

Government, and the Honourable François Xavier Malhiot, on the part of the claimant. Their Report, dated 20th February 1838, referred to the undersigned Commissioners of Indemnification by the Civil Secretary of Government, has been found useful. The undersigned considered it a duty, nevertheless, to go through this claim *de novo*, to re-examine the former, and take the evidence of additional witnesses. The result of this examination they are now about to report to your Excellency.

Some of the items of the claimant's account are evidently estimated *à prix d'affection*,—a valuation that the Commissioners, in the discharge of the trust reposed in them, cannot be expected to recognize.

After a patient and close investigation of this claim, the undersigned estimate the loss sustained by Mr. Debartzch, as well by the occupation of his house and premises as by the means necessarily resorted to by Her Majesty's Government to dislodge the rebels, at the sum of 3,581*l.* 2*s.* 10*d.* currency, as appears by a bill of particulars annexed to this Report, and signed by the undersigned.

In the execution of the trust reposed in the undersigned, they deem it, however, their duty further to report to your Excellency, that the Ordinance, 1 Vict. c. 7, was passed for the relief of loyal subjects. The justice of the British Government decreed that all loyal subjects should be indemnified for losses incurred in consequence of the "unnatural rebellion" of 1837, losses which came upon them at the hands of the Queen's enemies, proceeding from no *laches* in their own bearing as good subjects, but, on the contrary, induced by a long course of undeviating loyalty to the Crown, and of attachment to the existing connexion between the mother country and this colony. The undersigned regret that they cannot report to your Excellency that such, in their opinion, is the position in which the claimant stands. It becomes their painful duty to declare that a strong and indelible impression exists in the public mind, that to the antecedent conduct of the claimant, whose influence over the Canadian population was at one time unbounded, is to be attributed the crisis of political excitement which terminated in the rebellion of 1837.

The undersigned are aware that, during the administration of the Earl of Gosford, the claimant abandoned the line of conduct he had pursued in conjunction with the leaders of the insurgent party; that he was not only raised to the dignity of executive councillor, but also enjoyed the good opinion of that nobleman, as shown by an autograph letter of Lord Gosford, written on the occasion of his Lordship's departure from the province, of which the original was communicated to, and a copy filed with, the undersigned by the claimant. But the effect of the example of his previous public life could not be done away by his simple change of conduct; the evil was too deeply rooted, and the claimant became an object of suspicion and dislike amongst those whom he had lately led with paramount influence. It appears to the Commission that, in revenge for his desertion of his former political partisans, his domain was converted into a rebel camp, and subjected to all the injury consequent on the reduction of the rebels by Her Majesty's forces, as already stated.

The establishment of a newspaper at the village of St. Charles, called the "Echo du Pays," was calculated, had it been judiciously and loyally managed, to elevate the minds and instruct the understanding of the rural population; but the press may be abused, and much of the public feeling to the prejudice of the claimant is to be attributed to the political articles which appeared in that paper, some of which were of the most violent and inflammatory character, openly aiming at the subversion of the Government, and others clearly calling upon the Canadian population to "draw the sword."

In the "Echo du Pays" of the 28th November 1833, it is declared, "Enfin pour finir, les Canadiens comprennent que s'il y a des inconveniens à tirer l'épée, il y en a de bien plus graves à redouter et de nuisible à leur nationalité en la laissant dans le fourreau." Again, in the same article, "Maintenant une grave question se presente, à quoi meneraient des bouleversemens? Des flots de sang couleraient, mais au prix de ce sang, les Canadiens gagneraient-ils la liberté et la force? Pourquoi non? Seraient-ils aveugles pour ne pas voir la lumière qui brille aux Etats Unis?" The undersigned have it in evidence, that at the period the "Echo du Pays" was disseminating such articles, the claimant must have been cognizant of all that appeared in its columns, being at the time not only proprietor, but the editor and proof-reader, and the object of the paper appears to the undersigned to have been that of subverting the Government.

After the most mature deliberation, the Commissioners, in the discharge of their duty, cannot but report to your Excellency that they are conscientiously of opinion, that the loss sustained by the Honourable Mr. Debartzch, the claimant, is in a great measure to be attributed to the line of policy followed by that gentleman, which led, according to evidence, to the rebellion of 1837. Under these circumstances, the undersigned, in execution of the solemn trust reposed in them, cannot take upon themselves to decide if the claimant were, at the time he sustained the loss, the loyal subject contemplated by the Ordinance, but feel it their duty to leave it to Her Majesty's Government to determine whether he comes within that category. If his conduct, previous to being called to the executive council, is to be taken as the criterion by which to judge of his loyalty, his claim must in their opinion be rejected; if, on the other hand, the claimant, having been called to the executive council, is to be considered as an extenuation of his antecedent political career, then his claim for indemnification might be sustained.