

well, before replying to his statement to ask, whether, supposing Lord Sydenham to be now alive and still Governor of Canada, could he of his own authority or with the authority of the Queen but without the authority of the Canadian Legislature, touch a fraction of the Treasure of the Province to pay the debt to Mr. Ryland? Most assuredly not. No man knew better the principles of the Constitution he was the means of establishing in Canada, and that they forbade any such right or power.

Was he then a man of that character that would use the influence of his position to induce a public officer to relinquish an honourable and lucrative office, upon a guarantee of indemnity to be fulfilled by a body which had in no way participated in or assented to it, and which he must have known they never would acknowledge. If so, then he was not the man on whom the highest honour the Crown could bestow ought to have rested. But no, he acted in this particular as became him, as became the high character of his position as representing the Sovereign in endeavouring to give effect to Her Majesty's wishes and those of the people of England.

With a view then to a right understanding of the question at issue it must be borne in mind that Mr. Ryland was an Imperial Officer paid out of Imperial funds and entitled under an Imperial Act to a retirement of £515 per annum.

Lord Sydenham, for public purposes, required his office, and in his official capacity, representing the Crown, negotiated with him for its surrender.

This negotiation was primarily a verbal one followed by a memorandum submitted by special request.

The letter of guarantee and the conditional acceptance therefore were the result of the aforesaid negotiation. Had the guarantee been as explicit as Lord Sydenham intended there would have been no conditional acceptance, nor could there at this moment have been a doubt as to the true nature of the transaction.

Chief Justice Carter has said that it was only competent to Mr. Ryland to accept or refuse, and this might have been correct if the proposition to surrender his office came from him but it did not. Mr. Ryland held an office, which,