

probation even of Boulton :

approved of Mr. Boulton. He excludes those who were prepared to vote in principle of paying distinction should be general amnesty has been proscribed for *Montreal Pilot*, 30th

have adopted as a principle given us in order to am at a loss to see how it can possibly be more than that every man to be paid, "except the very few Courts Martial, who admitted their guilt."

The Ministry point triumphs given in the evidence that there is no difficulty in satisfying Rebels ; but we see that, on the best argument for the proposition. "*Exceptio*" is familiar from our knowledge proves the rule by Legislative enactment of a *certain* class that every man is not so excluded, but indemnification, is a loyalist.

Inferred, from the amendment, that to pay even those who to exclude. But to mere inference on the basis of the Legislative Assembly, are sufficient.

On 15th February, afterwards excluded having been sent to the presence of

Ministers, and uncontradicted by them, that he had a pecuniary interest in the proposed measure:—

"Sir Allan McNab would ask them if the claims handed in by certain parties, who had been also lately in arms against Her Majesty's Government, were the claims they intended to pay? From their silence he would again suppose it to be so. Well, if that was the case, he would say that the hon. Member for Richelieu, whose gallantry he admired as much as any man—(hear)—was one who ought pre-eminently to be satisfied; but he must remark, that according to the rules of Parliament, the hon. gentleman ought not to give his vote on the occasion, as it was one in which his pecuniary interests were concerned.

Dr. Nelson—did not intend to do so."—[*Montreal Pilot*, 16th February, 1849.]

And on a subsequent occasion—the 22nd February—in seconding the amendment of Mr. Boulton, by which his own *direct* claims would be excluded, Dr. Nelson gave as his reason for so doing, that it would facilitate the settlement of the claims of his friends and followers:—

"Dr. Nelson wished sincerely that nothing should be given him, if that would prevent others from receiving the payment of their just losses—and that whether the claimants were called loyalists or rebels. If, by this amendment being carried, he could get the measure through the House, he would be exceedingly happy."—[*Montreal Pilot*, 23rd February, 1849.]

I doubt very much, however, whether this amendment of Mr. Boulton's, as incorporated into the Bill, will have the effect of annulling all claims preferred on behalf of Dr. Nelson and those in similar circumstances. If Your Lordship will take the trouble to turn to the Act as passed, which is hereto appended,* it will be seen that Mr. Boulton's amendment is certainly incorporated therein, at the close of the Preamble, excluding from indemnity all persons who have been convicted of alleged high treason, and all who had been transported to Bermuda. But on referring to the eleventh section of the Act, it will be observed that the Commissioners have full power to enquire into "*the several claims and demands which have accrued*," to "*Her Majesty's subjects and others, by such losses*." Your Lordship's legal experience cannot fail

to show you, that, under this clause, the creditors of any of these excluded parties can file their claim for the amount of loss accruing to them in consequence of the destruction of the property of their debtors, or their transportation from this Province.

This was evidently the view taken by the Hon. Mr. Price, Commissioner of Crown Lands, in the debate of the 15th February:—

"He would put one case: was it just that the creditor, of a person engaged in the rebellion should suffer by damage done wantonly, and after the rebellion was extinguished?"—[*Montreal Pilot*, 16th February, 1849.]

And what amount of claims may be preferred in one of those cases alone, may be gathered from the statements of Dr. Nelson, in the debate of the 22nd February:—

"Now, as to the claims made for his property, he had sent in a detailed account of the losses which had occurred, and which amounted to £23,000, of which £11,000 did not belong to him, but to his creditors. He mentioned their names, and, as far as his memory would serve, that was the amount.

He therefore hoped the hon. member for Hamilton would not blame him if he did vote on this occasion: he did not do so for his own individual profit, but in order that people who had innocently suffered a heavy loss might at length have their claims satisfied."—[*Montreal Pilot*, 23rd February, 1849.]

If, after the perusal of the various proofs I have had the honour of laying before you, any doubt should still exist in Your Lordship's mind as to the intention of your Administration to provide for the indemnification of Rebels, I have to request Your Lordship's attention to the proceedings of the Legislative Assembly on the 27th and 28th of February, when the Resolutions of Mr. LaFontaine were reported to the House from the Committee of the Whole. A full extract from the "*Votes and Proceedings*" of that date will be found appended,* and the decisions come to on the various amendments then presented, must afford convincing evidence of the intentions, not only of the Ministry, but of the majority of the Representatives of the People in Parliament. I would, however, specially bring under Your Lordship's no-

*Appendix, No. I. Page 19.

*Appendix No. II. Page 21.