

CANADA (MR. RYLAND'S CLAIMS).

COPY of all CORRESPONDENCE which has taken place between the Imperial Government and the Colonial Government of *Canada* on the subject of the Claims of *Mr. Ryland*.

(*Mr. Gregory*.)

Ordered, by The House of Commons, to be Printed,
19 May 1862.

256.

Under 2 oz.

107

CANADA (MR. RYLAND'S CLAIMS).

RETURN to an Address of the Honourable The House of Commons,
dated 11 March 1862;—*for*,

A "COPY of all CORRESPONDENCE which has taken place between the
Imperial Government and the Colonial Government of *Canada* on the
Subject of the CLAIMS of Mr. *Ryland*."

(In continuation of House of Commons Paper, No. 85 of 1859.)

Colonial Office, }
15 May 1862. }

C. FORTESCUE.

(*Mr. Gregory*.)

Ordered, by The House of Commons, to be Printed,
19 May 1862.

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COPY of all CORRESPONDENCE which has taken place between the Imperial Government and the Colonial Government of *Canada* on the Subject of the CLAIMS of Mr. *Ryland*.

Despatch from the Officer Administering the Government of Canada.

— No. 1. —

(No. 15.)

COPY of a DESPATCH from the Officer Administering the Government of Canada to His Grace the Duke of *Newcastle*, K.G.

Quebec, 18 February 1861.

(Received 8 March 1861.)

(Answered, No. 154, 17 March 1861, page 6.)

My Lord Duke,

I HAVE the honour to enclose, at the request of Mr. G. H. Ryland, a communication addressed to your Grace by that gentleman, respecting certain unsatisfied claims which he believes himself to have on Her Majesty's Government.

I also forward a copy of his letter to me which accompanied it.

I do not know that it is necessary for me to make any remarks upon these papers, and I merely place them in your Grace's hands.

I have, &c.

(signed) *W. F. Williams*,

Lieut. General Administering the Government.

No. 1.
The Officer administering the Government of Canada to the Duke of Newcastle, K.G.
18 February 1861.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

My Lord Duke,

Montreal, 28 January 1861.

On the 28th* of November last I had the honour to address a letter to your Grace suggesting a compromise of my long standing claim. * 21st?

Considering that the case was one which concerned the Imperial Government only, I addressed my communication direct to yourself, instead of through the official channel here, which would have been the course had I considered that the Government of this country had anything to do with the question at issue.

Having, however, within the last few days received a private note from Mr. Edward Ellice, dated Nice, 26 December, in which he suggests that the Government may experience some difficulty in re-opening my case, I feel bound, in order to place my protest against such an idea more clearly on record, to address your Grace in a more formal manner than I have hitherto done on the subject.

Had my case been really closed, a suggestion as to a possible difficulty in re-opening it might have been worthy of consideration in delivering me from the pursuit of an unattainable object. But the case never has been closed, and never can be, until an arrangement satisfactory to both parties has been arrived at.

It is not, I respectfully maintain, for a Government like that of England, in the face of facts, in the face of law, equity, and justice, to say we have done this or we have done that, and therefore the petitioner must be satisfied.

The question is, has right been done? You must, my Lord Duke, in your own mind, feel that it has not.

Rejecting, then, the idea that because the British Government has the power, it will exercise it to crush my petition for right; I again appeal to your Grace for justice, and in order that no part of the question may escape your consideration, I shall take the liberty of again briefly recapitulating a few leading facts connected with the case.

CORRESPONDENCE RELATING TO

1st. Lord John Russell, in his Despatch of the 20th July 1855, officially admits that I had a right to retain the office of Clerk of the Council of Canada, and that I was induced on public grounds to surrender it, in order to meet the views of Her Majesty's then Government in England.

Having, then, the right to retain, it must be allowed that I had a right to attach conditions to the surrender.

I did attach conditions which were repeated, and not having been objected to, they are binding on the Crown.

It would, indeed, be contrary to reason to suppose, under the peculiar circumstances of the case, and the admissions of Lord John Russell, that the letter of Mr. Murdoch, offering a guarantee, would be binding without my consent.

2d. When, after the lapse of many years, during which the Government, by an exercise of power, endeavoured to close my case, as they may possibly wish to do now, Chief Justice Carter was at last appointed to report upon my claim, he was restricted by his instructions to ascertain, not the amount of injury inflicted on me by my conditional surrender of office, but what sum would be necessary to cover the balance of the amount of pension on which I might have retired under the Act 4 & 5 Will. 4, in 1841.

3d. That the report of Mr. Carter, made under limited instructions, was based on the annual receipts of office up to a certain fixed period only.

In this report (for Mr. Carter, in his letter of the 1st of November 1856, distinctly denies that it was an award) he proposes two modes of settlement, one of which affording me the least possible relief, and in fact perpetuating the wrong of which I complained, the Government without my consent arbitrarily adopted.

Mr. Carter states the amount then due to be 7,735*l.* 12*s.* 6*d.*, and suggests that the sum of 1,264*l.* 7*s.* 6*d.* should be added as a kind of commutation of my pension of 515*l.* per annum, and in lieu of all further claims under my arrangement with Lord Sydenham for the rest of my life; at least, such is the substance of his report.

Now, my Lord Duke, if this report, based on certain annual calculations, and not taking in any of my losses directly consequent on the breach of faith of the Crown, could have been binding on me, it would have been necessary that the whole amount should forthwith have been paid, and that I should have accepted it without comment or dissent.

Your Grace, however, is aware that it was upwards of a year before any portion of it was paid, when my necessities compelled me to take the moiety offered, under a distinct and formal protest on record among the papers laid before the House of Commons by Lord Carnarvon, on the 23d of February 1859. It was not until the lapse of nearly three years that the remaining moiety was forthcoming, during which, in prosecution of my claim, and without which I should not to this day have been paid, I was twice compelled to visit England at a loss of upwards of 2,000*l.*

It is plain, then, that even if Mr. Carter's report was intended as a finality, it has never in its integrity been carried out; consequently there can be no question of re-opening a case which has never been closed.

With these facts before you, I cannot but hope that the proposal I had the honour to submit to your Grace in my letter of the 28th November last, will meet with your favourable consideration.

In conclusion, I would impress upon your Grace, that not only have my pecuniary prospects and those of my family been blighted by my ready acquiescence in the views of the representative of the Crown, but the property inherited from my parents and the best years of my life have been wasted and sacrificed in my protracted struggle for justice. That (to use the words of one of your Grace's most distinguished colleagues) the compensation granted "is trivial as compared to what is due to me," and, I may add, altogether inadequate to the injury I have sustained.

His Grace the Duke of Newcastle,
Secretary of State.

I have, &c.
(signed) G. H. Ryland.

Encl. 2 in No. 1.

Enclosure 2 in No. 1.

Sir,

Montreal, 1 February 1861.

ON the 28th* November last I addressed a communication to his Grace the Duke of Newcastle relative to certain unsatisfied claims on Her Majesty's Government.

Looking upon it that the Imperial Government were alone responsible for the debt, I mailed my letter direct to his Grace, instead of through the usual official channel here.

As the Province, however, may ultimately be looked to for a portion of the interest due under Chief Justice Carter's report, I take the liberty of addressing, through your Excellency, a more formal application to the Secretary of State on the subject, as a preliminary step preparatory to such ulterior proceedings as may be forced upon me.

I have, &c.
(signed) G. H. Ryland.

His Excellency Sir W. Fenwick Williams, Bart., K.C.B.,
Administrator of the Government,
&c. &c. &c.

— 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.

Enclosure in No. 2.

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.

Despatches from the Secretary of State.

— No. 1. —

(No. 154.)

No. 1.
The Duke of Newcastle, K.G., to the Right Honourable Sir Edmund Head, Bart.
17 March 1861.
* Page 3.

COPY of a DESPATCH from the Duke of Newcastle, K.G., to the Right Honourable Sir Edmund Head, Bart.

Sir,

Downing-street, 17 March 1861.

I HAVE to acknowledge the receipt of Sir Fenwick Williams's Despatch, No. 15,* of the 18th of February last, enclosing a letter addressed to me by Mr. G. H. Ryland, dated the 28th of January last.

I have, &c.
(signed) Newcastle.

— No. 2. —

(No. 171.)

No. 2.
The Duke of Newcastle, K.G., to the Right Honourable Sir Edward Head, Bart.
24 April 1861.

COPY of a DESPATCH from the Duke of Newcastle, K.G., to the Right Honourable Sir Edmund Head, Bart.

Sir,

Downing-street, 24 April 1861.

WITH reference to previous correspondence on the subject of Mr. G. H. Ryland's claim to compensation for loss of office in Canada, I have the honour to acquaint you that, in order fully to carry out the award of Chief Justice Carter, as far as the Imperial Government is concerned, I recommended the Lords Commissioners of the Treasury to allow Mr. Ryland interest on the sum of 4,500 *l.* currency, forming the Imperial moiety of the amount due to him under the award.

Their Lordships have concurred in my recommendation, and the Paymaster General has accordingly been authorised to accept Mr. Ryland's bill for 174 *l.* 5 *s.* 9 *d.* sterling, being interest at the rate of five per cent. on the sum of 3,698 *l.* 12 *s.* 7 *d.* sterling, from the 3d of October 1856 to the 11th September 1857, the bill for 3,698 *l.* 12 *s.* 7 *d.* (being equivalent to 4,500 *l.* currency) having been paid on the 12th of September 1857.

I have to request that you will communicate this decision to Mr. Ryland as the final adjustment of his claim against Her Majesty's Government; but I am desirous of taking this opportunity of suggesting to you the expediency of proposing to the Canadian Government the adoption of a similar course as a means of removing any just cause of complaint on the part of Mr. Ryland.

I have, &c.
(signed) Newcastle.

— No. 3. —

(No. 215.)

No. 3.
The Duke of Newcastle, K.G., to the Right Honourable Sir Edmund Head, Bart.
3 July 1861.

COPY of a DESPATCH from the Duke of Newcastle, K.G., to the Right Honourable Sir Edmund Head, Bart.

Sir,

Downing-street, 3 July 1861.

I HAVE the honour to transmit to you a further letter from Mr. Ryland on the subject of his claim. I have to request that you will refer Mr. Ryland to the communication which you no doubt made to him in pursuance of the instructions contained in my Despatch, No. 171,* of the 24th of April last, to the effect that

25 May 1861.
* Page 6.

that the interest upon the sum of 4,500*L.* currency was paid to him in order fully to carry out the award of Chief Justice Carter, as far as the Imperial Treasury is concerned, and as a final adjustment of his claim upon Her Majesty's Government.

I am desirous that you should, at the same time, impress upon Mr. Ryland that he has been repeatedly informed that the payment of the above sum would be considered as made in full satisfaction of his claim upon the Government of this country; that I cannot admit that he has advanced any grounds upon which a departure from this decision can be justified; and that, regarding the case as finally closed, I must decline to re-open it by giving any pledge such as that which he requests at the conclusion of his letter.

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

Enclosure in No. 3.

Enclosure in No. 3.

My Lord Duke,

Montreal, 25 May 1861.

ABOUT a fortnight ago I received a communication from the Governor General, intimating that your Grace had forwarded an authority to enable me to draw upon the Paymaster General for 174*L.* 5*s.* 9*d.*, being interest at five per cent. on one moiety of the amount paid by the Imperial Government under Chief Justice Carter's report, but without reference to the interest on the other moiety, the payment of which your Grace gave me to understand you would take measures to secure.

Trifling as the present concession is, I have this day, as a matter of right, and under protest, unhesitatingly drawn for the amount as money legally due, which I should have been paid years ago, and with the understanding that it is not to be considered as a final settlement, or in any way affecting my general claim, but as a portion only on account of a much larger sum due under my arrangement with Lord Sydenham, and as conveying a further acknowledgment on the part of the Imperial Government of the aggravated injustice I have sustained at its hands.

And now, having placed this protest officially and unmistakably on record, let me again respectfully press my case upon your Grace's notice, with a view to a really final and equitable settlement of this vexatious suit.

The Imperial Government have by its acts, and by the written admissions of Lord John Russell and Earl Grey, backed by the deliberate verdict of the House of Lords, acknowledged the validity of the contract between the representative of the Crown and myself, as well as my right to compensation for all losses consequent on the surrender of my office in 1841.

Appealing to your Grace's sense of honour, I would ask have I received compensation for losses consequent on the surrender of my office, or is the arbitrary adoption by Government, without my concurrence, of the least advantageous to me of two suggestions made by Mr. Carter, under limited instructions, justice? Nay, more; will any man of ordinary understanding and moral rectitude of thought, for a moment argue that the payment of 9,000*L.* currency, nearly one moiety of which was expended in obtaining payment of the other, is compensation for a loss already sustained of 21,000*L.* of official income, exclusive of interest, for the loss of large landed estates pledged and sacrificed in my reliance on the official promises of the representative of the Crown, together with the loss of a retirement of 515*L.* per annum in the shape of pension, to which I am entitled under an Imperial statute till the day of my death.

I have never, my Lord, affected, nor do I for a moment pretend, to exercise any great influence in this country, but my family name is historically connected with it. I and my case are known from one end of the land to the other, and the public press, without exception, have denounced the treatment I have experienced.

If, then, hereafter, an arrangement between a colonial subject and the Crown is to be considered of equal force and validity as an arrangement between the Crown and a subject living in England, and the loyal devotion of Her Majesty's servants here, is of any value in her eyes—if there is honour in the conduct of public affairs at home, and the vaunted justice of the British Government is not a sham and a delusion, I pray of your Grace, that, casting aside all considerations of mere expediency, you will deal with my case in the true spirit of an English statesman.

It cannot be pleasing to a nobleman of your Grace's exalted character, to whom, of all men who have ever held the reins of the Colonial Department, the people of Canada look for protection, to call to mind the manner by which my last appeal to Parliament was defeated.

I believe that you have a desire to do me justice; that Mr. Fortescue must regret the great wrong he was led to do me, and that he has the magnanimity when an opportunity offers, to set himself right.

Granting, then, that your Grace has not the power to extend further money compensation to me without a vote of Parliament, which it may be too late to obtain during the present Session, yet, taking into consideration what I have suffered, and how much the honour of the Crown is implicated, I hope you will acquiesce in my reasonable request, that a pledge be given that when the Houses are again called together a Committee will be granted me, so that the case may finally be disposed of by a jury of English gentlemen selected from the representatives of the people, in whose hands, if the Government have nothing to hide, the matter may be left with perfect safety to all parties.

His Grace the Duke of Newcastle,
Secretary of State, Colonial Department,
&c. &c. &c.

I have, &c.
(signed) *G. H. Ryland.*

— No. 4. —

(No. 257.)

COPY of a DESPATCH from the Duke of Newcastle, K.G., to the Right Honourable Sir *E. Head*, Bart.

No. 4.
The Duke of Newcastle, K.G., to the Right Honourable Sir Edmund Head, Bart.

21 October 1861.

* This letter is printed as Appendix, page 10.

Sir,

Downing-street, 21 October 1861.

I HAVE the honour to request that you will inform Mr. Ryland, that I have received a letter which he has addressed to me, dated Picton, Bay of Quinté, September 20th, 1861*, but that I am unable to comply with the requests which it contains.

I am, &c.
(signed) *Newcastle.*

— No. 5. —

(No. 48.)

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

No. 5.
The Duke of Newcastle, K.G., to Viscount Monck.
2 February 1862.

26 December 1861.

My Lord,

Downing-street, 2 February 1862.

I HAVE the honour to transmit to your Lordship the copy of a letter addressed to me by Mr. Ryland, dated Montreal, 26 of December last; I have to request that you will acquaint Mr. Ryland, in reply, that Her Majesty's Government do not feel it to be their duty to interfere further with the discretion of the Canadian Government with respect to the payment of interest upon the moiety of the sum assigned in Chief Justice Carter's award, and paid to him by that Government; nor can they recommend to the Treasury and to the House of Commons any payment from Imperial funds beyond that which Mr. Ryland has already received.

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

Enclosure in No. 5.

Enclosure in No. 5.

My Lord Duke,

Montreal, 26 December 1861.

SHORTLY after Lord Monck's arrival, I received from him a communication of your Grace's Despatch declining to adopt any of the suggestions I had the honour to submit for the final adjustment of my claims on Her Majesty's Government.

I cannot say how deeply disappointed I am at your Grace's persistent refusal to do me justice.

Suffice it, that I did think after the cruel injury I had sustained at the hands of Mr. Fortescue, that the Secretary of State for the Colonies only required an opportunity to set himself right.

In the present crisis of affairs between England and the United States, the Governor General having accepted a tender of services on the part of my sons and myself to raise volunteers for the defence of the frontier, it will be my duty to remain where I am for the present, in order to lend any little assistance in my power in support of the national honour.

In

In the meantime, protesting against your Grace's decision, I owe it to myself distinctly to declare that the instant matters on this continent are brought to a peaceful issue, I shall renew my application to the House of Commons for a Committee of Inquiry into my case, in the hope that no further unfair attempt will be made to prevent my obtaining from a jury of English gentlemen an expression of opinion on the treatment I have experienced.

In concluding this communication, and without in any way wishing to reflect on the conduct of the most unpopular and least regretted Governor we have ever had, who happily for the interests of Great Britain and Canada is no longer here to palsy the loyal hearts of Her Majesty's faithful servants, I take the liberty of calling your Grace's attention to the fact that no action appears to have been taken on your Despatch of May* last, relative to the payment of interest due on the Canadian moiety of money paid under Chief Justice Carter's report, which, calculated at the legal rate of 7 per cent. interest in Canada, would in round numbers amount to about 800*l.*; the period between the date of Mr. Carter's report and date of payment here being two years and eight months.

* April?

Permit me, my Lord Duke, to remark, that, under the peculiar circumstances of the case, it was the duty of the Imperial Government at once to have paid this money, and to have called upon the local Government afterwards to make it good as so much advanced on their account.

The protracted delay in the payment of this money is not only an aggravation of the injury I have sustained, but it demonstrates the truth of the arguments I have advanced, showing that Chief Justice Carter's report cannot be considered as a finality, inasmuch as five years have elapsed without its being fully carried out.

In claiming, then, that I be authorised to draw upon the Paymaster General for the amount in question, I trust that I am but anticipating your own conclusion on the subject.

His Grace the Duke of Newcastle, K. G.
&c. &c. &c.

I have, &c.
(signed) G. H. Ryland.

APPENDIX.

LETTER FROM MR. RYLAND.

Warwick House, Picton, Bay of Quinté,
20 September 1861.

My Lord Duke,

I AM well aware how difficult it is for an individual, particularly a colonist, to contend against the power of the Crown, and the will of its Minister.

But I have a duty to perform to my family and others, who have incidentally suffered by the injustice I have experienced, which compels me to protest against your Grace's decision on my case, as conveyed in your Despatch of the 3d July to the Governor-General of Canada.*

It may be convenient to get rid of a just claim by a simple denial of justice, and expediency may, on particular occasions, suggest that the door should abruptly be closed against a pertinacious creditor or troublesome claimant.

But the fundamental principles of right and justice which protect society and regulate transactions between man and man remain the same, and are as binding on the Sovereign as on the subject.

I would, therefore, humbly submit that it is not competent in a Minister of the Crown arbitrarily to dispose of a case like mine by a compulsory settlement which would not hold good in private life.

Mr. Fortescue emphatically remarked, that it required two parties to an agreement. If so, it surely requires the consent of both to dissolve one.

Now, your Grace must bear in mind that my case is not one of mere ordinary hardship. It is one of gross wrong.

On my part there has never been a waver from the first moment of my negotiation with Lord Sydenham to the present period, which could in any way invalidate my claim.

Whereas, on the part of the Crown there has been a succession of official acknowledgments, amounting in fact to a direct confession of judgment that I am entitled to compensation for all losses consequent on the surrender of my office in 1841.

I fall back on this acknowledgment, confirmed by the fiat of the House of Lords; and if there is meaning in words or official language, I invoke this admission in aid of justice.

But your Grace remarks that I have advanced "no grounds upon which a departure from your previous decision can be justified."

No grounds! What new grounds are required?

Are not the facts patent and undeniable that a contract was entered into with me by the representative of the Sovereign, for the surrender into his hands, for public purposes, of a patent office of the value of 1,030*l.* per annum. That having, as admitted by Lord John Russell, a right to retain the office, I attached conditions to the surrender, which were tacitly agreed to, and never refused.

That Lord Sydenham was at the time charged with extraordinary powers which I could not inquire into or dispute, to attain a great political end, then ardently desired by the Imperial Government and Parliament, and was authorised to take every step which, in his judgment, might be conducive to that end.

That I had an acknowledged right at that time to retire under an Imperial Statute upon a pension of 515*l.* per annum for the rest of my life.

That, trusting to Lord Sydenham's verbal promises, and in the honour of the Crown he represented, I confidently agreed to his proposals, dispossessing myself of vested rights on which my family depended for their daily bread.

That the intentions of the agreement by which I was to have been secured an income equal to that which I surrendered, have never been carried out.

That in the performance of my share of the contract, I have been stripped of my property, and irretrievably ruined.

That though your Grace's predecessors in office and the House of Lords distinctly admitted my right to compensation for all my losses, 16 years were, nevertheless, allowed to elapse before any relief was extended to me, and that even then the gentleman deputed to report on my case was debarred by his instructions from examining into the most important portion of my claim—that portion, in fact, to which Lord Grey had previously acknowledged me to be entitled.

Are not these facts, my Lord Duke, I ask, patent; and is it not true that when I appealed to Parliament for a Committee of Inquiry in order to lay them more fully before a jury of English gentlemen, the Under Secretary of State, in his official capacity, stifled my appeal by a statement which has since been proved by documentary evidence, laid before your

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your Grace by Mr. Gregory, to have been unfounded in truth, and at variance with common sense and reason ?

And will your Grace, or any conscientious person, contend, that after a lapse of 20 years of mental and pecuniary suffering, the making up to me of an official income to a certain fixed period only on the scale of a retirement to which I was entitled for life, with a forced commutation of 1,200 *l.* dribbled out to me at distant and different periods, in a way to do me more injury than good, is a measure of justice ; or that I am to be compelled to accept it as a liberal and final settlement from the Government, at whose hands I have suffered a grievous loss, amounting in round numbers to 50,000 *l.* ?

But it is argued that my surrender of office was made with a view to Canadian objects, and in aid of a policy suggested by, and directed to, the interests of Canada.

Granted ; but what had I to do with Canada, and by whom was the policy adopted and applied ? By the Imperial Government and Parliament, with whose accredited agent alone I treated ; who never contemplated granting advantages to any class of Her Majesty's subjects at the expense of an individual, and that individual a public servant, in the possession of vested rights granted to him by his Sovereign, in reward of his own and his father's services, as for value received.

To refer me, then, to a third party in no way amenable would be an act not only of aggravated injustice, but of unparalleled dishonesty, unworthy of a great Government.

Let us suppose that your Grace were to purchase from one of your tenants a property of a yearly ascertained value, with the understanding that he was to receive an equivalent ; that you were then to bestow it on a neighbour, to whom, when the fulfilment of the agreement was demanded, you were to refer the claimant for indemnification, would not such an act be justly condemned as fraudulently dishonest ? And can your Grace, then, as a Minister of the Crown, countenance on the part of the British Government, of which you are a member, a proceeding which in the ordinary transactions between man and man could not honestly be maintained, or will you, because you have been led into an expression of opinion, consider it necessary to maintain it in the face of facts, of reason, and of justice ?

Permit me to say that had Lord Stanley remained in office, or had his mind when my case was brought before him not been so fully occupied with the all-important question of India that he could not be expected to go personally into a private grievance, I feel assured that I should not now be suing in vain at the shrine of the Colonial Office.

And, even as it is, with the impression still fresh in my memory of my first interview with your Grace, before the Crimean war, when reposing full confidence in your justice, I at once, at great loss and inconvenience to myself, agreed to your suggestion that I should not press my case till after the arrival of Lord Elgin, whom I knew to be personally opposed to me, I cannot but hope that now, when your Grace's legislative duties are for a time suspended, you will consent to look into my case dispassionately, receiving no impressions from others, but weighing my case yourself with a view to a reconsideration of the facts to which I have endeavoured to direct your attention.

Surely I have been sufficiently punished for my ready acquiescence in the views of Her Majesty's Government 20 years ago.

There are several remedies in your power.

I have a right, without any favour, to be restored in a pecuniary point of view to the position I held at the time of my contract with the representative of my Sovereign.

If your Grace cannot grant me full money compensation and the pension to which, under the Act of 4 & 5 Will. 4, I am entitled, and if from motives of delicacy towards Mr. Fortescue you object to a committee of enquiry, which some influential political friends of mine in England urge me, with every hope of success, to apply for on the reopening of Parliament, when, please God, I shall be in England,—your Grace has a certain amount of Crown patronage in your hands. There are offices in England, and governments abroad.

You have disposed of New Zealand and South Australia, but I am told that a course has been determined on which will place the Government of the Red River Settlement at the disposal of the Secretary of State for the Colonies.

Give me this, or office in England, with an adequate income, and a trifling compensation for the losses I have suffered, and I will give the Government a discharge in full.

Forty years' experience and confidential service in Canada should fit me for any official trust.

Earl Durham, Lord Metcalfe, and others, who might have spoken to my administrative capacity, are gone, but Lord Seaton will, I am sure, bear testimony to my ability, and the manner in which I supported him at the period when the assistance of every loyal man was required to save the Canadas to the British Crown.

I have, &c.

(signed) *G. H. Ryland.*

His Grace the Duke of Newcastle, K.G.
Secretary of State,
&c. &c. &c.