

ment at an earlier period; and the whole statement goes to show that there can be no additional claimants beyond the present one, and that the Government is at length put in possession of all the facts and history of the case.

The proofs presented may be thus summarized:—

1st. The unpaid notes of hand and acknowledgments of the recognized agent of the Canadian Government, in favor of the present claimant, dated June, 1855.

2nd. The acknowledgment of Hon. Lewis T. Drummond, as to his having been placed in possession of U. S. Senator Stephen A. Douglas's letter, which was written June, 1859, as evidence to be presented to the Canadian Government as to the services rendered by the present claimant, in connection with the passage of the Reciprocity Treaty.

3rd. The unpaid drafts of the said agent, in favor of the present claimant, dated July, 1859, drawn on Hon. Lewis T. Drummond, as attorney for the said agent, to receive the money due by the Canadian Government for expenses in connection with the Reciprocity Treaty, and which drafts were formally accepted by the said Lewis T. Drummond.

4th. The uncontradicted sworn statement of facts, and the internal evidence they bear of their truth.

5th. The endorsements by U. S. Senators, Hon. Reverdy Johnson, and Hon. Alexander Ramsey, and Hon. Caleb Cushing, late U. S. Attorney-General, as to the integrity of your memorialist.

Your memorialist prays that his case may be considered upon its equities, "by a recurrence to natural principles of justice"; and whilst he maintains that the intention of the law-maker to pay all the expenses in connection with the Treaty, incurred by or through the direction of the agent of the Government, not to pay particular individuals and none others, is incontrovertible, he submits the following authorities, among the many existing, for the application of the construction he asks:

"The intention of the legislator may be discovered by looking at the *causæ* which moved the legislature to enact the law."—*Dwarris*, 562.

"The cause and reason of the act (or, in other words, the mischief requiring a remedy), may either be collected from the statute itself, or discovered from circumstances extrinsic of the act."—*Id.* 566.

"It is a rule, though provision special, if reason general, general acceptance."—*Id.* 567.

"Every statute ought to be expounded, not according to its letter, but according to the meaning. The enlarged interpretation of a law, will penetrate the soul and spirit of a law, and reach the intent and meaning of the legislator. It is, then, a *lex legum*, a general rule, an universal maxim, that in all cases the design and intent shall prevail."—*Id.* 563.

"A thing which is within the object, spirit and meaning of a statute, is as much within the statute as if it were within the letter."—*Zouch and Stowell*, *Plow 386*: 10 *Rep.* 101.

"A remedial act shall be so construed as most effectually to meet the beneficial end in view, and to prevent a failure of the remedy. Thus it is laid down, that a statute may be extended by construction to other cases within the same mischief, and occasion of the act, though not expressly within the words."—*Dwarris*, 614.

"A remedial statute shall be extended by equity to other persons besides those expressly named."—*Id.* 617.

"The reason why a case not within the letter of a statute is sometimes held by an equitable construction, to be within the meaning of it is * * * that a case within the mischief must have been intended to be within the remedy of the act."—*Id.* 616—1st *Just.* 24.

"It is by no means unusual in construing a remedial statute to extend the enacting words beyond their natural import and effect, in order to include cases within the same mischief."—*Id.* 633.

It is not necessary to multiply these authorities: they uniformly express the same views, so well stated by Mr Wooddesson, in his explanation of the nature of equity jurisprudence, that "equity is a judicial interpretation of laws, which, pre-supposing the legislator to have intended what is just and right, pursues and effectuates that intention."

In appealing to the Minister of Justice to give effect to the principle involved in the Order in Council of 14th March, 1863, and the subsequent proceedings in Parliament, and which, of necessity, must admit the present claim, that great quality of equity is invoked, which given by Justinian and adopted by all authorities since, declares it to be "founded on natural justice, in honesty and right, and which properly arises *ex æquo et bono*."