

This case may be summed up in a very few words. The writers of the foregoing Report, knowing that if Mr. Ryland had held office, he would be entitled to compensation, have laboured to shew that he was not duly commissioned. But if he had not been commissioned, would he have been requested to surrender—would he have been offered and promised a consideration for surrendering—would five several Governors—would the Assembly—would the Secretary of State—have acknowledged his claim? Would it have been necessary for the Secretary of State, to refer him for payment to the Colonial Assembly?—and, finally, would the latter have insisted on his being paid by the Imperial Treasury?

The Council ground a great part of their arguments on the alleged insufficiency of Lord Sydenham's authority to enter into the arrangements with Mr. Ryland, of which that gentleman now claims the fulfilment. On this head, as well as regards the responsibility of the power which his Lordship represented, it may be here stated, that when a party gives a general Power of Attorney to another, to act as an Agent beyond the seas, as was the case with Lord Sydenham, when he was deputed by the Imperial Government to effect the Union of the Canadas, unless the Power of Attorney is accompanied by specific instructions, (for implied ones are not recognized,) the principal is bound by all the acts of his agent, however ruinous they may be to him. In Mr. Ryland's case, the Power of Attorney from the Crown was accompanied by a specific instruction, in the shape of a letter from Lord John Russell, the Secretary, desiring that Mr. Ryland should not be disturbed in the possession of his office. Thus principal and agent, by their mutual acts, became liable. In the correspondence on this case it will be seen that Lord Durham was not called upon to report Mr. Ryland's appointment, inasmuch as it had previously been sanctioned by the Secretary of State, Lord Glenelg, in 1836. Had it however been otherwise, it must be admitted that Lord John Russell, as Secretary of State, was vested with powers equal at least to those of his predecessor, Lord Normanby, and in giving effect to an