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persons contracted with him for passage on board his boats, that circumstance would not have avoided the contract. In that case, he would, I think, have been bound to use reasonable precaution, but not to refuse passage to emigrants, because some of them might possibly be diseased. I know of no difference between private contractors and the Government, if either think fit, from extraordinary caution, to depart from their undertaking, because of events not provided for in the contract, those with whom they contract should not be the sufferers.

"There is not, however, any mode by which Mr. Bethune can proceed to enforce his contract against the Government; but in the absence of any legal remedy, there is one usually found fully equivalent, namely, an application to the Lords Commissioners of the Treasury, whose duty it is to see justice done between him and the Government. It may be that their Lordships will approve of the acts of the officers in charge in this Province, but I think they cannot allow Mr. Bethune to be a loser on account of a change in arrangements made with him, where he has not been in fault; but on the contrary, where he has gone far beyond the letter of his contract in accommodating himself to all the requirements and suggestions of the military authorities.

(Signed) "R. B. SULLIVAN."

"Toronto, 27th September, 1847."

I also submitted the case, and Mr. Sullivan's opinion, to the Honourable Robert Baldwin, late Attorney General for Canada West; and I have the honour to subjoin Mr. Baldwin's opinion :

"I have read the case arising on Mr. Bethune's contract with the Government for the transport of troops, &c., in 1847; and Mr. Sullivan's opinion on it, dated this day.

"I think, with Mr. Sullivan, that Mr. Bethune was intended to have the conveyance of the whole troops, &c., on the three routes contracted for by him. To pretend that the conveyance of troops from Kingston to Hamilton or Queenston, did not fall within these contracts on account of its being a direct voyage, would be a mere quibble, to which I cannot believe the Crown would resort, even if it could avail anything to them; which, I am of opinion however, that it could not.

"It is true, we have no process by which Mr. Bethune can seek a legal remedy against the Government; but, concurring with