

This arrangement the then Secretary of State, Lord Glenelg, acknowledging the claims of my family, expressed his desire to comply with, and accordingly, in a despatch, No. 82., dated 19th May 1836*, forwarded the application, together with a copy of the high testimonials in my father's favour, for approbation to the Earl of Gosford.

* Page 98.

His Excellency, in a despatch dated 9th August 1836†, "fully admits the claims of both father and son to the favourable consideration of His Majesty's Government, on account of their public services," but objected only to the manner of rewarding them, "simply because he was averse to hereditary succession to office."

† Page 1.

No further steps therefore were taken in the business till the arrival in this country of the Earl of Durham, when the application was renewed; but before any answer could be given by his Lordship, the sudden death of my father, during my absence at Montreal, whither I had proceeded by order of his Lordship, put a stop to all further negotiation on the subject. For five years previous to this event, a period of unusual interest and importance in the history of this country, the sole management of the department had, in consequence of the ill-health of my father, devolved upon me, and I confidently appeal to the different governors under whom I served (to Sir John Colborne in particular), whether the duties thereof were not discharged to their most entire satisfaction; and I may here be allowed to remark, that so perfectly aware were the whole community of my claims on Government, and to the succession to the office left vacant by the death of the late clerk of the Council, that I believe only one application was made for the appointment.

In a conversation which I had about this time with Mr. Buller, Lord Durham's principal secretary, I was given to understand that his Lordship, in order to avoid the possibility of any outcry as to hereditary succession to office, had it in contemplation to confer on me another appointment, the receiver generalship, the death of the incumbent being then momentarily expected. The late Mr. Hole, however, lingered on till after the Earl of Durham's departure, when his Lordship, acknowledging that my claims could not be overlooked, and finding that there was no other means of rewarding my services, ordered a commission under the great seal of the province to be prepared, appointing me to the office of clerk of the Executive Council, and as I understood (though it would appear that I was mistaken) notified the same to your Lordship's predecessor, at the same time that he mentioned the appointment of the chief justice and solicitor general; and it was on hearing that mandamus had been sent out to those gentlemen that I applied to Sir John Colborne, under the erroneous impression that some new regulation existed rendering such an instrument necessary, to inquire why mine had been kept back when it was notorious that the same Quebec Official Gazette contained the three appointments.

Under the above-mentioned circumstances, your Lordship will perceive, that in the event of a union of the provinces, I being the senior officer of the Executive Councils of Upper and Lower Canada, will, in justice and equity, be entitled to a similar situation in the General Executive to that which I now hold in Lower Canada; and my services, I humbly submit, cannot justly, or consistently with established usage in such cases, be dispensed with, unless indeed Her Majesty should deem it advisable to appoint an entirely new set of officers, and that the present officers of the two departments in Upper and Lower Canada shall be allowed to retire on an allowance equal to their present official emoluments.

I trust therefore your Lordship, should the proposed union of the provinces take place, will not allow my claims on government to be overlooked, nor my services to go unrewarded; and in the meantime, should it be deemed necessary to issue a mandamus, that it be ante-dated to the day of my appointment, which took place on the 13th October 1838.

I have, &c.,
(Signed) G. H. RYLAND.

Sub-Enclosure 1. in Enclosure 1. in No. 4.

Fiat recorded in the Office of Enrolments at Quebec the 1st day of July 1796, in the First Register of Letters and Commissions, folio 253.

(Signed)

GEO. POWNALL,
Secy & Regr.

George the Third, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, and so forth:

To our well-beloved Herman Witsius Ryland, Esquire, and to all others to whom these presents may concern, greeting:

Whereas we did heretofore constitute and appoint our well-beloved Jenkins Williams, Esq., to be clerk of our Executive Council of and for our said province of Lower Canada, for and during our royal pleasure: Now know ye, that we have thought fit to determine our pleasure concerning the said appointment, and do

hereby accordingly revoke and declare the same to be of no further effect; and being well assured of the loyalty, integrity, and ability of you the said Herman Witsius Ryland, we have thought fit to constitute and appoint, and by these presents we do constitute and appoint, you the said Herman Witsius Ryland to be clerk of our said Executive Council of and for our said province of Lower Canada; to have, hold, exercise, and enjoy the said appointment or office of clerk of our said Executive Council for and during our pleasure, and your residence in our said province, together with all and singular the salary, fees, profits, and emoluments, rights, privileges, and advantages, thereunto belonging or appertaining. In testimony whereof we have caused these our letters to be made patent, and the great seal of our said province of Lower Canada to be hereunto affixed, and the same to be entered of record in our Register's Office or Office of Enrolments in our said province of Lower Canada. Witness our right trusty and well-beloved Guy Lord Dorchester, our Captain General and Governor in Chief in and over our said province

(112.)

Sub-Encl. 1. in
Encl. 1. to No. 4.