

Mr. Andrews' notes of hand, and Mr. Drummond's acknowledgement as to his having received Senator Douglas's letter, are on file in the Executive Council office, having been placed there in 1864, with the former memorial.

BRIEF ACCOMPANYING MEMORIAL.

In the matter of George W. Brega, a claimant for the refunding of certain moneys advanced by him to the recognized Agent of the Canadian Government, as such, and for services in connection with the Treaty of Reciprocal Free Trade between the Provinces of British North America and the United States,

As to whether the Order in Council, of 14th March, 1863, and the Address of Parliament of 25th June, 1864, should be equitably construed so as to extend to the relief of said claimant :

On the 25th June, 1864, an Address to the Governor General was passed by the Legislative Assembly, praying him "to recommend the payment of the balance due by the Government for certain expenses incurred in carrying out the Treaty of Reciprocal Free Trade between the Provinces and the United States, in accordance with an Order in Council passed on the 14th day of March, 1863." This Address was passed by a vote of 59 to 17.

The Order in Council referred to was based upon a report, which took the ground that Israel D. Andrews, having been recognized by the Government of Canada as its agent in connection with the Reciprocity Treaty, the Government was bound in equity to carry out in good faith the acts of its agent, and to repay moneys expended, and pay for services rendered in connection with the said Treaty, under the direction or sanction of the said agent. Certain expenses were stated to have been thus incurred; and they were directed to be paid, upon the principle of responsibility for the acts of the agent, and the ground that the honor of the Government could not permit individuals to suffer for services or moneys advanced in its behalf, at the request, solicitation or by direction of its recognized agent; and it was acknowledged that the authority of the said agent was not limited by any express terms or direction.

The rule, therefore, adopted by the Executive Council, and endorsed by the subsequent action of Parliament, was a recognition of the responsibility of the Government, morally and equitably, for the acts of its agents in the premises. The sum then found due was all that, at the time, the Government had any knowledge of; but the PRINCIPLE was not confined to any particular sum or especial individuals, and must equitably embrace all claims which are involved in the general rule adopted. To advance a contrary interpretation would be to assume that the Executive Council and Parliament adopted the general principle as a temporary expedient, simply with a view of favoring certain individuals, and not upon the broad grounds of equity and justice: and that, satisfied with paying these favored persons, justice drops her scales, and refuses to carry out the only legitimate, logical and equitable conclusion and application of the principle, and which alone excused any payments whatever. Such a position cannot be taken—it would be a reflection upon the honor of the Government. On the contrary, the Order in Council is plainly and unmistakably an endorsement of the principle laid down in the report which it adopted, and the Address of Parliament, and the subsequent appropriation are a part of this record. They must be construed as expressing the intention of the law-maker, that all sums equitably due in connection with the matter should be paid; the appropriation being, at the time, necessarily limited to the facts in possession of the Government. It was wholly a measure of equitable relief. The obvious intention was to pay all that was equitably due—not the selection of certain persons, either as a favor to them or yielding to their importunity, and excluding others having, at least, equally just claims. The Government presented all the facts then in its knowledge, but asked for the appropriation upon that general rule of equity which sought to pay for services in connection with the Treaty, because those services had been rendered, and not because the claims were held by particular individuals.

The memorials, affidavits and other papers, are in proof that the claim now submitted comes within the principle of the Order in Council of 14th March, 1863. A full explanation is given of the reasons which prevented the facts from being presented to the Govern-