commissioners returned to this city on the 3d September, two of their number having been summoned as magistrates to attend the criminal court, when several other claims were heard, which, in order to meet the convenience of the parties, had been fixed for hearing in Montreal.

On the 20th September they resumed their sittings at St. Charles, and afterwards proceeded to St. Denis, whence they returned on the 18th October. From that day to the present date they have continued their sittings in Montreal, employed as well in hearing new cases as in deliberating and deciding upon those which had been heard in the country.

The breaking out of the present rebellion prevented the Commissioners from visiting the parishes in the neighbourhood of Chambly, where there are many claims still to be heard; and also from proceeding to St. Eustache and other parts of the county of the Lake of Two Mountains, in which the loyal inhabitants, who suffered greatly during the late rebellion, are extremely urgent for the adjudication of their claims.

From the apparent tranquillity of the province, however, the Commissioners have little doubt that they will be enabled before long to prosecute their inquiries, on the spot, into the numerous claims preferred from the parts of the district above-mentioned.

The true intent of the Ordinance, namely, the relief of suffering loyalists, being so little understood in the country parishes, and even the very term "loyalty" being, in many instances, totally misapprehended, it might have been anticipated that attempts would be made to introduce before the Commissioners claims preferred by parties who had notoriously borne arms against Her Majesty's Government in this province, or otherwise promoted the late rebellion. These persons, palliating the enormity of their offence under the plea of being compelled by force and menaces to act contrary to their allegiance, still considered themselves, by the Act of Amnesty, replaced in their position as loyal subjects, and fully entitled to participate in the indemnification limited by the Ordinance to the relief of those inhabitants of the province, whose loyalty during the troubles of last winter remained unshaken and unquestionable. Under this impression, they did not hesitate to swear that they were loyal subjects of Her Majesty. But the Commissioners could not disguise from themselves that the obligations of loyalty and allegiance affected very lightly indeed the unlettered *habitant*, and that his sense of duty was at any time liable to be shaken by the persuasion or command of any person speaking his own language, and invested with authority or influence over him.

These considerations, which were very early impressed upon the minds of the Commissioners, induced them rigidly to inquire and ascertain by the best testimony they could procure, whether the claimant came within the terms required by the Ordinance. In every case where the claimant himself was examined, the first clause of the Ordinance was read to him; and he was called upon to declare, under the penalty prescribed, whether he came before the Commission avowing himself one of those for whose relief the Ordinance in question was framed. The same clause was read to the witnesses in each claim, and they were examined on oath, not merely as to the loss sustained, but as to the general conduct and loyalty of the claimant. Each witness was moreover questioned as to other claimants than the one for whom he appeared, and in such a manner as to elicit his unreserved answer on the point of loyalty. The *cures* in the respective parishes were also examined as