

As the Committee, however, do not hope for a favourable issue to any application to Parliament for indemnity to Mr. Ryland, however much they may feel for his situation, and however desirous they may be to recommend to any reasonable extent his relief, should the Government have it in its power to give him any employment more beneficial than his present one, they do not feel that they can recommend payments from public funds in redemption of Lord Sydenham's guarantee, or that they can recognise Mr. Ryland's claim to consideration to the extent to which it is urged by him in his present application.

All which is respectfully submitted.

Council Chamber,
Kingston, 30th January 1843.

By order,
R. B. SULLIVAN,
Chairman.

No. 7.

No. 7.
Sir C. T. Metcalfe
to
Lord Stanley,
16th Feb. 1844.

(No. $\frac{197}{31}$).

COPY of a DESPATCH from Governor General Sir C. T. METCALFE to
Lord STANLEY.

Government House, Kingston, 16th February 1844.

(Received 14th March 1844.)

Answered 31st March 1844, 27th June 1844.)

My Lord,

HAVING communicated to Mr. G. H. Ryland the observations contained in your Lordship's despatch, No. 145.* of the 28th December last, upon his memorial claiming fulfilment of the pledge given to him by the late Lord Sydenham, I have the honour to submit copy of a communication from him in explanation of the circumstances regarding which further information is required by your Lordship.

* Page 100.

9th February 1844.

I have, &c.

(Signed) C. T. METCALFE.

CIVIL SECRETARY'S OFFICE.

Sir, †

Kingston, 30th January 1844.

The Governor General having transmitted to the Secretary of State your memorial, with the several documents annexed to it, claiming the fulfilment of the pledge given to you by the late Lord Sydenham, when you relinquished the office of clerk of the Executive Council of Lower Canada, that the income of your present office should be equal to the amount of the pension (515*l.* currency,) to which you were considered entitled for your services in the Council Office, is instructed to convey to you the following remarks:

Lord Stanley gathers from the papers submitted to his consideration, that you assumed, and Lord Sydenham admitted, that you could not be deprived of the office of clerk of the Executive Council of Lower Canada without your own consent or adequate compensation. The understanding thus subsisting was not, however, founded on an accurate view of the fact. In the first place, the commission granted to Mr. Ryland by Lord Sydenham, and the royal mandamus subsequently issued, conferred that office upon Mr. Ryland during her Majesty's pleasure only. In the next place, the office itself ceased and determined on the union of the provinces; but, above all, his loss of the office was anticipated as a consequence of the union, when the Secretary of State confirmed Mr. Ryland's nomination to it. Despatch No. 53, of 3d July 1839, from the Marquess of Normanby to Lord Seaton, contains an instruction that Mr. Ryland should be apprized that if, upon the union, "it should be found impossible to continue his services, he would not be entitled to any retiring allowance on account of his present appointment." This intimation appears, by Lord Seaton's reply, to have been made to that gentleman accordingly.

It would thus, therefore, appear that Lord Sydenham's pledge was given in ignorance of the full circumstances of the case, which moreover apparently must have been known to Mr. Ryland; and in any event, before her Majesty's Government could be called upon to fulfil that engagement (to which however not having been reported, they were no parties), Mr. Ryland is bound to show either that the condition imposed by Lord Normanby was subsequently withdrawn by the same authority, or to explain satisfactory the reason of his withholding from Lord Sydenham the real terms on which he received the office of clerk of the Executive Council of Lower Canada; and until this point is cleared up, Lord Stanley must reserve the expression of any opinion upon his case.

His Lordship perceives that Mr. Ryland claimed a pension under the Imperial Superannuation Act; it may be useful to take this opportunity of observing that this Act applies only to certain classes of public officers in the United Kingdom, although of late years it has occasionally been adopted as a guide in fixing pensions for colonial servants.

I have, &c.

(Signed) J. M. HIGGINSON.

G. H. Ryland, Esq, &c. &c. &c.,
Quebec.

† This letter is printed from the collection of papers forwarded by Mr. Ryland in his letter of 19th November 1847, a schedule of which, with references to the pages where printed, will be found at page 57 of this paper.