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— No. 2. —

(No. 64.)

COPY of a DESPATCH from Governor General Viscount *Monck* to His Grace the Duke of *Newcastle*, K.G.

No. 2.  
Governor General  
Viscount *Monck*  
to his Grace the  
Duke of *New-*  
*castle*, K.G.  
5 April 1862.

Quebec, 5 April 1862.  
(Received, 23 April 1862.)

My Lord Duke,

WITH reference to the suggestion contained in your Grace's Despatch to Sir E. Head, of the 24th April 1861, No. 171,\* on the subject of Mr. Ryland's claims upon the Government of this Province, I have the honour to transmit to your Grace a copy of an Order of the Executive Council, and report of the Attorney General of Lower Canada upon which it is founded.

\* Page 6.

13 March 1862.

I have, &c.  
(signed) *Monck*.

Enclosure in No. 2.

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COPY of a Report of a Committee of the Honourable the Executive Council, approved by His Excellency the Governor General in Council on the 13th March 1862.

ON the several applications of George H. Ryland, Esq., claiming interest on the half of the award of Judge Carter, paid by the Provincial Government :

The Hon. the Attorney General for Lower Canada reports, that the payment of the one-half only of Judge Carter's award, viz. 4,500 *l.*, was recommended to Parliament in consideration of the Despatches from the Secretary to the Colonies of the 1st July 1857, and 7th of October 1858, and was made as a matter of courtesy to effect a final adjustment of Mr. Ryland's claim, as mentioned in the former of those two Despatches. That he, the Attorney General, does not consider Mr. Ryland has any legal claim upon the Provincial Government for the payment of interest, since the Canadian Government was never legally bound or pledged to pay even the one-half of the principal.

That the liberality of the Canadian Government in paying the above half of the award cannot be construed as giving a claim or title to Mr. Ryland for interest thereon during the period the propriety of paying it was under consideration.

That if the claim of Mr. Ryland for interest is viewed on equitable ground, he does not consider that such a claim against the Provincial Government can be maintained; for Judge Carter, in making his award, very liberally estimated Mr. Ryland's loss at 7,735 *l.* 12 *s.* 6 *d.*, upon the calculation that during the preceding seven years there had been a deficiency of 140 *l.* per annum; and in view of that deficiency continuing for nine years, he added a further sum of 1,264 *l.* 7 *s.* 6 *d.*; but it does not appear that any such deficiency will occur during that period, for Mr. Ryland's receipts have been during last year more than sufficient to produce, with his pension, the annual income (515 *l.*) guaranteed to him by Lord Sydenham. In proof of this, he, the Attorney General, annexes a copy of the official returns of last year, by which it appears, on page 22, that the net profits of Mr. Ryland's office for the year 1860 were 486 *l.* 18 *s.*, which, added to the pension of 111 *l.*, make the sum of 597 *l.* 18 *s.*

The Attorney General must here observe, that the liberality of the British Government, in paying interest on the one-half of the award paid by them, cannot be considered as binding on the Canadian Government to pay the interest on the other half, nor could any such payment be made without the authority and sanction of Parliament, inasmuch as the past appropriation was made for the payment of 4,500 *l.* only.

The Committee concur in opinion with the Attorney General, and recommend that his report be approved.

Certified,

*Wm. H. Lee,*  
Clerk of the Executive Council.