

The Report of the Honorable Committee, after considering the claims of Mr. Laporte as those of a stranger,* proceeds to enquire "*How far the public faith and the honor of the Government may not stand pledged to Laporte, so as to render it imperative upon His Excellency, the Administrator in Chief of the Province, to sign a Patent in his favour.*" In discussing this question, one of grave and serious consideration, as well for Government as for all classes of Her Majesty's subjects in this country, similarly situated, the Honorable Committee Report as follows:—

"The application of Laporte, and the Order in Council in Lower Canada, are pre-dicated upon the judgment of the Court of King's Bench, and the presumption that the Crown was the proprietor up to highwater mark. The judgment of the Court of Appeals, given subsequent to this order, and the titles and possession of the Nuns, prove this assumption to be erroneous. The law of the land is plain, that where a grant has been made in error, the Crown has been deceived, and the rights of one individual have been granted to his prejudice to another, that the Patent shall be repealed and set aside, even after it has been signed and sealed. In the present instance, the Patent not only has not issued, but the sale to Laporte is not complete, the ground has not been surveyed, nor its value ascertained—neither law nor justice can entitle Laporte to claim at the hands of Your Excellency, at this time, the execution of the Order in Council of Lower Canada, when, in consequence of subsequent occurrences, which however relate back to the time the order was made, the Government of Lower Canada would be compelled to cancel that order if that Government were still in existence. Laporte cannot, in the state in which the matter now stands, demand, consistently with fairness and honesty, a grant to him of what, contrary to his own statement, belongs to another.

"The pledge given to him ceased to be binding the moment that the condition upon which it was given ceased to exist, the Government intended to make him a grant of property belonging to the Crown, not of property belonging to the Nuns; and, in the opinion of the Committee, Laporte cannot compel Your Excellency to commit an injustice."

"When the subject at present under consideration, was brought to the notice of the Committee in May and in December, 1841, its difficulty suggested the expedience of making a grant to Laporte without guarantee of title, the Executive Council were conscious that legal difficulties encompassed the question, and were anxious that the Crown should be relieved from them."

How, indeed under the actual, and from what has already been premised, implied circumstances of Mr. Laporte's case, this individual, not only formally but virtually recognized during a period of sixteen consecutive years by the Crown, as its Tenant, Lessee, and Vendee, in a transaction which has reduced him, the only real sufferer, to a state of poverty, and (should his claims fail to meet with due and equitable consideration at the hands of the Crown,) utter ruin, is to be declared a stranger,—one unknown in this particular to Government, is indeed a statement furnishing not only food for conjecture but matter of surprise; particularly, when the opponents of the Crown now represented in the person of one William Lampson, (an alien by birth, and whose violent conduct, in these matters, has been severely animadverted on in the Report of the late Lord Sydenham)—are, as possessing the more legitimate rights and claims upon Government, to be preferred to Laporte, as the select purchaser of the beach lot in question.

It is evident, to make use of the language of the Report, that not only from the above quoted extracts have the Honorable Committee taken an altered view of the subject, but also in framing said Report have laboured under a misapprehension of the facts—whence a train of reasoning has been assumed, and followed throughout the Report in question, which causes the same in its conclusions to differ from all other reports hitherto made by the Executive Council of the country on the said subject.—How, otherwise, could

*The Honorable Committee in their Report have deemed it just and expedient to style Mr. Laporte a Common Informer as well as stranger. It would be well for the interests of Laporte were he considered as such, inasmuch as in Law he would be entitled to at least one-half of the value of the information given, and even in some instances to the whole. In the present case, however, his claims are unceremoniously and plausibly dismissed with great personal loss in lieu of equitable remuneration.

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