

for war purposes, and to be used in a manner contrary to the provisions of the Act 28th Vic., cap. 1, intituled, "An Act for the prevention and repression of outrages in violation of the Peace on the Frontier of this Province, and for other purposes." Upon this affidavit the said Collector, without any notice to the Petitioner, obtained from Chief Justice Richards, "under the 10th section of the said Act," a warrant confirming the said seizure and detention of the said vessel: which seizure and detention continued from the 7th of April, 1865, to the 30th of November following, during which time the Petitioner made several applications to the late Government of Canada, supported by the evidence of thirteen witnesses, to have his vessel restored; but, from time to time, he was informed, by the Law Officers of the Crown, that he must apply to the Law Courts for redress.

5. The Petitioner made application to a Judge in Chambers, to the County Court of the County of Simcoe, and to the Court of Queen's Bench, each Court deciding "that they had no jurisdiction to order restoration, because the seizure was authorized by the Act above referred to."

6. The Honorable Sir John A. Macdonald, who was then Attorney General, and the Honorable James Cockburn, who was Solicitor General of the late Government of Canada, were requested to appear before your Committee, to give evidence in support of the grounds on which the late Government of Canada continued to detain and hold possession of the vessel, up to the 30th of November, 1865; both of these gentlemen declined to do so, alleging, as a reason, that the public interest required them not to make any further communication in support of the grounds on which the Government acted in the matter, and the only evidence produced on the part of the late Government to support the said seizure and detention of the vessel, up to the 30th of November, 1865, was the affidavit of the said G. J. Hyams.

7. Gilbert McMicken, Esquire, Stipendiary Magistrate for the Province of Ontario, and Sergeant-Major Cummings of the Police Service, appeared before your Committee, and declared and certified that the character and veracity of the said Godfrey J. Hyams, at the time he swore to the affidavit in question, were very bad, and neither of them would believe him on his oath, in any matter, if it were not supported by other evidence.

8. That the said vessel was seized on the 7th day of April, 1865; that on the 11th of the said month General Lee surrendered his army to General Grant, and shortly afterwards the President of the United States issued his Proclamation to the World, declaring that the war was at an end, and peace restored.

9. The Petitioner's legal title to the said vessel still exists, no proceedings having been commenced to dispute the same up to the 30th of November, 1865.

"Your Committee, after duly considering the various allegations contained in the said Petition, and the evidence and papers submitted by the Petitioner thereof (and hereunto annexed), have arrived to the following conclusions:—

"That the late Government of Canada may have had, 'under the provisions of the Act of Parliament herein before referred to,' probable cause to seize and take possession of the said vessel for a few days; but from the facts established, Your Committee are of opinion that the Government had no right or even probable cause, to detain and keep possession of the said vessel, from the 23rd day of April, 1865, until the 30th of November following.

"That Your Committee are of opinion, that the Petitioner has had his rights violated, and in consequence thereof, not only has he lost the profits and earnings of his said vessel during the time aforesaid, but has been put to excessive law costs, and heavy travelling expense, during the time he was endeavoring to have his vessel restored.

"Your Committee estimate such damage at the sum of Four thousand three hundred and fifty-nine dollars and fifty cents, and they beg leave to submit the foregoing facts, and the evidence, documents and papers hereto annexed, in the hope that such redress may be granted to the Petitioner in the premises, as in justice he may be entitled to.

"All which is respectfully submitted.

"A. MORRISON,
"Chairman."