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CANADA.

COPIES OR EXTRACTS

OF THE

CORRESPONDENCE and MEMORIALS or REPRESENTATIONS
relative to the CLAIM of Mr. RYLAND, formerly
Secretary to the Executive Council of Canada.

Ordered to be printed 18th April 1850.

CANADA.

COPIES OR EXTRACTS

OF THE

CORRESPONDENCE AND MEMORIALS OR REPRESENTATIONS

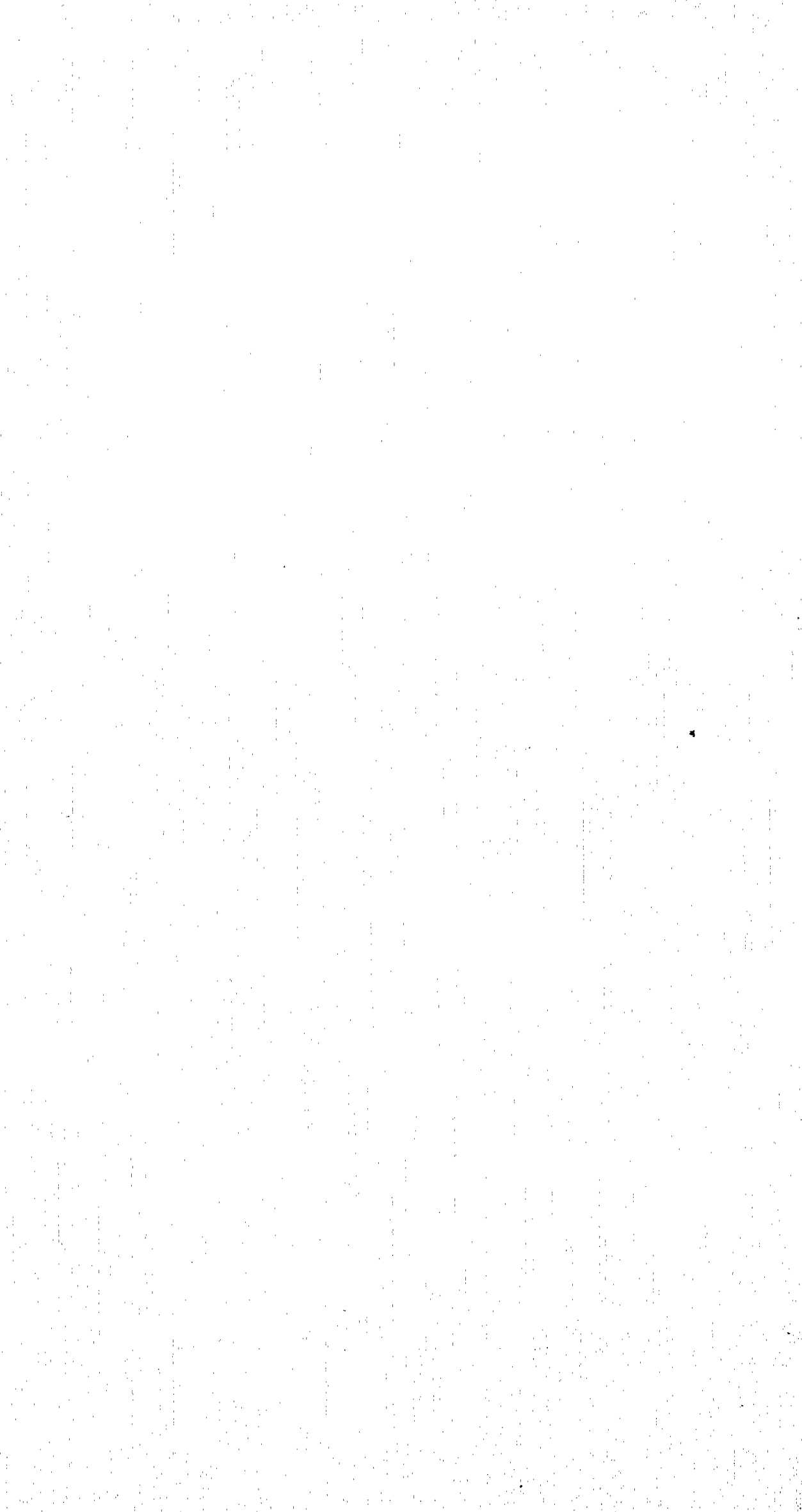
RELATIVE TO THE

CLAIM OF MR. RYLAND,

FORMERLY SECRETARY TO THE EXECUTIVE COUNCIL OF CANADA.

Pursuant to an Address of the House of Lords dated 18th March 1850.

Ordered to be printed 18th April 1850.



SCHEDULE.

CANADA.

DESPATCHES FROM THE GOVERNORS OF CANADA.

Number in Series.	Date and Number.	SUBJECT.	Page.
EARL OF GOSFORD.			
1	9th August 1836 - (89.)	Referring to application of Mr. Ryland, senior, soliciting permission to resign his office of registrar and clerk of the Executive Council of Lower Canada in favour of his son, Mr. G. H. Ryland, the assistant clerk; thinks the proposed arrangement objectionable	1
SIR JOHN COLBORNE.			
2	8th June 1839 - (84.)	Requests that the necessary instrument may be prepared and transmitted, the appointment in question having been conferred by Lord Durham on Mr. G. H. Ryland	1
3	26th July 1839 - (98.)	Thinks Mr. G. H. Ryland well qualified for the situation, and requests that his appointment may be confirmed. Has communicated to him that he will not be entitled to a retiring allowance in the event of the union of the provinces.	2
4	14th August 1839 (105.)	Forwarding letter from Mr. G. H. Ryland on the subject of his appointment, in which he submits his claims to the consideration of the Government if the union should take place. Recommends that the mandamus for Mr. Ryland's appointment be ante-dated to 13th October 1838	2
LORD SYDENHAM.			
5	18th July 1841 - (92.)	Explanation of changes made in the Executive Council consequent on the union. States that the official situations have been filled by those employed before; and trusts to be able to provide for those whose claims on the Crown are unsatisfied	4
SIR C. BAGOT.			
5 a.	8th April 1842 - (75.)	With list of appointments made by Sir R. Jackson, and subsequently confirmed	5
LORD METCALFE.			
6	25th Oct. 1843 - (104.)	Submitting a memorial from Mr. Ryland relative to his removal from office, and to the claims he founds thereon. Report of the Executive Council to Sir C. Bagot on Mr. Ryland's case, 30th January 1843	5
7	6th February 1844 (31.)	Enclosing communication from Mr. Ryland in explanation of circumstances connected with the subject of his memorial	24
8	20th May 1844 - (92.)	Having communicated to Mr. Ryland the decision of Government on his case, submits a copy of a further representation regarding his application	29
9	25th May 1844 - (97.)	Submitting copy of further communication from Mr. Ryland respecting his application for compensation for loss of office	31
10	24th August 1844 (133.)	Submitting further representation from Mr. Ryland. Mr. Ryland has availed himself of the allowance already granted, but continues to urge his claim to additional compensation	32
11	19th May 1845 - (276.)	Transmitting order of Governor in Council, dated 13th February 1841, showing that Mr. Ryland had been sworn in as registrar and clerk of the Executive Council of the province of Canada	34
12	26th June 1845 - (303.)	Notifying Mr. Ryland's appointment to the situation of registrar of Montreal	35
13	2d July 1845 - (305.)	Transmitting copies of correspondence between the Provincial Secretary and Mr. Ryland, relative to the appointment of the latter to be registrar of Montreal	35
14	8th August 1845 (329.)	Submitting copy of letter from Mr. Ryland respecting his claims. The Governor General's sentiments on the subject	37

DESPATCHES FROM THE GOVERNORS OF CANADA—*continued.*

Number in Series.	Date and Number.	SUBJECT.	Page.
EARL CATHCART.			
15	9th March 1846 - (22.)	Enclosing copy of report of the Executive Council of Canada on Mr. Ryland's claims, and of a minute by Lord Metcalfe assigning reasons for withholding his approval from the report. Earl Cathcart concurs in opinion with Lord Metcalfe - - -	39
16	26th April 1846 - (37.)	Submitting report of the select committee of the Legislative Assembly to whom the petition of Mr. Ryland was referred - - -	46
17	13th May 1846 - (55.)	Address to her Majesty from the Legislative Assembly, praying favourable consideration to Mr. Ryland's claims - - -	47
18	13th May 1846 - (57.)	Similar address from the Legislative Council - - -	48
19	26th June 1846 - (79.)	Submitting copy of letter from Mr. Ryland (at his reiterated request), although the decisions on his case have been duly communicated to him. Correspondence between the Civil Secretary and Mr. Ryland on the subject - - -	49
20	13th August 1846 (112.)	Enclosing copy of letter from Mr. Ryland addressed to the Secretary of State. Mr. Ryland informed that the Governor General feels himself precluded from renewing this correspondence. Enclosing correspondence between the Civil Secretary and Mr. Ryland -	53
EARL OF ELGIN AND KINCARDINE.			
21	7th Dec. 1847 - (108.)	Transmitting copy of letter from Mr. Ryland addressed to the Secretary of State, with accompanying documents. Memorandum of committee of Council, stating the principle by which they have been guided in adjusting Mr. Ryland's claim - - -	55
22	20th February 1848 (17.)	Enclosing communication from Mr. Ryland to the Secretary of State. Debate in the Legislative Assembly on Mr. Ryland's case - - -	79
23	5th March 1848 - (25.)	Enclosing further communication from Mr. Ryland to the Secretary of State. Petition from Mr. Ryland to the Legislative Council of the province - - -	81
24	28 August 1848 - (112.)	Transmitting minute of the Executive Council of the province, dated 3d July 1848, in reference to Mr. Ryland's claims - - -	85
25	11 March 1850 - (160.)	Transmitting copy of memorandum on Mr. Ryland's case, by Mr. Hinckes, Inspector General, stating the grounds of the opinions which have been expressed upon it by the different authorities to which Mr. Ryland has addressed himself for compensation -	93

DESPATCHES FROM THE SECRETARIES OF STATE.

LORD GLENELG.

1	19 May 1836 - (82.)	Notifying application in favour of Mr. Ryland's succession to the office of registrar and clerk of the Council of Lower Canada - - -	98
2	20 September 1836 (129.)	Acknowledges despatch. Concurs in opinion with Lord Gosford, and abstains from taking any step in proposed arrangement - - -	99

MARQUESS OF NORMANBY.

3	3 July 1839 - (53.)	Acknowledges despatch enclosing application from Mr. Ryland for issue of warrant of appointment as clerk of Executive Council. Mr. Ryland's nomination to the office was not reported by the Earl of Durham, but if selection be a proper one, warrant to be prepared. Mr. Ryland to be apprised that if his services should not be required in consequence of the union, he will not be entitled to any retiring allowance - - -	99
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LORD JOHN RUSSELL.

4	12 September 1839 (6.)	Acknowledges despatch enclosing application from Mr. Ryland to have mandamus for his appointment ante-dated the 13th October 1838. Before receipt of application the mandamus was prepared, but if such had not been the case, from established practice, the request could not have been complied with - - -	99
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DESPATCHES FROM THE SECRETARIES OF STATE—continued.

Number in Series.	Date and Number.	SUBJECT.	Page.
LORD STANLEY.			
5	1st June 1842 - (156.)	Acknowledging list of appointments made by Sir R. Jackson and confirmed by Sir C. Bagot	100
6	28th Dec. 1843 - (145.)	Acknowledges receipt of Mr. Ryland's memorial, but reserves opinion on the subject till the circumstances are explained under which Lord Sydenham guaranteed Mr. Ryland's income as registrar of Quebec	100
7	31st March 1844 - (193.)	Acknowledges despatch transmitting letter in which the required explanation is supplied. Is of opinion that an allowance should be assigned to Mr. Ryland proportioned to his income as assistant clerk, until the provincial Government could provide him with a more lucrative office	101
8	27th June 1844 - (247.)	Acknowledges despatch inclosing two letters of Mr. Ryland's. Mr. Ryland is desirous that the decision in the previous despatch should be reversed, or that his case should be submitted to the Queen in Council. Nothing in Mr. Ryland's arguments to alter the view already taken of the case, and that Her Majesty could not be advised to consult the Privy Council upon it	101
9	28th Sept. 1844 - (288.)	Acknowledges despatch inclosing communication from Mr. Ryland, in which he still urges his claim. To be informed, that there appear no grounds for altering decision conveyed by former despatch, which must be taken as finally disposing of the subject	102
10	27th June 1845 - (397.)	Acknowledges despatch and stating that the circumstance of Mr. Ryland being sworn in (in 1841) as registrar and clerk of the Executive Council does not induce any alteration of the decision upon his case	102
11	10th August 1845 (413.)	Acknowledges despatch reporting the appointment of Mr. Ryland to be registrar of Montreal. Approval of the answer directed to be written to him in reference to his remonstrance against the discontinuance of the allowance as late assistant clerk	103
12	16th Sept. 1845 - (436.)	Acknowledges despatch enclosing copy of letter from Mr. Ryland, but does not perceive in Mr. Ryland's statement any ground for altering view already taken of his case. Requests that Mr. Ryland be informed that the Secretary of State cannot interfere further in the matter	103
MR. GLADSTONE.			
13	25th Jan. 1846 - (9.)	Notifying receipt of communication from Mr. Ryland respecting his claim. Requests that he be applied to by the Governor General for a copy of such letter, and that it be forwarded, accompanied by Governor General's report	103
14	1st May 1846 - (60.)	Acknowledges despatch on the subject of Mr. Ryland's claims. Her Majesty's Government, on behalf of the British Treasury, repudiates all liability to make good Lord Sydenham's engagement; but if the House of Assembly think fit to regard the claim as one which ought to be met from the Colonial Funds, compensation may be afforded out of Canadian Funds at the disposal of the Canadian Government	103
15	26th May 1846 - (69.)	Acknowledges despatch transmitting report of the Committee of the Legislative Assembly on Mr. Ryland's case. The subject matter of the preceding despatch is the only answer that can be given to that communication	104
16	2d June 1846 - (79.)	The like, with reference to an address to Her Majesty from the Legislative Council	104
17	2d June 1846. - (80.)	The like, with reference to an address to Her Majesty from the Legislative Assembly	105
EARL GREY.			
18	18th July 1846 - (3.)	Acknowledges despatch in continuation of correspondence on Mr. Ryland's claims. On examination of that correspondence is satisfied that the former decision in the case is well founded. Recommends that the House of Assembly be urged to provide reasonable compensation to Mr. Ryland	105

DESPATCHES FROM THE SECRETARIES OF STATE — *continued.*

Number in Series.	Date and Number.	SUBJECT.	Page.
19	20th September 1846 (33.)	Notifying receipt of letter from Mr. Ryland. To be informed, that the Secretary of State cannot advise her Majesty to refer the matter to the Privy Council; but if the provincial Assembly advise an appropriation from the pension fund, her Majesty's Government will defer to the recommendation	105
20	11th January 1848 (156.)	Notifying receipt of further letter from Mr. Ryland. To be informed, that, upon a perusal of it, it affords no ground of interference in his behalf	106
21	26th January 1848 (159.)	Notifying receipt of further communication from Mr. Ryland. The preceding despatch referred to as the only answer which can be returned to his renewed application	106
22	4th April 1848 - (187.)	Notifying receipt of further letters from Mr. Ryland. No reason to depart from former opinion	106
23	18th April 1848 - (201.)	Notifying receipt of further communications from Mr. Ryland. Regrets that no other answer can be returned than that contained in previous communications	106
24	30th September 1848 (281.)	Acknowledges receipt of copy of minute of the Executive Council. Regrets the decision the Executive Council has come to; and requests that Mr. Ryland be informed that the Secretary of State cannot interfere further in the matter, but that he leaves the case entirely in the hands of the provincial Government	107
25	29th April 1849 - (353.)	Transmits, for the Governor General's consideration, copy of a petition from Mr. Ryland to her Majesty, with the answer returned thereto	107
26	19th May 1849 - (366.)	Transmits, for the Governor General's consideration, copy of further letter from Mr. Ryland, (dated from the Sheriff's Prison, London,) representing the state of distress to which he is reduced by the loss of his office in Canada	110

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1	Mr. Ryland to Lord Stanley, 23d Feb. 1844.	Answering his Lordship's remarks on the memorial, and trusting the explanations afforded will be considered sufficient.	112
2	Same to same, 28th Aug. 1844.	Strongly urging his Lordship's favourable consideration to the justness of his claim; and hoping that relief commensurate with his losses will be afforded him	113
3	Same to same, 25th April 1845.	Forwarding copy of Minutes of Council of 13th February 1841, and submitting that it fully establishes the fact of his appointment as registrar and clerk of the united provinces	114
4	Mr. Ryland to Mr. Secretary Gladstone, 20th Feb. 1844.	Statement of his case, and praying redress	114
5	C. Buller, Esq., to Mr. Secretary Gladstone, 31st Jan. 1846.	Enclosing report of Committee of House of Assembly on Mr. Ryland's case. Mr. Buller thinks the case one of extreme hardship	116
6	Mr. Secretary Gladstone to C. Buller, Esq., 6th February 1846.	Has written to Canada for information on Mr. Ryland's case; on arrival of the report will enter upon the consideration of it	116
7	Mr. Ryland to J. Stephen, Esq., 23d February 1846.	Forwarding correspondence, &c. respecting his claims, and soliciting Mr. Stephen's advocacy of his case with Mr. Secretary Gladstone	116
8	Mr. Ryland to Mr. Secretary Gladstone, 28th May 1846.	Notifying his intention of proceeding to England for the purpose of taking steps to bring the matter to an end	117
9	Same to same, 4th August 1846.	Stating that the embarrassments in which he is involved has prevented him from proceeding to England, and entreating that immediate steps be taken for settlement of the question	118
10	Mr. Ryland to Lord John Russell, 10th July 1846. (Extract.)	Soliciting the interference of his Lordship in regard to his case	118
11	Mr. Ryland to Earl Grey, 12th August 1846.	Pointing out the difficulties which are likely to present themselves in the liquidation of his claims by the provincial Parliament	118

OTHER LETTERS ON THE SUBJECT — *continued.*

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12	Mr. Ryland to Earl Grey, 26th November 1847.	Entreating that an advance be at once made to him, he having been compelled to mortgage his property, and fearing an immediate sacrifice	119
13	Mr. Ryland to Earl Grey, 11th December 1847.	Forwarding documents relative to his case, and suggesting the most ready way of settling the matter	120
14	Same to same, 12th December 1847.	Correcting an error in a document contained in preceding letter	121
15	Same to same, 24th December 1847.	Containing further documents	121
16	Same to same, 8th January 1848.	Notifying his having been served with a writ of ejectment from his office as registrar of Montreal	125
17	Same to same, 3d March 1848.	Further urging his case. The public services of his father, and other members of his family, alluded to	12
18	Same to same, 16th March 1848.	Referring to the case of Sir Rupert George as being applicable to his own	129
19	Same to same, 20th August 1848.	Notifying his intention of proceeding to England in order personally to bring his case before her Majesty's ministers	130
20	Same to same, 2d October 1848.	Having come to England, solicits his Lordship's permission to submit his case to the Prime Minister	131
21	Earl Spencer to Earl Grey, 18th September 1848.	Requesting his Lordship's favourable consideration of Mr. Ryland's claims	131
22	Mr. Hawes to Mr. Ryland, 13th October 1848.	Earl Grey has no objection to Mr. Ryland appealing to Lord John Russell, although he does not see that it will be of any service to him	131
23	Mr. Ryland to Earl Grey, 10th October 1848.	Notifying that he has forwarded to Lord John Russell a statement of his claims, &c.	132
24	Mr. Ryland to Earl Grey, 18th October 1848.	Thanking his Lordship for his permission in reference to laying his case before Lord John Russell	132
25	Mr. Hawes to Mr. Ryland, 1st November 1848.	Acknowledging the preceding	133
26	Mr. Ryland to Mr. Hawes, 4th November 1848.	Stating that he shall press his case upon the attention of the Government, no other course being now open to him	133
27	Mr. Ryland to Earl Grey, 8th November 1848.	Bringing under his Lordship's notice certain points connected with his case	133
28	Mr. Hawes to Mr. Ryland, 15th November 1848.	Acknowledging preceding letter. The facts therein adduced do not alter Earl Grey's view of the case	135
29	Mr. Ryland to Mr. Hawes, 16th November 1848.	Regretting his Lordship's conclusion, as expressed in the preceding letter	135
30	Same to same, 24th November 1848.	Dissenting from Earl Grey, that his claim is on the local Government, and not on the Government in England; and expressing his intention to appeal to Parliament	136
31	Mr. Ryland to Mr. Hawes, 30th November 1848.	Acknowledging preceding letter	136
32	Same to same, 2d December 1848.	Applying for an extension of his leave of absence, to enable him to submit his case to Parliament	136
33	Mr. Hawes to Mr. Ryland, 8th December 1848.	Expressing his Lordship's regret that he cannot comply with the request contained in preceding letter on the grounds on which it is preferred	137
34	Mr. Ryland to Earl Grey, 14th December 1848.	Urging his request for leave of absence, on the ground that his state of health renders necessary a further relaxation of his official duties	137
35	Mr. Hawes to Mr. Ryland, 20th December 1848.	Notifying that Earl Grey has acceded to his request on the ground stated	138
36	Same to same, 26th April 1849.	Notifying that Mr. Ryland's petition has been laid before the Queen; but that Earl Grey could not do more than advise her Majesty to refer the matter to the provincial Government	139
37	Mr. Ryland to Mr. Hawes, 27th April 1849.	Touching points at issue between himself and the Secretary of State	139
38	Mr. Hawes to Mr. Ryland, 3d May 1849.	Acknowledging preceding letter	141

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Number in Series.	Date.	SUBJECT.	Page.
39	Mr. Hawes to Mr. Ryland, 16th May 1849.	Expressing regret at the painful circumstances in which Mr. Ryland is placed. Repeating Earl Grey's assurance that his Lordship had no intention of delaying or preventing the presentation of Mr. Ryland's petition to Parliament	141
40	Mr. Ryland to Earl Grey, 8th May 1849.	Forwarding copy of his petition to Parliament	141
41	Mr. Hawes to Mr. Ryland, 22d May 1849.	Acknowledging the preceding	142
42	Mr. Ryland to Earl Grey, 26th May 1849.	Referring to his Lordship's offer of the recommendation of his claims to the consideration of the local Government of Canada	142
43	Mr. Hawes to Mr. Ryland, 1st June 1849.	Acknowledging receipt of preceding letter	143
44	Mr. Ryland to Mr. Hawes, 9th June 1849.	Soliciting an interview with Earl Grey	144
45	Mr. Hawes to Mr. Ryland, 12th June 1849.	Acquainting Mr. Ryland that his Lordship cannot comply with his request	144
46	Mr. Ryland to Earl Grey, 11th June 1849.	Explaining certain circumstances connected with his case	144
47	Same to same, 13th June 1849.	The same subject	148
48	Mr. Hawes to Mr. Ryland, 21st June 1849.	Acknowledging preceding letters	149

PAPERS, &c.

No. 1.

(No. 89.)

No. 1.
Earl of Gosford
to
Lord Glenelg.
9th August 1836.

COPY of a DESPATCH from the Earl of GOSFORD to Lord GLENELG.

Government House, Montreal, 9th August 1836.

My Lord, (Received 12th September 1836.—Answered 20th September 1836, No. 129.)

* Page 98.

WITH reference to your despatch of the 19th of May No. 89*, received on the 28th ultimo, enclosing an application to your Lordship from the Reverend Mr. Ryland, on behalf of his father, the registrar and clerk of the Executive Council of this province, who solicits permission to resign his office in favour of his son, the assistant clerk of the Council, and requesting that I would consider and report upon the enclosed documents; I have the honour, in compliance with these wishes, to acquaint your Lordship that I have no reason to doubt the truth and correctness of the statements made by the Reverend Mr. Ryland respecting the long and tried services of his father; and I concur with your Lordship in thinking that Mr. Ryland senior, who has with so much fidelity and zeal served the public in various situations for a period extending over more than half a century, is entitled, in his extreme old age, to the notice of His Majesty's Government. At the same time, however, I feel bound to state that in my opinion the proposed arrangement is an objectionable one; not that I entertain the slightest personal objection to Mr. George H. Ryland, who for the last fifteen years has filled the situation of assistant clerk, but simply because I am averse to the principle of hereditary succession to office; a principle which I have always considered ought to be discountenanced as fraught with injurious tendencies to the public service, and which, if now acted on, would, I am persuaded, be viewed in this province as an abuse of patronage. I would also be unwilling to recommend the arrangement in the present instance, lest it should be pressed upon the provincial government as a precedent in other cases of a similar description.

It is true that in 1829 Sir James Kempt, upon the recommendation and at the instance, as I am informed, of Mr. Speaker Papineau, appointed Mr. Lindsay to the situation of clerk of the House of Assembly, on his father's retiring to to make way for him; and the house, having never that I am aware of made any remark against the appointment, may be said in some degree to have impliedly sanctioned the principle in question in that case. Still, however, this does not remove my objections to it; and admitting, as I do fully, the claims of the Messrs. Ryland to the favourable consideration of His Majesty's Government, on account of their public services, I regret that it is not in my power, consistently with the sentiments I entertain on the subject, to advise that they should be rewarded in the manner suggested.

I have, &c.
(Signed) GOSFORD.

No. 2.

(No. 84.)

COPY of a DESPATCH from Lieutenant General Sir J. COLBORNE, K.C.B., to the Marquess of NORMANBY.

No. 2.
Sir J. Colborne
to
the Marquess of
Normanby,
8th June 1839.

Government House, Montreal, 8th June 1839.

My Lord, (Received 28th June 1839.—Answered 3d July 1839, No. 53., Page 99.)

WITH reference to the enclosed communication from Mr. Ryland, clerk of the Executive Council of this province, I have the honour to request that your Lordship will be pleased to cause the necessary instrument to be prepared and transmitted to me, appointing Mr. Ryland to that office.

8th June 1839.

I have, &c.
(Signed) J. COLBORNE.

Encl. in No. 2.

Enclosure in No. 2.

Sir,

Quebec, 6th June 1839.

His Excellency the Earl of Durham having conferred upon me the appointment of registrar and clerk of Her Majesty's Executive Council for the province of Lower Canada, under commission dated 1st October 1838, and my mandamus not having yet been forwarded to me, you will oblige me by calling the attention of his Excellency Sir John Colborne to the subject, with a view to an application being made to the Secretary of State, requesting that no unnecessary delay be allowed to take place in preparing the instrument, and transmitting it to me through his Excellency the Governor General.

Mr. Secretary Goldie.

I have, &c.
(Signed) G. H. RYLAND.

No. 3.

No. 3.

Sir J. Colborne
to
the Marquess of
Normanby,
26th July 1839.

COPY of a DESPATCH from Lieutenant General Sir JOHN COLBORNE, K.C.B.,
to the Marquess of NORMANBY.
(No. 98.)

Government House, Montreal, 26th July 1839.
(Received 15th August 1839.)

My Lord,

WITH reference to your Lordship's despatch of the 3d July, No. 53*, upon the subject of the application of Mr. Ryland for the issue of the usual warrant appointing him clerk of the Executive Council, I beg leave to state that I think Mr. Ryland well qualified for the situation for which he was selected by Lord Durham, and to request that his appointment may be confirmed. I have communicated to him that he will not be entitled to receive any retiring allowance should the union of the provinces take place.

I have, &c.
(Signed) J. COLBORNE.

* Page 99.

No. 4.

No. 4.

Sir J. Colborne
to
the Marquess of
Normanby,
14th August 1839.

(No. 105.)
COPY of a DESPATCH from Lieutenant General Sir JOHN COLBORNE, K.C.B.,
to the Marquess of NORMANBY.

Government House, Montreal, 14th August 1839.

My Lord, (Received 9th September 1839.—Answered 12th September 1839, No. 6.)

WITH reference to your despatch of the 3d ultimo, No. 53.†, and my letter of the 26th, No. 98., I have the honour to forward, at the solicitation of Mr. Ryland, the accompanying letter to your Lordship on the subject of his appointment to the office of clerk of the Executive Council; and I trust your Lordship will consider it proper that that gentleman's mandamus should be ante-dated to the 13th of October 1838, the day the appointment took place, but which appointment was not reported at the time to the Secretary of State for the Colonies by the Earl of Durham, the late Governor General.

I have, &c.
(Signed) J. COLBORNE.

† Page 99.

12th July 1839

Encl. in No. 4.

Enclosure in No. 4.

My Lord,

Executive Council Office, Quebec, 12th July 1839.

I have been furnished by his Excellency the Governor General with a copy of your Lordship's despatch, No. 53‡, bearing date the 3d instant, referring to his Excellency Sir John Colborne, whether Lord Durham's selection of me to fill the office of clerk of the Executive Council of Lower Canada was a proper one.

As I humbly conceive that your Lordship could not at the time you wrote your despatch have been made acquainted with the nature of the commission under which I hold office, nor the peculiar circumstances attending my appointment, I shall briefly lay them before you, under the full conviction that your Lordship will pardon the liberty I take in so doing.

In the spring of the year 1821 I was appointed by his Excellency the Earl of Dalhousie to the situation of assistant clerk of the Executive Council of Lower Canada, with an understanding that I was ultimately to succeed my father as registrar and clerk thereof, an office which he held from the 1st July 1796 to the day of his death on the 20th July 1838, under a commission precisely similar to the one granted me by the Earl of Durham (see subjoined copies of the two commissions), and which was considered by the then Governor in Chief, the late Lord Dorchester, as perfectly sufficient, without any warrant under the Royal Sign Manual, to succeed him in the possession of the office.

On the 27th April 1836, my father being entitled to retire upon full pay, and having moreover peculiar claims on His Majesty's Government in consideration of the nature and length of his public services, offered to waive all title to remuneration provided he was allowed to retire in my favour.

Commissions.

This

This arrangement the then Secretary of State, Lord Glenelg, acknowledging the claims of my family, expressed his desire to comply with, and accordingly, in a despatch, No. 82., dated 19th May 1836*, forwarded the application, together with a copy of the high testimonials in my father's favour, for approbation to the Earl of Gosford.

* Page 98.

His Excellency, in a despatch dated 9th August 1836†, "fully admits the claims of both father and son to the favourable consideration of His Majesty's Government, on account of their public services," but objected only to the manner of rewarding them, "simply because he was averse to hereditary succession to office."

† Page 1.

No further steps therefore were taken in the business till the arrival in this country of the Earl of Durham, when the application was renewed; but before any answer could be given by his Lordship, the sudden death of my father, during my absence at Montreal, whither I had proceeded by order of his Lordship, put a stop to all further negotiation on the subject. For five years previous to this event, a period of unusual interest and importance in the history of this country, the sole management of the department had, in consequence of the ill-health of my father, devolved upon me, and I confidently appeal to the different governors under whom I served (to Sir John Colborne in particular), whether the duties thereof were not discharged to their most entire satisfaction; and I may here be allowed to remark, that so perfectly aware were the whole community of my claims on Government, and to the succession to the office left vacant by the death of the late clerk of the Council, that I believe only one application was made for the appointment.

In a conversation which I had about this time with Mr. Buller, Lord Durham's principal secretary, I was given to understand that his Lordship, in order to avoid the possibility of any outcry as to hereditary succession to office, had it in contemplation to confer on me another appointment, the receiver generalship, the death of the incumbent being then momentarily expected. The late Mr. Hole, however, lingered on till after the Earl of Durham's departure, when his Lordship, acknowledging that my claims could not be overlooked, and finding that there was no other means of rewarding my services, ordered a commission under the great seal of the province to be prepared, appointing me to the office of clerk of the Executive Council, and as I understood (though it would appear that I was mistaken) notified the same to your Lordship's predecessor, at the same time that he mentioned the appointment of the chief justice and solicitor general; and it was on hearing that mandamus had been sent out to those gentlemen that I applied to Sir John Colborne, under the erroneous impression that some new regulation existed rendering such an instrument necessary, to inquire why mine had been kept back when it was notorious that the same Quebec Official Gazette contained the three appointments.

Under the above-mentioned circumstances, your Lordship will perceive, that in the event of a union of the provinces, I being the senior officer of the Executive Councils of Upper and Lower Canada, will, in justice and equity, be entitled to a similar situation in the General Executive to that which I now hold in Lower Canada; and my services, I humbly submit, cannot justly, or consistently with established usage in such cases, be dispensed with, unless indeed Her Majesty should deem it advisable to appoint an entirely new set of officers, and that the present officers of the two departments in Upper and Lower Canada shall be allowed to retire on an allowance equal to their present official emoluments.

I trust therefore your Lordship, should the proposed union of the provinces take place, will not allow my claims on government to be overlooked, nor my services to go unrewarded; and in the meantime, should it be deemed necessary to issue a mandamus, that it be ante-dated to the day of my appointment, which took place on the 13th October 1838.

I have, &c.,
(Signed) G. H. RYLAND.

Sub-Enclosure 1. in Enclosure 1. in No. 4.

Fiat recorded in the Office of Enrolments at Quebec the 1st day of July 1796, in the First Register of Letters and Commissions, folio 253.

(Signed)

GEO. POWNALL,
Secy & Regr.

George the Third, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, and so forth:

To our well-beloved Herman Witsius Ryland, Esquire, and to all others to whom these presents may concern, greeting:

Whereas we did heretofore constitute and appoint our well-beloved Jenkins Williams, Esq., to be clerk of our Executive Council of and for our said province of Lower Canada, for and during our royal pleasure: Now know ye, that we have thought fit to determine our pleasure concerning the said appointment, and do

hereby accordingly revoke and declare the same to be of no further effect; and being well assured of the loyalty, integrity, and ability of you the said Herman Witsius Ryland, we have thought fit to constitute and appoint, and by these presents we do constitute and appoint, you the said Herman Witsius Ryland to be clerk of our said Executive Council of and for our said province of Lower Canada; to have, hold, exercise, and enjoy the said appointment or office of clerk of our said Executive Council for and during our pleasure, and your residence in our said province, together with all and singular the salary, fees, profits, and emoluments, rights, privileges, and advantages, thereunto belonging or appertaining. In testimony whereof we have caused these our letters to be made patent, and the great seal of our said province of Lower Canada to be hereunto affixed, and the same to be entered of record in our Register's Office or Office of Enrolments in our said province of Lower Canada. Witness our right trusty and well-beloved Guy Lord Dorchester, our Captain General and Governor in Chief in and over our said province

(112.)

Sub-Encl. 1. in
Encl. 1. to No. 4.

of Lower Canada, at our Castle of Saint Lewis in the city of Quebec, the first day of July in the year of our Lord 1796, and the thirty-sixth year of our reign.

(Signed)

DORCHESTER.

GEO. POWNALL, Secretary.

I do hereby certify the foregoing to be a true copy of an entry as on record in the Office of Records at Quebec, in the First Register of Letters Patent and Commissions, folio 253.

(Signed.)

D. DALY,

Sec^y and Reg^r.

Secretary's Office, Quebec,
5th August 1839.

Sub-Encl. 2. in
Encl. 1. to No. 4.

Sub-Enclosure 2. in Enclosure 1. to No. 4.

(Signed)

DURHAM.

Province of
Lower Canada.

Commission appointing George H. Ryland to be clerk of the Executive Council, in the room and stead of the Honourable Herman Witsius Ryland, deceased.

Fiat recorded in the Register's Office of the Records at Quebec the 13th day of October 1838, in the Fifteenth Register of Letters Patent and Commissions, folio 232.

(Signed) D. DALY,
Reg^r.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith:

To all to whom these presents shall come, or whom the same may concern, greeting:

Know, ye, that, reposing trust and confidence in the loyalty, integrity, and ability of our beloved and faithful George Herman Ryland of our city of Quebec, Esq., we, of our special grace, certain knowlege, and mere motion, have constituted and appointed, and by these presents do constitute and appoint, the said George Herman Ryland to be clerk of our Executive Council of and for our Province of Lower Canada, in the room and stead of the Honourable Herman Witsius Ryland, deceased; to have, hold, exercise, and enjoy the said office of clerk of our Executive Council as aforesaid, together with all and singular the rights, privileges, fees, profits, emoluments, and advantages to the said office appertaining, which of right ought to appertain to the same, unto him the said George Herman Ryland, for and during our royal pleasure, and the residence of the said George Herman Ryland in our said province of Lower Canada.

In testimony whereof we have caused these our letters to be made patent, and the great seal of our province of Lower Canada to be hereunto affixed.

Witness our right trusty and right well-beloved John George Earl of Durham, Viscount Lambton, &c., &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of our Most Honourable Privy Council, and Governor General, Vice Admiral, and Captain General of all our provinces within and adjacent to the continent of North America, &c., &c.

At our castle of Saint Lewis in our City of Quebec in our said province of Lower Canada, the 13th day of October in the year of our Lord 1838, and in the second year of our reign.

(Signed) D. DALY, Sec^y.

I do hereby certify the foregoing to be a true copy of an entry as on record in the Office of the Records at Quebec in the Fifteenth Register of Letters Patent and Commissions, folio 232.

(Signed)

D. DALY,

Sec^y and Reg^r.

Secretary's Office, Quebec,
3d August 1839.

No. 5.
Lord Sydenham
to
Lord J. Russell,
18th July 1841.

(No. 92.)

No. 5.

EXTRACTS of a DESPATCH from Governor General Lord SYDENHAM to Lord JOHN RUSSELL, dated Government House, Kingston, 18th July 1841.

(Received 16th August 1841.—

Answered 28th August 1841, No. 435.)

“ IN my despatch of the 16th February last, No. 3., I informed your Lordship that I should on a future occasion explain the arrangements which I should make for the consolidation under the union of the several departments of the government. Having completed these arrangements, with one or two exceptions, I now proceed to furnish this explanation.”

“ In the Executive Council I have made considerable changes. Your Lordship is aware that a very large portion of the business of that body has consisted in advising the Governor on applications or claims for land, and cases of that description, or in reporting on the accounts of the several public officers or departments. I have for these services constituted a committee, to be presided over by a president, to whom a salary of 1,000*l.* a year should be assigned; and I have conferred that appointment on the Honourable R. B. Sullivan, who was for several years presiding councillor of the Executive Council of Upper Canada. Mr. Sullivan, having also for

“ some

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“ some time held the office of commissioner of crown lands in that province, “ is peculiarly fitted for this situation.”

* * * * *

“ I have called into office scarcely a single individual who was not employed “ before, although it has been of course impossible to find situations for all “ who were so employed. I trust, however, that I shall be able to provide “ before long for those whose claims on the crown are still unsatisfied.”

No. 5 a.

(No. 75.)
COPY of a DESPATCH from Governor General Sir C. BAGOT to Lord STANLEY.

Government House, Kingston, 8th April 1842.
(Received 16th May 1842.)

My Lord,

In obedience to the commands contained in your Lordship's despatch of the 23d February, No. 73., I have the honour to transmit to your Lordship herewith a copy of the list of appointments placed in my hands by Sir Richard Jackson on my assumption of the government of the province, specifying not only the names of the gentlemen whom he had selected to fill the offices then vacant, but the grounds on which his selection had proceeded.

I have, &c.
(Signed) CHAS. BAGOT.

Extract of enclosed List referred to in above despatch.

Office.	Name.	Remarks.
Registrar of District of Quebec.	Geo. H. Ryland	Formerly clerk of Executive Council of Lower Canada, an office in which he succeeded his father; the emoluments of that office being however very much curtailed by the Union, this situation was promised to him by Lord Sydenham in place of it.

No. 6.

(No. 104.)
COPY of a DESPATCH from Governor General Sir C. METCALFE to Lord STANLEY.

Government House, Kingston, 25th October 1843.
(Received 15th November 1844.—
Answered 28th December 1843, No. 145., Page 100.
Answered 31st March 1844, No. 193., Page 101.)

My Lord,

At the request of Mr. Ryland, I submit on his part the accompanying memorial relating to a grievance which he suffers, and to the claims which he finds thereon.

2. His case is briefly as follows: He was clerk of the Executive Council. In order to facilitate Lord Sydenham's arrangement in carrying the union of the Canadas into effect, Mr. Ryland was removed from the office which he held, and appointed to be registrar of the district of Quebec, the Governor General guaranteeing to him a certain salary if the office of treasurer should not yield emolument equal to expectation. The emolument having fallen far short, Mr. Ryland now claims indemnification for the past, and security for the future; and I have no means of giving either, unless some other office should become vacant that I can confer on him. The Executive Council are not disposed to adopt Lord Sydenham's guarantee; and there is no probability that the House of Assembly would make any grant to meet Mr. Ryland's expectations. I have explained to Mr. Ryland the insurmountable obstacles which exist to the realization of his pretensions, and the only chance that I can foresee, as above described, of ameliorating his condition. He rests on Lord Sydenham's assurance; and if that is binding, his claim to a certain allowance until the emoluments of his office reach to a certain amount would appear to be just. The difficulty to be solved is, whence compensation is to come.

I have, &c.
(Signed) C. T. METCALFE.

P.S.—I add a copy of the report on Mr. Ryland's case, presented by the committee of the Executive Council to my predecessor Sir Charles Bagot, to which, I am informed, he did not sign his approval.—C. T. M.

No. 6.
Sir C. Metcalfe
to
Lord Stanley,
25th Oct. 1843.

Enclosure No. 1.
Page 6.

Enclosure No. 2.
Page 23.

Encl. 1. in No. 6.

Enclosure 1. in No. 6.

To the Right Honourable Lord Stanley, Her Majesty's Secretary of State for the Colonies,
&c. &c. &c.

The Memorial of G. H. Ryland, Esq., Registrar of the District of Quebec;

Respectfully sheweth,

That at the period of the union of the provinces of Upper and Lower Canada your memorialist held the patent appointment of registrar and clerk of the Executive Council, expressly conferred on him by his Sovereign in reward of public services, and of which it was the desire of the then Secretary of State, Lord John Russell, that your memorialist should remain in undisturbed possession.

That the late Governor General, however, in the exercise of those necessary discretionary powers with which he was vested at the important moment of putting into operation the new constitution granted to the Canadas, having determined to make certain alterations in the Council Office by which the responsibility as well as the duty hitherto performed by the clerk should fall on the chairman, whose salary was at the same time to be raised from 100*l.* to 1,100*l.* per annum, pointed out to your memorialist how much it would interfere with his plans if he persisted in retaining the office of clerk of the Council, and offered him at the same time, in lieu thereof, the registrarship of Quebec, under the law for the enregistration of deeds then lately passed by the Special Council.

That your memorialist, trusting implicitly to the faith of the British Government pledged by the representative of Her Majesty, and anxious at all times to promote the public measures of the Crown, consented to this proposal, under certain conditions, which were submitted in writing* and approved of by the Governor General, and a formal engagement was then entered into between the representative of the Sovereign and your memorialist, by which the latter agreed to give up, on public grounds, a lucrative patent appointment, involving no pecuniary responsibility, the salary of which was quarterly paid, and of which he could not otherwise have been deprived, in exchange for his present appointment, involving fearful responsibility, which will attach to your Memorialist's family for years after his death, on receiving a guarantee of certain pecuniary advantages derivable under the ordinance relative to the registration as it then stood, together with a clear annual income equal to the amount of pension on which your memorialist was from his length of services entitled to retire, under the Imperial Act, 4th & 5th Will. IV.; and further your memorialist, in his official acceptance of the registrarship of Quebec, dated 3d September 1841, expressly stipulated that in case the income derivable therefrom should not equal that he enjoyed from the Council Office, the annual amount guaranteed should not be considered as an equivalent for the loss of that office or for his claims on Government.

That immediately after the conclusion of this arrangement your memorialist proceeded, by command of the Governor General, to Quebec, for the purpose of organizing an efficient establishment to carry out the provisions of the registry ordinance, which was to be put in force on the 1st of October following. The sudden death of Lord Sydenham, however, caused a delay in this particular, and the law was not promulgated till the close of the year, when, in answer to a circular addressed to your memorialist by order of the administrator of the Government, Sir Richard Jackson, your memorialist† again referred to the conditions under which he had consented to his exchange of office, stipulating that under certain contingencies he should return to the one he had left.

That after your memorialist had held the registrarship of Quebec upwards of six months, during which he had made heavy advances out of his private means towards carrying on this public department, finding that in consequence of the evil example set by those public officers whose duty it was to enregister on the part of the Crown, and who had totally neglected to do so, the people generally held back from a compliance with the law, (equally binding on the Government and themselves,) your memorialist applied to the then Governor General, Sir Charles Bagot, for an accountable warrant to enable him to meet the current expenses of the office. This request his Excellency declined complying with, though the guarantee given to your memorialist by Lord Sydenham was at the same time fully recognized by his Excellency‡, and your memorialist's claim for indemnity for nonfulfilment entertained as fit to be considered at a future fixed period, so soon as the contingency contemplated by the guarantee should have arisen.

That immediately before the arrival of that period, however, at the next meeting of the Legislature, a bill was introduced into the Assembly repealing the clauses in the registry ordinance from which your memorialist's principal source of remuneration would have arisen, whilst at the same time the new bill, itself amending the old one, and professedly affecting the interests of every landed proprietor in the country, was rendered inoperative by a declaration in the House on the part of the organ of the Executive, (the Provincial Secretary, West, when the bill was going through the third reading, preparatory to receiving the Royal sanction,) that it was the intention of the Executive at the next session entirely to new model the bill; which declaration, coming from such a quarter, had the natural effect of rendering the people distrustful of all legislative enactments whatsoever.

That towards the close of the session, and after the virtual destruction of the registry bill, the clerkship of the Council, which had been kept open from the time your memorialist resigned it, was filled up, thereby foreclosing your memorialist's return to it.

That

* See Memorandum submitted to Lord Sydenham on which the arrangement was based, page 13.

† Mr. Ryland, 17th December 1841, Sub-Enclosure, page 17.

‡ See Mr. Secretary Murdoch's Letter, 14th July 1842, Enclosure 12, page 20.

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That after the expiration of the period originally limited for the enregistration of old deeds, your memorialist proceeded to Kingston, for the purpose of obtaining an adjustment of his claims, which, as will appear by a letter from Sir Charles Bagor's private secretary*, were fully admitted by his Excellency, though his ill-health prevented a final decision being then had, and the matter was left over to be settled by his Excellency the present Governor General, to whom, shortly after his arrival in Canada, your memorialist (who was then reduced to a state of great pecuniary embarrassment by the nonfulfilment of the arrangement entered into with Lord Sydenham) addressed two letters, dated 29th March † and 18th April ‡, to which he respectfully refers your Lordship as containing several alternatives, any one of which, he conceived, he was, by the pledge given to him by Government, justified in expecting that the Government would adopt.

* 20th April 1843,
Sub-Enclosure 13,
page 22.

† Sub-Enclosure 2,
29th March 1843,
page 8.

‡ Sub-Enclosure 4,
18th April 1843,
page 9.

The official answers § however, forwarded to your memorialist by command of the Governor General, though fully recognizing his claim to remuneration, and admitting the hardship of his case, as well as his right to the fulfilment of the arrangement entered into with Lord Sydenham, lament the inability of his Excellency to afford your memorialist relief, or to oblige his advisers to go before the House with a case founded in justice and reason, which in private life would be considered binding between man and man, and in the settlement of which the faith and honour of the British Crown are at stake.

§ Secretarr Daly,
7th April 1843, Sub-
Enclosure 3, page 9.
1st May 1843, Sub-
Enclosure 6, page 12.

That your memorialist, in consequence, after a period of twenty-six years of public service, with a young family entirely dependent on him for support, finds himself reduced by the grievous injury he has received from Government to the verge of absolute ruin, with daily increasing debt and embarrassment pressing on him, having already, in his reliance on the faith of Government, mortgaged property inherited from his parents to the amount of upwards of 3,000*l.*, entailing on your memorialist's estate an annual interest of 200*l.*, and obliged, in consequence of the heavy securities exacted from him by Government, to make still further advances out of his private means to carry on a public department the receipts of which are inadequate to its expenses.

Under these extraordinary circumstances, as the Governor General of the Canadas and the representative of Her Majesty appears to be without executive power or authority to redress a public wrong or relieve a private grievance, your memorialist confidently appeals to your Lordship and Her Majesty's Ministers to afford him that simple justice which his case demands, and he respectfully begs leave to refer your Lordship to a case in point as affording a precedent authorizing an application through the Lords of the Treasury to the Imperial Parliament for the means of liquidating the just claim of your memorialist. It is the case of Sir Lionel Smith, who succeeded the Marquess of Sligo in the Government of Jamaica, a statement of which will be found in a letter from Mr. Under Secretary Stephen, accompanying the estimates published by order of the House of Commons in 1841. The only material difference in the two cases, is that the promise made to Sir Lionel Smith was a verbal one, in order to induce him to accept an office for which he gave up nothing, whereas the arrangement entered between Lord Sydenham and your memorialist was a written one, the latter in order to facilitate a great public measure giving up a patent appointment of 1,030*l.* per annum, of which by Lord Sydenham's admission he could not without his consent have been deprived.

Your memorialist, in conclusion, and in order more fully to exhibit the extreme injustice under which he labours, begs respectfully to point (among others that he could name) to the case of Mr. Brewer, who held no commission, but was sworn in as assistant clerk of the Council under the nomination of your memorialist in October 1838. This gentleman's salary was in February 1841 raised from 180*l.* stg. to 200*l.* stg.; and at the same period that your memorialist consented to the exchange of office this gentleman was allowed to retire upon a pension of half his augmented salary, though he had only served in a subordinate capacity for a period little more than two years, and his name is borne on the pension list of the country for this amount, whilst your memorialist, who acted as assistant clerk and clerk of the Council for twenty-four years, conducting the department during a great part of the time, and through the most eventful period in the history of this country, to the satisfaction of every Governor under whom he served, receives only vague promises of future benefit.

Trusting that your Lordship will take measures to afford your memorialist ample remuneration for the past and security of income for the future,

Your memorialist, &c.

G. H. RYLAND.

The Right Hon. Lord Stanley,
Secretary of State for the Colonies,
&c. &c. &c.

Schedule, &c.

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Sub-Encl. 1. in
Encl. 1. to No. 6.

Sub-Enclosure 1. in Enclosure 1. to No. 6.

Sir,

Mount Lilac, 26th August 1843.

With reference to the conversation I had the honour of having with his Excellency the Governor General yesterday, during which he expressed his willingness to entertain any suggestion I might offer by which I could be relieved from the unparalleled cruel position in which I am placed by the inability of the local government to meet its engagements, I beg respectfully to point to the pension list, as still affording ample means of providing for me for the future, under the scale established by the Imperial Act, 4th & 5th William 4th.

In regard to my claims for the past, I shall take advantage of his Excellency's offer to forward through him a representation on the subject to her Majesty's Secretary of State, confident that the imperial Government will never countenance the doctrine that public services are to be requited with ruin and disgrace to the individual rendering them, or that engagements entered into on the part of the Crown under one administration can justly be repudiated by a succeeding one after the Government have derived the whole benefit of the arrangement.

J. M. Higginson, Esq.,
Private Secretary.

I have, &c.

G. H. RYLAND.

Sub-Encl. 2. in
Encl. 1. to No. 6.

Sub-Enclosure 2. in Enclosure 1. to No. 6.

Sir,

Mount Lilac, 29th March 1843.

I regret to be under the necessity, so immediately on your arrival in this province, of troubling you with matters of a personal nature; but as the case which I am about to bring under your Excellency's notice is one not only affecting individual interest, but in the settlement of which the faith and honour of the British Crown are concerned, further apology for my intrusion at this early stage of your Excellency's administration will, I trust, be considered unnecessary.

The case to which I refer is one relating to claims on Government consequent on an arrangement entered into between Lord Sydenham and myself, by which I consented, on public grounds, to give up a lucrative patent appointment, expressly conferred on me by my Sovereign, in reward of public services, on receiving a guarantee of a certain annual income, and the full benefit, as registrar of Quebec, which could be derived under the ordinance, 4th Victoria, chapter 30.

On the 7th December last I addressed a letter on the subject to his Excellency Sir Charles Bagot, pointing out the changed position in which I was placed with regard to the Crown,

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Crown, by the alterations in the Act during the last session of the Provincial Parliament, which cut off all the remunerating clauses before the expiration of the period during which it was covenanted by her Majesty's representative that I should be entitled to the excess of income which was anticipated from the working of the ordinance as put in force, and calling upon the Executive to grant such adequate remuneration as under the peculiar circumstances of the case I considered myself entitled to receive.

This letter, together with other papers relative to the claim, were referred by Sir Charles to the Executive Council; but his Excellency's severe illness has, I have been officially informed, prevented a decision being had. In the meantime, instead of being rewarded for my ready compliance with the views of Government, instead of receiving that prompt discharge of an agreement which in private life would have been considered binding between man and man, I am placed in a situation of extreme embarrassment and pecuniary distress.

On my appointment as registrar of Quebec I was obliged to give securities in the sum of five thousand pounds. These gentlemen are still held responsible, with myself, for the due discharge of the duties of the office, and for the consequences of any errors committed by the clerks; and I am obliged to furnish money out of my private means to provide an office and carry on a public department the receipts of which do not, and cannot, under the present tariff, and minute accuracy required by the forms of enregistration, meet the current and necessary expenses of the office, much less afford an adequate remuneration to the officer at the head of the department.

Had the first year (dating from the period when the registry ordinance was put in force) been allowed to expire without any alteration being made in the law, I should have considered myself bound to abide by the result, and indeed could not then have called on Government for further remuneration than the annual income named in Mr. Secretary Murdoch's letter of the 23d August 1841*; but inasmuch as the alterations in the law were introduced by the Executive at the very moment when the public were preparing for a compliance with its provisions, by which the anticipated remuneration would have been secured to me, the power which interfered to my prejudice is, I conceive, bound to secure me compensation, particularly when it is borne in mind that the Crown with whom I had treated was by the operation of these very changes saved a large amount of registration.

* Page 16.

Considering, therefore, the urgency of the case, the outlay and heavy loss of official income to which my reliance on the faith of Government has subjected me, I confidently appeal to your Excellency's sense of justice for speedy relief from a humiliating position, in which no officer of the Crown should be placed, for a liquidation in full of my claims for the past, and security of income for the future.

Your Excellency will perceive, on reference to the memorandum* submitted by me to Lord Sydenham, and on which the agreement was based, that the arrangement was one consequent on the union; that it formed, in fact, a part of that great measure, enabling him to raise the salary of the chairman of the Executive Council from 100*l.* to 1,100*l.* sterling, per annum, and to complete other arrangements by which his Lordship proposed to carry out the scheme of the new form of government granted to Canada. The very nature of the position in which he was placed, as the representative of his Sovereign, at that particular juncture, rendered it absolutely necessary that he should be clothed with certain discretionary powers, of which the naming to office, and arrangements in regard to income consequent thereto, was one; and as in the exercise of these powers a pledge on the part of the Crown was by that nobleman given to me, it matters not whether the administration of the affairs of this province are now vested in the Executive Council as a responsible government, or in the representative of the Crown; that pledge, I respectfully conceive, is as binding on the Government of the day as any other arrangement or nomination by which any other public functionary now holds his office.

* Page 15.

His Excellency the Right Hon.
Sir Charles Metcalfe, G.C.B., Governor General,
&c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

Sub-Enclosure 3. in Enclosure I. to No. 6.

Sub-Encl. 3. in
Encl. 1. to No. 6.

SECRETARY'S OFFICE (EAST).

Sir,

Kingston, 7th April 1843.

I have the honour, by command of the Governor General, to acknowledge the receipt of your letter of the 29th ult., and to inform you, in reply, that his Excellency acknowledges your claim to the fulfilment of Lord Sydenham's guarantee, but has no means at his disposal of performing its stipulations, and is advised that a reference to the Provincial Parliament would be unsuccessful. Nothing, therefore, is in his power, but to keep your claim in view, and to consider it as occasions may arise for benefiting you consistently with the public interests.

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

I have, &c.
(Signed) D. DALY, Secretary.

Sub-Enclosure 4. in Enclosure I. to No. 6.

Sub-Encl. 4. in
Encl. 1. to No. 6.

Sir,

Quebec, 18th April 1843.

Having received a letter from the Provincial Secretary, informing me that your Excellency "acknowledges my claim to the fulfilment of Lord Sydenham's guarantee, but that

(112.)

C

"you

"you have no means at your disposal of performing its stipulations, and that you are advised that a reference to the Provincial Parliament would be unsuccessful," I am compelled, by a sense of duty to my family, to bring the matter under your Excellency's further consideration, and I trust that your Excellency will receive it as an excuse, if not a justification, for my addressing myself directly to your Excellency, that my claim, as I view it, is one for the satisfactory adjustment of which I am not bound to look ultimately to any merely provincial authority.

My object is to lay before your Excellency several alternatives, any one of which I conceive that I am justified by the pledge given to me by Government in expecting that the Government will adopt. I shall state and ask nothing but what appears to me to be plainly consistent with and enjoined by those universal and unchangeable principles of rectitude and good faith the obligation of which is I believe as binding upon a Government as between man and man; and I am sure that I shall need no excuse with your Excellency, if, having sustained from Government an injury that brings me to the verge of ruin, I point out the mode of redress in the briefest, simplest, and most forcible terms consistent with the respect I owe and feel towards your Excellency.

I beg permission to premise a few observations upon an expression in the Provincial Secretary's letter, in which the guarantee given to me is described as being "Lord Sydenham's guarantee."

I respectfully submit that Lord Sydenham acted in the matter as something more than the mere administrator of provincial authority; that I had a right to look upon him as invested with extensive powers to carry through a great measure of the national senate and government, and that he acted as and was the representative of the Sovereign whom I also served; that therefore, on even viewing him as merely a provincial governor, his public acts became binding on those who should succeed him in the exercise of the same powers. That accordingly his two immediate successors in the administration have not only adopted but given effect to his acts in regard to me, so far as was then necessary, or for the advantage of Government; and that now his guarantee cannot, I respectfully submit, be converted into a leonine contract, of which I shall bear the whole ruinous loss, and the Government retain the whole advantage.

The Provincial Secretary's letter informs me that "your Excellency is advised that a reference to the Provincial Parliament would be unsuccessful."

I respectfully urge that a party with whom an agreement is made, and who has performed his part of it, has an indefeasible right to require of the other party who enjoys the benefit agreed upon to make every exertion and exhaust every expedient to fulfil his obligation, whatever may be the seeming probabilities of success or failure. But if I might be permitted to appeal to principles sanctioned by your Excellency's adoption, that human nature, the same everywhere, will ultimately yield to justice and reason calmly enforced, and that even those who have been in the wrong will ultimately, under that influence, put themselves right, it ought not to be supposed beforehand that the Provincial Parliament, not yet applied to on the subject, will reject a claim founded in justice and reason, especially when the filling the vacancy created by the guarantee of which I claim the fulfilment has been one of the measures of that policy, the adoption of which by your Excellency's predecessor has called forth an expression of confidence and satisfaction from the representatives of the people.

But should your Excellency decline adopting this course to obtain the means of doing me justice, I then pray that my claim may be brought in all its circumstances before her Majesty's Government, as one in which the faith, honour, and justice of the Crown are principally concerned, and inseparably bound up to procure me redress in some way or other. Here again it does not concern me, to whom the guarantee given has been ineffectual, to consider the probabilities of success, or to point out the way of redress; sufficient it is for me to know that the person who gave me the guarantee acted in that respect as the depository of the authority of the Crown, that the stipulations entered into with me have not been fulfilled, and that his acts have not only not been repudiated by the Crown, but that the Crown now enjoys the benefit of the arrangement to which I consented when I was not compellable to do so.

And this leads me to the third alternative which it is in the power of Government to adopt, in order to do that simple justice which the case admits.

Whether the guarantee given to me is or is not likely to be affirmed and executed by the Provincial Parliament, whether it was or was not originally binding upon the Provincial Government through all its changes, or on the Crown, it has been carried into effect to my detriment. The situation I vacated to give effect to the views of the representative of the Crown has been filled up by the Crown; but it is still as much in the power and disposal of the Crown as the office of Commissioner of Crown Lands was in September last. Where an agreement of exchange is made and executed on one side, but broken on the other, the party who has received benefit by it is bound, I humbly conceive, by every obligation of force among men, to restore the thing he has received, if still in his power, with all the advantages that belonged to it when the exchange was agreed upon, whatever inconvenience or embarrassment it may cause him to do so, or whatever claims on the part of others it may bring upon him. If my case is one in which public justice, honour, and good faith are concerned, these considerations will not be overborne by reasons of inconvenience or inexpediency; and here I crave leave to call your Excellency's particular attention to the fact,

FORMERLY SECRETARY TO EXECUTIVE COUNCIL, CANADA. 11

fact, that when I claimed of the Government, in July last, the fulfilment of this guarantee, the situation I had surrendered was still vacant and at the disposal of the Crown; that the adjustment of my claims, the justice of which was impliedly admitted, was deferred till the end of the year; and that the filling up of the vacancy in the intermediate period must be taken as subject to and not as barring my right to restitution if my claim was not satisfied; and I would also solicit your Excellency's consideration of the fact, that when the patent for the situation I now hold was first accepted by me under the temporary administration of Lieutenant General Sir Richard Jackson, I expressly stipulated * that on ceasing to hold it I should be allowed to return to that which I before filled.

* See my official letter, 17th December 1840, in answer to Sir R. Jackson's circular of the 8th Dec. 1841. (Page 17. of this Paper.)

But there is still a fourth alternative in the power of Government.

The office given to me in exchange for that I surrendered, and in lieu of and as a security for a retiring allowance of 515*l.* a year, to which I was acknowledged to be entitled under the 4 & 5 W. 4. c. 24., is not only of no advantage to me, but is involving me in increasing embarrassment every day that I hold it, so that I am incurring debt to pay its expenses, and am in the degrading situation of being sued in a court of justice for the current rent of the building in which this public office is kept.

The Government declares its inability to redeem the guarantee under which I accepted the office, or to give me redress.

Reserving my claim and right to a full indemnity for the actual loss I have sustained by the nonperformance of the guarantee, as well as for the loss of those advantages which I should still have reaped from the office, such as it was, if it had not been made worse by the legislature after I accepted it, but before it went fully into operation, I claim to be allowed to surrender the office at the end of the present year, when my engagement with the officers of the department will have expired rather than be involved in worse ruin, and to receive, until an opportunity occurs for placing me in a situation equivalent to that I originally gave up, a retiring allowance on the established pension fund, or otherwise to the amount to which, by Mr. Secretary Murdoch's letter of the 23d August † 1841, I was declared to be entitled.

† Page 16.

I trust that, a grievous wrong having been done me, I shall not be driven into the dilemma of suffering on the one hand daily increasing loss, of which no end can be seen, by retaining the office after the period above specified, or of sacrificing or being considered to sacrifice, on the other hand, my claims on Government for an equivalent or redress by divesting myself of it.

I am indeed informed in the Provincial Secretary's letter, that "my claim will be kept in view, to be considered as occasions may arise for benefiting me consistently with the public interests." If this assurance has reference to my hereafter receiving other appointments, the arrangement might answer for the future; but there is no appointment in the gift of the Crown in this province that could fully indemnify me for the sacrifice I have made, and the heavy losses I have already incurred, and am still daily subjected to, besides the responsibility which will attach to me for years after I have left my present office, to say nothing of the disgraceful position in which I am now placed, with a prosecution against me in the Court of King's Bench for rent of the building occupied as a registry office, and other expenses relative to that department. But supposing that I could afford to wait, and to continue making advances out of my private resources for the public use, and was content to receive, through other appointments in the public service, such an income as would in the process of years remunerate me for the past, your Excellency will allow me most respectfully to suggest, that if a solemn pledge given to me at the important period of the granting a new constitution to the country, and with a view of perfecting that measure, is not to be considered and fulfilled as sacred, I do not see what greater security can be given, that a general promise of ultimate good, such as that held forth in the Provincial Secretary's letter of the 7th instant, would not be subject to the same casualties and difficulties which are now considered as preventing the fulfilment of the stipulation formerly made to me. For your Excellency, with the best possible intentions towards me, which I never will doubt, may be advised, when an occasion for benefiting me occurs, that it is not consistent with the public interests to do so, or before any such opportunity shall offer your Excellency may have left the country, or other unforeseen circumstances may intervene to render the fulfilment of your intentions impossible, and in the meantime loss after loss would be allowed to accumulate till inextricable ruin overtook me and my family.

I have only, in conclusion, to entreat your Excellency's serious reconsideration of the case, as it stands not only in its general merits but as admitted and strengthened by Mr. Secretary Murdoch's letter of the 14th July last ‡, at which late date not only was the guarantee given to me recognized by the Government of your Excellency's predecessor, but my claim for indemnity for non-fulfilment of it was entertained as fit to be considered at a future fixed time, so soon as the contingency contemplated by the guarantee should have arisen, which period had passed when I laid my claim before your Excellency.

‡ Page 20.

I have, &c.
(Signed) G. H. RYLAND.

His Excellency
The Right Hon. Sir Charles Metcalfe,
&c. &c. &c.

Sub-Encl. 5. in
Encl. 1. to No. 6.

Sub-Enclosure 5. in Enclosure 1. to No. 6.

Sir,
Quebec, 20th April 1843.
With reference to the subject matter of a letter which I yesterday had the honour of addressing to his Excellency the Governor General, I now enclose copies of two documents which I have to request you will lay before his Excellency, with the additional information that I have this day undergone the further disgrace of having a memorial of a judgment of the Court of King's Bench handed into my office for enregistration, for rent of the very building occupied for this public department.

The Hon. Mr. Daly, &c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

No. 1.

Mr. Henderson presents his respects to Mr. Ryland, and is much grieved to say that Mr. Ryland's premium is not paid to-morrow at the furthest the insurance will be cancelled. Mr. H. begs that Mr. R. will return the receipt.

Quebec, 19th April 1843.

B. 3. Province of Canada, } In the King's Bench, the tenth day of April 1843.
District of Quebec.

No. 415.—Robert Jellard of the city of Quebec in the county and district of Quebec, master joiner, plaintiff,

versus

George Herman Ryland of the parish of Beauport in the county and district of Quebec, Esquire, registrar for the district of Quebec, defendant.

The Court having heard the plaintiff by his counsel ex parte, it is considered and adjudged that the said George Herman Ryland, the defendant in this cause, do pay to the said plaintiff the sum of sixty-three pounds fifteen shillings currency, arrears of rent due by reason of the deed of lease from the plaintiff to the defendant, passed before Petitcher and another, public notaries, the twenty-first day of March one thousand eight hundred and forty-two, with interest for each sum from the thirteenth day of February 1843 until perfect payment and costs of suit.

(Signed) PERRAULT and BURROUGHS, P.B.R.

Sub-Encl. 6 in
Encl. 1. to No. 6.

Sub-Enclosure 6. in Enclosure 1. to No. 6.

Sir,
Secretary's Office, East Kingston, 1st May 1843.
I have the honour, by command of the Governor General, to acknowledge the receipt of your communications of the 18th * and 20th † ultimo; and to inform you, in reply, that his Excellency regrets it is not at present in his power to remedy the hardship of your case, and that he does not see any hope of success in a reference either to the local legislature or to the Imperial Government.

G. Ryland, Esq., &c. &c. &c.

(Signed) D. DALY, Secretary.

* Page 9.
† Page 12.

Sub-Encl. 7. in
Encl. 1. to No. 6.

Sub-Enclosure 7. in Enclosure 1. to No. 6.

Sir,
Registry Office, Quebec, 30th June 1843.
I herewith enclose a memorandum of my receipts and disbursements as registrar of the district of Quebec for the quarter ending this day; and I have to request that in laying it before his Excellency the Governor General you will call his attention to the very aggravated nature of the position in which I am placed by the circumstance of the expenses of the department so far exceeding the receipts thereof.

Honourable D. Daly,
&c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

Amount of the Expenses of the Registry Office for the District of Quebec during the quarter ended 30th June 1843.

	£	s.	d.
Deputy registrar	-	-	62 10 0
Two clerks at 100l. each	-	-	50 0 0
Rent of building occupied as an office	-	-	17 8 4
Stationery, printing, &c.	-	-	12 10 0
Amount due for this quarter to registrar under the guarantee of Government	-	-	128 15 0
			271 3 4
Number of memorials received and registered during quarter ending 30th June 1843; 375, averaging 5s. 3d. each	-	-	98 8 9
			£172 14 7

FORMERLY SECRETARY TO EXECUTIVE COUNCIL, CANADA. 13

Sub-Enclosure 8. in Enclosure 1. to No. 6.

Sub-Encl. 8. in Encl. 1. to No. 6.

Sir,

Secretary's Office, East Kingston, 10th July 1843.

I have had the honour to receive, and to bring under the consideration of the Governor General, your letter of the 30th ultimo; and in reply am commanded by his Excellency to remark, that while he regrets his inability to alter the decision announced to you by my letter of the 7th* April and 1st May last*, he feels it necessary to direct your attention to the disproportion between the establishment of the registry office under your charge and the amount of work it has to perform*, as exhibited by the statement you have made in illustration of the hardship of your present position.

* Pages 9 & 12.

I have, &c.

(Signed) D. DALY, Secy.

W. H. Ryland, Esq.

* Vide page 19, where my answer to the above will be found.—(Signed) G. H. R.

Sub-Enclosure 9. in Enclosure 1. to No. 6.

Sub-Encl. 9. in Encl. 1. to No. 6.

Sir,

Mount Lilac, 4th January 1843.

I have the honour to acknowledge the receipt of your letter of the 31st ultimo, and in compliance with your desire I now forward copies of the following documents; viz.

No. 1. A Memorandum dated 22d August 1841¹, containing the terms on which I consented to exchange the office I then held as registrar and clerk of the Executive Council for the registrarship of Quebec.

¹ Page 13.

No. 2. Copies of private letters dated 23d August 1841² to Mr. Secretary Murdoch on the same subject.

² Page 15.

No. 3. Copy of Mr. Secretary Murdoch's official letter of the 23d August 1841.³

³ Page 16.

No. 4. Copies of private and official letters to Mr. Secretary Murdoch in answer to above.⁴

⁴ Pages 16, 17.

No. 5. Copy of my official letter dated 17th December 1841⁵, in answer to Mr. Secretary East's circular of the 8th December, reiterating my consent under the terms entered into with Lord Sydenham to accept the registrarship of Quebec.

⁵ Page 17.

No. 6.⁶ Account of receipts and disbursements during the year just ended; which I conceive contain (with the explanations already given in my letter to his Excellency Sir Charles Bagot of the 10th ultimo) everything necessary for the right understanding of my claims.

⁶ Page 17.

Should anything further, however, be required, I shall be ready to furnish it. In the meantime I have to request that you will particularly call the attention of the Executive Council to the following facts; viz., That my private letters of the 23d August 1841 to Mr. Secretary Murdoch relate to two subjects:

1st. To fees of office *then due*, and given up by me at the instance of the Executive, as will appear by my correspondence with Mr. Secretary Harrison in June and July of that year, No. 351.⁷ 2dly. To compensation for loss of fees generally, as forming part of the arrangement in connexion with my proposed exchange of office; and had a compensation under this latter head, over and above a compensation for what I was then entitled to under my tariff, been given me, I was willing to abandon my claim to that part (forming nearly the half) of my income arising from fees secured to me by my letters patent. Mr. Secretary Murdoch's official letter⁸, however, having touched only on the question of fees then due to me, a caveat is entered in my official acceptance of the registrarship of Quebec, dated 3d September⁹, and in my letter of the 17th December¹⁰ following, in answer to Mr. Secretary East's circular of the 8th of that month, a reference is again specially made to the conditions contained in the memorandum under which I agreed with Lord Sydenham to exchange my office, and under which alone I professed my willingness to accept the registrarship of Quebec; and as it is a principle in law, founded in wisdom and justice, that the Sovereign never dies, it matters but little under what administration or by what representative of the British Crown the arrangement by which I agreed to change my appointment was entered into; it was an agreement with the Sovereign, through her delegate, and therefore binding on the Government; and having under certain conditions parted with vested rights in order to meet the views and facilitate the measures of the Executive, to it I confidently look for remuneration for losses occasioned by one of its public acts, i. e. the Provincial Act, 6 Victoria, c. 15.

⁷ See page 27 of this collection, Mr. Ryland, 11th June and 7th July 1841.

⁸ 14th July 1842, Sub-Encl. 12, page 20 of this collection.

⁹ Page 16 of this collection.

¹⁰ Page 17, &c.

I have not yet received returns from all the seigniors relative to the saving of enregistration secured to them by the late change in the registry ordinance. The accompanying returns¹¹, however, show an amount of 910*l.* of which I have thereby been deprived; and if we allow for the seminary and the nuns, who have vast possessions in this district, 2,000*l.*, and for those seigniors who have not given in their returns, 900*l.*, the total loss occasioned me would, at the lowest estimation, in round numbers, amount to 3,810*l.*

¹¹ A. B. C. Page 21.

I have, &c.

G. H. RYLAND.

R. W. Rawson, Esq., Chief Secretary,
&c. &c. &c.

(1.)

MEMORANDUM communicated to his Excellency the Governor General on the 22d August 1841.

The undersigned stands in a different position from any other public officer in this province, having peculiar claims upon Government, which have been acknowledged by different
(112.) D Governors,

Governors, from the Duke of Richmond downwards, and by succeeding Secretaries of State under both Tory and Whig administrations, and it was in reward for services that the situation of registrar and clerk of the Executive Council was specially conferred on him.

This office is worth per annum 1,030*l*.

It is an office ranking high among the public departments of Government (as will appear by the subjoined letter); no security is required of the holder, nor does any pecuniary responsibility attach to the office.

It is the express desire of the Secretary of State that the undersigned shall continue to fill it, or that he shall receive an equivalent for the loss thereof.

His Excellency's measures requiring a change in the construction of the Council Office, by which a great part of the responsibility and duty of the registrar and clerk will devolve on the president, it has been suggested that the undersigned shall, in lieu of the office he now holds, be appointed to the registrarship of Quebec, an office of less respectability, without fixed salary, and to depend entirely on fees, which as established by the ordinance, 4 Vict. cap. 30., are particularly small; the duties will be onerous in the extreme, the responsibility great, and the security required unprecedented. (*Vide Sec. 8.*)

The undersigned has taken considerable pains to ascertain the probable value of this new office, and from a source* on which he can perfectly rely, he has gathered the following facts; viz.

That owing to the heavy general enregistration of old deeds, and particularly that which under the 2d, 4th, and 5th sections of the ordinance, 4 Vict. cap. 30., will be required on the part of the Crown, the religious communities, and the holders of seignories, the amount of the first year's enregistration may infinitely exceed and perhaps more than double the annual income now enjoyed by the registrar and clerk of the Council, whilst in succeeding years the office could not yield more than from 600*l*. to 700*l*. per annum.

Presuming, however, that after the first year it averaged per annum - £800 0 0

The annual expenses of the establishment (which it may be remarked would increase in proportion to the increase of work) could not be estimated at a lower rate than as follows:

A confidential person as deputy, per annum	-	-	-	£250	0	0
Clerks or writers	-	-	-	200	0	0
Rent of house for offices	-	-	-	90	0	0
Stationary, fuel, office servant, printing, and contingencies	-	-	-	120	0	0

Total expense - - - - £660 0 0

(Nothing said of office furniture.) £660 0 0

Would leave a balance for the remuneration of registrar of - - - £140 0 0

The income derived from the office of the clerk of the Executive Council, as before stated, amounts to - - - £1,030 0 0

Deduct balance as above, forming actual income of registrar - - - 140 0 0

Would (setting aside the first year's emolument) leave a diminution of income of - - - - - £890 0 0

By the 4 & 5 Will. 4. the undersigned would be entitled to a retiring allowance of one half of his official income, and but for the duty he owes a young family he might be tempted to avail himself of the enactment.

Should it, however, be the Governor General's pleasure to confer on the undersigned, in lieu of his present office, that of the registrarship of Quebec, he trusts it will be accompanied with such pecuniary remuneration as, under the circumstances of the case, his Excellency may think the undersigned, in fairness and equity, justly entitled to receive, taking into consideration the comparative value of the two appointments, together with the amount of responsibility and degree of labour attached to each, or a guarantee of such annual income as, with the possible overplus derivable from the first year's enregistration under the ordinance, 4 Vict. cap. 30., shall secure him an equivalent for the full amount of the income now enjoyed by him as registrar and clerk of the Executive Council, and which he now consents, in order to meet the views of his Excellency, to relinquish.

(Signed) G. H. RYLAND,
Ex. C' Office.

22d August 1841.

The Governor General having on the 22d August 1841 been pleased to acquiesce in the justice of the above statement, Mr. Ryland was desired to put himself in communication with Mr. Secretary Murdoch, to whom his Excellency declared he would give the necessary instructions to meet Mr. Ryland's views; the latter accordingly addressed two private notes on the subject to the Chief Secretary, and on the 25th the following official letter† from that gentleman was put into Mr. Ryland's hands, who, trusting implicitly in the faith of Government, immediately left Kingston for Quebec, having on leave-taking received instructions from his Excellency to take instant steps for the formation of an efficient establishment to carry out the provisions of the registry ordinance on the 1st October following.

* The Prothonotaries of Quebec.

† See No. 3. annexed.

(2.)

My dear Murdoch,

Executive Council Office, 23d August 1841.

In reference to the conversation I had with his Excellency yesterday, relative to the appointment of registrar of the district of Quebec, I should be highly gratified, if it meets with his Excellency's approbation, to avail myself of his kind permission to go down to Quebec, where, owing to my long absence, my private affairs imperatively require my presence, with an understanding that when the registry offices go into operation I shall receive that of Quebec; and should it then appear that the probable income from this appointment is likely to be much less than that which I at present enjoy, I shall receive in compensation for the loss of the clerkship of the Council either a sum of money or a retired allowance to such amount as his Excellency shall deem fit, which said allowance shall not be claimed by me during any year that the registry shall yield an income equal to my present one.

Should his Excellency be pleased to sanction the above, I shall gratefully receive it in full compensation for my loss of office.

There is, however, a still more simple mode of arranging this matter, which, as his Excellency yesterday kindly expressed a willingness to meet my wishes, he could not, I think, object to adopt. It is to give me a sum as compensation for loss of emoluments of office caused by the abolition of fees in the Council Office. I shall then gladly accept the registrarship of Quebec, and by this means a fair exchange would be effected, as I should give up a fixed salary of 550*l.* sterling, equal to 611*l.* currency, for a place which never can average more, and if it gives less I shall have no one to blame but myself; and instead of my being a charge upon Government of 400*l.* or 500*l.* sterling per annum (perhaps for thirty years), my claim would be got rid of once and for ever.

Yours, &c.
(Signed) G. H. RYLAND.

My dear Murdoch,

Within you have a statement of the last three years amount of fees, and the amount of my actual expenses in moving my family, and for proceeding twice to Quebec in pursuance of his Excellency's orders. In regard to the compensation for the loss of fees, as this is to be a final settlement, and considering that I have thrown myself entirely on his Excellency's sense of justice, agreeing without a murmur to his arrangements, by which I give up one half of my income*, that the least he can allow me in the shape of compensation is two years amount of fees, especially as by my tariff I could fairly claim nearly that amount up to the present time; but, as I said before, and I beg you will assure his Excellency of this, I place myself in his hands, to be dealt with as the nature of the case deserves, and as he may think just.

* Vide Communications with Mr. Secretary Harrison, June and July 1841, p. 27. of this collection.

Yours truly,
(Signed) G. H. RYLAND.

Monday, 23d August 1841.

Statement of Fees received by the Clerk of the Executive Council of Lower Canada during the last three years, as shown by the Blue Book.

1838	-	-	-	£360	0	0	sterling.
1839	-	-	-	394	0	8	
1840	-	-	-	417	0	10	

The sum of 18*l.* 14*s.* 10*d.* currency, reserved by the Provincial Secretary for the clerk of the Executive Council for fees on water lots between 1st May and 31st December 1838, is to be added to the return made for that year.

£360	0	0
18	14	10
<hr/>		
£378	14	10

Amount of expenses incurred in moving my family, furniture, and establishment from Montreal to Quebec, on the change of the seat of Government	£28	15	0
Expenses incurred for self and servant in proceeding to Quebec by his Excellency's orders to pack up documents of the Executive Council, and afterwards proceeding to Kingston	9	12	0
Ditto, for proceeding from Kingston to Quebec, to swear in Court of Appeals, and returning to Kingston	16	15	0
	<hr/>		
	£	53	7 0*

* Should be £55 2 0 (Signed) G. H. RYLAND.

(3.)

Sir,

Kingston, 23d August 1841.

I am commanded by the Governor General to acknowledge the receipt of your letter of this day's date, on the subject of your claim to be indemnified for certain fees given up by you since the union, and your future appointment to be registrar of Quebec.

In reply, I am to inform you that as it appears that the average of your fees during the last three years has been 397*l.* sterling, and as you have discontinued the receipt of these fees for about six months, his Excellency is pleased to grant you as an indemnity one moiety of that sum, and has directed Major Campbell to draw in your favour on the Commissary General for that amount, and your travelling expenses, making in the whole the sum of 252*l.* 7*s.* In regard to the registrarship of Quebec, his Excellency will be prepared to appoint you to that situation whenever the ordinance under which it is created shall be brought into operation, and in the interval you will continue to receive the salary attached to the office of clerk of the Council. But as it is possible that the emoluments of the registrarship of Quebec may fall very far below those of your present office, his Excellency is willing to guarantee to you an income equal to the sum to which you would be entitled to as a retiring allowance were your employment in the public service altogether discontinued. Assuming your income on an average of the last three years to be 1,030*l.* currency, and your length of service as a public officer to be twenty-four years, you would be entitled, under the scale established by the 4 & 5 W. 4. c. 24., to a retirement equal to one half your emoluments, or 515*l.* currency. That amount, therefore, his Excellency is willing to guarantee to you by making up your emoluments from the employment in the public service which may hereafter be assigned to you to that extent, should they be insufficient of themselves to do so. Should they exceed it, you will of course be entitled to the excess.

I have, &c.,

(Signed) T. W. C. MURDOCH, Chief Secretary.

(4.)

My dear Murdoch,

Mount Lilac, 3d September 1841.

Enclosed you have my answer to your official of the 24th ult. In regard to the compensation for loss of fees, I am, as I told you before I left Kingston, dissatisfied, and since my return here I have still greater reason to be so, as I find that as soon as it was known that the fee system in my office was done away with, all the old extracts which for two or three years have been prepared, but neglected by the parties interested to be taken up, were all immediately called for. I know not whether Campbell has sent down the order on the commissariat for the amount awarded me, but whether he has or not, as I have not yet received it, I consider the question still open for revisal, and I trust that from a sense of justice you will not hesitate again to bring this point before his Excellency, that the award may be increased.

I ask nothing unreasonable; the sum to which I am entitled under my tariff amounts to upwards of 700*l.*; let the period of commutation only be increased six months, giving me one year's fees, and I shall take it as a discharge in full for my claims on this particular head, thereby resigning 300*l.*, besides the 50*l.* a month extra allowance to which there can be no doubt that I was entitled. Should you have any objection to trouble his Lordship again on this subject, which I can scarcely think possible, let me know by return of post, and I will address myself direct to his Excellency.

I arrived here late on Saturday night, having been detained on the way down by the Lord Sydenham's running aground near Sorel, where we were obliged to remain till the Canada came to our relief.

Ever truly yours,

(Signed) G. H. RYLAND.

(5.)

Sir,

Mount Lilac, Beauport, 3d Sept. 1841.

I have the honour to acknowledge the receipt of your official letter of the 24th ult. (put into my hands as I was going on board the steamer), relative to my appointment as registrar of the district of Quebec, and to my claim for indemnification for the loss of certain fees amounting to about 700*l.* given up by me since the union, at the request of the Executive.

In regard to the registrarship of Quebec, I have to request that you will convey to his Excellency my acceptance of this office, but with the *perfect understanding* that in the event of its not proving equal in value to my appointment of registrar and clerk of the Executive Council, the sum guaranteed is *not to be considered as compensation in full either for the loss of that office or of my claims upon Government.*

I have, &c.,

(Signed) G. H. RYLAND.

Mr. Secretary Murdoch,
&c. &c. &c.

(6.)

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(6.)

Subsequent to the death of the late Governor General Lord Sydenham, a circular was addressed by Mr. Secretary East to Mr. Ryland.

SECRETARY'S OFFICE.

Sir,*

Kingston, 8th Dec. 1841.

I am commanded by the administrator of the Government to offer for your acceptance the registrarship of the district of Quebec.

In so doing, however, I am to add, that his Excellency is desirous you should perfectly understand that this appointment is offered you subject to the approval of the Governor General; and that if, on Sir Charles Bagot's arrival, he should see fit to revoke it in favour of any other party, it is not to be held to give you any claim whatever upon the Government for other official employment or indemnification.

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

I have, &c.,
D. DALY, Secretary.

To which the following is an answer.

Sir,

Mount Lilac, Quebec, 17th December 1841.

I have the honour to acknowledge the receipt of your official communication of the 8th inst., wherein you inform me "that you are commanded by the administrator of the Government to offer for my acceptance the registrarship of the district of Quebec."

Having already stated to his Excellency the late Governor General my willingness under certain conditions to accept the office in question, I have now to request you will convey to his Excellency the administrator of the Government my readiness to enter upon the duties of registrar of the district of Quebec, whenever his Excellency may think proper to put the ordinance, 4 Vict. c. 30., into force.

In regard to that part of your letter wherein I am given to understand that the appointment in question is to be considered as subject to the approval of Sir Charles Bagot, I have merely to observe that my claims on Government being of a peculiar nature, acknowledged by her Majesty's Ministers at home as well as by the local Government here, and her Majesty having been pleased by her mandamus appointing me clerk of the Executive Council of Lower Canada specially to acknowledge my public services, my position, I respectfully submit, does not require to be strengthened by any adventitious circumstance like the present appointment, and as I should be most sorry to take any undue advantage of the kindly feeling either of the late Governor General or of the present administrator of the Government towards me, I shall of course consider myself bound, in case Sir Charles Bagot does not approve of my appointment as registrar of the district of Quebec, to return to the office which I now hold as registrar and clerk of the Executive Council of Canada, until such time as another office of equal respectability and emolument shall be provided for me.

Hon. D. Daly,
&c. &c.

I have, &c.
(Signed) G. H. RYLAND.

(7.)

ACCOUNT of Receipts and Disbursements during the Year 1842.

DISBURSEMENTS.

Rent of house for offices to 31st May 1842	-	-	-	-	£37	10	0	
Do. do. do. 1st January 1843, at 85L. per annum	-	-	-	-	56	13	0	
Salary of deputy and two clerks	-	-	-	-	512	10	0	
Extra writers, { Mr. Gordon	-	-	-	-	£8	0	0	
{ Mr. Carter	-	-	-	-	3	6	8	
						11	6	8
Office furniture	-	-	-	-	27	18	0	
Miller, for clearing snow from front of office	-	-	-	-	3	0	0	
Office keeper	-	-	-	-	40	0	0	
Office counter, and painting do.	-	-	-	-	4	10	0	
Bedard, for moving counter	-	-	-	-	0	12	6	
Firewood, winter 1841 and 1842	-	-	-	-	8	0	0	
Do. present winter	-	-	-	-	12	4	8	
Stoves	-	-	-	-	9	0	0	
Coals, and carting do.	-	-	-	-	5	4	0	
Tinsmith's account for pipes, &c. &c.	-	-	-	-	5	0	0	
Stationery, printing, &c.	-	-	-	-	66	15	6	
Clock	-	-	-	-	12	0	0	

RECEIPTS.

1821 memorials and 3 documents at length, enregistered—amounting to	-	530	8	3½
Excess of disbursements over the amount of fees received	-	291	16	0½

(Signed) G. H. RYLAND.

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

In addition to the above may be added the sums of 46*l.* 3*s.* and 46*l.* = 92*l.* 3*s.* paid on insurance to the Eagle Life Assurance Company of London, and handed over as a collateral security to those gentlemen who had entered into recognizances in my favour, and which, be it remembered, is not like a person being security under ordinary circumstances for the honesty of an officer holding a pecuniary trust, but here the securities of the registrar are answerable for the faults of the deputy and clerks, as well as of the registrar himself, and though it may be said that the family of the registrar will benefit by this forced insurance at his death, still it must be borne in mind that they are also held answerable for three years *after his death* for all errors and faults in his office whilst living.

(Signed) G. H. RYLAND.

Sub-Encl. 10. in
Encl. 1. to No. 6.

Sub-Enclosure 10. in Enclosure 1. to No. 6.

Sir,

Mount Lilac, 7th December 1842.

Considering my late connexion with the Executive, and my position in society, I trust I shall not be considered guilty of an unwarrantable liberty in addressing your Excellency on a subject of a purely personal nature, involving claims of a peculiar description on her Majesty's Government.

Your Excellency is, I believe, aware that under the administration of your predecessor I held the patent appointment of registrar and clerk of the Executive Council, specially conferred on me in reward of public services, and which appointment the late Governor General received orders from the Secretary of State to sustain me in. His Excellency, however, having previously determined to effect certain alterations in the Council Office, by which the duty hitherto performed by the clerk should devolve on the chairman or president, whose salary was in consequence raised from 100*l.* to 1,100*l.* sterling per annum, pointed out to me how seriously his measures would be embarrassed by a compliance with Lord John Russell's orders on this head; acknowledging, however, his inability to deprive me of the office against my consent, and offering me the registrarship of Quebec.

Under these circumstances I considered it my duty at once to place the clerkship of the Council at his Lordship's disposal, and on the 22d of August 1841 I delivered into his hands a memorandum containing the terms on which I was willing to effect the exchange he proposed, which was agreed to, and I received Lord Sydenham's verbal directions to proceed immediately to Quebec, for the purpose of organizing an efficient establishment to carry out the provisions of the registry ordinance, which I was told would immediately be put into operation, and a solemn assurance was at the same time given me that I should be allowed the full benefit of the ordinance as it then stood. The accident, however, and the subsequent death of Lord Sydenham, prevented the promulgation of the ordinance at the time intended; nevertheless, when it did go into operation, I accepted my commission as registrar of Quebec, in the full conviction that nothing would be done on the part of the Crown to diminish the value of the appointment.

By the recent act of the Provincial Parliament, however, repealing that part of the ordinance obliging seigniors to enregister arrears of cens and lods et ventes, I have been deprived of the whole of that remuneration which it was supposed would have been a fair compensation for my exchange of office, and without the certain prospect of which I should not have consented to the arrangement; and the agreement which I made with the Executive being thus on their part broken, my position in regard to the Government becomes entirely changed, and the simple guarantee of an annual sum equal only to what I was entitled under the 1 & 2 W. 4. to retire on as a pension can no longer be considered as an equivalent for the loss of a patent appointment of the nature of the one given up by me on public grounds.

When the Imperial Parliament by its enactments affect in an injurious manner the interests of an individual, the Government invariably considers itself bound to remunerate him for his losses, and as I presume the same doctrine holds good in a British province, I think it will be admitted that my claim is undeniable.

Your Excellency will perhaps allow me further to remark, that the clerkship of the Council is one of those offices that do not require the holder to have a seat in the Provincial Assembly, consequently independent of the orders from home on this head. I could not, consistently with established usage under the British Crown, have been deprived of my office without my consent; and having given that consent, at the request and for the purpose of facilitating the views of the Executive, my case is the more specially entitled to the liberal consideration of Her Majesty's Government, strengthened as it is by the following facts; viz.

As registrar and clerk of the Council I enjoyed an income of 1,030*l.* per annum, which I received quarterly, without being called upon to make any disbursements or advances for the hire of an office, or payments of clerks, messenger, or other contingencies, nor did I incur any pecuniary responsibility, or give security for the due discharge of the duties, which were of an easy and pleasant nature, and the appointment itself (as will appear by the letter of Sir Robert Peel's accompanying the memorandum laid before Lord Sydenham) "one ranking high among the public servants of the Crown." My present appointment, on the other hand, is one without salary; the duties are very onerous; I am obliged to make advances out of my own pocket to defray the whole expense of the department; I have been under the necessity of entering into recognizances to the amount of 5,000*l.*; and I and my family for years after my death are answerable for the errors which my deputy or my clerks may be guilty of.

With

With a view the more fully to prove the extent of the loss to which I have been subjected by the recent alterations in the registry ordinance, and my increased claim on the Executive, I have called upon each of the seigniors within my district to furnish a return showing the difference in the amount of registration required under the law as it now stands and under the ordinance as originally put in force; and I should wish, with your Excellency's approbation, *personally* to lay these returns, together with the other documents relative to my case, either before your Excellency or before the Executive Council, in order that a decision may be had as to the extent of compensation to which I am entitled. Trusting your Excellency will excuse the liberty I have taken in addressing you on this subject,

His Excellency Sir Charles Bagot,
Governor General,
&c. &c.

I have, &c.
(Signed) G. H. RYLAND.

Sub-Enclosure 11. in Enclosure 1. to No. 6.

Sub-Encl. 11. in
Encl. 1. to No. 6.

Sir,

Mount Lilac, 18th July 1843.

As the honour of the Crown is more or less involved in the final settlement of my claim against Government, I trust your Excellency will so far extend your indulgence towards me as to excuse my continuing the method with which I set out in bringing the matter under your immediate consideration, instead of through the ordinary official channel.

I am led to address myself to your Excellency on the present occasion by a letter which I have received from the Provincial Secretary, * wherein he informs me that he is commanded to direct my attention to the disproportion between the establishment of the registry office and the amount of work it has to perform.

* 10th July 1843.
Sub-Enclosure 8.
Page 13 of this Col-
lection.

On referring to my letter to your Excellency of the 18th April last†, you will find, in the fourth alternative I had the honour of submitting to you, that an express allusion is made to the nature of my engagement with the officers of my department, for the payment of whose salaries up to the end of the year I am answerable.

† Page 9.

When I first accepted the registrarship of Quebec, I received orders to proceed there for the purpose of organizing an efficient establishment, on which other registrars might fall back for example and information, and my attention was particularly called to the 4 Vict. cap. 30. sect. 6., relative to the appointment of a sufficient deputy, an appointment not optional with me, but rendered imperative by the ordinance. The amount of salary which it was judged proper to give this officer was settled before I took the office, and is expressly stated in the memorandum laid before Lord Sydenham, and on which the arrangement entered into with me by him on behalf of the Crown was based. Taking into consideration the high official talent and perfect knowledge of business of the gentleman who fills this appointment, his responsibility, and the duties required of him, a smaller salary could not, with fairness, have been awarded and upon an examination by the law officers of the Crown, as provided by the 55th section of the ordinance, and a comparison between his qualifications and duties and those of similar grades in other departments of the public service, it will, I think, be admitted that his services are underpaid.

In regard to the clerks, if your Excellency has had occasion to read the Registry Act, or to consult any person really acquainted with the practical working thereof, the great responsibility of the office, and the minute accuracy required by the forms of enregistration, you will at once perceive that I could not, consistently with my duty to the public, attempt to carry the law into operation with indifferent hands, and that in procuring efficient officers something more than a day by day engagement, or the daily wages of a common field labourer, would naturally be expected by those who consented to join me; and assuming that an important ordinance affecting the interests of every landed proprietor in the province was not to be looked upon as a trivial measure, but was, like other laws enacted by deliberative assemblies in civilized nations, to be put in force immediately after promulgation, I considered that two clerks, with an annual engagement, and income of 100*l.* each, was a moderate and cheaply paid establishment which could not be found fault with, particularly as a vast accumulation of old deeds which might at any moment pour in were by the ordinance subject to enregistration, when the consequences of trusting the entries to untried hands might have been fatal to the interests of the parties concerned.

The ordinance, your Excellency will observe, allows of no mistakes, no erasures, no blank spaces, no interlining; the greatest caution is necessary as well in the full length entries as in the minute book and indexes of names and estates; and in regard to the latter books the undivided attention of one individual is requisite, inasmuch as a memorial oftentimes involves as many as eight and nine entries and specifications in both indexes, and though it is admitted that the officers of my department are as efficient men in their line as can be found in the province, yet such is the nicety of registration required, if the law is complied with, that few as the number of memorials registered up to the present period may be, as but one book for the full length entries can be used at a time (all memorials being entered consecutively), I have scarcely found it practicable, though the clerks have been sometimes obliged to write late in the night, to keep pace with the work as it comes in, and prevent its getting into arrears, which must be the case when registration becomes general; and indeed before I secured the assistance I now have I tried and had to part with a number of writers who were considered amply qualified to fulfil the duties of other offices, but who were nevertheless incapable of that strict attention and accuracy required by the provisions of the registry ordinance.

Having thus I trust satisfactorily shown that the establishment to be effective could not be on a smaller footing, I shall merely mention that in as far as regards the office itself I took

the only means in my power to save the Government this expense, by applying for permission to occupy rooms in some of the public buildings in Quebec, but my application was immediately negatived, though the buildings in question were at the same time allowed to be taken possession of by officers having no claim whatever on the local Government.

I shall now proceed, with your Excellency's permission, in very few words, to lay before you the real cause which has so greatly contributed to place me in the aggravated position in which I now stand, and which has at the same time prevented the law being more generally obeyed, and created an opposition to it in quarters where a willingness was at first expressed to comply with its provisions, and that cause is simply the extraordinary course adopted by the Provincial Government itself, who, instead of setting an example, and complying with the fifty-second section of the ordinance, have (I will not say intentionally) done every thing in its power, singly and collectively, to obstruct its operation.

Had Lord Sydenham lived, I have reason to know that this would not have been the case; the whole of the Crown enregistration would at once have been effected; and thus, whilst the pledge of the Government to me would by a very simple process, without any application to the Legislature, have been redeemed, an inducement would at the same time have been held out to the public to comply with instead of resisting the law. So far, however, from adopting this apparently obvious course, in a debate during the last session of the Provincial Parliament, when the question was discussed whether three or twelve months beyond the expiration of the original period mentioned in the ordinance should be granted for the enregistration of old deeds, the organ of the Executive got up in his place in the House, and announced that it was immaterial what period of extension was granted, as at the next session of the Provincial Parliament it was the intention of the ministry entirely to new model the bill; thus stamping an Act of Parliament professedly affecting the interests of every landed proprietor in the country, and which at the close of the session was to receive the royal sanction, as an inoperative law.

It is needless to comment on this extraordinary declaration on the part of the provincial minister; suffice it to say, that it has been destructive to registration, and that no steps have yet been taken by the Government to counteract its pernicious effects; and though by its contract with me the Government were bound by every means in its power to afford me every legitimate relief and assistance, yet, as if a determination existed to deprive me of even a chance of remuneration, and to make my position as cruel and galling as possible, when the officers whose duty it is to conduct the enregistration on the part of the Crown have applied for instructions to enable them to comply with the law, their letters have either been left unanswered, or they have been officially prevented from acting; and, with the exception of the Custom House bonds, there have not been two dozen memorials entered on the part of the Crown; and I am still studiously kept in utter ignorance as to the intentions of the Executive in regard to the measure of registration, and am left to judge by common report alone whether there is a likelihood of the law being enforced or not; whilst in answer to my applications for relief a tacit admission only is made that the Government of the country is incapable of fulfilling its engagements; nevertheless, suffering severely as I am from the confidence I have reposed in the faith, honour, and justice of the British Crown, I still trust that under your Excellency's wise and upright administration it will not be driven to adopt the principle of repudiation in its worst form.

The Right Hon Sir Charles Bagot,
&c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

Secretary's Office, East Kingston, 15th September 1843.

I do hereby certify that the *preceding* documents are copies of the originals, of record in this department.

D. DALY, Secretary.

Sub Encl. 12. in
Encl. 1. to No. 6.

Sub-Enclosure 12. in Enclosure No. 1. to No. 6.

Sir,

Government House, Quebec, 14th July 1842.

I am commanded by the Governor General to acknowledge the receipt of your letter of 11th instant, requesting the issue to you of an accountable warrant for 260*l.* sterling, on account of the deficiency of your fees as registrar of Quebec, to make up the annual income *guaranteed* to you by my letter of the 23d August last. In reply, I am to inform you, that until the expiration of the year for which you claim the advantage of this *guarantee* the *contingency* by which alone it can be called into operation cannot be considered as *having arisen*, and his Excellency must therefore decline to comply with your application.

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

(Signed) T. W. C. MURDOCH, Secretary.

MEMORANDUM from G. H. RYLAND, Esq., on the above.

This letter, it will be observed, not only acknowledges the existence of the guarantee given under the administration of Sir Charles Bagot's predecessor, but it bears special reference to the calculation of the probable large amount of the first year's enregistration under the ordinance, 4 Vict. cap. 30., on which my *agreement with the Executive is particularly based*; and it may not here be unworthy of note, that whereas by the late act of the Executive I am deprived of that remuneration which it was supposed would have afforded me ample compensation for my exchange of office, the clerkship of the Council was kept vacant till after the change in the registry ordinance was effected, when the appointment was immediately

immediately filled up, so that at the same time that the prospect of remuneration was cut off the possibility of a return to the office which I had left was foreclosed; and though it may be pleaded that the interests of the public required the alteration in the ordinance, it must, I think, be admitted, that as the act of the Executive deprived me of that which it had pledged its faith I should receive, it is bound in honour to make me ample remuneration, in the same way as if an Act were passed for the erection of a government or public building on a lot of ground belonging to a private individual, the public convenience or interest might require that the contemplated building should occupy the precise spot indicated, but it never for a moment could be argued that the individual could therefore be deprived of his vested rights without receiving compensation.

Had I merely effected an ordinary exchange of office, without previous agreement or understanding, then I should have considered myself bound to submit to the result; but my case is like a regular deed of bargain and sale. I have in good faith performed my share of the contract, and the Government are now called upon to fulfil theirs. There may be a difficulty in accomplishing this, but that difficulty does not lessen the obligation on the part of the Crown to act justly in redeeming its pledge, and granting compensation for that which it has taken.

(Signed) G. H. RYLAND.

Sub-Enclosure 13. in Enclosure 1. to No. 6.

Sub-Encl. 13. in Encl. 1. in No. 6.

A.

Jesuits Office, Quebec, 12th November 1842.

Sir,

Having submitted your letter of the 24th October to the Governor General, I have the pleasure to acquaint you, that I have obtained his Excellency's permission to comply with the request therein contained; and I am therefore to state, for your information, that by an estimate made in January last of the probable number of deeds on which cens et rentes and lods et ventes were due within the seigniories situate within this district, requiring registration under the ordinance, 4 Vict. c. 30., were as follows:

In Sillery	-	-	-	-	-	-	-	42
In Belair	-	-	-	-	-	-	-	108
In St. Gabriel	-	-	-	-	-	-	-	332
In Notre Dame des Anges	-	-	-	-	-	-	-	146

Together - - 628 deeds

which under the late Provincial Act will not now require to be registered.

I have, &c.,

(Signed) J. STEWART.

G. H. Ryland, Esq.,
Registrar, Quebec.

B.

Quebec, 22d November 1842.

Sir,

In answer to your letter of the 1st instant, which, however, only reached me this day, I beg to inform you that my principal seigniori (Fossambault) is situated in the county of Pontneuf*, and I presume that any enregistrement that I should have been obliged to make under the first ordinance you allude to would have been at Deschambault; and as to Gandarville, the only seigniori I possess within your jurisdiction, as it has only two miles and a half in front by twelve in depth, and that the habitans are all well off, from their proximity to town, I should say that I would not have had more than twelve or fifteen acts to enregister, had this first ordinance not been amended.

* This is a mistake. Fossambault is within the district of Quebec, and a letter has been written to Mr. Duchesnay to this effect.

However, as this first ordinance with regard to the enregistrement of seigniorial dues was, in my humble opinion, very ambiguous, I perhaps would have had enregistered a great many contrats de concession, for the preservation of divers privileges, such as the reserves of all mill sites, droit de retrait, &c., which perhaps came not under the denomination of seigniorial rights and services, terms made use of in the ordinance.

I remain, &c.,

(Signed) ANT. J. DUCHESNAY.

To G. Ryland, Esq.
Quebec.

C.

Quebec, 29th November 1842.

Dear Sir,

In reply to your communication of the 12th instant, requesting me to furnish Mr. Ryland with an estimate for the loss of emolument which he would have derived from the enregistrement of such claims due to the Crown as seignior which were required to be registered under the original ordinance of registration, but which by the recent enactment of the legislature are now exempted, as far as the same respects the Crown domain in this district under my superintendence, I have to state that it is not easy to arrive at a very just conclusion on the subject, but as far as the materials in my office enable me to judge, a rough calculation which I made in a report submitted to the Government in March last would probably not be far from the truth.

I there calculated that there were 1,500 titles which had been exhibited, and upon which lods et ventes are due, which, at the rate of 5s. each, would amount to 375l. cy. I also calculated that there were about 1,500 notarial extracts of mutations within the domain which had been delivered to the Crown under the ordinance of the 25th Geo. 3. c. 4. s. 10.,

and that if such delivery of extracts should be considered as having the effect of *making known* to the Crown the mutations thereby produced under the terms of the registration ordinance, although the parties had not exhibited their titles, there would be an additional 375*l.* for these. This calculation applies to those titles which were passed previous to the 1st January 1842, and does not apply to the ordinary average of such as would be exhibited, and upon which the dues might not be paid since that period. This latter class would appear to me in practice not to average to any great amount, as far as respects the exhibition of titles, as, unless forced to do so by prosecution, the fear of registration appears to me to have diminished the number of titles exhibited, where the party had not the immediate intention of payment. But if, as before mentioned, the notarial extracts required to be furnished by law to the Receiver General could be legally considered as notice of the dues accrued, there would have been always an average of such, independent of the will of the parties, which might amount to 200 annually.

I trust that this statement will furnish sufficient information to you for the object Mr. Ryland has in view, but I shall be happy, if in my power, to give you any other details you may wish.

To Harry Weston, Esq.
Deputy Registrar, Quebec.

I remain, &c.,
(Signed) F. W. PRIMROSE.

Sub-Encl. 14. in
Encl. 1. to No. 6.

Sub-Enclosure 14. in Enclosure 1. to No. 6.

D.

My dear Sir,

Alwington House, 20th April 1843.

I beg to acknowledge the receipt of your letter of the 13th, which I only did yesterday; since which time I have brought the subject and wish contained in your letter before Sir Charles Bagot, and who has given it his *best* consideration. He desires me to say, that with every possible wish to be of service to you, he does not think he can, or would it be proper for him, in his present position, to interfere in your case with the home Government. *He fully admitted your claim* when it came before him, and admitted the *hardship* of your position, and it has afforded him much pleasure the knowing that Sir Charles Metcalfe entertains *the same views*, whom he feels satisfied will deal with it in the most *favourable way towards yourself*, whenever it is in his *power*. I have Sir Charles's assurance that the writing the letter you propose to the Duke of Wellington would be of no service at all, as he has made it a rule to interfere with nothing but that which immediately belongs to his own department, and would be only annoyed at such a course being pursued. I know Daly is about to write to you either to-day or to-morrow, and to whom Sir Charles talked much about yourself. I am glad to say he is rather better, but he can expect, I am afraid, no material change for the better until a crisis is over which I trust is near at hand. With many thanks for your kind wishes and expressions towards me,

G. H. Ryland, Esq.
Beaufort, Quebec.

I have, &c.
(Signed) F. BAGOT.

Sub-Encl. 15. in
Encl. 1. to No. 6.

Sub-Enclosure 15. in Enclosure 1. to No. 6.

RECAPITULATION.

	£	s.	d.
Amount of claim laid before Sir Charles Bagot	5,218	0	0
Quarter ending 31st March 1843	198	15	6
Quarter ending 30th June 1843	172	14	7
Quarter ending 30th September 1843	138	3	9
Total	5,727	13	10

Sir,

Quebec, 17th December 1843.

With reference to my claims against Government, I beg respectfully to call his Excellency's attention to the fact that the Act lately passed by the Provincial Legislature amending the registry ordinance, and providing for a division of the present registry districts in counties, will have the effect of depriving me of upwards of three fourths of my present jurisdiction, thereby of course proportionably diminishing my chance of deriving any remuneration from the office I hold under the arrangement entered into with her Majesty's representative.

I may also observe that the extension of time given has already operated as a total check on registration, and that unless the Government set the example by ordering the proper officer without delay to effect the Crown enregistration (which for its own sake should at once be done, in order to save the expense of double entries, to which after the 1st of March next it will in most instances be subjected,) the public will not consider the delay now granted as a boon intended merely for their convenience and as a final measure, but will, on the contrary, as heretofore, make use of it as a pretext to avoid complying with the law, in hopes of thereby obtaining still further delay and exemptions.

J. M. Higginson, Esq., Private Secretary.

I have, &c.
(Signed) G. H. RYLAND.

Enclosure 2. in No. 6.

Encl. 2. in No. 6.

To his Excellency the Right Honourable Sir Charles Bagot, G. C. B., Governor General of British North America, &c. &c. &c.

Report of a Committee of the Executive Council, present, the Honourable Mr. Sullivan in the Chair, Mr. Daly, Mr. Harrison, Mr. Hincks, Mr. Lafontaine, Mr. Baldwin, Mr. Small, and Mr. Morin, on the claim of George Ryland, Esquire, late clerk of the Executive Council for Lower Canada.

May it please your Excellency,

The Committee of the Executive Council have felt much embarrassment in considering the claim of George Ryland, Esquire, late clerk of the Executive Council for Lower Canada.

The case of Mr. Ryland appears to be strictly as follows; he was appointed clerk of the Executive Council in the year 1838, on the death of his father, the former incumbent, he having previously for many years filled the situation of assistant clerk.

His income while clerk of the Council averaged 1,030*l.* currency. The salary being 500*l.* sterling, equal to 550*l.* currency; the remainder being made up of fees on official business, and of an allowance of 50*l.* sterling for stationery, which latter sum, obviously not sufficient to pay for the supply of stationery necessary for the office, and supposed to be made up out of the fees, ought not to be taken into account as forming a part of the net income.

On the union, Lord Sydenham having in contemplation the abolishment of the fees, according to the Upper Canada system, and the placing the clerkship on a lower salary, entered into an arrangement with Mr. Ryland for his retirement from the office in the following terms, as appears by Mr. Secretary Murdoch's letter of 23d August 1841.*

* Page 16.

"His Excellency is willing to guarantee to you an income equal to the sum to which you would be entitled as a retiring allowance were your employment in the public service altogether discontinued. Assuming your income on an average of the last three years to be 1,030*l.* currency, and your length of service as a public officer to be twenty-four years, you would be entitled, under the scale established by the 4 & 5 Will. 4. cap. 24., to a retirement equal to 515*l.* currency. That amount, therefore, his Excellency is willing to guarantee to you, by making up your emoluments from the employment in the public service which may hereafter be assigned to you to that extent, should they be insufficient of themselves to do so; should they exceed you will of course be entitled to the excess."

In pursuance of this arrangement, Mr. Ryland was appointed registrar of the district of Quebec, on the proclamation of the registry ordinance of Lower Canada, an office the emoluments of which it was supposed at the time would be far above the amount guaranteed, but which, according to Mr. Ryland's statement before the Committee, fall not only below that amount, but below the actual disbursements of the office.

Setting out of consideration for the present the question to arise on the guarantee, and supposing Mr. Ryland's claim unaccompanied by it, the Committee have to submit the following observations:—

1st. They do not recognize the principle, that officers whose income has by reason of fees increased to any amount, and who hold their office during pleasure, have any vested right on those fees, or any right but the equitable one, that the income of the office should be kept up to an amount proportioned to the duties and responsibilities of the situation.

2d. And still less upon the union of the provinces has any officer employed under the new establishment any right to have the emoluments of the office kept up to any sum which he may have received under the old.

3d. And, therefore, if the Government had upon the formation of the new order of things appointed Mr. Ryland clerk of the Council of the United Province, he would have had to content himself with such income as was thought sufficient for the office.

4th. And if Mr. Ryland had, in preference to being so appointed, been given an office equivalent or more than equivalent to the new office of clerk of the Council, even if it did not amount to the income of the old office, he would have lost nothing which under any circumstances he could have retained.

5th. And if the new office to which he should be appointed were, contrary to expectation, or by reason of any change in the law thought necessary by the Legislature, to be reduced as to its income, the incumbent would have no claim, except to favourable consideration, if it were found consistent with public interests to promote him in some other manner.

Lord Sydenham, however, chose to guarantee to Mr. Ryland an income of 515*l.* currency per annum in his new office.

But the Committee of Council do not see how it is in your Excellency's power to fulfil this pledge. There are no funds at the disposal of your Excellency for such a purpose, and if the matter were submitted to Parliament it is obvious that the case must be discussed on its merits only, and that the guarantee of the Governor would not be held binding on Parliament.

Were the Committee of Council in a position to propose to your Excellency the fulfilment of the guarantee of Lord Sydenham, they would feel it necessary, in any view of the case, to deduct from the stated annual average income the sum of 50*l.* allowance for stationery. Taking another view, the Committee would feel obliged to say that the guarantee was improvident in stating the retirement to be in proportion to the former income, which, under the circumstance of retaining office, could not have been continued; and in reference to the comparative statement of disbursement and receipts in the office of registrar, the Committee would have to remark upon what appears to them an extravagant expenditure in proportion to the amount of business done.

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.

Enclosure in No. 7.

Encl. in No. 7.

Sir,

Quebec, 9th February 1844.

I have had the honour of receiving your letter of the 30th ultimo, communicating to me, by the direction of his Excellency the Governor General, the observations of Her Majesty's Secretary of State on my memorial and claim for indemnity, and for a fulfilment of the engagement entered into with me by Lord Sydenham. My Lord Stanley observes that before Her Majesty's Government can be called upon to fulfil that engagement I am bound to do one of two things, either to show that the condition imposed by Lord Normanby's Despatch, No. 53*, 3d July 1839, (namely, that I should have no claim to pension if in the event of a union of the provinces it should be found impossible to continue my services,) has been withdrawn by the same authority, or I must explain satisfactorily the reason of my withholding from Lord Sydenham the real terms prescribed by this despatch, on which I held the office of clerk of the Executive Council. I trust that I shall be able to satisfy his Lordship on one at least if not both of these points, one of which he considers to be necessary for me to establish before Her Majesty's Government can be called upon to fulfil the engagement entered into with me. I trust that I can show that I did not receive the appointment in question upon the terms of Lord Normanby's despatch; that I did not withhold from Lord Sydenham a knowledge of that despatch; that Lord Sydenham had it more than once before him; that he knowingly and advisedly, with a full knowledge of the circumstances of my case, and upon the opinion of the then Secretary of State expressed to him respecting it, entered into the engagement of which I claim the fulfilment; and, finally, that my situation and claims were not and are not those of a person newly appointed to an office, likely soon to become vacant, and to which such a stipulation as that in Lord Normanby's despatch could properly apply, but those of a person long before in the public employment, and receiving an appointment in reward of his father's public services and his own.

* Page 99.

The first point and the last being nearly connected, I shall direct my observations to them together.

I received my appointment as clerk of the Executive Council, not from Lord Seaton or Lord Sydenham, but from Lord Durham, under the following circumstances.

So far back as 1852 my father, the late clerk of the Executive Council of Lower Canada, applied to be allowed to retire from the Council Office in my favour.

This application was again renewed in 1836, and agreed to by the Secretary of State, subject to the approval of the then Governor in Chief, Lord Gosford, who in his answering despatch, dated 9th August 1836, "fully admitted the claims of both father and son to the favourable consideration of His Majesty's Government on account of *their public services*, and objected to the manner only of rewarding them simply because he was averse "to hereditary succession to office." The subject was nevertheless left open till the arrival of Lord Durham, to whom the final settlement of the question was submitted. His Lordship, through his Secretary, Mr. Charles Buller, proposed, as I can prove by documents in my possession, that in lieu of the Council Office I should receive the appointment of Receiver General, then hourly expected to become vacant by the death of the incumbent, Mr. Hale, a method of discharging my claims which he considered as less liable to objection than the other. The sudden death of my father, however, previous to that of Mr. Hale, and his Lordship's subsequent determination to relinquish the government, induced him at once, in order to secure my rights, to issue a commission under the great seal conferring on me the unconditional appointment of clerk of the Executive Council of Lower Canada, and confirming me in all the rights, privileges, and emoluments of office vested in my predecessor, and Lord Durham at the same time desired me, in case I should prefer the Receiver Generalship which he had intended for me, to apply to him on its becoming vacant (which it shortly afterwards did), when his whole interest should be used to obtain my translation to it.

The office therefore was given to me precisely on the terms and in the manner in which offices in the colonies or in England are commonly held; determinable indeed at Her Majesty's pleasure, but according to invariable usage to be held during good behaviour; and I may here observe, that the office was and is one of a merely ministerial nature, and carrying with it no political weight or influence.

That my appointment was not notified by Lord Durham to the Secretary of State was owing either to his sudden departure from Canada or to his not considering it an office of such a description as required Her Majesty's confirmation. But to the want of that notification Lord Normanby's subsequent despatch owes its origin.

Happening, in the spring of 1839, to see in the London Gazette a notification of Her Majesty's confirmation of two appointments made by Lord Durham not long before my own (those of the present Chief Justice, Sir J. Stuart, and of his brother, the late Solicitor General), I complained through Lord Seaton that mine had not been noticed, from no other motive than a fear that the difference in the mode of proceeding might infer a difference in the stability of my situation. It was with natural surprise that in August following I received from Lord Seaton communication of Lord Normanby's despatch, referred to by Lord Stanley, as the answer to my complaint, by which it appeared to me that it was attempted to change the tenure of a situation I had already held for several months as an absolute appointment.

I am here obliged to refer to facts for which I can only pledge my own veracity; but I owe it to myself to state, that in a personal interview with Lord Seaton, at which Mr. Attorney General Ogden was present, when I expressed my intention of remonstrating to the Secretary of State against the construction put by Lord Normanby on the terms of my appointment, Lord Seaton discouraged the proceeding, on the ground (which was confirmed by Mr. Ogden's view of the case) that Lord Normanby's despatch was founded on a mistake as to my position and rights, and that I might make myself perfectly easy as to its effect. I actually drew up, however, and sent to Lord Seaton, a memorial of remonstrance to the Secretary of State, but was advised again to withdraw it; and that I did so under the impression so given to me that the despatch could not affect me is certain from the note I received from and the answer I sent to Lord Seaton's private secretary, of the 14th August, the draft of which I have fortunately preserved, but of which, being in the tone of familiarity belonging to private friendship, I cannot give a full copy. In that answer I begin by stating, "as you agree with Sir John that it is unnecessary to remonstrate, and that Lord Normanby's despatch cannot by any possibility be brought to bear against me, you may destroy my official communication," &c., &c.; and in the conclusion I added, "I have already consulted the two persons you mention (one of whom was the then Attorney General Ogden), but they too are both of opinion that the despatch must be considered as a dead letter."

I afterwards applied, through Lord Seaton, to have the mandamus which had been issued by the orders of Lord Normanby for granting me a provincial commission under the great seal antedated to the period when I had actually been commissioned in the province; my object in this application being to secure my seniority in the event of a union taking place and the office of clerk of the Executive Council, then vacant in Upper Canada, being filled up.

The answer to this application was conveyed in a letter from Lord Sydenham's (then Mr. Poulett Thompson's) Secretary, Mr. Murdoch, dated 21st October 1839, a few days only after his Excellency's arrival, by which I was informed that his Excellency had received a despatch from the Secretary of State, Lord John Russell, to the effect that my mandamus had been issued to my agent in England before the arrival in England of Sir John Colborne's despatch on the subject. I particularly refer to this letter here, because it appears to afford conclusive proof that Lord Sydenham must then have been made aware by the Secretary of State of the previous correspondence, and all the circumstances connected with my appointment, and must consequently from the first have had a knowledge of Lord Normanby's despatch of the 3d of July preceding.

Upon this latter point (one most deeply affecting my feelings and character, in consequence of the view of it intimated by Lord Stanley,) I must first observe, that even if the character which I trust I have established in the public service should not have protected me from the imputation of having entrapped Lord Sydenham into the arrangement he made with me in 1841, by withholding from him the knowledge of Lord Normanby's despatch, there were circumstances which rendered such an attempt at concealment so hopeless that nothing but infatuation could have led me to make it. I was perfectly aware of Lord Sydenham's unfavourable disposition towards me, and that I could expect nothing from him but a strict and searching examination of any claim I should put forward; any attempt at a concealment of facts recorded in his own despatch book must have been followed by immediate detection and disgrace, and his own Secretary, Mr. Murdoch, who had been in the Colonial Office during the whole previous correspondence, when Lord Normanby's despatch was written, and perhaps transcribed it himself, and to whom every step of my negotiation with Lord Sydenham for retiring from the office was fully known, was at hand to guard Lord Sydenham, and to aid in the detection.

Not long before the arrangement in question was made with me by his Lordship, I had occasion in June 1841 to bring before him, through Mr. Secretary Harrison, a question relating to fees of office which I claimed in Upper Canada as clerk of the Council*; the Union had then been in force some months, and I continued sole clerk of the new Council under my old commission, and founded my claim to the fees in question upon the terms of that commission and of my mandamus. These documents were laid before Lord Sydenham, whose attention was also called to the despatches relating to my appointment; notwithstanding an unfavourable opinion which Lord Sydenham had intimated when this claim was first brought before him, he was convinced, upon a closer investigation, that I had right on my side, granted me money compensation for the fees in question which I consented to waive, and afterwards explicitly told me that he considered the letters patent I held as not to be interfered with, unless on the ground of personal misconduct on my part.

But it may be asked how could Lord Sydenham hold this opinion with Lord Normanby's despatch before him. Because he must, as Lord Seaton had done before him, have considered that despatch as founded on a misconception of my actual position, and as not applying to an office already filled up by competent authority, and held by me for several months before that despatch was written; and because he had received a subsequent communication from Lord John Russell, intimating his desire that I should not be disturbed in the possession of my office.

* See Letter, 7th July 1841, to Mr. Secretary Harrison. Page 27.

It is true that the letter I now refer to being private is not on record in the despatch book, but it is equally true that Lord Sydenham received it, and, as he intimated to me himself, considered it and acted upon it as an authority. This letter in Lord John Russell's handwriting was shown to me by Lord Sydenham's chief secretary, Mr. Murdoch, as it was also to the present provincial secretary, was perused by me, and I have such a recollection of its contents that I can distinctly say they were to the purport I have described. I am satisfied that Mr. Murdoch can also bear testimony to its existence and purport, and to the view that Lord Sydenham took of it, and will remember that the letter was called forth by the particular and perhaps too zealous interference of some of my friends in England to secure Lord John Russell's protection to my interests. I may add that this letter was openly referred to by me in my written communications with Lord Sydenham as strengthening my right to an adequate pension or compensation if I retired from office.

I trust that in the circumstances I have detailed Lord Stanley will find, if not strict evidence, grounds of moral certainty that Lord Sydenham had a knowledge of every circumstance connected with my tenure of office, that I at least withheld nothing from him in the way of concealment, that he made the arrangement for my retirement on a pension advisedly, and after being satisfied that I had a right to it, and that it is now binding on Government.

That that arrangement was not reported by him to Her Majesty's Government should not, I respectfully submit, be now turned to my disadvantage, as it was probably owing to Lord Sydenham's accident and premature death in less than a month afterwards; but if I am not mistaken, he had previously received Lord John Russell's approval of the changes he proposed to make in the Executive Council department.

I must, in conclusion, briefly advert to that part of Lord Stanley's observations which relates to the amount of pension promised to me. But I not only claim the pension but remuneration for the loss of my former income of 1,030*l.* per annum, and for the advances I have made, and the ruinous pecuniary losses I have suffered in consequence of the non-fulfilment of the engagement entered into with me by Lord Sydenham on my retiring from office, and accepting another which he held out as an equivalent, but which by subsequent acts of Government has been the means of bringing me to the verge of ruin.

I have, &c.
(Signed) G. H. RYLAND.

Sub-Enclosure 1. in Enclosure to No. 7.

Sub-Encl. 1. in
Encl. to No. 7.

Sir,

Executive Council Office, Kingston, 11th June 1841.

With reference to our conversation the other day relative to the fees of the clerk of the Executive Council, I have to inform you that in consequence of your suggestion that the demanding of fees from the Upper Canadians, who have not been accustomed to pay them, might occasion complaints which at this moment would be embarrassing to Government, I immediately gave directions that no fees should from that period be exacted, either on money warrants, or for business done at the instance of individuals having claims on Government. In ceasing, however, to demand these rights of office, I wish it to be clearly understood that it is merely for the purpose of facilitating public business, and is not to be construed into an abandonment on my part of a right to exact these emoluments, or to receive indemnification from Government for the loss thereof.

I have, &c.
(Signed) G. H. RYLAND.

The Hon. S. B. Harrison,
&c. &c. &c.

Memorandum by his Excellency the Governor General.

Read. This can only be considered as a caveat; I do not believe that the clerk has any right to the fees at all.

Sub-Enclosure 2. in Enclosure to No. 7.

Sub-Encl. 2. in
Encl. to No. 7.

Sir,

Executive Council Office, 7th July 1841.

Having this day been furnished with a copy of my letter to you of the 11th ultimo, together with his Excellency's memorandum thereon, I feel compelled in self-justification to reiterate my claim to compensation for the loss of that part of my official income which at your request, and in order to prevent any embarrassment to the Provincial Government, I consented to cease to exact; and I feel convinced that when his Excellency shall have considered the grounds upon which I found my right, he will arrive at a very different conclusion from that expressed in his Excellency's memorandum at the foot of my letter, implying that I had brought forward an unfounded claim.

Enclosed is my commissions, together with a copy of Mr. Secretary Murdoch's letter of the 13th February, and the authorities under which I claim my fees of office. I also annex a copy of a report of Council made to the Earl of Dalhousie respecting warrant fees, to which I respectfully call his Excellency's attention, and as the ordinance there alluded to makes

makes provision for my other fees of office, I presume his Excellency will admit that if I am entitled to one item I am to the others, for if the ordinance applies at all, I apprehend that it is applicable to Canada generally, as it was passed before the provinces were divided.

Whilst on the subject of fees, I have to remark that previous to the declaration of the union of the provinces the clerk of the Council was called upon to furnish and prepare one warrant only for each payment of public money, the duplicate being furnished and prepared at the expense of the receiver general. Since the union, however, and at the request of that officer, with a view to facilitate public business, I have furnished and filled up all warrants in duplicate, thus performing double the duty required of me, and thereby, I most respectfully submit, by no means diminishing my claim to the trifling remuneration which the fee was intended to afford me.

Mr. Secretary Harrison,
&c. &c. &c.

I have, &c.,
(Signed) G. H. RYLAND.

Sub-Encl. 3. in
Encl. to No. 7.

Sub-Enclosure 3. in Enclosure to No. 7.

MEMORANDUM in connexion with Mr. RYLAND'S REPLY TO LORD STANLEY'S
OBSERVATIONS.

The undersigned, having, he trusts, satisfactorily proved that Lord Sydenham was fully acquainted with all the circumstances attending his appointment to the Council Office, begs most respectfully to bring under your Excellency's notice a most material point in Lord Normanby's despatch which the undersigned neglected to mention in his answer to Lord Stanley's observations, and which his Lordship appears to have entirely overlooked, viz., the wording of the contingency alluded to by Lord Normanby as likely to occur, and which it must be borne in mind was inserted under a misconception of the actual circumstances of the undersigned's appointment, rendering the despatch, in Lord Seaton's opinion, entirely inapplicable.

The words of the despatch run thus: "If the two provinces of Upper and Lower Canada should be hereafter united, and it should be found impossible to continue Mr. Ryland's services, &c. &c."

Now the natural question which follows is, Was it impossible? Certainly not. A clerk of the Council was absolutely required. There was no clerk of the Council in Upper Canada, or other person having claims on Government to interfere with the undersigned, who actually performed the duties of clerk of the Council of the united province for seven months after the union, and previous to the arrangement subsequently entered into, and which was suggested by a feeling of personal hostility on the part of Lord Sydenham, and a desire to get rid of the undersigned in order that he might fulfil his promise to Mr. Vardon, a gentleman who had no claims on the Provincial Government, but who had been recommended by some friend in England, and to whom his Lordship had pledged himself to give the place. This fact as far as regards Mr. Vardon was, and doubtless still is, on record in Lord Sydenham's own handwriting in the secretary's office. It is clear, therefore, that the contingency alluded to by Lord Normanby did not exist. *It was not impossible to continue the services of the undersigned.*

The only question then that admits of argument is, had Lord Sydenham the power to enter into the arrangement he did. That he was necessarily vested with extraordinary powers at that important period none can deny, and in making the arrangement he did with the undersigned he humbly maintains that he did not exceed the authority intrusted to him; otherwise why was the arrangement afterwards carried through by Sir Richard Jackson, and confirmed by Sir Charles Bagot? Why was not the undersigned put back into the Council Office, which was kept open for a twelvemonth, to which he had stipulated under certain circumstances to return, and which had been conferred on the undersigned, not in trust for services to be performed, but as a mark of the royal approbation for services already rendered by his father and himself? And, lastly, why is it that in the official answer, dated 7th* April 1843, to the undersigned's application to your Excellency for relief, his right to the fulfilment of the stipulations entered into with him by Lord Sydenham is fully and expressly admitted?

It is evident, therefore, that Lord Sydenham did not exceed his authority, that he was invested with extensive powers to carry through a great measure of the National Senate, that he acted as and was the representative of the Sovereign whom the undersigned also served, and that the Government continuing to enjoy the benefit of the arrangement then entered into with him is bound by every obligation of force among men to grant him full and ample compensation for the past, and an income equal to that which he gave up for the future.

Kingston, 19th February 1844.

(Signed) G. H. RYLAND.

* Page 9. of this Paper.

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Sub-enclosure 4. in Enclosure to No. 7.

EXTRACT from a private Letter, dated "Quebec, January 1843," from the Honourable T. C. AYLWIN, then Solicitor General for Lower Canada, to the Provincial Secretary.

"Our mutual friend Ryland is just leaving this place for the purpose of representing his present position as a public officer, and of enforcing his claims upon the Government. I have read the documents which he holds, and I am fully convinced that the Government cannot *shirk* his claims. If there be honour or honesty in the conduct of public affairs Ryland's claims must be recognized."

No. 8.

(No. 92.)

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

Government House, Kingston, 20th May 1844.

My Lord, (Received 14th June 1844.—Answered 27th June 1844. No. 247. Page 101.)

HAVING communicated to Mr. Ryland your Lordship's decision on his case, I now, at that gentleman's request, submit a copy of a further representation regarding his former application.

I have, &c.

(Signed) C. T. METCALFE.

No. 8.
Sir C. T. Metcalfe
to
Lord Stanley,
20th May 1844.

14th May 1844.

Enclosure in No. 8.

Encl. in No. 8.

Sir,

Quebec, 14th May 1844.

I am confident that under the peculiar circumstances of my case you will excuse my again addressing myself direct to your Excellency in answer to Lord Stanley's despatch of the 31st March * relative to my claims against Government.

I feel convinced that Her Majesty's Secretary of State in calling upon me for the explanations furnished through your Excellency in February last, and which his Lordship allows to have been, as far as I am concerned, perfectly satisfactory, could not have had any intention of evading the payment of a just and acknowledged debt by fixing on me the imputation of having deceived Lord Sydenham, or of repudiating on that ground the engagement of the representative of the Sovereign, whose premature death prevented the possibility of explaining his public acts; but I can only account for the view his Lordship has taken of the subject by the presumption that a pressure of public business consequent on the sitting of Parliament at the time has been the cause of his overlooking some most material points in the case, and of his thus adopting a conclusion to which on more mature reflection he would not have arrived.

Under these circumstances I am sure your Excellency will not object to bring the case again before his Lordship with a view first to its being reconsidered and his decision revised by himself, or (in the event of his Lordship still viewing it in the same manner) to its being submitted to Her Majesty's Privy Council, as involving not only individual rights and the good faith of the Crown, but embracing a vital principle of Government seriously affecting the position of Her Majesty's representative in this province.

I shall now, with your Excellency's permission, briefly take up and answer the grounds on which Lord Stanley has arrived at the conclusion communicated to me.

By his Lordship's despatch it appears that I am acquitted of having acted throughout the whole of the proceeding in any other than an honourable and upright manner, that I concealed nothing from Lord Sydenham, and that that nobleman was perfectly acquainted with every circumstance connected with my appointment to office; but according to the Secretary of State's fresh objection and view of the matter the late Governor General in entering into the arrangement he made with me violated some *implied instruction*, the reasons for which not having been communicated to the Colonial Office the head of that department cannot sanction the proceeding.

I trust it will appear to my Lord Stanley on a more deliberate and searching view of the case, that even if the despatch of Lord Normanby were not to be viewed as written under a misconception, and therefore as not applying to my case, there has in fact been no violation of it.

But there is an important preliminary consideration on which I may be permitted to dwell. Even supposing that this merely formal objection were well founded, and that Lord Sydenham by one of the last acts of his government, which he did not survive to report or to explain, had violated an instruction conveyed to him by the Secretary of State, justice forbids that for such an error on his part an innocent party who has surrendered advantages he was entitled to retain, and has trusted to an arrangement made, and a pledge given by the representative of his Sovereign whom he had reason to believe to be vested with sufficient authority for the purpose, should at a subsequent period be visited with ruin on account of a fact which he was not bound to know and had no right or power to inquire into or to

(112.)

H

ascertain.

* Page 101.

ascertain. Lord Sydenham came to Canada to carry through a great national measure, and was not only generally understood to hold plenary powers to make all executive arrangements necessary for carrying that measure into full effect, but the arrangements which he did make for that purpose under such general and discretionary authority have all been maintained and stand good, except that which he made with me; and even that arrangement has been acknowledged, ratified, and acted upon by Sir Charles Bagot and your Excellency as far as it was beneficial to Government, which enjoys the advantage of it, but it is now repudiated as far as it was intended to be beneficial to me.

I would here observe that even if Lord Sydenham had been administering the Government under ordinary circumstances, and without the peculiar trust and power which he certainly was allowed to exercise, the arrangements he made with me could not be set aside without seriously impairing the respect and confidence which ought to be placed in the public acts of the representative of the Sovereign; for if an agreement made by a governor with a public officer for his retirement is liable to be cancelled three years after it has been carried into effect on his part (perhaps to his utter ruin, as in my case,) upon the ground of some constructive departure from unknown instructions, there is an end to all reliance on the acts or promises of a Governor, unless he produces the special authority of the Secretary of State for every arrangement of this description which he makes, and his position will be reduced even to a lower level than that on which it has been lately attempted to place your Excellency in the exercise of the prerogative of the Crown.

But in point of fact Lord Normanby's letter was written under a misconception of the circumstances of my appointment, and was on that ground considered both by Lord Sydenham and his predecessor, who received it, as not applicable to my case; I received (as I have already shown) the appointment of clerk of the Council from Lord Durham, in lieu of other provision which had been proposed to me. I received it in the ordinary course of official promotion, not only for my own past services of twenty-two years in the second situation in the department, but also with express reference to my father's longer services of fifty-nine years in that and various other confidential situations. I received it therefore with no defeasible title, but absolutely and unconditionally, and without reference to the measure of the re-union of the provinces, which was not even recommended or proposed when Lord Durham appointed me. The effect therefore of Lord Normanby's despatch, if effect had been given to it, would have been to alter the tenure of the office several months after it had been bestowed on me, by annexing a condition which was not even imagined when I received it.

But giving it its fullest effect, it will be found that Lord Sydenham did not violate the instruction it conveyed. It intimated that if it were found impossible, in the event of the union taking place, to continue me as clerk of the Council, I was not to be considered as entitled to pension or compensation. But that impossibility was not found and cannot be alleged to have ever existed; on the contrary I held the office of clerk of the Council, doing the duty of the whole department for both sections of the province, for several months. The arrangement made with me by Lord Sydenham was based on the admission that I might have continued to hold the office, and he was the person who was to judge of the possibility or impossibility of my services being continued; but this point does not rest on his admission alone, for I have shown in my former letter to your Excellency of the 9th* February last, that the then Secretary for the Colonies, Lord John Russell, by a letter to Lord Sydenham, the existence of which I have proved beyond a doubt, declared that I was to be continued in the office I held. I will not for a moment admit the supposition that I shall be met by another formal objection, that it was not competent to Lord John Russell by a private letter, such as that to which I refer appears to have been, to cancel the effect of a public despatch such as that of Lord Normanby, but I adduce it as a further and conclusive proof that the impossibility of continuing my services after the union, which was the sole condition on which even under Lord Normanby's despatch my right of preserving the office could be defeated, did not exist in the judgment either of Her Majesty's representative here or of the Secretary of State for the Colonies; and therefore that Lord Sydenham did not violate either the letter or spirit of that despatch when he made an arrangement with me for compensation for the surrender of the office in question. It cannot indeed be pretended that any impossibility of my continuing in the office could have existed, either in reference to my fitness for it or to any grounds of public expediency, when it is considered that the office was not filled up for a year after I retired from it and nearly two years after the union of the provinces; that the duties of it were done by a head clerk during that period; and that it was ultimately conferred on a person who never had held any public situation higher than that of a clerk of the House of Assembly.

But I respectfully contend, that if Lord Sydenham's arrangement with me is to be set aside because he violated instructions, it must be set aside altogether, it cannot be good in part and bad in part; it would be contrary to the plainest principles of justice that the Government should affirm it as far as it was advantageous to itself, and disaffirm it as far as it conferred advantage on me. I should then have a right upon the same principles to be replaced precisely in the situation in which I was when Lord Sydenham made the offer to me which the Government now proposes to repudiate. I ought to be restored to the situation of clerk of the Council; and I should then be entitled to claim the same consideration and the same advantages as were extended to other officers of my own standing and

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and rank when the union took place, some of whom received appointments of equal or even greater value, and others liberal retiring pensions.

Lord Stanley has intimated an opinion that, at the utmost, I should only be entitled to a pension as for the situation of Assistant Clerk of the Council.

The measure of favour which his Lordship would thus give me would place me in a worse situation than the person who succeeded me as Assistant Clerk, but holding no commission, and who after having held the situation less than three years, and after obtaining an increase of salary only in February preceding his retirement, was allowed by Lord Sydenham to retire upon a pension of one half of his augmented salary.

I earnestly, however, contend, that to limit me to such a rate of pension as my Lord Stanley mentions, would be crowning the injustice of refusing to abide by Lord Sydenham's arrangement with me. I respectfully urge, that having, in consequence of my father's great age and infirmities, conducted the whole business of the department for some years before his death, having been appointed to succeed him, not only in the ordinary course of official promotion, but from regard had to his long and faithful services as well as to my own, and having, as I have already urged, been appointed absolutely and unconditionally by a Governor who had full powers to make the appointment, I was entitled to a retiring allowance calculated upon the emoluments of the office so conferred upon me.

In conclusion, as my Lord Stanley has admitted that the office to which I have been transferred has not realized "the legitimate expectations I had a right to entertain from the agreement with Lord Sydenham," I trust that his Lordship will not refuse to reconsider the case in the views I have attempted now to give of it; but should the result of that revision still be unfavourable to me, I would then respectfully pray that my claim upon the justice and good faith of Government as pledged to me by Lord Sydenham may be brought before Her Majesty in Her Privy Council; and notwithstanding the delays and difficulties that have arisen in the adjustment of those claims, I will not abandon the hope that they will be at last admitted; and that under your Excellency's wise and upright administration my case may be an example that the rights of the subject will be fully protected, and the honour of the Crown maintained.

His Excellency the Right Honourable
Sir Charles Metcalfe, Governor
General, &c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

No. 9.

(No. 97.)

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

Government House, Kingston, 25th May 1844.

My Lord, (Received, 14th June 1844.—Answered, 27th June 1844. No. 247. Page 101.)

I HAVE the honour to submit a copy of a further communication, with enclosure, from Mr. G. H. Ryland on the subject of his application to your Lordship to be indemnified for the loss of his office.

I have, &c.
(Signed) C. T. METCALFE.

Enclosure 1. in No. 9.

Sir,

Mount Lilac, Quebec, 18th May 1844.

I have to request you will lay before his Excellency the Governor General, in connexion with my letter to him of the 14th instant*, the enclosed copy of a letter written to me by order of Sir Richard Jackson on the 8th January 1842†, which fully proves, if further proof is requisite, how utterly inapplicable Lord Normanby's despatch was to my case; and, as my Lord Stanley grounds his objection to the full liquidation of my claims solely on the implied instruction conveyed in this despatch relative to the possibility of continuing my services in the event of a union, this letter will, I think, convince his Lordship, that so far from an impossibility existing, I was not only treated with and considered as, but actually was clerk of the Council of the united provinces up to the period when the registry ordinance was put into operation, and entitled to and received not only salary but compensation for fees under a previous arrangement entered into with Lord Sydenham some months after the union of the provinces, by which I consented to waive my right to exact these emoluments of office from residents of that portion of the united province which before constituted Upper Canada.

Lord Sydenham's arrangements with me, it will be seen, both as regarded fees and salary, were fully recognized and acted upon by his successor as settled and confirmed transactions; and any attempt at this late period to repudiate these acts, or to refuse the payment of any just claims arising out of them after the explanations required by the Secretary of State,

(112.)

No. 9.
Sir C. T. Metcalfe
to
Lord Stanley,
25th May 1844.

18th May 1844.

Encl. 1. in No. 9.

* Page 29. of this collection.

† Page 32.

and which it is admitted have been satisfactorily given, would, I again most respectfully urge, tend to destroy all confidence in the acts of the representative of the Sovereign, and at the same time be at variance with the acknowledged justice of the British Government.

I have, &c.

J. M. Higginson, Esquire, Civil Secretary,
&c. &c. &c.

(Signed) G. H. RYLAND

Encl. 2. in No. 9.

Enclosure 2. in No. 9.

Sir,

Chief Secretary's Office, Kingston, 8th January 1842.

I am commanded by the administrator of the Government to acknowledge the receipt of your letter of the 28th ultimo, requesting that a warrant may be issued for your salary as clerk of the Executive Council up to the 31st ultimo, together with a compensation for the loss of your fees to that date, at the rate sanctioned by the late Governor General.

In reply I am to inform you, that previously to the receipt of your letter a warrant had been signed by his Excellency for your salary. In regard to your compensation for loss of fees, his Excellency observes, that according to the strict letter of the agreement made with you in August last, such compensation would hardly appear to have been contemplated; but as you had at that time every reason to believe that the registry ordinance would come into operation early in the ensuing month, and as you, consequently, incurred expenses on the faith of Lord Sydenham's promise to you which you would otherwise have postponed, Sir R. Jackson considers that you have an equitable claim to compensation. His Excellency has accordingly authorized the Commissary General to pay to you the sum of 146*l.* 14*s.* 8*d.* currency, being the amount to which you would be entitled for the four months from the 1st September to the 1st instant at the rate agreed upon by Lord Sydenham.

I have, &c.

G. H. Ryland, Esquire,
&c. &c.

(Signed) T. W. C. MURDOCH,
Chief Secretary.

No. 10.

No. 10.

Sir C. T. Metcalfe
to
Lord Stanley,
24th August 1844.

(No. 133.)

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

Government House, Montreal, 24th August 1844.

My Lord,

(Received, 16th Sept. 1844.—Answered, 28th Sept. 1844. No. 288.)

At the request of Mr. Ryland, I submit a further representation from that gentleman.

He has availed himself of the allowance already granted by your Lordship, but not regarding that as a sufficient compensation for what he has lost under Lord Sydenham's arrangement, he continues to urge his claim to additional consideration, assuming it to be a right founded on Lord Sydenham's engagement.

I have, &c.

(Signed) C. T. METCALFE.

Encl. in No. 10.

Enclosure in No. 10.

Sir,

Quebec, 23d August 1844.

Having received from the Civil Secretary communication of Lord Stanley's last despatch relative to my claims on Government, I am again compelled to address myself to your Excellency with a view to a further reference being had to Her Majesty's Secretary of State on the subject.

It would appear that my Lord Stanley has throughout laboured under the erroneous conception that I claim remuneration for the loss of the office of clerk of the Council of Lower Canada, and that under this supposition he has awarded me a pension of the precise amount of that for which my messenger in the aforesaid department is now borne on the pension list of the country.

On this point I crave with all due submission to set his Lordship right, and respectfully to submit that my claim has no reference to any appointment I might have held in that part of the province hitherto termed Lower Canada, but to the fulfilment of an arrangement entered into with me by Her Majesty's representative in this province on the part of the Crown, after the union, by which I consented on public grounds and under certain conditions distinctly expressed in a memorandum* laid before the late Governor General to resign the appointment of clerk of the *Council of Canada*, to which I had been appointed on the union of the provinces, in February 1841, by Lord Sydenham at the desire of the then Secretary of State, Lord John Russell.

* See Memorandum,
dated 22d Aug. 1841,
page 14. . .

My negotiation with Lord Sydenham, on which my claims are founded, had no relation to the clerkship of the Council of Lower Canada, which had ceased to exist; and I may here refer your Excellency to the terms of the guarantee given to me on the 23d August 1841, the very first sentence of which speaks of fees given up by me since the union, and again, further on it continues, "as it is possible that the emoluments of the registrarship of Quebec may fall very far below those of your present office" (that is, the clerkship of the Council of the united province,) "his Excellency is willing to guarantee to you an income equal to the sum to which you would be entitled as a retiring allowance were your employment in the public service altogether discontinued." Nothing I think can more plainly demonstrate than this the position I then held in her Majesty's service. But in order to remove all possibility of doubt upon the subject I would call your Excellency's and Lord Stanley's attention to my official letters of the 3d September and 17th December 1841, wherein I gave my consent, under certain conditions only, to the arrangement proposed, concluding, in my answer to Sir Richard Jackson's circular of the 8th December, by stipulating that in case Sir Charles Bagot did not approve of my appointment as "registrar of Quebec, I should return to the office which I then held as registrar and clerk of the Council of Canada, until such time as another of equal respectability and emolument should be provided for me," and your Excellency is doubtless aware that the office was not filled up nor a successor appointed to me for nearly a year after. But there is another very important feature in the case which my Lord Stanley appears to have entirely overlooked, viz., that he himself was a party to the transaction which he would now repudiate, inasmuch as the appointments filled up by Sir Richard Jackson, in compliance with previous arrangements entered into by Lord Sydenham, were duly and officially communicated, and a list forwarded, in which my name is included, by Sir Richard, to the Colonial Office of which my Lord Stanley was the head, who subsequently acknowledged and confirmed them by his despatch to Sir Charles Bagot on his assumption of the government, and if Lord Sydenham's sudden death prevented his communicating, or Sir Richard Jackson omitted to notify, the precise terms of the arrangement entered into with me, that is no affair of mine, nor can I with justice be held responsible for this omission on their part. I have shown that my appointment as clerk of the Council of Canada was sanctioned by anticipation in the despatch of Lord Normanby of the 3d July 1839, and directly by the acts of Lord John Russell and Lord Sydenham on the union of the provinces in February 1841, and that I afterwards in good faith and on public grounds consented to relinquish this appointment when I was not compelled to do so. It is unnecessary, however, again to go over grounds which have already been brought so clearly under the notice of the Secretary of State; suffice it that the explanations I have been called upon to give have been declared satisfactory, and that his Lordship admits the principle upon which my claim rests. In his view of the case I am entitled to a pension; and as far therefore as the future is concerned the question of amount remains solely to be determined, and upon this the Imperial Act, 4th & 5th Will. IV. cap. 24., on which the pensions of those public servants who have retired since the union have been calculated, is very explicit. I shall now only observe that when the registrarship of Quebec was offered me in exchange for the office I was required to give up, it was calculated that the first year's enrégistration would yield a sum of money, affording, with the income of 515*l.* guaranteed to me, an adequate remuneration for the loss of the office in question. Before the expiration of the year, however, a measure was sanctioned by the Executive which did away with the remunerating clauses of the Registry Bill, and the Act passed during the last session of the Provincial Parliament abolished the District Office altogether, cutting off three fourths of the territorial extent, and substituting a mere county office instead.

My position, therefore, with regard to Government, is now entirely changed from what it was at the time of my accepting the guarantee and up to the period of the first alteration in the Act; and I consequently claim,

- 1st. To be reimbursed the monies which I have advanced from my private means for the public service on the faith of Government, as pledged to me by Lord Sydenham.
- 2d. Payment of the income which I enjoyed as clerk of the Council of Canada from the fall of the year 1841, when I consented to retire from it.
- 3d. Remuneration for the heavy losses to which I have been subjected by the nonfulfilment on the part of the Crown of the arrangement entered into with me by Her Majesty's representative.
- 4th. I claim for the future a pension of 515*l.* per annum, to which by my length of service I am entitled, under the Imperial Act 4th & 5th Will. IV. cap. 24., or to be restored to the clerkship of the Council, with the same advantages as when I retired from it.

It may perhaps be considered a harsh measure to dispossess the present incumbent, but when it is considered that he has no claim on Government other than that founded on his occupation of the Council Office during the last twenty months, it will I think be allowed that the hardship on him would be trifling compared with the injustice that would be inflicted on me, were I, without adequate remuneration and without cause, to be deprived on any pretext whatsoever of an appointment expressly conferred on me by my Sovereign in approbation of my official conduct.

In conclusion, as my Lord Stanley, with every inclination to do me justice, which, from the high character that nobleman enjoys as a Minister of the Crown for honour and integrity in the conduct of that branch of the public service entrusted to his charge, I will not abandon the belief, after the explanations now given, that I shall ultimately receive, may yet be at a loss for funds to meet my claim, I would respectfully point to the pension list of 5,000*l.* per annum reserved by the Re-union Act which shows an unappropriated and available

Enclosure 1.

Encl. 2. and 4.
Enclosure 3.

Enclosure 5.

Vide Despatches
and Instructions
to the Governor
General.

amount of about 2,000*l.* per annum, out of which a part of my claim for the past as well as a pension for the future might be secured me, and to the fund set apart by the same Act for the Executive Council Department, which since the retirement of your Excellency's late ministry exhibits a very considerable unappropriated amount; and as my present claim arises out of the position I formerly held in that department I respectfully submit that this sum might fairly be applied as peculiarly applicable to my case, particularly as it would, with the balance above mentioned on the pension list, afford nearly a sufficient amount to cover the whole of my claim, without the necessity of applying either to the Provincial Legislature or to the Imperial Parliament on the subject.

His Excellency the Right
Honourable Sir Charles Metcalfe,
Governor General, &c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

The Enclosures contained in the foregoing letter from Mr. Ryland consist of—

1. Letter from Mr. Secretary Murdoch, 23d August 1841, vide the page 16 of this collection.
2. Mr. Ryland's letter, 3d September 1841, page 16 of this collection.
3. Circular of 8th December 1841, offering Mr. Ryland the registrarship of Quebec, page 17 of this collection.
4. Mr. Ryland's letter, 17th December 1841, page 17 of this collection.
5. Mr. Secretary Murdoch to Mr. Ryland, 8th January 1842, page 32 of this collection.

CIVIL SECRETARY'S OFFICE.

Sir,*

Montreal, 25th October 1844.

I am directed by the Governor General to inform you, that his Excellency has received a despatch from the Secretary of State acknowledging the receipt of your communication of the 23d August last, in which you claim further compensation for the loss of the office of clerk of the Executive Council, and for the non-fulfilment of the expectation which had been held out to you when you accepted the office of registrar of the district of Quebec; and the Governor General is instructed to acquaint you that Lord Stanley has fully considered your present representation, and that his Lordship has not perceived in it sufficient grounds to alter the view which he had already taken of your case. The claim which you prefer cannot be admitted as a matter of right; and Lord Stanley refers you to the decision conveyed in his former reply as finally disposing of the subject, so far as H. M. Executive Government are concerned.*

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

I have, &c.

J. M. HIGGINSON.

No. 11.

(No. 276.)

No. 11.
Lord Metcalfe
to
Lord Stanley,
19th May 1845.

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

Government House, Montreal, 19th May 1845.

My Lord, (Received 14th June 1845—Answered 27th June 1845. No. 397. Page 102.)

AT the request of Mr. G. H. Ryland, I beg leave to transmit herewith the copy of an order by the Governor General in Council, dated the 13th February 1841.

Mr. Ryland is under the impression that your Lordship is not acquainted with the fact of the existence of his document showing that he was sworn in as registrar and clerk of the Executive Council of Canada, and he supposes that the knowledge of this circumstance might induce your Lordship to take a different view of his case from that which has already been communicated to him by your Lordship's order.

I have, &c.
(Signed) METCALFE.

Enclosure in No. 11.

Saturday, 13th February 1841.

At the Council Chamber in the Government House, Montreal :

PRESENT,

His Excellency the Right Honourable Lord Sydenham, Governor General of British North America, &c. &c. &c.

His Excellency the Governor General having intimated that he had caused letters patent under the great seal of the province to issue, appointing the Honourable Robert Baldwin Sullivan, John Henry Dunn, Dominick Daly, Samuel Bealy Harrison, Charles Richard Ogden, William Henry Draper, Robert Baldwin, Charles Dewy Day, Esquires, to be

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

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members of Her Majesty's Executive Council for the province of Canada; there appeared the Honourable Dominick Daly, Samuel Bealy Harrison, Charles Richard Ogden, and William Henry Draper, who severally took and subscribed the oaths of office prescribed by law, which were administered by his Excellency; George H. Ryland, Esquire, having been subsequently sworn in as registrar and clerk of the Executive Council of the province of Canada.

The Council adjourned.

Certified. (Signed) E. PARANT, C.Ex.C.

(No. 303.) No. 12.
 COPY of a DESPATCH from Governor General Lord METCALFE to Lord STANLEY.
 Government House, Montreal, 26th June 1845.
 (Received, 15th July 1845.—Answered 27th June 1845,
 No. 397. Page 102.)

No. 12.
 Lord Metcalfe
 to
 Lord Stanley,
 26th June 1845.

25th June 1845.
 * Page 34. of this
 collection.

My Lord,

In obedience to the instructions contained in your Lordship's despatch of the 3d instant, I called upon Mr. G. H. Ryland for a copy of the communication addressed by him to your Lordship, and I transmit herewith a copy of that gentleman's reply. A copy of the Order in Council to which reference is made was forwarded with my despatch No. 276.* of the 19th ultimo.

The occurrence of a vacancy in the office of registrar of Montreal has enabled me to ameliorate Mr. Ryland's condition; but I propose by the next packet to address your Lordship more fully on the subject of his appointment to that situation.

I have, &c.
 (Signed) METCALFE.

Enclosure in No. 12.

Encl. in No. 12.

Sir,

Mount Lilac, Beaufort, 25th June 1845.

I have the honour to acknowledge the receipt of your letter of the 23d instant, calling upon me, by command of the Secretary of State, for a copy of a letter which I wrote to him on the subject matter of my claims on the 25th of April last.†

Having only kept a note of the letter in question, I regret that I cannot comply with Lord Stanley's desire that I should furnish you with a copy, but it was in substance as follows; viz.,

That I took the liberty (unofficially) of forwarding to him a copy of a minute of the Executive Council of Canada, dated 13th February 1841,‡ which I had that day received from the Provincial Secretary, and which I had reason to think that his Lordship could not have perused, otherwise the argument advanced in his despatches of the 31st March § and 27th June § 1844, as justifying the Government in refusing to liquidate my claims, never could have been brought forward, inasmuch as the document now laid before him not only removed anything like a doubt as to the possibility of continuing my services on the union of the provinces, but fully established the fact that I was appointed registrar and clerk of the Council of the united province, and that I held that appointment under precisely the same authority as the members of the Council held their seats; and moreover that I continued to discharge the duties of the office in question for nearly a year after the union, and might still have continued to hold it had I not consented to vacate it on the faith of Government, pledged to me by the representative of the Sovereign.

I then added that a special committee of the Legislative Assembly, to whom the case was referred by order of the house, had reported, stating that Lord Sydenham's pledge was binding on the Government, but that the late period of the session and the difficulty of getting a quorum together at the time prevented the report being brought in, and a resolve being come to thereon in accordance therewith, and that the matter therefore still remained exactly as it was when his Lordship's last despatch was received by the Governor General, and consequently if the document I then enclosed him carried to his mind the conviction, which I could not but think it would do, of the total inapplicability of Lord Normanby's despatch to my case, it was still in the Secretary of State's power (as I felt convinced it must be his desire) to revise his opinion, and to do me that justice which as a British subject I had a right to expect.

J. M. Higginson, Esquire, Civil Secretary,
 Government House.

I have, &c.
 (Signed) G. H. RYLAND.

† Page 114. of this
 paper.
 ‡ Page 34.
 § Page 101.

(No. 305.) No. 13.
 COPY of a DESPATCH from Governor General Lord METCALFE to Lord STANLEY.
 Government House, Montreal, 2d July 1845.
 (Received, 30th July 1845.—Answered, 10th Aug. 1845,
 No. 413. Page 103.)

No. 13.
 Lord Metcalfe
 to
 Lord Stanley,
 2d July 1845.

My Lord,

In reference to my despatch No. 303. of the 26th ultimo, I now submit for your Lordship's information copies of a correspondence that passed between
 (112.) the

Secretary Daly,
 16th June 1845.
 Mr. Ryland,
 17th June 1845.

Secretary Daly,
23d June 1845.
Mr. Ryland,
24th June 1845.

the Secretary of the province and Mr. G. H. Ryland on the appointment of the latter to be registrar of the county of Montreal; an office which I conceived it to be an act of justice to offer to Mr. Ryland, in consequence of the arrangements entered into with him by the late Lord Sydenham upon his resigning the clerkship of the Executive Council.

The registrarship of the county of Montreal was vacated by the death of Mr. Edward Dowling, a man of highly estimable character, and one who had always strenuously exerted himself in support of Her Majesty's Government in this province; he was much and deservedly respected, and I lamented his death as a public loss.

I have, &c.
(Signed) METCALFE.

Encl. 1. in No. 13.

Enclosure 1. in No. 13.

Sir,

Secretary's Office, Montreal, 16th June 1845.

I have the honour, by command of the Governor General, to inform you, that it is his Excellency's intention to confer upon you the office of registrar for the county of Montreal, in lieu of the office which you at present hold.

His Excellency's attention, I am to add, has been necessarily called to the terms of Lord Stanley's despatch of the 31st of March 1844, authorizing the pension which you at present receive; and he considers it right that you should be made aware that he will not be able to continue to you that pension after you shall have become registrar for the county of Montreal, inasmuch as the terms of the despatch only warrant the continuance of the pension until such time as it shall be in the power of the Provincial Government to appoint you to some more lucrative office than your present one.

G. H. Ryland, Esquire,
&c. &c. &c.
Montreal.

I have, &c.
(Signed) D. DALY, Secretary.

Encl. 2. in No. 13.

Enclosure 2. in No. 13.

Sir,

Quebec, 17th June 1845.

I have the honour to acknowledge the receipt of your official communication of yesterday's date, informing me that it is "his Excellency the Governor General's intention to confer upon me the office of registrar for the county of Montreal, in lieu of the office which I at present hold," and in reply I have to request you will convey to his Excellency my grateful assent to the proposed transfer.

In regard to the latter part of your letter, however, I remark that the proposal to withdraw my pension is founded on what appears to me to be an erroneous and narrow construction of the terms of Lord Stanley's despatch, which warrant the continuance of the pension only until such time as it shall be in the power of the Provincial Government to appoint me to some more lucrative office than my present one. These terms are, I regret to say, so indefinite, as to forbid my acquiescing unreservedly, as I should wish to do, in every proposition emanating from the Governor General.

If by the words "more lucrative office" you mean an income equal to that which was guaranteed to me under circumstances which I need not now detail, then I accept the proposition unconditionally; but as I have never acquiesced in the decision arrived at by Lord Stanley, and have hitherto drawn the amount authorized by him, considering it as but an instalment of a greater indemnity to be paid at a future day, if it be now meant to deprive me of my pension, whatever be the excess of income over my present office to be derived from the proposed transfer, I am compelled in the most respectful manner to make known my dissent.

To record my views with the requisite precision I must add, that if the emoluments of the proposed office be equal to the income to which I am entitled under a solemn engagement which the Governor General has recognized and professed his desire to fulfil, I shall cheerfully forego my pension; if it be not, I can accept that increase only as part payment of what his Excellency has admitted to be justly my due.

The Honourable Mr. Daly,
Provincial Secretary.

I have, &c.
(Signed) G. H. RYLAND.

Encl. 3. in No. 13.

Enclosure 3. in No. 13.

Sir,

Secretary's Office, Montreal, 23d June 1845.

I have had the honour to lay before the Governor General your letter of the 17th, in reply to mine of the 16th instant, in which you signify your acceptance of the office of registrar of Montreal.

With

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With reference to the concluding paragraphs of your letter, I am to observe, that the authority which granted you the pension to which they relate expressly granted it subject to the condition of its ceasing on your appointment to any more lucrative office than the one you then held; so that his Excellency has no power to decide in the case otherwise than in the terms of my letter to you of the 16th instant.

I am further desired to state that the Governor General can be no party to any conditions or stipulations regarding your assumed claims for further compensation.

Your commission as registrar of the county of Montreal is enclosed herewith; and I am to convey to you his Excellency's instructions that you should lose no time in repairing to Montreal, and placing yourself in communication with the Attorney General on the subject of your bonds.

I have, &c.
D. DALY, Secretary.

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

Enclosure 4. in No. 13.

Encl. 4. in No. 13.

Sir,

Mount Lilac, Beaufort, 24th June 1845.

I have to acknowledge the receipt of your letter of the 23d instant, enclosing my commission as registrar of Montreal, and in obedience with his Excellency's commands I shall proceed to that place to-morrow, for the purpose of being sworn in.

I have at the same time to request that you will assure his Excellency the Governor General that I have no wish to impose any conditions or stipulations on him, nor do I assume any claim for further compensation in consequence of the present transfer of my departmental duties from Quebec to Montreal; all that I wish, in accepting his Excellency's kind offer, is to impress upon the Government that in doing so I am not to be considered as in any way sacrificing or damaging my claims under the arrangement entered into between the representative of the Crown and myself in August 1841.

I have, &c.
G. H. RYLAND.

The Honourable Mr. Daly,
Provincial Secretary,
&c. &c. &c.

No. 14.

(No. 329.)

Copy of a Despatch from Governor General Lord METCALFE to Lord STANLEY.

Montreal, 8th August 1845.

My Lord, (Received 29th Aug. 1845.—Answered 16th Sept. 1845. No. 436. Page 103.)

HAVING communicated to Mr. G. H. Ryland the substance of your Lordship's despatch, No. 397*, of the 27th June, I submit a copy of a letter in reply from that gentleman, which, being addressed to me, I consider it to be my duty to express my sentiments on the subject of it.

It has always appeared to me that Mr. Ryland's claim rests exclusively upon the engagement entered into with him by the late Lord Sydenham, which, supposing it to be valid, ought, I conceive, to be binding on the local government; but I do not see upon what ground Mr. Ryland is entitled to a pension. Holding de facto the clerkship to the Executive Council of Canada, he voluntarily resigned that office for another appointment upon certain conditions; and I consider that if these can be complied with every obligation towards Mr. Ryland will be fulfilled. Under this view of the case I have lately advanced him to a more lucrative situation than that for which he resigned the clerkship to the Executive Council. I am not at present able to say whether or not the emoluments of the new office will be sufficient to redeem Lord Sydenham's pledge for the future, or to afford compensation for the past; but I am of opinion that the local Government and the colony are the responsible parties, as the arrangement was made for political purposes connected with the new system of government established to meet the views then entertained by the colony.

I have, &c.
(Signed) METCALFE.

Enclosure in No. 14.

Encl. in No. 14.

Mr. RYLAND to his Excellency Lord METCALFE.

My Lord,

Montreal, 28th July 1845.

Having received from Mr. Secretary Higginson a letter dated the 23d instant, apprizing me of the receipt of a despatch from the Secretary of State relative to a previous communication from me, proving that I had been sworn in as registrar and clerk of the Executive

(112.)

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Council

Council of Canada, I again take the liberty of addressing myself to your Excellency, as the representative of my Sovereign, to procure me that justice and redress which a British subject rarely sues to his Government for in vain. I will not, my Lord, believe that the Secretary of State would interpose the power with which he is vested to bar my right to the fulfilment of Lord Sydenham's guarantee, or that he would allow any possible disapproval of that nobleman's measures generally to operate in a way prejudicial to my interests; nevertheless I learn with some surprise that Lord Stanley was perfectly aware that for some months after the union of the provinces I discharged the duties and enjoyed the emoluments of the clerk of the Executive Council of Canada. But his Lordship declines to alter his opinion, because he observes that that was clearly a temporary arrangement, as I was not regularly appointed to the office either by a commission from the Governor or from her Majesty, like *my successor*, in that situation.

His Lordship will permit me to assume as incontrovertible the converse of his proposition, namely, that I am of right entitled to a favourable decision, if I was regularly appointed to the office.

It is among the anomalies of my case, that so accurate a reasoner as his Lordship should deny that I had been regularly appointed to office, and yet advert in precise terms to "*my successor in that situation*." If the present incumbent be my successor, as his Lordship most justly and truly observes, I was his predecessor in that situation. It is indeed so true that I held that appointment, that had I not relied upon the terms of the contract made with Lord Sydenham, and on the faith of that arrangement vacated the office, Mr. Parent could not have succeeded me, and I should still have been in that situation. I make this emphatic declaration, under the conviction, that as I had for many years conducted the Council Office in Lower Canada to the perfect and expressed satisfaction of those Governors under whom I served, Lord Sydenham never would have violated the rules of the civil service or the principles of justice, as well as those of public policy, so far as to have deprived me against my consent of the clerkship of the Council of Canada, to which on the union of the provinces I had formally been inducted.

In ordinary cases, I should feel that the proposition on which Lord Stanley has thus made my application to depend had been fully demonstrated; but in my peculiar case, I feel that I may be expected, if not called upon, not only to maintain my own ground, but syllogistically to controvert arguments, the weakness of which in any other case would have been sufficiently apparent.

As I have observed, his Lordship has distinctly admitted me to have been the predecessor of the present clerk of the Council, and as such in that very situation; but the want of regularity in my appointment, according to Lord Stanley's idea, consists in this, that no commission was actually delivered to me.

I shall not ascribe to his Lordship any undue regard for mere forms, still less shall I charge him with any tendency to attach too great an importance to a mere slip of parchment, but I will beg leave most respectfully to remind him, that such a commission is not in every case indispensable. The will of the Sovereign, however expressed, constitutes the appointment, and in moments of tumult and excitement, in critical and perilous times, a Colonial Governor may justly demand the services of any of Her Majesty's subjects, and they may feel bound not only to obey, but justified in confiding to a verbal declaration of his viceregal pleasure. As a proof of this, I may affirm that several councillors were summoned, attended in their places, were sworn in by me, and took part in the debates and decisions of Council without any mandamus or commission of any kind. This must have been held to have been legal from the necessity of the case. So, in virtue of my appointment, I was directed, six months after the union, to proceed alone from Kingston to Quebec, to swear in, and I did then swear in among other individuals and bodies, the present Chief Justice Sir James Stuart as Deputy Governor and the members of the Court of Appeals. If every judgment they have since rendered be not absolutely null and void, then was my appointment sufficient. It is true, however, that but for the change which took place shortly afterwards I should have had a commission duly engrossed on parchment. In the case of an officer in contact with the public, that measure might have been desirable and necessary from the instant of his appointment; to enable him to exhibit his authority, but as I generally acted under the eye of the Governor, and in his presence, there could be no necessity for proving that he sanctioned my acts. In fact, the piece of parchment is not the appointment, but the evidence of it. The appointment, properly so called, is as I have before stated, the will of the Sovereign, whether expressed verbally, of which there are examples, or by the mere delivery of the seals, as is the case with the Lord Chancellor, the highest civil functionary.

But, my Lord, the fact of my having held or not having held a commission is of very minor importance. Lord Stanley has admitted that I held the office of registrar and clerk of the Council for several months after the union. Now, it is a well established and notorious fact, that my successor was neither thought of nor appointed until nearly two years after the Union, when Sir Charles Bagot was pleased to call Messrs. Lafontaine and Baldwin to his Council, when this measure of state policy led to the appointment "of my successor in that situation." Consequently, there was no impossibility of continuing my services as clerk of the Council, when I consented to retire from it, and the only obstacle to the liquidation of my claims under Lord Sydenham's guarantee is at last removed.

Either as clerk of the Council of Lower Canada then, or as clerk of the Council of the united province, I was equally entitled to retire upon a pension of 515*l.* per annum, under the

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the Imperial Act 4th and 5th Will. IV., which Act regulated the pensions of all those officers of Government who retired from the public service at that period, without reference to their having held commissions. I may here instance the case of the assistant clerk of the Council of Lower Canada, who held no commission or even a letter of appointment, but who simply took the oath of secrecy before the Council about eighteen months prior to the union. Yet this gentleman is borne on the pension list of the country for a retiring allowance of one half of his salary, besides a pension of 135*l.* as librarian to the Assembly, whilst I, who was his principal, after twenty-seven years of public service, am not only refused payment of monies advanced out of my private means for the public service, but, owing to the absence of a mere form, considered as incapacitated from enjoying benefits freely conceded to my juniors.

Under these circumstances, my Lord, I have no hesitation in requesting that you will again bring the case, in the view I have now given of it, under the reconsideration of Her Majesty's Secretary of State, accompanied by an expression of your Lordship's opinion thereon, and as the settlement of my claims involves not only the mere payment of a sum of money, but a vital principle seriously affecting the position of Her Majesty's representative in this country, and the character of its Government, I trust that your Lordship's kind interference in my behalf will in this instance be successful, and the affair finally be disposed of, by discharging the debt, and securing my retirement for the future on the pension to which I am entitled under the Act already quoted.

I have, &c.
(Signed) G. H. RYLAND.

His Excellency the
Right Honourable Lord Metcalfe,
Governor General, &c. &c. &c.

No. 15.

(No. 22.)

COPY of a DESPATCH from Earl CATHCART to the Right Honourable
W. E. GLADSTONE.

Government House, Montreal, 9th March 1846.

Sir, (Received, 15th April 1846.—Answered 1st May 1846. No. 60. Page 103.)

IN obedience to the instructions contained in your letter of the 25th January, No. 9*, I submit herewith a copy of Mr. Ryland's communication of the 14th December last to Lord Stanley, together with his letter to me transmitting the same.

The claim of this gentleman to compensation for loss of office has been so fully and repeatedly reported on by Lord Metcalfe, in whose opinion in reference to it I entirely concur, that it only seems necessary that I should make you acquainted with the further proceedings on this subject that have taken place subsequently to the date of his Lordship's last despatch, No. 239, of the 8th of August, and with this view I beg leave to enclose for your information copies of a report of a Committee † of the Executive Council upon Mr. Ryland's claim, and of a minute recorded by Lord Metcalfe, assigning his reasons for withholding his approval from the report.

I have, &c.
(Signed) CATHCART.

Enclosure 1. in No. 15.

My Lord,

Having this day received instructions from the Secretary of State, in a letter dated Downing Street, 21st January 1846, directing me to furnish through your Lordship a copy of a communication addressed by me to Lord Stanley on the 14th December last, I have now the honour of forwarding the required document and accompanying papers.

In complying with this direction, my Lord, I feel confident that as your Lordship is in possession of the whole facts of my extraordinary case I shall require no further advocacy with you to obtain such a representation on the subject as will enable Her Majesty's Secretary of State to maintain the honour of the Crown in this province, and at the same time to secure me an adequate compensation for the injustice and ruinous losses I have experienced in consequence of the faith I reposed in the integrity of the British Government.

I would, my Lord, in conclusion, respectfully request that as every day adds to the extreme difficulties of my position, should your Lordship have an earlier opportunity, by one of the New York packets, of forwarding your report than that offered by the steam packet from Boston on the 1st April, you will kindly avail yourself of it, so that a decision may, if possible, be had in the early part of May, when, if relief is not extended to me, I shall have to sacrifice the remainder of my property.

The Right Hon. the Earl Cathcart.

(112.)

I have, &c.
(Signed) G. H. RYLAND.

Enclosure

No. 15.
Earl Cathcart
to the
Right Hon.
W. E. Gladstone,
9th March 1846.

* Page 103.

Enclosure No. 1.
14th December 1845.

Enclosure No. 2.
Letter to Acting Civil
Secretary Cotton of
2d March 1846.

Enclosure No. 3.
11th October 1846.

Enclosure No. 4.
Letter to Mr. Secretary
Higginson, 22d No-
vember 1845.

† Enclosures
No. 5. and No. 6.
Report of Assembly
and Council on Mr.
Ryland's Petition.

Pages 42 and 44.
5th November 1845.

Encl. 1. in No. 15.

Enclosure 1. in No. 15.

My Lord,

Mount Lilac, Beaufort, Quebec, 14th Dec. 1845.

As my case has now assumed a very important character, involving a vital principle of Government, and I may say the political existence of the representative of the Crown in this province, I consider it my duty to make your Lordship acquainted with the exact position in which the Government is now placed as regards my claims, and as Lord Metcalfe will probably bring the matter under your notice on his arrival in England, I take the liberty of enclosing copies of my two last letters, referred to the Executive Council, together with a copy of the report of the Special Committee of the Legislative Assembly to whom the case was referred, by order of the House, during the last session of Parliament. This document, your Lordship will perceive, is official: but as I alluded to it in a former note, I now send it, as showing the opinion that was then entertained on the subject by the Committee of a legislative body before the case had assumed its present aggravated form.

In conclusion, my Lord, I trust that if in my correspondence with the Governor General I have been led into the use of stronger language than is ordinarily employed in official communications, it will not be attributed to any want of proper respect for your Lordship's station and character, but to the irritation I cannot but feel when I reflect on the extreme injustice I have experienced.

The Right Hon. Lord Stanley,
 &c. &c. &c.

I have, &c.
 (Signed) G. H. RYLAND.

Mr. Ryland to Lord Metcalfe, 11th Oct. 1845.
 Do. to Mr. Secretary Higginson, 22d Nov. 1845.
 Report of Committee of Assembly, 28th March 1845.

Encl. 2. in No. 15.

Enclosure 2. in No. 15.

Sir,

Quebec, 2d March 1846.

I have to acknowledge the receipt by this day's mail of your official communication of the 28th ultimo, and in answer beg to inform you that in pursuance of the instructions I received by the February mail from the Secretary of State, dated Downing Street, 21st January 1846, I have already forwarded to the Governor General a copy of my communication to Lord Stanley of the 14th December last, alluded to in your letter.

I trust I shall not be considered on the present occasion guilty of too great a liberty if I take advantage of this opportunity to refer his Excellency to the evidence contained in the report of the commissioners appointed to inquire into the grievances complained of in Lower Canada, published by order of the House of Commons, in 1837, an extract of which I enclose, as peculiarly applicable to *the question of principle*, which I understand has occasioned the delay in the settlement of *my recognized claims*. Not that I admit that any difference of opinion of this kind between the Governor and his advisers should be allowed to operate to the injury of the subject, or to the violation on the part of Government of a solemn contract which in private life would be considered binding between man and man, but I refer to it as conveying the ideas of an individual whose opinions on matters connected with the affairs of this country have ever been considered entitled to considerable respect, backed as they are on this particular subject by the opinion of his Excellency's predecessor and the sense of the country.

Henry Cotton, Esq.,
 Acting Civil Secretary.

I have, &c.
 (Signed) G. H. RYLAND.

Extract from the Reports of the Commissioners appointed to inquire into the grievances complained of in Lower Canada.—Printed by order of the House of Commons, 20th February 1847.

Appendix, No. 4. Page 128.

Evidence relating to the Executive Council.

John Neilson, Esq., called in, and examined.

1st Question.—“Will you state, in respect to the Executive Council, of what number you think it ought to be composed?”

Answer.—“That is rather a difficult question.”

“The Governor acts for the King, whose authority extends throughout the empire, and is, in fact, the only legal bond of union. The Governor must be independent of his Council, for if it controlled him there would be a separate and independent Government in each colony, and no single power pervading the whole.”

Encl. 3. in No. 15.

Enclosure 3. in No. 15.

My Lord,

Montreal, 11th October 1845.

Mr. Secretary Higginson having communicated to me a despatch from the Secretary of State, in reply to a communication from your Excellency, transmitting a copy of my letter of the 28th July last, I am induced again to address myself to your Lordship, in the firm hope that Lord Stanley's present decision may be considered a sufficient authority to authorize your Lordship to adopt such measures as in your opinion may lead to the liquidation of my

my claims, and the fulfilment of the pledge given to me by the representative of the Crown in 1841.

When first my case was brought under the consideration of the Secretary of State, I was called upon to furnish explanations to enable the Home Government to take it up. These explanations were considered satisfactory. I have since removed every subsequent objection raised by Lord Stanley, and I rejoice to find that his Lordship has no other objection to urge than that the Home Government declines to fulfil the arrangement entered into between Lord Sydenham and myself, on the plea that they were not a party to the transaction, and declares that "if the pledge given to me is a valid one, the responsibility of redeeming it rests with the Provincial and not with the Home Government." On this point, my Lord, I shall restrict myself to one observation, viz. that in my apprehension they were parties to the transaction, inasmuch as they intervened by and through one having sufficient authority. Such is the common law, and such the well-understood rule by which all contracts between man and man are regulated. I could, therefore, my Lord, scarcely have supposed that a nobleman holding the high appointment which Lord Stanley fills would have thought of avoiding the payment of a just debt, by casting doubt upon the validity of a solemn pledge given by the representative of his Sovereign, at the important moment of carrying through a great measure of the national senate. For, if discredit is to be thrown upon such a pledge, what reliance could ever be placed on the promises or assertions of any person whom her Majesty might select to administer the government of one of her Majesty's colonies under ordinary circumstances.

But, my Lord, I respectfully maintain that you are constituted the sole judge as to the validity of the pledge given to me, and that it would be inconsistent with the position of her Majesty's representative in this province were his opinions in matters of a local nature affecting the character and honour of the Government of which he is the head to be shackled and controlled, and the course of justice impeded, by the adverse opinion of any individual holding office three thousand miles away from the colony.

Under these circumstances, and as Lord Stanley, on the part of the Imperial Government, has declined further interference in the matter, I trust your Lordship will not object to adopt such measures as you may consider proper to secure me that justice and remuneration to which I am entitled.

Having in a recent interview I had the honour of having with your Lordship laid before you the cruel state to which my family have been reduced by the protracted delay in the settlement of my claims, I shall not enlarge on the subject, trusting that the facts then brought under your notice may be considered as a sufficient excuse for my respectfully urging a speedy decision on my case, followed up by a remuneration commensurate with the heavy losses to which I have been subjected.

I have, &c.
(Signed) G. H. RYLAND.

His Excellency the Right Hon. Lord Metcalfe,
Governor General, &c.

Enclosure 4. in No. 15.

Encl. 4. in No. 15.

My dear Sir,

Tetu's Hotel, Montreal, 22d November 1845.

The near approach of winter, and consequent closing of the navigation, renders me particularly anxious to obtain an immediate decision of my case; for if relief is not extended to me, it is utterly impossible that I can finish the work in the registry office in Quebec; and whatever inconvenience it may cause the public, a sense of duty to my family will compel me to protect myself from further persecution, by throwing the onus on the Government, whose non-performance of contract has driven me to my present alternative.

Let me, however, earnestly call your attention to the present state of my case, and the position in which the Government now stands as regards my claims.

The Secretary of State, after a protracted correspondence on the subject, in which every objection raised by him has been satisfactorily answered and disposed of, declares that "if the pledge given to me by the representative of the Sovereign is a valid one, the responsibility of redeeming it rests with the Provincial Government."

The question which then arises is, who is to judge of its validity? The head of the Executive, that is the Governor General of the Canadas, has decided that the pledge is a valid one, and that I have a right to the fulfilment of the arrangement entered into with me by his predecessor. This decision he has formally communicated to me through the regular official channel, viz. the Provincial Secretary, a member of the Administration and of the Cabinet, who is supposed to be on terms of intimacy and confidence with the rest of his colleagues, to whom the views of his Excellency are made known, and who have the privilege, if they differ in opinion on the subject, of submitting their ideas to the Governor General.

I will not inquire whether in my case this course has been pursued by the head of the department through whom Lord Metcalfe's decision has been conveyed to me; suffice it, that the decision of the Governor General has been officially communicated to me, and that the Administration are bound either to carry his Excellency's views out, or to resign.

It may be argued, that motives of present expediency forbid such an alternative; but there are other motives and obligations of a paramount and more binding nature than those of mere expediency. There are principles of equity, justice, honour, and good faith, which

merit some consideration, as without these a government can neither be beneficial to the people or protective of the subject; and I would respectfully submit that there is moreover a vital principle of government seriously affecting the position of her Majesty's representative in this province inseparably bound up with the liquidation of my recognized claims; and as my case was I believe the first that was brought under his Excellency's notice on his arrival in this country, it would scarcely be fair or just to embarrass the Government of his successor by leaving a matter of such importance, involving the political existence of the representative of the Crown in this province, unsettled during Lord Metcalfe's administration.

The view of the case, which I have thus briefly attempted to give, is, I have reason to believe, in accordance with the opinion of the Governor General; it certainly is with the opinions of many of the most influential members of the Provincial Legislature, and of every unprejudiced person in the country who has given the matter serious consideration, and it unquestionably agrees with the practice in England, to which country the Government of this is attempted to be assimilated.

Let me, in conclusion, beg of you to communicate this note to his Excellency, and at your earliest convenience to acknowledge the receipt thereof.

J. M. Higginson, Esq.
Civil Secretary,
&c. &c.

I have, &c.
(Signed) G. H. RYLAND.

Encl. 5. in No. 15.

Enclosure 5. in No. 15.

REPORT of the SPECIAL COMMITTEE of the Legislative Assembly to whom Mr. Ryland's petition was referred by order of the House.

The Special Committee to whom was referred the petition of George H. Ryland, Esq., registrar of the county of Quebec, beg leave to report, That in 1818 Mr. Ryland entered the public service as an assistant in the office of the Executive Council of Lower Canada, and in 1821 was appointed clerk assistant of said Council, which office he held until 13th October 1838. On that day he received his patent from the Earl of Durham, the then Governor General, as clerk of the Executive Council of Lower Canada, an appointment which appears to have been conferred in the usual manner, and without any conditions attached thereto.

Mr. Ryland continued to discharge the duties of his office until the union of the provinces, and subsequently acted as clerk of the Council of United Canada, until 31st December 1841.

Lord Sydenham, to whom as Governor General was confided the important task of carrying into effect the proposed union, thought it necessary, on grounds of public policy, to make several changes in the constitution of the Council, and to transfer the principal duties which up to that period had been performed by the clerk to the president of that body, whose salary was increased from 100*l.* to 1,100*l.*

In consequence of this arrangement, the Governor General proposed to Mr. Ryland to surrender his patent, and to accept in its stead the office of registrar of the district of Quebec, at the same time guaranteeing to him an annual income from the emoluments of such office equal to the sum of 515*l.* currency, which it was admitted he would be entitled to as a retiring allowance under the Imperial Act 4 & 5 W. 4. c. 24.

Mr. Ryland, in being thus guaranteed, and being assured that the emoluments of the registrar under the ordinance then lately past would amount for the first year to a large sum, which would afford him a fair compensation for the loss of the Council Office, acceded to this proposal, and placed his situation at his Excellency's disposal; at the same time stipulating, in his official acceptance of the new appointment, as well as in his answer to the circular of his Excellency Sir Richard Jackson, dated 8th December 1841, that in the event of the registrarship of Quebec not yielding him an income during the first year equal to that derived from the office he gave up, he should return to the Council Office. In consequence of Lord Sydenham's decease, the ordinance was not put in force in October 1841, as Mr. Ryland was given to understand, and it was not until January following that the law was promulgated. This delay afforded the legislature an opportunity to alter the ordinance, and in effect to deprive Mr. Ryland of the advantages which he would have received from the law as it stood when he was first appointed; and about the same period the clerkship of the Council, which until then remained vacant, was filled up, and Mr. Ryland thus prevented from returning to it, as he had originally stipulated in his acceptance of the registrarship. During last session an Act was passed doing away altogether with district registrarships, and Mr. Ryland was obliged to receive, instead, the situation of registrar of the county of Quebec, being only one fourth of the office originally conferred upon him under the arrangement made with the Government; and it appears that this appointment, instead of being one of profit to Mr. Ryland, has only been a source of trouble and expense.

Thus it appears that this gentleman, by trusting to the guarantee of the late Governor General, has lost a lucrative office, has been deprived of all emolument from his substituted appointment, and is now threatened with the loss of the retiring allowance which he would have had a right to claim, at the same time that other officers similarly situated were placed and are now borne on the pension list of the country. Your Committee, on consideration of these circumstances, cannot but consider that Mr. Ryland's case is one of great hardship; that

that his claims ought not to be avoided or overlooked, and that he has a right to expect that the contract entered into between him and the Government, of which he has performed his part, should be carried out by that Government according to its terms, or that he should be fully compensated for the non-fulfilment thereof.

All of which is respectfully submitted.

(Signed)

JOHN A. MACDONALD, Chairman.
G. MOFFATT.

Committee Room, 28th March 1845.

Petition of G. H. Ryland, Esq., Registrar of Quebec, complaining that the Government has not performed certain engagements entered into with him, and praying relief.

To the Honourable the Legislative Council of the Province of Canada in Provincial Parliament assembled.

The petition of G. H. Ryland, Esq., registrar of Quebec ;

Humbly sheweth,

That at the period of the union of the Province of Upper and Lower Canada your memorialist held the patent appointment of registrar and clerk of the Executive Council, expressly conferred on him by his Sovereign in reward of public services; and of which situation it was the desire of the then Secretary of State, Lord John Russell, that your memorialist should remain in undisturbed possession.

That the late Governor General, however, in the exercise of those necessary discretionary powers with which he was vested at the important moment of putting into operation the new constitution granted to the Canadas, having determined to make certain alterations in the Council Office, by which the responsibility as well as the duty hitherto performed by the clerk should fall on the chairman, whose salary was at the same time to be raised from 100*l.* to 1,100*l.* per annum, pointed out to your memorialist how much it would interfere with his Excellency's plans if your memorialist persisted in retaining the office of Clerk of the Council; and offered him at the same time in lieu thereof the registrarship of Quebec, under the law for the enregistration of deeds then lately passed by the Special Council.

That your memorialist, trusting implicitly to the faith of the British Government pledged by the representative of her Majesty, and anxious at all times to promote the public measures of the Crown, consented to this proposal, under certain conditions, which were submitted in writing and approved of by the Governor General; and a formal engagement was then entered into between the representative of the Sovereign and your memorialist, by which the latter agreed to give up, on public grounds, a lucrative patent appointment of which he could not otherwise have been deprived, in exchange for his present appointment, on receiving a guarantee of certain pecuniary advantages derivable under the ordinance relative to registration as it then stood, together with a clear annual income equal to the amount of pension on which your memorialist was from his length of services entitled to retire under the Imperial Act, 4 & 5 W. 4.; and further, your memorialist, in his official acceptance of the registrarship of Quebec, dated 3d September 1841, expressly stipulated that in case the income derivable therefrom should not equal that which he enjoyed from the Council Office, the annual amount guaranteed should not be considered as an equivalent for the loss of that office, or for his claims on Government.

That immediately after the conclusion of this arrangement your memorialist proceeded, by command of the Governor General, to Quebec, for the purpose of organizing an efficient establishment to carry out the provisions of the registry ordinance on the first of October following. The sudden death of Lord Sydenham, however, caused a delay in this particular, and the law was not promulgated till the close of the year, when, in answer to a circular addressed to your memorialist by order of the Administrator of the Government, Sir Richard Jackson, your memorialist again referred to the conditions under which he had consented to his exchange of office, stipulating that under certain contingencies he should return to the one he had left.

That after your memorialist had held the registrarship of Quebec upwards of six months, during which he had made heavy advances out of his private means towards carrying on this public department, he applied to the then Governor General, Sir Charles Bagot, for an accountable warrant, to enable him to meet the current expense of the office. This request his Excellency declined complying with, though the guarantee given to your memorialist by Lord Sydenham was at the same time fully recognized by his Excellency, and your memorialist's claim for indemnity for non-fulfilment entertained as fit to be considered at a future fixed time, so soon as the contingency contemplated by the guarantee should have arisen.

That immediately before the arrival of that period, however, at the next meeting of the Legislature, a bill was introduced into the Assembly, repealing the clauses in the registry ordinance from which your memorialist's principal source of remuneration would have arisen; and at the same time, towards the close of the session, and after the virtual destruction of the registry bill, the clerkship of the Council, which had been kept open from the time your memorialist resigned it, was filled up, thereby foreclosing your memorialist's return to that office.

That after the expiration of the period originally limited for the enregistration of old deeds, your memorialist proceeded to Kingston for the purpose of obtaining an adjustment

of his claims, which, as will appear by a letter from Sir Charles Bagot's private secretary, were fully admitted by his Excellency, though his ill health prevented a final decision being then had; and the matter was left over to be settled by his Excellency the present Governor General, to whom, shortly after his arrival in Canada, your memorialist, who was then reduced to a state of great pecuniary embarrassment by the non-fulfilment of the arrangement entered into with Lord Sydenham, addressed two letters, dated the 29th March and 18th April 1843. The official answers to these letters, forwarded to your memorialist by command of the Governor General, fully recognize his claim to remuneration, admit the hardship of his case, as well as his right to the fulfilment of the arrangement entered into with Lord Sydenham, but lament the inability of his Excellency to afford your memorialist relief.

That during the last session of the Provincial Parliament the registry ordinance underwent still further alterations, all tending injuriously to affect your memorialist, and to nullify the arrangement entered into between the representative of the Sovereign and himself. The district offices were done away with altogether; and though your memorialist remonstrated against the injustice of the transaction, three-fourths of his territorial jurisdiction were taken away from him, and a mere county office substituted instead; whilst, at the same time that this violation of your memorialist's contract with Government was committed, an additional security was exacted from him, over and above that which he had already given, to the amount of three thousand pounds. Thus, while the Government of the country have continued to enjoy the benefit of the arrangement entered into with your memorialist, he has been deprived of the whole of the remuneration contemplated by Lord Sydenham, and in fact of the office itself, which formed part of the guarantee under which he consented to retire from the Council Office, in order to meet the views of the representative of the Sovereign. He has been denied assistance when prayed for, refused payment even of the monies advanced by him for the public service, and subjected to ruinous losses and vexations of every kind.

That in the early part of the month of November last your memorialist addressed a petition to the Governor in Council, setting forth the increasing hardship of his case, respectfully praying for relief and a liquidation of his claims, and suggesting that his name might be included in the yearly estimates about to be laid before your Honourable House. To this application no answer has been returned, though the case is confessedly one founded in justice and reason, which in private life would be considered binding between man and man, and in the settlement of which the faith and honour of the Government are at stake.

That your memorialist, in consequence, after a period of twenty-seven years of public service, with a young family entirely dependent on him for support, finds himself reduced by the grievous injury he has received to the very verge of absolute ruin, with daily increasing debt and embarrassment pressing on him, having already, in his reliance on the faith of Government, mortgaged property inherited from his parents to the amount of upwards of 3,000*l.*, entailing on your memorialist's estate an annual interest of 200*l.*, and obliged, in consequence of the heavy securities exacted from him by Government, to make still further advances out of his private means to carry on a public department the receipts of which are inadequate to its necessary expenses.

Under these extraordinary circumstances, as your memorialist has faithfully performed his share of the contract entered into between the representative of the Crown and himself, whilst the Government, on the other hand, have, neither in spirit or letter, kept their engagement with him, your memorialist feels himself justified in laying the above statement before your Honourable House, who are the legal guardians of the rights as well of individuals as of the whole community, and your memorialist earnestly requests that his case may be investigated by your Honourable House, and that such steps may be taken for his relief as the exigency of his case requires.

And your memorialist, as in duty bound, will ever pray.

G. H. RYLAND.

Encl. 6. in No. 15.

Enclosure 6. in No. 15.

To his Excellency the Right Honourable C. T. Metcalfe, G. C. B., Governor General, &c., &c., &c.

Report of a Committee of the Executive Council,—present, the Right Hon. Mr. Viger in the Chair, Mr. Draper, Mr. Papineau, Mr. Smith, and Mr. Cayley,—on the claim of G. H. Ryland, Esq., late clerk of the Executive Council.

May it please your Excellency.

The Committee of Council have again had Mr. Ryland's case before them, in consequence of the reference, by your Excellency's command, of his letter of the 11th October last.

His application rests upon either or both of two grounds:—

First, his actual holding an office of a certain value, and for a period which, according to the regulations heretofore in force under the authority of the Home Government, would have entitled him to a retirement equal to two thirds of the income of such office;

Second, the promise given to him by Lord Sydenham when Governor General.

The right of Mr. Ryland has been more than once considered by her Majesty's Government in England, and their opinion has been positively expressed against his claim.

Mr.

Mr. Ryland's applications, which have been before the Executive Council at different times, as well before as after the decision of the Home Government was pronounced, have never, so far as the Committee are aware, been favourably entertained. It seems to have been always felt that they could not, and ought not, under the circumstances, to take the responsibility of advising the Governor General to recommend his case to Parliament for a pecuniary grant.

The Committee do not now entertain a different opinion. They abstain from again going over the ground which has been so fully discussed and considered before, of Mr. Ryland's claim on the first ground. The facts have been repeatedly stated, and the arguments fully considered, as well by the Council as in the despatch of the Secretary of State, and the Committee see nothing new advanced which leads them to a different conclusion.

Nor do the Committee, considering what has been done in Mr. Ryland's favour since the promise on which he relies, feel it possible for them to advise that more should be done. The Secretary of State for the Colonies has emphatically denied Lord Sydenham's authority to enter into any such engagement, and has declared it to be in direct opposition to her Majesty's instructions. The Committee are at a loss to know upon what ground they could go down to the Legislature, and demand from them a grant of money to make good a promise so made, even if Mr. Ryland had been left entirely unprovided for.

But Mr. Ryland received the office of registrar of the district of Quebec, on a full expectation that it would have satisfied all his claims. If the net income, after deducting the charges Mr. Ryland himself incurred, had reached a given amount, he does not pretend that he would have any claim. In considering his complaint of the great deficiency between the net income and that which he insists he had a right to expect, it is impossible not to inquire into the deductions made from actual receipts, and the propriety of the expenses which caused such deductions.

The new establishment of register offices in Eastern Canada prevents any satisfactory comparison on this score, though the Committee have no reason to suppose that in any office in that part of the province have as large expenses been incurred. In Upper Canada such offices have existed nearly half a century. Some members of the Committee are enabled, from personal experience, to assert that such a scale of expenditure was at no time incurred or sanctioned. Mr. Ryland, from some expressions, seems to treat the opening the registry office at Quebec in the light of the establishment of a Government department. The Committee entirely dissent from this view.

Mr. Ryland's papers show he incurred the following expense:—

Salary to deputy registrar, per annum	-	-	£250	0	0
Salary to clerks	-	-	200	0	0
Office rent	-	-	85	0	0
			<hr/>		
			£535	0	0
			<hr/>		

The Committee do not believe that had this scale been submitted to any Government for approval, with an intimation that Mr. Ryland expected that whatever the net income (deducting these charges) should fall short of a certain income which he claimed to be entitled to was to be made up to him out of public funds, the answer would have been that the Government thought (if they admitted his claim) that the charges were unreasonably large.

In this view, therefore, if the Committee had entertained a favourable opinion of Mr. Ryland's general claim, they would have been compelled to disallow its amount, and to have treated him as the recipient of a larger income than his accounts show.

But your Excellency has recently appointed Mr. Ryland to what was, and is believed to be, a more lucrative office. The Committee have no means of judging whether its net income reaches or exceeds Mr. Ryland's claims; but as before this appointment they did not feel themselves justified in reporting in his favour, they feel still less reason to do so now.

All which is respectfully submitted.

Executive Council Chamber,
5th November 1845.

By Order,
(Signed) D. B. VIGER, Chairman.

Although I concur entirely in many of the sentiments expressed by the Committee of the Executive Council in their report of the 5th instant upon Mr. Ryland's case, I regret that I feel compelled to withhold my approval from it as a whole, because by approving it I should be assenting to a principle appearing to me to be unjust, and from the adoption of which I foresee future embarrassment in carrying on the Government.

I am of opinion that the pledge given to Mr. Ryland by the late Lord Sydenham, ought to be redeemed, and I conceive that the local Government and the colony are the responsible parties, because the pledge was given for a political and public object, to enable the Governor General to effect an arrangement for carrying out the new system of government established to meet the views then entertained in the Province.

Monklands,
8th November 1835.

(Signed) METCALFE.

No. 16.
Earl Cathcart
to the
Right Hon.
W. E. Gladstone,
2d April 1846.

(No. 37.)

No. 16.

COPY of a DESPATCH from Earl CATHCART to the Right Honourable
W. E. GLADSTONE.

Government House, Montreal, 26th April 1846.

Sir,

(Received 15th May 1846.—Answered 26th May 1846. No. 69. Page 104.)

At the request of Mr. G. H. Ryland, I submit for your information a copy of the report presented by the Select Committee of the Legislative Assembly to whom that gentleman's petition was referred.

I have, &c.

CATHCART.

Encl. in No. 16.

Enclosure in No. 16.

REPORT.

The Select Committee to which was referred the petition of George H. Ryland, Esquire, registrar of the county of Montreal, beg leave to report,

That after a careful examination of the numerous documents and correspondence connected with Mr. Ryland's case they have established the following facts; viz.

That in 1818 Mr. Ryland first entered the public service as an assistant in the office of the Executive Council of Lower Canada, and in 1821 was appointed and sworn in as clerk assistant of the said Council, which office he held until the 13th October 1838. On that day he received his patent from the Earl of Durham, the then Governor General, as clerk of the Executive Council of Lower Canada, an appointment which appears to have been conferred in the usual manner, and without any conditions attached thereto.

From the period of Mr. Ryland's appointment in 1838 as clerk of the Council of Lower Canada he continued to discharge the duties of that office, until the union of the provinces. When that event took place, Lord Sydenham, the then Governor General, did not deem it necessary or advisable to deprive Mr. Ryland of his office, but, on the contrary, thought proper to "continue his services" as clerk of the Executive Council of Canada, and he was accordingly sworn in under his old letters patent to perform the duties of his office, as appears by the minutes of Council of the 13th February 1841, and on the removal of the seat of government to Kingston he proceeded to that place with the rest of the public officers in charge of his department.

Even supposing Lord Normanby's despatch of the 3d July 1839 to have been applicable to Mr. Ryland's case (which the Committee do not admit), it is evident that the contingency therein mentioned did not occur; for, instead of its being found impossible to continue his services, he was actually appointed clerk of the Executive Council of the province of Canada after the union, and continued to perform the duties of the office for nearly a year afterwards. In August 1841 Lord Sydenham thought it necessary, on grounds of public policy, and in organizing his Council on a new system, to make several changes in the constitution of that body, and to transfer many of the duties which up to that period had been performed by the clerk to the president of the Council, whose salary was increased from 100*l.* to 1,100*l.* per annum. In consequence of this arrangement, the Governor General proposed to Mr. Ryland to surrender his appointment, and to accept in its stead the office of registrar of the district of Quebec, at the same time guaranteeing to him an annual income from the emoluments of such office equal to the sum of 515*l.* currency, which it was admitted he would be entitled to as a retiring allowance under the Imperial Statute 4 & 5 W. 4. c. 24., by which Statute the amount of pensions granted to the other officers who retired from the public service was regulated.

Mr. Ryland, on being thus guaranteed, and being assured that the emoluments of the registrar under the ordinance then lately passed would amount for the first year to a very large sum, affording him ample compensation for the loss of the Council Office, acceded to the proposal, and placed his situation at his Excellency's disposal; but he expressly stipulated, in his official acceptance of the new appointment, as well as in his answer to the circular of his Excellency Sir Richard Jackson, dated 8th December 1841, "that in the event of the registrarship of the district of Quebec not proving nearly equal in value to his appointment as clerk of the Executive Council, the sum guaranteed was not to be considered as compensation in full, either for the loss of that office or of his claim upon the Government." In consequence, however, of Lord Sydenham's decease, the ordinance was not put in force in October 1841, as had originally been determined, and it was not until January following that the law was promulgated. During this delay the Legislature altered the ordinance, and in effect deprived Mr. Ryland of the advantage that he would have received from the law as it stood when he was first appointed; and, notwithstanding his remonstrances, no steps were taken by the Executive to protect him under the arrangement previously entered into with him; and yet about the same time the clerkship of the Council, which until then had remained vacant, was filled up, and Mr. Ryland thus prevented from returning to it, as he had originally stipulated in his acceptance of the registrarship. Although Mr. Ryland was appointed,
under

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under his arrangement with Lord Sydenham, registrar of the *district* of Quebec, and although the emoluments of such appointment were insufficient to satisfy his just expectations, yet, in addition to his other losses, he was obliged, by the passing of an Act during the session of 1844, abolishing district registrarships, to receive, instead, the situation of registrar of the *county* of Quebec, being only one fourth of the office originally conferred upon him; and it is proved to your Committee by the report of the commissioner appointed to examine into the several offices by the registry ordinance, that this situation, instead of being one of profit to Mr. Ryland, has only been a source of labour and expense.

On the death of the late registrar of Montreal, the Governor General proposed to Mr. Ryland that he should be transferred from the Quebec to the Montreal registry office. In acceding to this proposal, Mr. Ryland again stipulated that it should not be considered as in any way interfering with his claims under his previous arrangement with Government.

That this transfer has not benefited Mr. Ryland is proved conclusively by the following extract from the report of Mr. Clark, the commissioner to inspect the offices in the district of Montreal, dated the 7th April 1846:—

“ Since the 9th of July 1845, the day on which Mr. Ryland assumed the duties of the office, the work has progressed with all possible celerity; 356 registrations by that gentleman remaining to complete the work, and 403 entries to complete the journal or minute book. These arrears were unavoidable in consequence of the press of business, and are being made up as rapidly as the means provided by law will admit.”

The revenue of the office, since the 9th July 1845, was 496%, a sum scarcely sufficient to meet the actual disbursements of the office, and yielding no remuneration whatever to Mr. Ryland.

Thus it appears that Mr. Ryland, by trusting to the guarantee of the late Governor General, has lost a lucrative office, has been deprived of all emolument from his substituted appointments, and is now threatened with the loss of his retiring allowance, which he would have had a right to claim, at the same time that other officers similarly situated were placed on the pension list of the country.

Your Committee, on a consideration of the circumstances above stated, cannot but consider that Mr. Ryland's case is one of great hardship; that his claims, the justice of which has been officially recognized by the late Governor General Lord Metcalfe, ought not to be avoided nor overlooked; and that he has a right to expect that the contract entered into between him and the Government, of which he has performed his part, should be carried out, according to its terms; or, as that may now be impossible, that he should be fully compensated for the non-fulfilment thereof.

All which is respectfully submitted.

JOHN A. MACDONALD, Chairman.
G. MOFFATT,
OGLE R. GOWAN,
G. B. HALL,
ADAM H. MEYERS.

17th April 1846.

No. 17.

(No. 55.)

COPY of a DESPATCH from EARL CATHCART to the Right Honourable
W. E. GLADSTONE.

Government House, Montreal, 13th May 1846.

Sir, (Received 29th May 1846.—Answered 2d June 1846. No. 80. Page 105.)

I HAVE the honour to forward herewith, in order that it may be laid at the foot of the throne, an address to her Majesty from the Legislative Assembly of this province, praying favourable consideration to the claims of Mr. G. H. Ryland, late clerk of the Executive Council of Lower Canada.

I have, &c.
CATHCART.

To the Queen's most Excellent Majesty.

Most Gracious Sovereign.

We, your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Canada in Provincial Parliament assembled, humbly beg leave to approach your Majesty with our renewed expression of devoted attachment to your Majesty's royal person and government.

We humbly beg leave to lay before your Majesty the particulars of a case which has resulted in serious injury to the circumstances of a faithful subject of your Majesty, and which we beg permission to submit for your Majesty's gracious consideration.

Previous to the union of the provinces of Upper and Lower Canada in 1841, the office of clerk of the Executive Council of the latter province was held by George H. Ryland, Esq., he having been appointed thereto in October 1838; and having succeeded his late respected father,

(112.)

No. 17.
Earl Cathcart
to the
Right Hon.
W. E. Gladstone,
13th May 1846.

12th May 1846.

Encl. in No. 17.

father, who had held the same office for a long period of years; and Mr. Ryland continued in the performance of the duties of the same office under the Government of the united province, having been sworn in as such in February 1841. The late Lord Sydenham, the then Governor General of the province, in re-organizing the Executive Council, thought it proper to make several changes in the constitution of the Executive Council, and to transfer many of the duties which up to that period had been performed by the clerk to the president of the Council; and in effecting this arrangement his Lordship proposed to Mr. Ryland to surrender the appointment, and to accept in its stead the office of registrar of deeds in the then judicial district of Quebec, at the same time guaranteeing to him an annual income from the emoluments thereof equal to the sum of 515*l.* currency to which he would be entitled as a retiring allowance under the Imperial Statute 4 & 5 Vict. c. 29.

Mr. Ryland, on being thus guaranteed, and having reason to expect that the emoluments of the office offered to him, would amount for the first year to a large sum, affording him ample compensation for vacating his original one, acceded to this proposal, and placed the latter at his Excellency's disposal; but he expressly stipulated, in his acceptance of the new appointment, as well as in his answer to the circular of his Excellency Sir R. Jackson, Administrator of the Government, dated 18th December 1841, that in the event of the registrarship of the said district of Quebec not proving nearly equal in value to his appointment as clerk of the Executive Council, the sum guaranteed was not to be considered as compensation in full, either for relinquishing that office or for his claim upon the Government.

The registry ordinance of Lower Canada did not come into operation until the 31st December 1841, and the time within which all existing deeds were to have been enregistered, and from which the great amount of remuneration would have resulted, was extended until eventually a material alteration was made in the registration law, establishing county instead of district registry offices, and causing Mr. Ryland to become registrar of the county, instead of the district of Quebec, notwithstanding his remonstrances; and this alteration had the effect, not only of depriving Mr. Ryland of a great proportion of the remuneration resulting from these arrears, but also of essentially reducing the annual income of the office. It is true that at a subsequent period, namely, on the 8th July 1845, Mr. Ryland was transferred to the more important office of registrar of the county of Montreal, which he now holds; but the reports of the commissioners appointed to examine the registry offices establish, that both offices have been sources of labour and expense rather than of profit. From the circumstances herein-before detailed, the Legislative Assembly feel that the case of Mr. Ryland is one of great hardship; but his claims, the justice of which had been officially recognized by the late Governor General Lord Metcalfe, ought not to be overlooked, and that he has a right to expect that the contract between the Governor General and him, of which he has performed his part, should be carried out by the Imperial Government according to its terms, or, as that may now be impossible, that he should be fully compensated for the non-fulfilment thereof.

We, therefore, in reviewing these circumstances, humbly beg permission to call Mr. Ryland's claim, as herein set forth, to your Majesty's gracious notice; and we humbly pray that your Majesty will be pleased to take them into your most favourable consideration, and direct such measures to be adopted therein as your Majesty, in your wisdom, may find them to deserve.

Legislative Assembly,
Tuesday, 12th May 1846.

(Signed) A. N. MORIN, Speaker.

No. 18.
Earl Cathcart
to the
Right Hon.
W. E. Gladstone,
13th May 1846.

13th May 1846.

No. 18.

(No. 57.)

COPY of a DESPATCH from EARL CATHCART to the Right Honourable
W. E. GLADSTONE.

Government House, Montreal, 13th May 1846.

(Received 29th May 1846.—Answered 2d June 1848. No. 79. Page 104.)

Sir,

I HAVE the honour to forward herewith, in order that it may be laid at the foot of the throne, an address to her Majesty from the Legislative Council of this province, praying favourable consideration to the claims of Mr. G. H. Ryland, late clerk of the Executive Council of Lower Canada.

I have, &c.

(Signed) CATHCART.

Encl. in No. 18.

Enclosure in No. 18.

To the Queen's most Excellent Majesty.

Most Gracious Sovereign,

We, your Majesty's dutiful and loyal subjects the Legislative Council of Canada in Provincial Council assembled, humbly beg leave to approach your Majesty with our renewed expression of devoted attachment to your Majesty's royal person and government.

We humbly beg leave to lay before your Majesty the particulars of a case which has resulted in serious injury to the circumstances of a faithful subject of your Majesty, and which we beg permission to submit to your Majesty's gracious consideration.

Previous

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Previous to the union of the provinces of Upper and Lower Canada, in 1841, the office of clerk of the Executive Council of the latter province was held by George H. Ryland, Esquire, he having been appointed thereto in October 1838, and having succeeded his late respected father, who had held the same office for a long period of years; and Mr. Ryland continued in the performance of the duties of the same office under the Government of the united province, having been sworn in as such in February 1841.

The late Lord Sydenham, the then Governor General of the province, in re-organizing the Executive Council, thought it proper to make several changes in the constitution of the Executive Council, and to transfer many of the duties which up to that period had been performed by the clerk to the president of the Council; and in effecting this arrangement his Lordship proposed to Mr. Ryland to surrender the appointment, and to accept in its stead the office of registrar of deeds in the then judicial district of Quebec, at the same time guaranteeing to him an annual income from the emoluments thereof equal to the sum of 515*l.* currency, to which he would be entitled as a retiring allowance under the Imperial Statute 4 & 5 Vict. c. 29.

Mr. Ryland, on being thus guaranteed, and having reason to expect that the emoluments of the office offered to him would amount for the first year to a large sum, affording him ample compensation for vacating his original one, acceded to this proposal, and placed the latter at his Excellency's disposal; but he expressly stipulated, on his acceptance of the new appointment, as well as in his answer to the circular of his Excellency Sir R. Jackson, Administrator of the Government, dated 18th December 1841, that in the event of the registrarship of the said district of Quebec not proving nearly equal in value to his appointment as clerk of the Executive Council, the sum guaranteed was not to be considered as compensation in full either for relinquishing that office or for his claim upon the Government.

The registry ordinance of Lower Canada did not come into operation until the 31st December 1841, and the time within which all existing deeds were to have been enregistered, and from which the great amount of remuneration would have resulted, was extended until eventually a material alteration was made in the registration law, establishing county instead of district registry offices, and causing Mr. Ryland to become registrar of the county instead of the district of Quebec, notwithstanding his remonstrance; and this alteration had the effect not only of depriving Mr. Ryland of a great proportion of the remuneration resulting from these arrears, but also of essentially reducing the annual income of the office.

It is true that at a subsequent period, namely, on the 8th July 1845, Mr. Ryland was transferred to the more important office of registrar of the county of Montreal, which he now holds; but the reports of the commissioners appointed to examine the registry office establishes, that both offices have been sources of labour and expense, rather than that of profit.

From the circumstances herein-before detailed, the Legislative Assembly feel that the case of Mr. Ryland is one of great hardship, that his claims, the justice of which had been officially recognized by the late Governor General Lord Metcalfe, ought not to be overlooked; and that he has a right to expect that the contract between the Governor General and him, of which he has performed his part, should be carried out by the Imperial Government according to its terms, or, as that may now be impossible, that he should be fully compensated for the non-fulfilment thereof.

We, therefore, in reviewing these circumstances, humbly beg permission to call Mr. Ryland's claim, as herein set forth, to your Majesty's gracious notice; and we humbly pray that your Majesty will be pleased to take them into your most favourable consideration, and direct such measures to be adopted therein as your Majesty, in your wisdom, may find them to deserve.

Legislative Council,
Wednesday, 13th May 1846.

(Signed) P. CARON,
Speaker.

No. 19.

(No. 79.)

COPY of a DESPATCH from Earl CATHCART to the Right Honourable
W. E. GLADSTONE.

Government House, Montreal, 26th June 1846.

(Received 15th July 1846.)

Answered 18th July 1846. No. 3. Page 104.)

Sir,

I HAVE thought it right to accede to the reiterated * request of Mr. Ryland, who is desirous that the enclosed copy of a letter which that gentleman addressed to me on the 25th of May last should now be submitted to your consideration, although the decisions on his case contained in your despatches of the 1st and 25th ultimo have been duly communicated to him.

I have, &c.

(Signed) CATHCART.

No. 19.
Earl Cathcart
to the
Right Hon.
W. E. Gladstone,
26th June 1846.

* Correspondence
annexed.

25th May 1846.

Encl. in No. 19.

Enclosure in No. 19.

Montreal, 25th May 1846.

My Lord,

* Page 51 of this paper.

I have had the honour to receive the letter of Mr. Secretary Higginson, dated the 23d instant*, conveying to me the substance of the despatch of her Majesty's Secretary of State for the Colonies, relative to my claims on her Majesty's Government. This case, involving as it does my utter ruin, is one which has assumed great importance in the public eye. It has been acknowledged by three successive Governors, it is supported by the voice of the country, by the entire press, and sustained by the unanimous votes of both branches of the Legislature. I learn from the Secretary of State that he himself is not disposed to contest my claim to compensation; on the contrary, he is prepared to authorize your Lordship to recommend its liquidation, provided the same can be effected out of colonial funds. The Legislature, on the other hand, distinctly recognizing my right, points to the imperial funds. It then, on all sides, is acknowledged to be a debt, and the only question is by whom it is to be paid.

It was my lot, my Lord, to contract with a nobleman in power, in short with the representative of my Sovereign. It is my misfortune to be the creditor of her Majesty's Government, and to have no means of enforcing my right. It must, therefore, be left to the sense of justice and honour of those who represent my debtor to satisfy my claim, and on that sense I rely.

To plead a point of this description before a judge at a distance of 3,000 miles is so difficult and inconvenient a task, that I must bespeak for my language the most indulgent interpretation.

Mr. Gladstone's denial of my suit is founded on three reasons, which I now propose to review. If I should have the good fortune to demonstrate, as I flatter myself I can, that the basis of his decision is erroneous, the inference will be that Mr. Gladstone has arrived at a wrong conclusion, and as a petitioner I shall hope that he will himself reverse his own decision.

Transcribing the grounds of the repudiation of my claim, I find them to be the following:

- 1st. Because "her Majesty's Government had never authorized the engagement made with me beforehand."
- 2d. "That that engagement had never been reported to them by his Lordship."
- 3d. "That when brought to their knowledge they had disapproved and declined to sanction."

I cannot address myself to these three points without recalling to your Lordship that the engagement so entered into was not made with an equal. Had Lord Sydenham been a private person, the agent of another private person, I should have insisted on seeing his procuration, and in that case I should have carefully weighed every sentence to ascertain whether he had been duly authorized, and had I found that such a power was not embraced in the instrument I should have dealt with him at my peril. But how could I expect that the representative of my Sovereign would exhibit his powers to me? How could I demand the perusal of his instructions? That, my Lord, was manifestly impossible. The Governor General of Canada, representing her Majesty, declared that he was duly empowered, and that was enough for me; and I know not that any man living, under similar circumstances, could have acted otherwise than I did; and on this point I dare appeal to your Lordship's own experience. In the present state of our colonial policy no more dangerous doctrine could be broached, nor one more calculated to aggravate the difficulties of Government and to discredit Governors, than the repudiation of the engagement of the representative of the Sovereign upon such grounds. But to revert to Mr. Gladstone's first objection; viz., that the engagement "was one which her Majesty's Government had never authorized beforehand;" it surely, my Lord, cannot seriously be contended that in carrying out a great measure of the national senate, such as that of the union of the provinces of Upper and Lower Canada, it was incumbent upon the Governor General to have procured in every instance before acting the previous sanction of the Secretary of State for every internal arrangement which he might judge necessary in the re-construction or consolidation of the different departments of Government, or to enable him to secure the proper working of the Imperial Act of union to which he had been appointed to give effect. Such an argument, my Lord, never could be sustained, still less should it be allowed to operate to the evasion of a solemn contract entered into on public grounds between the subject and the Crown, merely because the latter experiences a difficulty in fulfilling its share of the contract. But to set the question of Lord Sydenham's authority at rest, and allowing, for the sake of argument, that he was not clothed with any extraordinary discretionary powers at that important period, I would merely refer to his commission, and the instructions accompanying it, whereby he was invested with all the powers and authorities granted to any of the previous Governors of Upper and Lower Canada, whether by their commissions or by instructions from time to time conveyed to them from the Colonial Office; and here I will quote from the instructions conveyed in Lord Glenelg's despatch to Sir Francis Bond Head, and communicated to the Legislature of Upper Canada on the 30th January 1836, as particularly applicable to my case, and as fully bearing Lord Sydenham out (without reference to any other authority) in entering into the arrangement he did with me.

"The principles" (the despatch states) "of the Government in the two sister provinces must, I am well aware, be in every material respect the same. In cases of the immediate abolition of any office not required for the efficient discharge of the public service, you will stipulate for such a compensation to the present holders as the disappointment of their reasonable expectations may entitle them to receive.

" The

"The saving of public money which would arise from the unexpected reduction of official incomes would not only subject numerous families to extreme distress, *but by impairing general confidence in the public credit would weaken the foundations on which all proprietary right must ultimately repose.*"

The above my Lord, I conceive to be so conclusive as regards the sufficiency of Lord Sydenham's authority, that I shall at once pass on to Mr. Secretary Gladstone's second and third objections, and these being connected I shall direct my observations to them together.

It is evident that when this despatch was written the Secretary of State was not aware that both Sir Richard Jackson and Sir Charles Bagot reported to the Colonial Office all the appointments which had been made under Lord Sydenham's promises, to none of which any objections were at the time raised, and if these gentlemen omitted to mention the circumstances attending my particular appointment (and in which they themselves were to a certain degree implicated), I surely cannot be held responsible. I may however remark, that so far from Lord Stanley having repudiated the act in question, in his first despatch he limited himself to an inquiry, and called upon me for explanations to enable the Home Government to take the case up. This call may have been requisite in consequence of the sudden demise of Lord Sydenham; and certainly if absence of information directly from himself was owing to that fatality, I am not to blame, and should not suffer. But, my Lord, the explanations required from me were furnished, and in so far as I was concerned declared by Lord Stanley to have been satisfactory. It is true that his Lordship for some unknown reason refused to do me justice, but it is no less true that he acquitted me of all blame. But proceeding one step further, I would ask, if the engagement was repudiated, as Mr. Gladstone states, when was this done? Surely not within one year or two, or until nearly three years after it was made. Now Time my Lord is of importance in all contracts, and whenever the principal sees fit to repudiate the act of his agent, it must be done within a reasonable period, and *res integra*. It cannot be delayed without the most mischievous results, and *certainly not after the principal has reaped the benefit for which his agent has stipulated*. This is law in private life, and it must apply to the Government, which, having availed itself of Lord Sydenham's bargain, and waited nearly three years without communicating its dissent, is estopped from urging repudiation. There is, as I have before observed, an alternative; but that would require my being replaced in the office I gave up on the same footing as I then held it, and my receiving the arrears of salary, together with the amount of my losses to which I have been subjected by the act of the representative of the Crown.

In conclusion, my Lord, as the addresses of both Houses of the Provincial Legislature recognizing my right have been forwarded to the foot of the throne, I trust they will be followed by such a representation on the part of your Excellency as will secure from the Imperial Government the prompt liquidation of a claim, the long existence of which has operated in a most injurious manner on the public mind, giving rise to a feeling of distrust, which if not speedily removed may eventually prove most detrimental to her Majesty's Government in this country.

The Right Hon. the Earl Cathcart,
Governor General, &c. &c.

I have, &c.,
(Signed) G. H. RYLAND.

* CORRESPONDENCE connected with EARL CATHCART'S DESPATCH, No. 79.,
26th June 1846.

No. 1.

Sir,

Civil Secretary's Office, Montreal, 23d May 1846.

I have the honour to inform you that the Governor General has received from her Majesty's Secretary of State a further despatch on the subject of your claims to redress for the nonfulfilment of certain expectations held out to you by the Executive Government of this province in 1841, in which his Lordship is instructed to acquaint you that Mr. Secretary Gladstone has attentively examined all the documents relating to your case, and to state that on behalf of the British Treasury her Majesty's Executive Government have invariably repudiated and denied all liability to make good the engagement formed by Lord Sydenham, that engagement being one which her Majesty's Government had never authorized beforehand, which had never been reported to them by his Lordship, and which, when brought to their knowledge, they had disapproved and declined to sanction.

Such is the view of the case entertained by her Majesty's Secretary of State; but if the House of Assembly shall think fit to regard the claim as one which ought to be met from the colonial funds, he can have no objection to authorize the Governor General to apply towards your indemnity, out of any Canadian funds at the disposal of the Canadian Government, any sum which the Legislative Assembly may be of opinion ought to be applied to your relief.

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

I have, &c.
(Signed) J. M. HIGGINSON.

* This correspondence is printed from the collection of papers forwarded in Mr. Ryland's letter of 19th Nov. 1847, a schedule of which, with references to the pages where printed in this collection, will be found printed at page 57.

No. 2.

Sir,

Civil Secretary's Office, Montreal, 27th May 1846.

I am directed to acknowledge the receipt of your letter of the 25th instant, relating to your claims to indemnification for loss of office, and to inform you, in reply, that the Governor General is of opinion that he cannot, with propriety, again address the Imperial Government on the subject, after receiving the despatch from the Secretary of State the substance of which was communicated to you in my letter of the 23d instant, and pending the consideration by her Majesty of the joint address of the Legislative Council and Assembly in reference to your claims, the answer to which will probably be received by the next mail from England.

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

I have, &c.
(Signed) J. M. HIGGINSON.

No. 3.

Sir,

Civil Secretary's Office, Montreal, 23d June 1846.

I have the honour, by command of the Governor General, to inform you, that his Excellency has received a despatch from the Secretary of State, acknowledging the receipt of the copy of a report upon your case by a select committee of the Legislative Assembly, which was transmitted by his Excellency at your request. Mr. Gladstone observes, that having in his despatch of the 1st May, the substance of which was communicated to you on the 23d, explained his view of the case, he has no addition to make to its contents in consequence of this fresh communication, and therefore instructs the Governor General to refer you to that answer as the only one which it is in his power to return on the present occasion.

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

I have, &c.
(Signed) H. COTTON,
In absence of the Civil Secretary.

No. 4.

My Lord,

Montreal, 23d June 1846.

I have received from Mr. Cotton (in the absence of the Civil Secretary) a letter of this day's date, conveying, by your Excellency's commands, the substance of a despatch from Mr. Gladstone relative to the report of the select committee of the House of Assembly on my claims, and again referring me to the Right Honourable Gentleman's despatch of the 1st May last, communicated to me on the 23d of that month, and replied to through your Lordship two days after.

Feeling, my Lord, convinced that you cannot but be desirous of facilitating the liquidation of a claim admitted by yourself, and acknowledged by your predecessor in office, as well as by the local Legislature and the voice of the public, I take the liberty respectfully of complaining of the manifest injustice of withholding from the Secretary of State my letter to your Lordship of the 25th May last, containing, as I humbly conceive it does, full and satisfactory answers to the objections raised by him to the fulfilment of the contract entered into with me on the part of the Government by the representative of the Sovereign.

It is, my Lord, evident that Mr. Secretary Gladstone's decision having been based on an erroneous view of the case, it is utterly impossible he can come to a right conclusion on the addresses now before the throne unless his mind is disabused on this head, and the consequence of allowing the false impressions under which he labours to remain unremoved might ultimately prove most injurious to the interests of my family and myself.

Under these circumstances, I respectfully appeal to your Lordship's sense of justice, earnestly entreating that you will forward by the next mail to the Secretary of State a copy of my letter in reply to his despatch of the 1st of May, coupled with such a report as your Lordship may consider necessary to enable him to come to an equitable and unbiassed conclusion on a case involving the honour of the Crown and the rights of the subject.

The Right Hon. the Earl Cathcart,
Governor General, &c.

I have, &c.
(Signed) G. H. RYLAND.

No. 5.

Sir,

Civil Secretary's Office, Montreal, 25th June 1846.

I am directed by the Governor General to acknowledge the receipt of your letter of the 23d, and in reply to inform you that his Excellency will forward any communication from you to the Secretary of State for the Colonies that may be sent to him for that purpose, but that his Excellency cannot undertake to accompany it by any report from himself, as the case, with the exception of any new matter you may be able to adduce, has already been placed fully before Mr. Gladstone.

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

I have, &c.
(Signed) H. COTTON,
In absence of the Civil Secretary.

No. 112.

No. 20.

No. 20.
Earl Cathcart
to
Earl Grey,
13th August 1846.

COPY of a DESPATCH from Earl CATHCART to Earl GREY.

Government House, Montreal, 13th August 1846.

My Lord, (Received 14th Sept. 1846.—Answered 20th Sept. 1846, No. 33, page 105.)

I enclose the accompanying letter addressed to you by Mr. Ryland, considering that it would not be proper for me to refuse to forward any application made in accordance with the regulations of the Colonial Department relative to the correspondence of persons in the colony with the Secretary of State; but your Lordship's decision having already been given in your despatch of the 18th ultimo*, a copy of which I have communicated to Mr. Ryland†, I have informed him that I feel myself precluded from renewing this correspondence by again addressing your Lordship on his case.

12th August 1846.

* Page 105 of this Paper.

† Correspondence annexed.

The Right Hon. Earl Grey.

I have, &c.
(Signed) CATHCART.

Enclosure 1. in No. 20.

Encl. 1. in No. 20.

My Lord,

Montreal, 12th August 1846.

The peculiar hardship of my position will, I trust, be considered a sufficient excuse for my addressing myself to your Lordship on the subject of my claims.

A few days ago I received a communication of your Lordship's despatch of the 18th July last, acknowledging my right to compensation for whatever losses I may have sustained by the surrender of my office as clerk of the Executive Council of Canada, and directing Lord Cathcart to urge on the Assembly the necessity of providing means for my reasonable compensation.

On the receipt of this communication I immediately applied‡ to the Governor General, requesting to be informed what steps he contemplated taking under your Lordship's decision, to procure me relief.

‡ Mem. See Mr. Ryland, 8th August 1846, page 55.

The enclosed copy of a note, which I received in reply from the Acting Civil Secretary, tells me that his Excellency is not prepared to state what steps he may consider it advisable to adopt in this matter; and I am consequently still left in doubt as to my future prospects, with daily increasing difficulties pressing upon me.

Acting Secretary Cotton, 10th August 1846, page 55.

Under these circumstances, and in the firm conviction that a call upon the local Legislature to pay a debt contracted by the representative of the Sovereign, it is true in his capacity of Governor of Canada, but still as the accredited agent of the Crown, in the act of giving effect to and putting into force a Statute of the Imperial Parliament, will bring the Assembly in direct collision with the Executive, and occasion much embarrassment to the Government of this country, I have thought it advisable to avail myself of the present occasion to forward by this mail an application, addressed through his Excellency the Governor General, on the 24th§ of last month, praying that prior to a communication to the respective bodies, of the answers to the addresses of the Legislative Council and Assembly in my behalf, the matter may be submitted to her Majesty in her Privy Council, with relation to the principle involved in the settlement of my claims.

§ [Qy. 27th] See Mr. Ryland to Earl to Earl Cathcart, page 54 of this Paper.

Feeling, my Lord, convinced, that under your Lordship's upright administration justice will not be denied to any of her Majesty's subjects who may have been aggrieved through the acts of her representatives, or other her officers in authority, I trust my present motive will be appreciated, when I declare that in the application about to be forwarded to you I am influenced, not only by a desire to obtain immediate relief, which is essential to the interests of my family, but by a wish to prevent further agitation in this country on a subject which has already caused so much excitement in the public mind; and as the payment by the Imperial Government of my claims for the past would be looked upon by the local Legislature, not only as an act of justice, but as a proof of the great desire on the part of the mother country to conciliate Her Majesty's Canadian subjects, your Lordship may, perhaps, agree in opinion, that a matter of a few thousand pounds, an amount of comparatively little moment to the British nation, shall not be made a bone of contention between the Imperial and Provincial Governments, *particularly when the debt is acknowledged by both to be due, and the honour of each is concerned in seeing it paid.*

In regard to the future, I would respectfully point to the pension fund of 5,000*l.*, reserved by the Union Act, and at the disposal of the Crown, of which an unappropriated annual amount of nearly 2,000*l.* is available. On this the pension on which I am entitled to retire under the Act 4th and 5th Will. IV. might be charged, until such time as a suitable appointment could be provided for me; thus in fact dividing the liability between the two Governments, and getting rid of a question which should never have arisen.

Trusting that your Lordship will excuse the liberty I have here taken, and to which I have been urged by a desire to put you in possession, before the prorogation of the Imperial Parliament,

Parliament, of the difficulties which are likely to present themselves in the liquidation of my claims by the Provincial Legislature.

The Right Hon. Earl Grey,
Secretary of State,
&c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

CORRESPONDENCE connected with Earl CATHCART'S DESPATCH, No. 112,
13th August 1846.

No. 1.

Sir,

Government House, Montreal, 29th June 1846.

I am directed by the Governor General to inform you that the addresses from the Legislative Council and Assembly to the Queen on your case having been transmitted to the Secretary of State, his Excellency has been apprized that for the reasons given in Mr. Gladstone's despatch of the 1st ultimo her Majesty has not been advised to entertain the prayer of these addresses.

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

I have, &c.
(Signed) H. COTTON,
In absence of the Civil Secretary.

No. 2.

My Lord,

Mount Lilac, Quebec, 27th July 1846.

As the recent change in her Majesty's Cabinet leads me to think that I am much more likely to obtain justice from the present administration than from those lately in power, I venture again to address you upon the subject of my acknowledged claims, with a view to a fresh reference being made to the nobleman now at the head of the Colonial Office.

My case, as your Lordship is aware, is not one of an ordinary description. It has assumed great importance in the public eye, and involves some vital principles of Government, affecting, if I may be allowed to say so, even your own position as the representative of your Sovereign.

It would not, my Lord, perhaps, become me distinctly to accuse the late Secretary of State of anything like hostility to Lord Sydenham's memory. I will, however, remark, that that nobleman received his appointment of Governor General of Canada when the present Prime Minister of England, Lord John Russell, was Secretary of State for the Colonies, and as Lord Sydenham acted under the orders and authority of the then head of the Colonial Office, who, after the change of ministry in 1841, became the leader of the opposition, it is not impossible that Lord Stanley as well as Mr. Gladstone might, with the purest motives, unconsciously have been biassed by party feeling in coming to a decision on this matter.

Under these circumstances, and as the present ministry will, I trust, view the matter in a very different light from the party who have recently gone out of office, I have no hesitation in applying, through your Lordship, praying, that before the Government is committed by a communication of Mr. Gladstone's despatch in answer to the addresses from both branches of the Provincial Legislature, which will have the effect of bringing those bodies in direct collision with the Executive, my case may be brought in all its bearings before her Majesty in her Privy Council; and in this application I trust I shall be supported by your Excellency's recommendation, inasmuch as the reasons which guided Mr. Gladstone in his reply were founded on grounds which I observed in my letter to you of the 25th May last did not exist; but, unfortunately for me, the Right Honourable Gentleman had not these explanations before him when he wrote, or, I feel convinced, he never would have arrived at the extraordinary conclusion he did. In forwarding this my present application to the Secretary of State, there is also a point which I have several times touched upon, but would now wish to bring more prominently before the Government; viz., that Lord Sydenham's arrangement was either a valid one or an invalid one. It could not be good in part and bad in part. It would, as I have already shown, be contrary to the plainest principles of justice that the Government should affirm it as far as it was advantageous to itself, and disaffirm it as far as it was advantageous to me. If the arrangement was good in part, it must be binding throughout; and I have a right to expect that the contract, of which I have performed my share, shall be carried out by the Government, or, to adopt the words of the address, "as that may now be impossible, to be fully compensated for the non-fulfilment thereof."

If, on the other hand, Lord Sydenham's arrangement with me was in any way bad or invalid, repudiation must affect it in all its parts, and I should then have a right to be restored to the situation I consented to give up, with precisely the same income and all the advantages that belonged to it when the exchange was agreed to, no matter what inconvenience or embarrassment such restoration might cause the Government; and on my receiving the whole of the arrears of income, with interest, up to the present day, it would then remain to

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be determined whether my claim for restitution of the monies which I had been induced to advance out of my private means for the public service, as well as remuneration for the heavy losses to which my faith in the promises of the organ of the Crown had exposed me, should be entertained by the Imperial or Local Government, or whether I should be left to my recourse against the estate of the individual who, in his capacity of Governor General, representing her Majesty, had exceeded his authority, and, on the plea of the public service, drawn me into an arrangement which he was not justified in doing.

Trusting that your Lordship will kindly forward by the next packet this my present application to her Majesty's Government, coupled with such remarks as you may conceive the occasion requires,

The Right Hon. the Earl Cathcart,
&c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

No. 3.

My Lord,

Montreal, 8th August 1846.

Having received a communication of Earl Grey's despatch of the 18th July last, acknowledging my claim to compensation for whatever loss I may have sustained by the surrendering of my office of clerk of the Executive Council, I trust I may be permitted to inquire what steps your Lordship contemplates taking, under the Secretary of State's decision, to secure me relief. As any further movements on my part must depend entirely on the nature of your Excellency's reply, I would respectfully request that I may be furnished with it prior to the departure of the next mail for England.

The Right Hon. the Earl Cathcart,
&c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

No. 4.

Sir,

Private Secretary's Office, Montreal, 10th August, 1846.

I am directed by the Governor General to acknowledge the receipt of your letter of this day's date, and to state, in reply, that his Lordship is not prepared to inform you of the steps he may hereafter consider it his duty to take relative to the despatch to which you refer, in regard to your claims for compensation for the loss of official income.

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

I have, &c.
(Signed) H. COTTON.

No. 21.

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to Earl GREY.

No. 108.

Government House, Montreal, 7th December 1847.

My Lord, (Received 1st Jan. 1848.—Answered, 11th Jan. 1848, No. 156., page 105.)

I HAVE the honour to transmit herewith a letter addressed to your Lordship by Mr. Ryland, with accompanying documents. This case has been so frequently under the consideration of the Secretary of State, that I cannot add to the information upon it already in your Lordship's possession. As Mr. Ryland, however, thinks himself aggrieved by the proceedings of my Council in reference to his claim, I have called their attention to the allegations contained in his letter, and I enclose a memorandum stating the principle by which they have been guided in adjusting it.

I have, &c.
ELGIN AND KINCARDINE.

No. 21.
Earl of Elgin and
Kincardine
to
Earl Grey,
7th Dec. 1847.

Encl. 1., 19th Nov. 1847.
Seven Enclosures.

Enclosure 2.

Enclosure 1. in No. 21.

Encl. 1. in No. 21.

My Lord,

Mount Lilac, Beauport, Quebec, 19th November 1847.

It is now nearly sixteen months since the receipt by the Governor General of your despatch of the 18th July 1846*, in answer to the addresses † of the local Legislature to her Majesty in my behalf, admitting my right to compensation for all losses consequent on the surrender by me of the clerkship of the Council in 1841, and directing the Governor General to impress upon the Assembly the necessity of providing for my reasonable remuneration.

In the letter which I had the honour to address to your Lordship upon this subject on the 12th of August following ‡, I pointed out the difficulty which would probably attend the settlement of my claims by the province. My anticipations on this head, I lament to say,

(112.)

have

* Page 105 of this
paper.

† Pages 47, 48 of this
paper.

‡ Page 53 of this
paper.

have been more than realized. Still it will, doubtless, occasion your Lordship some surprise to hear, that so far from your directions in this matter having in any way been complied with or carried out, *as instructions from the Secretary of State have hitherto been*, the Executive has manifestly been reluctant, not to say indisposed, to liquidate my claim, or to perform its part of the contract between the Government and myself, though during the last session of the Provincial Parliament the ministry were repeatedly called upon and urged by the leading members of the opposition, as well as by their own supporters, to declare *why I was not paid as directed by you*. Nothing but evasive answers, calculated, I shall not say intended, to mislead, could be elicited in reply. Meanwhile daily promises of speedy payment being held out to me, I was prevented from availing myself of the sense of justice by which a large majority of the members were impelled to support my claim; yet, my Lord, four months before the meeting of Parliament*, I had been officially informed by Lord Elgin that my case was one of the exigencies of the public service, and should be settled at as early a day as possible.

As your Lordship had expressed an opinion that the Colonial, and not the Imperial, Government were bound to pay, I continued, under incredible difficulties and privations, to struggle on, in the vain hope that your views would be carried out.

But, my Lord, unfortunately for me, I have looked in vain for that high tone of moral rectitude and honour which is so characteristic of an English statesman, and indeed, of Englishmen generally. On the contrary, nearly all the movements of Government in this province are influenced by personal feeling. The rights of the subject, the interests of the state, the public credit, or the honour of the Crown, are secondary considerations, compared with the gratification of *personal resentment or the attainment of private ends*. This, my Lord, I have been made to experience in no slight degree by the late Attorney General Mr. Draper, and without designating individuals (which I have already sufficiently done in my letter to Lord Elgin of the † 23d October last), I must be allowed to observe, that the mysterious influence which he exercised is still felt, and it is, I fear, owing to that influence, or at least to the spirit in which he conducted himself, in conjunction with the causes I have already alluded to, that a most unrighteous report was prepared, a report at variance with fact and with every principle of justice, as well as in opposition to the admissions of Sir Charles Bagot, Lord Metcalfe, Earl Cathcart, the Assembly, and of your Lordship.

I have confessedly, by documentary proof, removed every objection, and proved every point of my case in a way that would have been perfectly satisfactory to any just tribunal; yet, assuming the possibility of scepticism in the teeth of demonstration, I prayed that I might be heard by counsel before his Excellency the Governor General in Council. Summarily rejecting this application, the ministry persist in their iniquitous decision, and have refused that reasonable request, a request which has never before been denied to the meanest of her Majesty's subjects.

Thus, my Lord, have my public services, and my compliance with the wishes of the Crown, been requited by these gentlemen, who, not content with exemplifying in my person the fable of the wolf and lamb, have, with a refinement of cruelty, added insult to injury, concluding their report by recommending that my name should be included in the estimates for 2,500*l.* as payment in full for the past, present, and future, though I have proved by vouchers ‡ an actual loss under my arrangement with Government of upwards of 11,000*l.*, and established my claim to a retirement of 515*l.* per annum, or a commutation thereof, making a total claim on the 1st of July last of 16,157*l.* 12*s.* 6½*d.*

Such being the case, all my efforts have been, and, unless your Lordship interferes, must be, abortive.

At your hands, then, my Lord, do I expect a confirmation of *the act of the accredited agent of the Crown in his official capacity*; and I appeal to your Lordship, happy in the knowledge that a nobleman of your high hereditary sense of honour is at the head of the Colonial Office, and that I may confidently rely on your justice.

The income I gave up under my arrangement with Lord Sydenham would now amount to about 7,000*l.* The excess of expenditure, interest on loans effected on the faith of Government, judgments in favour of clerks employed under Lord Sydenham's guarantee, losses and expenses consequent on breach of contract, amount to about 4,000*l.* more. Your Lordship, in your despatch of the 18th July 1846§, acknowledges my right to compensation for all losses consequent on the surrender by me of the Council Office.

The address of the Assembly is to the same effect, and on reference to my account it will be found that I have confined my charges strictly to what comes legitimately within the scope of the aforesaid admission; yet, after a *lapse of more than six years during which no fault was found with my establishment, the Council, taking a retrospective view, have actually denied my right even to be reimbursed my actual official outlay*. This is the more extraordinary, inasmuch as that outlay was founded upon a scale submitted to and approved by Lord Sydenham¶, which became the basis of the whole arrangement.

It is true that this decision rests upon a somewhat specious pretext; a pretext that my establishment was expensive; but that expense (which it must be borne in mind was less than Mr. Dowling's) was indispensable, for it was entailed on me by the requirements of the law, and the incapacity or negligence of my predecessor, who left the work upwards of twelve months in arrear.

In regard to the future, my Lord, I respectfully submit that the fact of my having suffered as I have done for the last six years should not be used, as unjustly contemplated by the

* See accompanying Letter, dated 20th Feb. 1847, page 58 of this paper.

† Page 70 of this paper.

‡ See accompanying Account marked L., vide Enclosure 11, printed at page 72 of this paper.

§ Page 107 of this paper.

¶ Vide Memorandum submitted to Governor General, 22d August 1841, page 14 of this paper.

the Council, to my prejudice, or to bar me from rights which it is admitted I possessed in 1841. If, therefore, I was then entitled to retain an office of 1,030*l.* per annum, or to retire on a pension of 515*l.*, I am so still; the breach of faith on the part of the colonial ministry cannot have obliterated my length of service, or have deprived me of the benefit accruing therefrom.

I leave it then to your Lordship to decide, whether an appointment equal in value to that which, on public grounds, and at the *instance of the Crown*, I consented to forego, shall be provided for me here or in England, or whether my name shall be borne on the permanent pension list of the province. That list *is entirely at the disposal of Her Majesty*, and it shows, as will be seen by the return of the Deputy Inspector General of Public Accounts, *an unappropriated annual amount of about 1,000*l.**

In order to place your Lordship in possession of all the facts relative to my case, I take the liberty of forwarding copies of my correspondence* with the Governor General, together with the reports of Council of which I complain. These documents speak for themselves, and will, I am sure, carry conviction to your Lordship's mind, as they would to the mind of any unprejudiced and honourable man. In laying them before you, however, I beg to disclaim all intention of reflecting on the conduct of Lord Elgin in granting his assent to orders of Council so much at variance with the decisions and admissions of his predecessors, of the Legislature, and of yourself. He is your Lordship's connexion, and the representative of his Sovereign, and as such, it would ill become me, even if I felt so disposed, which I do not, to impeach his justice. I have all along thought that his Lordship felt anxious to see me righted, and that he lacked but the means of doing so. Under the constitution lately granted to this province, the power of a Governor is very restricted; and he probably felt compelled, against his own opinion and conviction, to yield to the decision of his advisers. I venture, however, with the greatest possible respect, to submit that in a case like mine, where the honour of the Crown and the public credit were at stake, it was his duty to intervene in my behalf, in order to prevent the violation of an admitted principle, and to check, by the exercise of his vice-regal prerogative, as Lord Metcalfe did before him, an attempt on the part of his Council to control the decision of Her Majesty solemnly pronounced through Her Secretary of State upon the joint addresses of the Legislature.

Permit me, my Lord, in conclusion to add, that if the advisers of a Governor, under the influence of private feeling, are to be allowed to exercise an over-ruling power, neutralizing the will of the Sovereign, and to sacrifice an individual who has acted as I have, in good faith, we can no longer be considered as under the protection of a monarchical government, but as suffering under a democracy of the worst description.

The Right Hon. the Earl Grey,
&c. &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

Enclosure 1. in Mr. RYLAND'S LETTER to Earl GREY, dated 19th November 1847,

Encl. 1. in Mr. Ryland's letter to Earl Grey.

Consists of printed Papers entitled

"Copies of Letters to his Excellency the Governor General, and Memorial to the Right Honourable the Secretary of State, relative to the claim of George Herman Ryland, Esq., on Her Majesty's Government, with despatches on the same subject; followed by an Appendix containing Lord Sydenham's guarantee and other documents bearing on the case, &c. &c."

CONTENTS.

1. Mr. Ryland's Letter to Sir Charles Metcalfe, dated 29th March 1843.—(Printed at Page 8 of this Paper.)
2. Mr. Secretary Daly to Mr. Ryland, dated 7th April 1843.—(Printed at Page 9 of this Paper.)
3. Mr. Ryland to Sir Charles Metcalfe, dated 18th April 1843.—(Printed at Page 9 of this Paper.)
4. Captain Bagot to Mr. Ryland, dated 20th April 1843.—(Printed at Page 22 of this Paper.)
5. Mr. Secretary Daly to Mr. Ryland, dated 1st May 1843.—(Printed at Page 12 of this Paper.)

- * 1 and 2. Printed papers, containing Correspondence from March 1843 to August 1846.
3. Printed Papers containing Correspondence with Governor General the Earl of Elgin; viz.—
1. Secretary Daly to Mr. Ryland, 20th February 1847. See Page 58.
 2. Mr. Ryland to the Earl of Elgin, 18th March 1847. Page 58.
 3. Ditto, 27th August 1847. Page 60.
 4. Mr. Ryland to the Earl of Elgin, 17th September 1847. Page 61.
 5. Report of Council, 10th September 1847. Page 66.
 6. Ditto, 28th September 1847. Page 69.
 7. Mr. Secretary Daly to Mr. Ryland, 6th October 1847. Page 69.
 8. Mr. Ryland to Earl of Elgin, 29th September 1847. Page 70.
 9. Ditto, 23d October 1847. Page 70.
 10. Assistant Secretary Parent to Mr. Ryland, 5th November 1847. Page 71.
 11. Mr. Ryland's Accounts. Page 72.
 12. Account of Receipts and Disbursements of Mr. Ryland's office, year ending 1st Jan. 1844. Page 68.

6. Mr. Ryland to Mr. Secretary Higginson, 26th August 1843.—(Printed at Page 8 of this Paper.)
7. Memorial from Mr. Ryland to Lord Stanley.—(Printed at Page 6 of this Paper.)
8. Letter from Secretary Higginson to Mr. Ryland, 30th January 1844.—(Printed at Page 24 of this Paper.)
9. Letter from Mr. Ryland to Mr. Secretary Higginson, dated 9th February 1844.—(Printed at Page 25 of this Paper.)
11. Lord Stanley's Despatch, No. 193., 31st March 1844.—(Printed at Page 101 of this Paper.)
12. Mr. Ryland to Governor Sir Charles Metcalfe, dated 14th May 1844.—(Printed at Page 29 of this Paper.)
13. Mr. Ryland to Mr. Secretary Higginson, dated 18th May 1844.—(Printed at Page 31 of this Paper.)
14. Lord Stanley's Despatch, No. 247., dated 27th June 1844.—(Printed at Page 101 of this Paper.)
15. Mr. Ryland to Sir C. Metcalfe, dated 23d August 1844.—(Printed at Page 32 of this Paper.)
16. Secretary Higginson to Mr. Ryland, dated 25th October 1844.—(Printed at Page 34 of this Paper.)

APPENDIX A. THERETO.

1. Extract of a Despatch from Lord Glenelg to Sir F. B. Head, communicated to the Legislature of Upper Canada on the 30th January 1836.—(Printed at Page 97 of this Paper. Vide Appendix.)
2. Extract of Minute of Council, dated 6th September 1828.—(Printed at Page 97 of this Paper. Vide Appendix.)
3. Commission appointing Mr. Ryland Clerk of Executive Council, dated 13th October 1838.—(Printed at Page 4 of this Paper.)
4. Lord Normanby's Despatch, No. 53., dated 5d July 1839.—(Printed at Page 99 of this Paper.)
5. Mr. Ryland to Mr. Secretary Harrison, dated 11th June 1841.—(Printed at Page 27 of this Paper.)
6. Memorandum communicated by Mr. Ryland to the Governor General on the 22d August 1841.—(Printed at Page 13 of this Paper.)
7. Mr. Secretary Murdoch to Mr. Ryland, dated 23d August 1841.—(Printed at Page 16 of this Paper.)
8. Mr. Ryland to Mr. Secretary Murdoch, dated 3d September 1841.—(Printed at Page 16 of this Paper.)
9. Mr. Secretary Daly to Mr. Ryland, dated 8th December 1841.—(Printed at Page 17 of this Paper.)
10. Mr. Ryland to Mr. Secretary Daly, dated 17th December 1841.—(Printed at Page 17 of this Paper.)
11. Mr. Secretary Murdoch to Mr. Ryland, dated 8th January 1842.—(Printed at Page 32 of this Paper.)
12. Account of Receipts and Disbursements, 1842.—(Printed at Page 17 of this Paper.)
13. Mr. Ryland to Mr. Secretary Daly, dated 17th December 1843.—(Printed at Page 22 of this Paper.)
14. Mr. Murdoch to Mr. Ryland, dated 17th September 1844.—(Printed at Page 60 of this Paper.)

Encl. 2. in Mr. Ryland's letter to Earl Grey.

Enclosure 2. in Mr. RYLAND'S LETTER to Earl GREY, dated 19th November 1847,

Consists of printed Papers entitled

“ Continuation of the Correspondence relative to the claim of George Herman Ryland, Esquire, on Her Majesty's Government, followed by the report of a Select Committee of the Honourable the Legislative Assembly, and Address to Her Majesty founded thereon.”

CONTENTS.

1. Letter from Mr. Ryland to Governor General Lord Metcalfe, dated 28th July 1845.—(Printed at Page 37 of this Paper.)
2. Lord Stanley's Despatch, No. 436, dated 16th September 1845.—(Printed at Page 103 of this Paper.)
3. Letter from Mr. Ryland to Governor General Lord Metcalfe, dated 11th October 1845.—(Printed at Page 40 of this Paper.)
4. Letter from Mr. Ryland to Mr. Secretary Higginson, dated 22d November 1845.—(Printed at Page 41 of this Paper.)
5. Letter from Mr. Secretary Higginson to Mr. Ryland, dated 23d May 1846.—(Printed at Page 51 of this Paper.)
6. Letter from Mr. Ryland to Governor General Earl Cathcart, dated 25th May 1846.—(Printed at Page 50 of this Paper.)
7. Letter from Mr. Secretary Higginson to Mr. Ryland, dated 27th May 1846.—(Printed at Page 52 of this Paper.)
8. Letter from Acting Secretary Cotton to Mr. Ryland, dated 23d June 1846.—(Printed at Page 52 of this Paper.)
9. Mr. Ryland to Governor General Earl Cathcart, dated 23d June 1846.—(Printed at Page 52 of this Paper.)
10. Acting Secretary Cotton to Mr. Ryland, dated 25th June 1846.—(Printed at Page 52 of this Paper.)
11. Acting Secretary Cotton to Mr. Ryland, 29th June 1846.—(Printed at Page 54 of this Paper.)
12. Earl Grey's Despatch No. 3, dated 18th July 1846.—(Printed at Page 105 of this Paper.)
13. Mr. Ryland to Governor General Earl Cathcart, dated 27th July 1846.—(Printed at Page 54 of this Paper.)
14. Mr. Ryland to Governor General Earl Cathcart, dated 8th August 1846.—(Printed at Page 55 of this Paper.)
15. Acting Secretary Cotton to Mr. Ryland, dated 10th August 1846.—(Printed at Page 55 of this Paper.)
16. Mr. Ryland to Earl Grey, dated 12th August 1846.—(Printed at Page 53 of this Paper.)
17. Report of a Select Committee of the Legislative Assembly on Mr. Ryland's case, dated 17th April 1846.—(Printed at Page 46 of this Paper.)
18. Address of the Legislative Assembly to Her Majesty, dated 12th May 1846.—(Printed at Page 47 of this Paper.)

Encl. 3. in Mr. Ryland's Letter to Earl Grey.

Enclosure 3. in Mr. RYLAND'S LETTER to Earl GREY, 19th November 1847.

Sir,

Secretary's Office, Montreal, 20th February 1847.

I have the honour, by command of the Governor General, to acknowledge the receipt of your letter to his Excellency of the 1st instant, and to inform you, that his Excellency's attention will be given to the subject of your case at as early a day as *the other exigencies of the public service may admit.*

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

I have, &c.
 (Signed) D. DALY, Secretary.

My Lord,

Montreal, 18th March 1847.

Having in an interview with Colonel Bruce yesterday explained the increasing difficulties of my position, I now take the liberty of submitting a very simple method, by which, if it meets with your Excellency's approbation, my claims may be disposed of.

The

The debt, as your Lordship is aware, has been admitted on all sides, and the honour of the Crown is concerned in seeing it paid.

I would propose that I shall receive debentures, payable with interest, in one, two, or three years. This will at once furnish me with the means of extricating myself from the embarrassments caused by the nonfulfilment of contract on the part of the Crown, and afford time to settle the question whether the Imperial or the Local Government shall ultimately be held liable for the amount of the claim.

The Government having enjoyed the benefit of their arrangement with me for nearly six years, it surely cannot be considered unreasonable if I urge a fulfilment of the contract on their part.

Mine, my Lord, is no common supplication for favour, it is an application for justice founded in reason, right, and equity; and I feel convinced that your Lordship will not suffer a public servant, situated as I am, to be subjected to further loss, humiliation, and disgrace, because a doubt exists as to which portion of the empire should be held responsible for the payment of a debt acknowledged by all parties to be due.

Should your Excellency, however, not deem it expedient to adopt the method I have here suggested, I would entreat that the matter may be disposed of in such other way as that I may be furnished with the means of showing that the pledge of the Crown will be redeemed, and that justice, however tardy, will ultimately be forthcoming. This I have a right to expect, and this, as the creditor of the Crown, I most respectfully demand.

On reference to the official acknowledgement of my claims by Lord Metcalfe, it will be seen that the present opposition, or what is denominated the Baldwin and Lafontaine party, were at that time in office. The communication, therefore, having been made through their colleague, the regular official organ or channel, was binding on the administration of that day as it is upon that of the present.

Thus then I have in my favour the combined admissions of the representative of the Sovereign, of the past administration and the present, the voice of the public, the solemn act of the Legislature, and the confirmation of the Sovereign; what more can be required to authorize the payment of the debt, and wherefore, my Lord, am I still compelled to suffer?

The manner of my address may appear strange to your Lordship, but, believe me, I would not, under ordinary circumstances, thus press this matter on your notice. It is my necessities and urgent demands which I am unable to meet which compel me to this course, and to the kindly feelings of your Lordship's nature I submit these causes, in the conviction that they will be received as a full and sufficient excuse for my present intrusion.

I have, &c.

(Signed) G. H. RYLAND.

The Earl of Elgin and Kincardine,
Governor General, &c., &c.

My Lord,

Montreal, 24th July 1847.

With reference to the conversation I had the honour of having with your Lordship yesterday, I would respectively refer you and the Council to Mr. Murdock's letter of the 17th September 1844*, in which he, the living witness to the transaction, bears testimony to the correctness of my interpretation of the arrangement between the Executive Government and myself in 1841, and as he was the party through whom the negotiation was officially carried on, I should humbly conceive that his evidence ought to be considered as quite conclusive.

* Page 60.

Lord Sydenham's arrangement with me must be considered as *entirely valid* or *altogether invalid*. The Government cannot affirm it in part or as far as it conferred benefit on them, and disaffirm it as far as it was intended to be beneficial to me.

If it is valid I have a right to the fulfilment of it in all its parts, or in the words of the address to the Queen, as that is now impossible, to full compensation for nonfulfilment thereof. If, on the other hand, owing to Lord Sydenham's having exceeded his powers, the arrangement is in any way invalid, it must be *invalid altogether*. The appointment I held never was vacated, and I am entitled to my arrears of income as clerk of the Council, to repayment of my expenses, to remuneration for my losses, and to continue in the office on the same terms as before, or to retire on a pension of 515*l.* per annum.

Your Lordship will observe that, on the 17th of December 1843, before the expiration of the year during which it was supposed that I should have reaped the benefit of the expectations held out to me by the Executive Government in 1841, and before the office I had consented to surrender had been filled up, I entered a protest, in the shape of a remonstrance, against the effects of a bill for amending the registry ordinance, which had been introduced into the House, at the instance of Mr. Lafontaine, the then Attorney General, which subsequently deprived me of the district office given to me under the arrangement with the Governor General.

Of this remonstrance the Executive took no notice further than immediately to fill up the clerkship of the Council, thereby preventing my return to it. Thus, then, was the contract between the Government and myself violated, they retaining possession of the value received, and at the same time preventing the possibility of my obtaining any part of the promised equivalent.

It has been observed that it is strictly in the power of the Legislature to make any alterations in the law they deem necessary, and that individuals taking office do so subject to this contingency.

This may be true in the *abstract*, but it has *ever been customary under the Imperial as well as under the Local Government* to make provision in all such cases in favour of those who *might be injuriously affected* by the working of the act. In my case it was particularly incumbent on the Executive to protect me, inasmuch as I had shown that the proposed alteration in the law interfered with the contract between the representative of the Sovereign and a public servant who was acting in good faith.

It is admitted, for the sake of argument, that Parliament may at any time pass a law by which a public work, such, for instance, as a canal or railroad, may be stopped, *but it is utterly incompetent in them, by such act, to defraud or deprive the workmen who had been employed, of the wages which they had previously earned.* So in my particular case, as there was a *special and solemn contract existing between the Government and myself*, of which I had performed my stipulated share, and paid the price agreed upon, it was the duty of the Executive to see provision made for the preservation of my rights. Having failed in doing so, however, I cannot with justice be made to suffer, particularly as the very power, i.e., the Legislature which passed the law amending the ordinance, have acknowledged my right to compensation for the injuries inflicted on me by its operations.

Trusting, my Lord, that these observations will meet from the Council with the attention and consideration which I am sure you will admit they deserve, I earnestly pray that Lord Grey's instructions of the 18th of July 1846,* may be carried out, and the amount I am to receive, if possible, be determined on before Thursday next, as that will probably be the last day on which a quorum can be got together to pass a measure of relief through the Assembly: and I feel convinced that in dealing with the case the *protracted sufferings* I have endured will be taken into consideration, and that so far from permitting a doubt to operate to my detriment, I shall be allowed the benefit of it, if one exists, and the remuneration calculated in that liberal spirit which ever characterises the British Government.

I have, &c.,

G. H. RYLAND.

His Excellency the Right Hon.
The Earl of Elgin and Kincardine.

Extract of a Letter from T. W. C. Murdoch, Esq., Civil Secretary to the late Lord Sydenham, Governor General of Canada, referred to in the foregoing Letter.

" My dear Ryland,

Brighton, 17th September 1844.

" I received here yesterday morning your letter of the 28th August last. I am away from the office for my annual holiday, and do not expect to be back there till the end of next month.

" I do sincerely hope that your remonstrance to Lord Stanley may be successful. I have always thought and felt that yours was a case of peculiar hardship, and have never failed, when I had an opportunity, to say so, and to bear testimony to the correctness of your interpretation of the agreement between yourself and Lord Sydenham.

Very sincerely yours,

(Signed) T. W. C. MURDOCH."

My Lord,

Montreal, 27th August 1847.

I am compelled again most respectfully to urge upon the Government the settlement of claims which your Lordship informed me on the 20th of February last, would be adjusted as soon as "the other exigencies of public service would admit."

The principle having been admitted that the province is liable for the debt, *every hours delay in the settlement thereof is but an additional grievance*, and I must add that unless the Executive intend making me the fullest and most ample compensation in the power of a just and liberal Government to grant, not only for the actual losses consequent on my exchange of office, but for the inconveniences and indignities to which their breach of faith have exposed me, the continued withholding of a measure of relief would be a *cruel and monstrous exercise of power over right, to perpetuate wrong.*

I am, my Lord, perfectly aware that under responsible government your Lordship has scarcely a voice, and that, as far as regards the payment of public monies, you are compelled to follow the advice of your ministers. But I will never believe that among the whole of your constitutional advisers, one will be found afraid to take upon himself his share of the responsibility of liquidating a just debt, which the Legislature of the country and the Sovereign of the empire have declared to be due, still less would any be capable of advising a measure derogatory to the honour of the Crown.

In appealing to your Lordship, as I now solemnly do, I would again respectfully submit that I am not an applicant for favour but for justice, for the restitution of rights and property sacrificed in the execution on my part of a contract between the Executive Government and myself in 1841; and as it is admitted that I have conscientiously performed my share of the bargain, I humbly pray that no one-sided argument or partial interpretation of the contract be made to operate to my detriment, or to the evasion on the part of the Executive of any portion of the liability which the transaction attaches to them.

The Government may find it difficult to meet its engagements, but justice, honour, and a due regard for the public credit will doubtless suggest a means of extrication, without having recourse

recourse to a measure dishonourable in private life, and happily without precedent under the British Government.

The Right Hon.
The Earl of Elgin and Kincardine,
Governor General, &c.

I have, &c.
(Signed) G. H. RYLAND.

Enclosure No. 4. in Mr. RYLAND'S LETTER of 19th November 1847.

Encl. 4. in Mr. Ryland's Letter to Earl Grey.

My Lord,

Montreal, 17th September 1847.

I yesterday had the honour of receiving from the Provincial Secretary's office an extract of a report * of Council, purporting to have been passed and approved of by your Excellency on the 10th instant, and I must confess that I am utterly at a loss for words adequately to express the feeling with which I have perused this most extraordinary and contradictory document.

* Page 66 of this paper.

It is evident that the Council have come to a decision in this matter, not on the merits of my case, not on the documents, the facts, or evidence I have furnished, not on the claim as involving the faith and honour of the Government, not on a matter on which legislative action of the most solemn nature has been had and upon which the direct commands of her Majesty have been conveyed to the head of the Executive, but either in perfect ignorance of the true nature of the claim upon ex parte evidence, or on a crude notion that a mere trifling and undefined claim had been set up on my part which the Council were called upon to consider, and at their perfect convenience dispose of with as little expense to the province and trouble to themselves as possible. In arriving at their decision, however, I have the satisfaction to see that they have established some important facts which will greatly facilitate the finding of the exact amount due to me; viz.

1st. That a contract existed, or rather took place, between the Government and myself in 1841, binding on their part, and for the fulfilment of which on my part a confession of value received is given by the ministry.

2dly. That I was considered at the period in question entitled to a retiring allowance of 515*l.* per annum.

3dly. That certain claims arising out of the aforesaid contract remain unliquidated, and that the present ministry hold themselves responsible for the payment of whatever may be due.

4thly. That the only item susceptible of doubt in my account, viz., interest claimed by me, is rightfully due.

This being the case, I will now endeavour, calmly and with the respect which I owe to your Lordship's elevated station, to take up and deal with each objection raised by the Council in the order which they occupy in their report, trusting that if I shall show, which I have no doubt I shall, that they have been based in error, they will at once reconsider their report with a view to a prompt and full measure of justice and immediate discharge of the debt for the past and provision on the pension list for the future.

The first paragraph of the report assumes, as a matter of fact, that an arrangement took place between the Government and myself in 1841, concluding by these most offensive assertions, viz.

"1st. That the office I now hold was not to be considered a mere sinecure.

"2d. That a proper economy in its management should be practised.

"3d. That my personal assistance in conducting the office was required."

Upon these three points I may be allowed to remark that the arrangement entered into with me had no reference to the office I now hold, but to the district office of Quebec; it was based on the admission that I was in the receipt of 1,030*l.* per annum, derived from an official appointment which I might have retained, and that I had a right to retire from the public service on a pension paid quarterly of 515*l.* per annum. Had I treated an office therefore as a sinecure, which for the sake of argument we will suppose to have yielded a sum equal only to the amount of pension, it could scarcely have been considered very surprising or deserving of censure.

But so far from this being the case, I was selected by Lord Sydenham as an officer upon whom other registrars might fall back for information and advice, to put into operation a most important law affecting the interests of every landed proprietor in the country, his Lordship at the same time officially approving of my selection of Mr. Weston as my deputy, a gentleman perhaps better qualified from his business habits than any other in the country to fill the first rather than the secondary position in such an office; and I appeal to every registrar in the province, whether I did not act up to his Lordship's intentions in this respect, furnishing the forms which are now used in the several offices, and assisting the greater part of the registrars with my advice in carrying on the duties of their departments, and during the first three years, with the exception of the period when I was in Kingston, urging on the Government the fulfilment of their contract*, my attendance was regularly given from nine to four, superintending the most important branch of the department. But my labours did not end there; they often continued till midnight in preparing certificates on documents which had been registered and were required by the parties concerned. This fact every notary in Quebec as well as the numerous documents in circulation, bearing my

* See subjoined letter from Mr. Holmes, page 66.

signature and writing, will amply prove. The process of registration under the ordinance is most tedious, requiring the greatest caution and care; and the honourable gentleman who drew up the report of Council must be very ignorant of the working of the law if he supposes that in the district of Quebec or Montreal a registrar who knows his duty can devote his time to the personal transcription of deeds deposited for enregistrement; nor could this, under any circumstances, reasonably be required from me as the head of the department; as well might the President of the Council be called upon to enter his reports in the books of the Council, a duty I believe not even performed by the clerk of the Council, or the Inspector General to transcribe the public accounts, the Provincial Secretary to copy and enter all letters on the public service, or that the honourable the Attorney General should dismiss his clerk and copy all his drafts himself. The head of the office is responsible to see the duties of his department properly executed, and if he does that it is all that can be required of him. The colonel of a regiment may understand the platoon exercise, and have to see it performed, but he is not expected personally to go through it on every drill day; he is responsible, however, to see that *it is done properly* by the men under his command.

But proceeding to the next part of the report, it is argued, "that Mr. Ryland's statements show that his office expenses have been restrained within no reasonable limits, and that from his assumption of its duties, an extravagant official establishment was not only formed, unjustified by any previous knowledge of the amount of labour to be performed or by the requirements of the law, but it has since been continued at Quebec and Montreal without any apparent necessity."

Now, having been selected by one of your Lordship's predecessors to put the registry ordinance into operation, and having been at no slight pains to make myself conversant with the statute, I might have been allowed the credit of understanding the practical working, or, in the language of the report, "the requirements of the law," as well as any person in the country, not even excepting the honourable the Attorney General, though I am aware that he has drafted a bill to amend and facilitate its operations. At any rate, after the information and explanations which I have already given, I might have been spared the gratuitous affront this portion of the report conveys. However, in order to set this part of the subject entirely at rest, I will refer your Lordship to the memorandum* of the 22d August 1841, laid before Lord Sydenham, in which the proposed scale upon which it was contemplated to form the Registry Office in Quebec is given, and which was approved of by his Excellency at the time. Comparing this with the accounts† of receipts and disbursements contained in the papers printed by order of the House of Assembly, it will be found that, with the exception of two extra writers, Messrs. Gordon and Carter, (the latter gentleman now retained as principal counsel in an important libel case at present going on in the Court House of Montreal,) and which together forms an item of 11*l.* 6*s.* 8*d.* only, I have strictly conformed to the scale laid down and approved of by the Governor, the officers having been engaged by Lord Sydenham's directions from the 1st of October 1841, the day on which, but for his Lordship's accident and death, the law would have gone into operation.

In regard to my having continued an expensive establishment in Quebec after my removal to Montreal, I will refer your Lordship to the subjoined report of Council‡, deciding that the enregistrement of several thousand deeds in the Quebec office should be completed by me. This work, owing to a great part of the deeds being in old French, badly written, and in many places defaced and most difficult to decipher, occupied thirteen clerks for nearly eighteen months. The public interests required that my deputy or myself should be on the spot to superintend, certify, and deliver the deeds; and, having a residence near Quebec, where my family lived, I remained to look after and wind up the work, except during a few weeks, when Mr. Weston and I changed places; had he remained there instead of me, it would have involved additional expense, as it could not be supposed or expected that he should defray his expenses at an hotel or boarding house out of his own pocket.

The third paragraph of the report of Council continues the unwarranted charge of "want of economy," "unrestricted and unnecessary expenditure in my office."§ This, happily for me, is easily rebutted. The subjoined note from Mr. Le Blanc, one of Mr. Dowling's deputies, will show that the expenses of the department under his administration infinitely surpassed mine; his deputy, for instance, a man of far inferior official ability to the gentleman who acted for me, receiving 300*l.* a year, instead of 250*l.*, paid to mine; and yet, though he did not keep the principal book required by law, viz. the index to estates, or verify his entries, the whole of his work is in such a state that it will ultimately cost the Government from two to three thousand pounds to rectify and remodel it, *and even then the public will not be secured.* But, as a final answer to the accusation of extravagant and unrestricted expenditure, I shall remark, that one of my confidential clerks, Mr. Coke, in the receipt, with me, of 80*l.* per annum, was taken out of my office, and placed in an inferior capacity, by the Government, in the office of the clerk of the Council, with a salary of 175*l.* per annum. This fact, I presume, is conclusive as to whether my officers were overpaid or not.

The Council further observe, that the duties of the office in Quebec, since my transfer to Montreal, have been and are performed by the incumbent there, with one clerk. I have already laid before the Council such full explanations on this head, that it would only be trespassing on your Excellency's time to repeat them here; suffice it, that the manner in which it may please Mr. Montizambert to carry on his office is no rule for me. He has but a nominal deputy, who resides in Montreal, and both principal and deputy are sometimes away for days together. He no longer, I understand, keeps up the index to estates, or compares

* See page 14 of this paper.

† Page 68 of this paper.

‡ Marked A., page 61 of this paper.

§ Marked B., page 61 of this paper.

compares his entries, and I have constantly seen extra writers at work in his office; and, lastly, he is now deriving the benefit of the *perfect system of registration* introduced and kept up by me, whilst I am suffering *from a contrary course, and the gross official errors and irregularities of my predecessor*. But though the time of my clerks is constantly taken up in correcting errors, the Council labour under a mistake if they suppose that I have made any claim on Government for compensation on this head, though I have and shall continue to press for payment of all legal or other expenses and losses caused by the nonfulfilment of the contract which the Council admit existed between the Executive and myself.

I now come to that part of the report which relates to compensation claimed for changes effected by statute, and changes from district to county offices; and this paragraph alone would prove that the documents before the Council could not have been read, otherwise it would have been found that *a distinct claim is made for losses amounting to some thousand pounds*, caused by the provisions of the Act 6 Vict. cap. 15., and which exempted seignors from registering seignorial dues; and again, on the 17th December 1843, I protested against further alterations in the law by which county offices were substituted for district offices; and as the validity of my contract with Lord Sydenham had then been officially acknowledged, it was, I maintain, the duty of the Executive to have made provision for the preservation of my rights. This they did not do, and are now, therefore, answerable for the consequences, and the sin of the omission should not be visited on me.

But the Council state, that I accepted the transfer from Quebec to Montreal "without objection or reservation." My Lord, I most respectfully deny the fact; a reference to the inclosed correspondence* with Mr. Secretary Higginson will show that I expressly refused to accept of the transfer to Montreal if it was intended that it should in any way interfere with my acknowledged rights and claims; and the conferring the office in question on me afterwards may be considered as a distinct recognition on the part of the Executive of those claims, *as previously set forth in my letter to Lord Metcalfe, dated 24th August 1844* †, and which are as follows:

"First, to be reimbursed the monies which I had advanced from my private means for the public service on the faith of Government, as pledged to me by Lord Sydenham.

"Secondly, payment of the income which I enjoyed as clerk of the Council, from the fall of the year 1841, when I consented to retire from it."

"Thirdly, remuneration for the heavy losses to which I had been subjected by the non-fulfilment on the part of the Crown of the arrangement entered into with me by her Majesty's representative."

"Fourthly, I claimed, for the future, a pension of 515*l.*, to which by my length of service I am entitled under the Imperial Act 4 & 5 Will. 4. c. 24., or to be restored to the clerkship of the Council, with the same advantages as when I retired from it."

These are the claims, my Lord, set forth in August 1844. *They are acknowledged by the Provincial Legislature, by the Imperial Government, and by the Sovereign, who directed her representative (the servant of the empire) to press upon the Assembly the necessity of providing the means for my reasonable compensation, that compensation being in the same instruction denominated "remuneration for all losses consequent on the surrender of my office as clerk of the Council" in 1841.* And why, my Lord, was this not done during the last session, when your Lordship, so far back as February last, five months before the meeting of Parliament, *declared my case to be one of the exigencies of the state.* The means of deciding the amount of claim were within reach then as much as now, and if it was intended to postpone the payment of the debt, and to continue my sufferings till the next session of Parliament, why, when the question was put to your ministers in June and July last, whether my claims had been liquidated, and if not why not, did they answer that it was in progress of settlement?

If the Government are sincere in their assertion that they are desirous to do me justice, they have it now in their power, after what then passed, to satisfy me at once, without going to the House, as I have shown in my letter to Mr. Badgley, dated 2d September 1847. †

In conclusion, my Lord, I would remark that my position is different from that of any other officer of Government in the country. So far back as 1813, as will be seen by the accompanying despatch from Lord Gosford, § when, on account of my father's advanced age, it was proposed to the Secretary of State that he should be allowed to retire in my favour, Lord Glenelg, who was disposed to comply with the proposition, referred the matter to Lord Gosford for his report. His lordship, *officially acknowledging my public services, objected to the manner only of rewarding them*, on the plea of dislike to hereditary succession to office, and nothing further was done in the matter till the *arrival of Lord Durham, who overruled the objection*, and caused letters patent to be issued in my favour appointing me, on my father's death, to the clerkship of the Council, which was continued to me at the union, and which I held till nearly a year after, ultimately surrendering it under the arrangement of which I now claim the fulfilment.

We read, my Lord, that Ahab king of Samaria, having caused Naboth to be slain, took possession of his vineyard, and the vengeance of the Almighty followed. But mine is even a more cruel case than Naboth's. He was slain, and his cares with him; but I have been made to die daily. Induced by fair promises of future good, and confiding in the honour of the Government, I consented to surrender my vineyard, the fruits of my labour, *the reward of my Sovereign for my public services*, and now, when no more can be extracted from me, when all my substance is gone, I am consigned, with my wife and my children, to beggary and

* See Mr. Ryland's letter accompanying this account, given in in January 1843.

* Marked C. D. E. F. page 65.

† Page 32 of this paper.

‡ Marked G., page 65 of this paper.

§ See page 1 of this paper.

ruin; at any rate such would be the inevitable result if the report of the Committee of Council of the 10th instant were carried out.

But I feel convinced, my Lord, that neither the Council nor yourself, with the explanations and evidence now laid before you, will further hesitate to grant me a full measure of relief; but (to use the words of Mr. Attorney General Sherwood a few days before his appointment to office,) that justice, however tardy, will at length be forthcoming.

I therefore pray that my claims for the past may be discharged by the payment of a block sum, either in debentures or otherwise, as the Council may see fit, and that for the future my name may be placed on the pension last reserved by the Union Act, and which shows an unappropriated amount of about 900*l.* at the disposal of the Executive, without the necessity of applying to the Legislature on the subject.

The Right Hon.
The Earl of Elgin and Kincardine,
Governor General, &c. &c.

I have, &c.
(Signed) G. H. RYLAND.

Sub-Encl. 1. in
Encl. No. 4.

Sub-Enclosure 1. in Enclosure 4. to Mr. RYLAND'S LETTER of 19th November 1847.

A.

Copy of a Report of a Committee of the Executive Council, dated 6th August 1845; approved in Council on the 8th of the same month.

On the subject of the difficulties between Mr. Ryland, the late, and Mr. Montizambert, the present, registrar of the county of Quebec, relative to documents deposited in the registry office, but the registration whereof is not completed, on examination of the reply of Mr. Montizambert to the subject matters complained of by Mr. Ryland, the committee respectfully recommend that as Mr. Montizambert has expressed his desire to follow out any suggestions of the Government in reference to the satisfactory adjustment of the difficulties complained of, the course pointed out by Mr. Ryland* should be carried out by Mr. Montizambert, as the most conducive to the public interest, and to the repose of the public mind, as the same course has been adopted in Montreal by the present registrar, and that Mr. Montizambert should be informed of this determination.

The Hon. Mr. Daly,
Provincial Secretary, &c. &c.

Certified,
(Signed) E. PARENT.

Sub-Encl. 2. in
Encl. No. 4.

Sub-Enclosure 2. in Enclosure 4. to Mr. RYLAND'S LETTER of 19th November 1847.

B.

Mon cher Monsieur,

13^e Septembre 1847.

En réponse à vos diverses questions contenues dans votre billet de ce jour, je dois dire que j'étais député de Mr. Dowling sur le pied de 300*l.* par an, et que mes prédécesseurs, Mr. Norval et Mr. Gosselin, avaient le même salaire. Il y avait deux clercs de mon temps qui recevaient chacun, ce me semble, 75*l.* pour l'année; et à part de ces deux clercs réguliers Mr. Dowling prenaient quelques fois des écrivains extra, autant que je peux me rappeler. Le loyer de l'office était, je crois, de 80*l.* par an. Je ne saurais dire combien donnait le bureau à l'année, n'ayant été député que deux mois. Je crois que l'année après avoir laissé cette situation que j'ai remarqué plus de clercs que de mon temps.

G. H. Ryland, Ecr.
Regr. &c. &c. &c.

J'ai, &c.
(Signé) OVIDE LE BLANC.

Deputy	-	-	-	-	300
Two clerks at 75 <i>l.</i>	-	-	-	-	150
One clerk for nightwork	-	-	-	-	75
Office rent	-	-	-	-	80
Printing, stationery, books, at least	-	-	-	-	60
Fuel, and office servant	-	-	-	-	45

710

To which may be added during first year furniture
and fitting up of office, stoves, &c. say - - - 78

£ 798

By Mr. Le Blanc's note it will be seen that the establishment was afterwards increased, so that if a sum of 2,000*l.* is added as requisite to remodel the work, Mr. Dowling's expenditure may be returned at double mine.

(Note by Mr. Ryland.)

* Which was, that the whole of the deeds deposited for registration during the period Mr. Ryland held the office shall be completed under his superintendence. It has been finished under his superintendence; but because Mr. Ryland was employed in carrying on this work, and during the time carried on the Montreal office by deputy, he is now accused of making a sinecure of the latter.

Sub-

Sub-Enclosure 3. in Enclosure 4. to Mr. RYLAND'S LETTER of 19th November 1847.

Sub-Encl. 3. in Encl. No. 4.

C.

My dear Sir, Government House, 23d May 1845.
I am desired by the Governor General to inquire whether it would be agreeable to you to be transferred to the registrarship of Montreal, in the event of its being in his Lordship's power to appoint you to that office.

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

I am, &c.
(Signed) J. M. HIGGINSON.

Sub-Enclosure 4. in Enclosure 4. to Mr. RYLAND'S LETTER, 12th November 1847.

Sub-Encl. 4. in Encl. No. 4.

D.

My dear Sir, Mount Lilac, 24th May 1845.
I hasten to reply to your kind letter of yesterday's date, which I have this instant (2 P.M.) received. I have been confined to the house by illness for the last two days, and I fear shall not be able to proceed to Montreal before Monday evening. If his Excellency the Governor General, therefore, will permit me to postpone my answer to your communication till I can have visited the registry office in Montreal on Tuesday next, he will very much add to the gratitude which I cannot but feel for the kind and considerate manner in which his Excellency has placed in the offer of the registrarship of Montreal before me.

Believe me, &c.
(Signed) G. H. RYLAND.

Sub-Enclosure 5. in Enclosure 4. to Mr. RYLAND'S LETTER of 19th November 1847.

Sub-Encl. 5. in Encl. No. 5.

E.

My dear Sir, Tetu's Hotel, Montreal, 28th May 1845.
Having been enabled to visit the registry office here, I am confirmed in my opinion that none of these, if properly conducted offices, can, under the present law and tariff, afford a fair remunerating income; nevertheless, as the position in which, as his Lordship knows, I am unhappily placed, compels me at once to dispose of my property, I naturally feel desirous to leave a part of the country which must ever in future be associated with painful recollections; and as my residence at the seat of Government will enable me to advocate my claims. Lord Metcalfe's kind offer to transfer me from Quebec to Montreal is certainly agreeable, and I beg again to assure him that the considerate kindness which induced him to make me that offer is duly and gratefully appreciated.

J. M. Higginson, Esq.
Civil Secretary,
&c. &c. &c.

Believe me, &c.
(Signed) G. H. RYLAND.

Sub-Enclosure 6. in Enclosure 4. to Mr. RYLAND'S LETTER of 19th November 1847.

Sub-Encl. 6. in Encl. No. 4.

F.

My dear Sir, Tetu's Hotel, Thursday, 29th May 1845.
From your note of yesterday's date, I fear his Lordship believes that I intend making him a party to an engagement, when in fact I am only desirous of guarding against the inference that I am making myself a party to any understanding whereby I might hereafter be understood to have forfeited my claims. If his Lordship's residence in this country were to be permanent such a precaution would be quite unnecessary, but with my experience of the causes of my present embarrassments I must frankly declare that I cannot forego my existing claims, or any part thereof. I mean no more, and exact no pledge.

This, you will observe, is on my part an indispensable but a mere protective proceeding; and repeating what I have already written, that the proposed transfer will be agreeable to me, I accept his Lordship's offer, and remain, &c.

J. M. Higginson, Esq.
Civil Secretary,
&c. &c. &c.

(Signed) G. H. RYLAND.

Sub-Enclosure 7. in Enclosure 4. to Mr. RYLAND'S LETTER of 19th November 1847.

Sub-Encl. 7. in Encl. No. 4.

G.

Sir, Tetu's Hotel, 2d September 1847.
In connection with the documents referred to in my letter to Lord Elgin, of the 27th ultimo, submitted, if I understood Major Campbell rightly, the same day to the Executive Council, I would call your attention to the penultima paragraph of the address of the Legislative Assembly to her Majesty the Queen (which to save transcription I enclose).

This paragraph, you will observe, is a *direct admission of my claim to the fullest extent, and is in effect a draft upon the Imperial Treasury for its liquidation.* It is in the nature of all drafts that, when refused by the drawee, must be paid by the drawer. In the ordinary course of commercial transactions it does sometimes occur, that a draft or bill of exchange is directed to one having in his hands no funds belonging to the drawer, and in *this case it is not the draft alone, but the person admitting and evading a liability, who is dishonoured.* Now the relative positions of the Metropolitan and Colonial Government exclude all control in this matter. The Imperial Government, it would seem, has no more power to compel the Colonial to satisfy me, than the latter has to insist on payment from the Imperial Treasury. Still less have I the means of enforcing my righteous and undoubted claim. Thus have I for years been awaiting its liquidation, with the painful conviction, that at this hour, instead of sympathy, instead of those generous impulses and liberal feelings which were to have been expected from an upright Government, a feeling of a different nature exists. Yet is the admission of my rights recorded, yet is the Imperial Government called upon by the Colonial, yet is the Colonial enjoined by the Metropolitan, to satisfy me, and with this concurrent and irrefragable testimony I am not unlikely to be driven out a houseless wanderer.

As, however, I am informed that it has been left with you to decide on the amount of compensation to be allowed me, I again earnestly beg that the matter may be brought to a close, that I may receive the amount determined on, and be allowed to retire upon the pension to which I have been declared entitled.

The Honourable
Mr. Attorney General Badgley.

I have, &c.
(Signed) G. H. RYLAND.

[Sub-Enclosure 8. in Enclosure 4. to Mr. Ryland's letter of 19th November 1847, consists of a copy of Lord Gosford's despatch, No. 89, 9th August 1836, and will be found to be already printed at page 1 of this paper.]

G G.

Sub-Encl. 9. in
Encl. No. 4.

Sub-Enclosure 9. in Enclosure 4. to Mr. RYLAND'S LETTER, 19th of November 1847.

Sir,

St. Hyacinthe, 21st February 1842.

My brother, Mr. Holmes of the Montreal Bank, has written to me, to the effect that the method of enregistrement adopted by you, and the forms, have elicited the approval of all such as have had the advantage of inspection. He has authorized me to use his name in addressing you, and I avail myself of the authority to pray you to favour me with such information in regard to your method of enregistrement, and the forms thereof, and such other matters connected therewith as will be valuable to me.

Whether or not the registrarship will be as valuable as the public have been made to believe I suppose none can tell, but, up to this time, there is certainly not one registrar who is not actually considerably out of pocket by his appointment. I myself have not received enough to pay for stationery, and I have reason to believe this to be the case with all the registrars in this district. The seigneurs and notaries, and "surtout les patriotes" are violent in their rage against it, and bluster a great deal about revocation, repeal, modifications, and Heaven knows what besides. M. Dessaulles, one of the seigneurs in my district, has said it was intended to pray for an extension of the time for compulsory enregistrement from twelve months to three years. I cannot bring myself to believe any such prayer will weigh with the House of Assembly, because it would be virtually delaying the benefits the country is expected to derive from the ordinance for that period.

It appears to me that the registrars generally should exert themselves to disabuse the public mind of the false impressions made by Neilson and his clique. I have myself attempted this by editorial and communicated matter in the Montreal Herald; and I think, as our interest is the same, the registrars ought to combine and concert measures for silencing the senseless clamour that has been raised, and for disabusing public opinion concerning the costliness of enregistrement and other falsehoods which have been so very sedulously propagated.

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

I have, &c.
(Signed) JAMES HOLMES.

Encl. 5. in Mr. Ryland's letter of 19th Nov. 1847.

Enclosure 5. in Mr. RYLAND'S LETTER of 19th November 1847.

EXTRACT from a Report of a Committee of the Honourable the Executive Council on Matters of State, dated 10th September 1847, approved by his Excellency the Governor General in Council on the same day.

On the claim of George H. Ryland, Esquire, late clerk of the Executive Council.

In accordance with the terms of the minute in Council on the subject of this claim, approved by your Excellency on the 5th July last, the committee have had under their
attentive

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attentive consideration the statements and accounts produced by Mr. Ryland for the purpose of adjusting the amount of claim to which he would be entitled, assuming that the arrangement entered into by Lord Sydenham involved a specific guarantee as before stated, and that the office now held by Mr. Ryland was not to be considered as a mere sinecure, but that a proper economy in its management and his personal assistance in conducting it were both required.* Upon this principle the following statement has been made with a due regard not only to Mr. Ryland's personal discharge of his duty of registrar of Quebec and Montreal, but at the same time to a fair allowance for maintaining the office.† Governed by these rules, Mr. Ryland's statements show that his office expenses have been restrained within no reasonable limits, and that from his assumption of its duties an extravagant official establishment was not only formed, unjustified by any previous knowledge of the amount of labour to be performed or by the requirements of the law, but it has since been continued at Quebec and Montreal without any apparent necessity.

Whatever under any circumstances may be the fair amount of claim, it was incumbent on Mr. Ryland, as a public servant, to conduct his department with every economy consistent with the proper performance of his public duty, by restricting all unnecessary expenditure in his office, and by giving his personal assistance to its duties.‡ The statements produced by him manifest a disregard of the former whilst they indicate, it is feared, an absence of the latter.§

It is presumed that the official expenditure of the registrar's office may be fairly stated as follows:||

	£	s.	d.
Mr. Ryland, as registrar	-	-	-
A deputy	-	-	-
One clerk and assistant	-	-	-
Stationery, rent, &c.	-	-	-
Sundries, fitting up office first year	-	-	-
	1030	0	0*
	250	0	0
	150	0	0
	120	0	0
	30	0	0

*Note inserted here in accordance with Mr. Ryland's Letter of 12th Dec. 1847. Page 121. * Note. "If the Amount erased were allowed with the Expenditure cut off it would make an Addition to the Award of about 7,500l. on a Total, besides Pension, of 10,000l.*

It may be observed that the duties of the office at Quebec, since Mr. Ryland's acceptance of that of Montreal, have been and are performed by the incumbent there with the assistance of a clerk.¶

The receipts from office fees in the following schedule are taken from Mr. Ryland's statement**, and the very great expense charged for completing the registrations caused by the alterations in the registry acts, have been allowed as charged by Mr. Ryland, but no additional allowance†† has been made for the alleged correction of defects and irregularities in Mr. Dowling's office, inasmuch as Mr. Ryland's petition to the Legislative Assembly, presented during the last session, affirms the unaltered position of Mr. Dowling's portion of the enregistration department for Montreal. Independent of the office receipts contained in his statements, the other items of charge are composed of discounts of notes, interest, legal expenses, the capital of an expected annuity to be received by his family after his death, the commutation of his so-called pension, and similar expenses, which the Government cannot be called upon to consider.‡‡

It may be observed that one ground of compensation claimed rests upon the changes effected by the statute from district to county registration, and from the loss sustained in the expectation of profit from the law as it was originally established.§§ It may be remarked on this point, that the change did not take effect until the 1st March 1844, more than two years after his acceptance of the registrarship of Quebec|||, that the time limited by law for the registration of old deeds was the 30th November 1844, and the increased amount of labour caused by that alteration was not completed till several months after Mr. Ryland's transfer to the registrarship of Montreal, and at an expense moreover which the amount of

(Mr. Ryland's Notes.)

* The arrangement with Mr. Ryland was based on the admission (see arrangement, page 14) that he was in the receipt of 1,030l., and entitled to retire on a pension of 515l. per annum.

† The Council have nothing to do with the amount of official expenditure, which was fixed by Lord Sydenham.

‡ See Mr. Le Blanc's Letter marked B. annexed to Mr. Ryland's Letter of the 17th September, which proves that the official expenditure of the Montreal was greater in Mr. Dowling's than in Mr. Ryland's time.

§ This has been proved to be untrue. This gratuitous insult is at variance with truth. It will be seen by Mr. Holmes' Letter, marked G G., that Mr. Ryland not only conducted his own office but assisted other registrars in carrying on theirs.

|| The actual outlay, as confirmed by Lord Metcalfe and the address of the Assembly, was 812l. 4s. 4d. See printed Papers, page 58.

¶ This gentleman, who is here complimented for evading the law under which he holds his office, receives a public office free of expense from Government, who deny one to Mr. Ryland.

** They are taken from the gross amount.

†† Mr. Ryland has not asked for any.

‡‡ Though caused entirely by their breach of faith.

§§ See Mr. Dowling's letter on this subject, marked J J.

||| This either shows great ignorance or something worse. See Mr. Ryland's letter of the 17th December 1843, remonstrating against proposed change, also returns of the seigniors accompanying Mr. Ryland's first account on 1st January 1843, and which were carefully kept in the background during the last discussion on his case.

his receipts did not cover; finally that he accepted the appointment to the office at Montreal in July 1845, without objection or reservation.*

In conclusion, although the allowance for office expenses has been estimated at what may be considered a high rate, it was not deemed advisable to reduce that estimate previous to the 1st July last, from the desire to allow Mr. Ryland any expenses to which a fair claim can be made †, but it must not be assumed that any sanction can be extended to its continuance from the above period, from which time the fair annual expenditure of the office may be taken at 320*l.* currency. ‡

By the accompanying schedule it appears that on the principle § established as the ground on which to estimate Mr. Ryland's claim, the sum actually due to him on the 1st July last amounts to 2,241*l.* 16*s.* 8*d.* ¶, being composed of a sum allowed for the first fitting up of the office, and bringing up office arrears, and of the estimated deficiency in salary for the period of five years and a half, with the interest accruing on these several items.

The expenditure in the future management of the office could, in the opinion of the committee, be greatly reduced ¶¶, all arrears of registration having been disposed of, and from the gradually increasing value of the returns no great length of time can elapse before a very respectable remuneration would be derived from the office by a proper attendance to its duties.

In this view of the case, the committee are prepared to advise that there be placed in the estimates, to be submitted at the next session of the Legislature, the block sum of 2,500*l.* in full of all past and future claims respecting the above-mentioned arrangements, and in compensation for the loss of the office which Mr. Ryland originally held.**

Certified.
(Signed) J. JOSEPH, C.E.C.

SCHEDULE.

		£	s.	d.
Assuming the annual expense to be	-	520	0	0
Fitting up first year	-	30	0	0
Receipts from 1st January 1842 to 1st January 1843	-	530	8	3
Excess of Expenditure	-	19	11	9
Annual income	-	515	0	0
Due 1st January 1843	-	534	11	9
Expense to 1st January 1844	-	520	0	0
Receipts	-	603	0	0
Balance received	-	83	0	0
Annual income	-	515	0	0
Due 1st January 1844	-	432	0	0
Expense from 1st January 1844 to 1st July 1845	-	780	0	0
Expense in writing up deeds to 2d May 1846	-	767	19	0
Receipts of office	-	1,547	19	0
Balance received	-	1,903	3	0
Balance received	-	355	4	0
Annual income	-	772	10	0
Due 1st July 1845	-	417	6	0

(Notes by Mr. Ryland.)

* The accompanying correspondence with Mr. Higginson, marked C. D. E. F., proves this assertion not only to be untrue, but in direct opposition to fact, inasmuch as Mr. Ryland refused to be transferred unless with the understanding that it should not affect his claims as laid before Lord Metcalfe on 24th August 1844. See printed papers.

† The Council had no right to estimate what had already been agreed to and confirmed.

‡ What right have the Council to limit the future expense, if they do not mean to carry out the contract?

§ Or rather want of it.

¶ See account delivered in 1st July 1843.

¶¶ It is proved that it cannot even be carried on upon its present scale.

** Most honest and upright judges! They first possess themselves of an appointment which would have yielded Mr. Ryland 7,000*l.*, they entail losses on him to the amount of 4,000*l.*, deprive him of his right to retire on a pension of 515*l.* per annum, and then most generously recommend that his name should be placed in the estimates for 2,500*l.* in full of all demands.

Expense

FORMERLY SECRETARY TO EXECUTIVE COUNCIL, CANADA. 69

	£	s.	d.
Expense from 1st July 1845 to 1st January 1847	780	0	0
Receipts of office	1,167	10	9
Balance received	387	10	9
Annual income, eighteen months	772	10	0
Due 1st January 1847	384	19	3
Expense to 1st July 1847	260	0	0
Receipts of office	338	4	0
Balance received	78	4	0
Six months income	257	10	0
Due 1st July 1847	179	6	0

RECAPITULATION.

	£	s.	d.
1st January 1843. Balance due	534	11	9
Interest to 1st July 1847	144	6	3
1st January 1844. Balance due	432	0	0
Interest to 1st July 1847	90	0	0
1st July 1845. Balance due	417	6	0
Interest to 1st July 1847	50	1	4
1st January 1847. Balance due	384	19	3
Interest to 1st July 1847	9	6	1
1st July 1847. Balance due	179	6	0
<i>Amount due 1st July 1847</i>	2,241	16	8

Enclosure 6. in Mr. RYLAND'S LETTER of 19th November 1847.

Encl. 6. in Mr. Ryland's letter of 19th Nov. 1847.

COPY of an EXTRACT from a REPORT of a COMMITTEE of the Honourable the EXECUTIVE COUNCIL on MATTERS OF STATE, dated 28th September 1847, approved by his Excellency the Governor General in Council on the 1st October 1847.

On the letter of George H. Ryland, Esquire, dated * 17th September instant, praying that his claims on the Government for the past may be discharged by the payment to him of a block sum, either in debentures or otherwise, as your Excellency may see fit; and that for the future his name may be placed on the pension list reserved by the Act of Union:

* Page 61 of this paper.

The committee have had under their attentive consideration the statements contained in Mr. Ryland's letter, together with the documents accompanying it; and they can see no reason to advise any departure from the course recommended for adoption in the approved minute in Council of the 10th instant.

The Honourable
the Provincial Secretary.

Enclosure 7. in Mr. RYLAND'S LETTER of 19th November 1847.

Encl. 7. in Mr. Ryland's letter of 19th Nov. 1847.

Sir,

Secretary's Office, Montreal, 6th October 1847.

I have the honour to inform you that the Governor General has had under consideration in Council your further letter of the 17th September ultimo, praying that your claims on the Government may be discharged by the payment to you of a block sum either in debentures or otherwise, and that for the future your name may be placed on the pension list reserved by the Act of Union.

In reply, his Excellency commands me to inform you that he has given his attentive consideration to the statements made in your letter, but that he can see no sufficient reason therein

to induce him to reconsider the decision arrived at on your claims, as expressed in the order of his Excellency in Council, dated the 10th ultimo.

Geo. H. Ryland, Esq.
&c. &c. &c.

I have, &c.
(Signed) D. DALY,
Secretary.

Encl. 8. in Mr. Ryland's letter of 19th Nov. 1847.

Enclosure 8. in Mr. RYLAND'S LETTER of 19th November 1847.

My Lord,

Tetu's Hotel, Montreal, 29th September 1847.

Lest my letter of the 17th instant should have failed in removing every objection raised by your ministers to the full liquidation of my claims, I have the honour to address you again.

Your Lordship is not here as the mere shadow of royalty, holding the rank without its attributes, but as the true and it is to be hoped efficient representative of majesty, the servant of the empire, appointed by your Sovereign to govern this portion of her dominions, and to sustain the national character and interests, on the broad principles of honour, justice, and good faith. On these grounds then, I pray that you will intervene, as in truth, my Lord, it is your special province and duty spontaneously to do, that these principles may not be violated in my person.

This extraordinary case, involving as it does not only my future prospects, but a vital principle of Government, in the settlement of which the amount of reliance which may hereafter be reposed in the vice-regal promise will be determined, affects all classes of her Majesty's subjects, and I therefore respectfully solicit, that in the event I have alluded to I may be heard by counsel before your Excellency in Council previous to your departure for UpperCanada.

The Right Honourable
The Earl of Elgin and Kincardine,
Governor General.

I have, &c.
(Signed) G. H. RYLAND.

Encl. 9. in Mr. Ryland's letter of 19th Nov. 1847.

Enclosure 9. in Mr. RYLAND'S LETTER of 19th November 1847.

My Lord,

Mount Lilac, 23d October 1847.

I have had the honour to receive from the Provincial Secretary a letter, dated the 6th instant*, informing me that your Excellency, having given your attentive consideration to the statement contained in my letter of the 17th September last, can see no sufficient reason therein to induce you to reconsider the decision arrived at on my claims, as expressed in the order of Council, dated 10th ultimo.

When the inhabitants of this province, my Lord, were first made acquainted with the fact that her Majesty had selected you to be her Governor General of Canada, all parties hailed the event with pleasure, because they felt assured that you would follow out the policy of your lamented predecessor, Lord Metcalfe, administering the Government on principles of justice and equity, with a due regard to the public credit and the national honour; and if any person was more disposed than another to accord to your Lordship the necessary qualifications of head and heart for this purpose, or more anxious to contribute by every means in his power his earnest assistance and support in facilitating your views, it was the individual who now again addresses you on the subject of his wrongs, which have been so greatly aggravated under your Lordship's administration.

Throughout the whole period that I have been compelled to press my claims on Government, I have carefully avoided any step which might prove injurious or even embarrassing to the ministry. I lament, however, to say, that my forbearance, instead of being appreciated, has only entailed on me additional inconvenience, loss, and injury. Still, under your Lordship's predecessors, the means, apparently, of redress, rather than the will, was wanting, and at any rate a plausible pretext existed for declining at once to pay me out of the colonial funds. But, my Lord, all that I suffered up to the period of your arrival in the country, when you admitted my case to be one of the exigencies of the public service, and, indeed, up to the meeting of the Provincial Parliament in June last, was as nothing to the monstrous act of oppression and injustice which, in defiance of the joint addresses of the Provincial Legislature, of the orders of your Sovereign contained in Lord Grey's despatch of the 18th July 1846, and in violation of every principle of equity and good faith, you have permitted to be perpetrated on me by the Executive Council; two, if not three, of whom, I am prepared to show, were and still are influenced by feelings of private hostility against me. In regard to the first of these, viz., the President of the Council, I have already, in a personal interview with your Lordship, brought under your notice the fact of his having outraged the laws of honour and civilized society, by breaking the seal of a private note addressed by me to one of his colleagues, which he retained for some days in his possession, using its contents to my prejudice; of the hostility of his feeling against me, therefore, there is do doubt; and equally obvious reasons may account for the animosity I have experienced from Mr. Attorney General

* See page 69 of this paper.

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General Badgeley. But it is not upon suspicion or presumptive proof alone that I ground so serious a charge. I last week received a threatening letter, dated the 13th instant, from Mr. Ovide Le Blanc, the gentleman from whom I rent the registry office, upbraiding me for having failed in paying up the last three quarters rent, stating that he should lay a complaint against me before your Excellency, and asserting that he is "particularly assured" of the support of Les Hon^{bles} Mess^{rs} Badgeley, Morris, and Papineau." Now, it is scarcely possible that this individual would have ventured to mention these three gentlemen in this manner by name without some kind of authority, though, as far as regards Mr. Papineau, I cannot believe that he would lend himself to such a transaction; but the other two gentlemen, who were principally concerned in drawing up the report of Council denying me justice, or even a measure of relief, are here found aiding and abetting in an attack on me; one whom, by their own act, I am compelled to make suffer, and whose displeasure I have consequently incurred.

But if anything further is wanting to show the unfair leaning against me in the Council, but their predetermination not to do me justice, it is established by the fact that their report of the 10th of September last, which travels out of the record to compliment my successor at Quebec for evading the law under which he holds his appointment, is founded from beginning to end in known misrepresentations and error; and though I have, by documentary proof, upset every objection raised by them, and established the correctness of my claim as laid before Lord Metcalfe in my letter of the 24th of August 1844, allowed by the unanimous vote of both branches of the local Legislature, and by the Secretary of State for the Colonies, Lord Grey, they persist in their unrighteous decision, even to the striking off of nearly one half of my actual official outlay during the last six years on the scale admitted and sanctioned by Lord Sydenham in his arrangement with me in 1841, at the same time with an *affectation of honest liberality* professing to leave the matter to the unfettered deliberation of the Assembly, who, during the last session, were repeatedly informed that the claim was in progress of liquidation; and your Lordship, to whom, as the agent of the Crown and the guardian of the national honour, I was justified in looking for protection, and who I respectfully submit was bound by your oath of office to intervene in my behalf, approves of their report, and as her Majesty's representative sanctions an act which would deprive a subject of rights which your Sovereign, through her Secretary of State, has admitted and confirmed.

My Lord, I feel that it is useless again to go over ground which has been travelled so often. I appealed to be heard by counsel before your Excellency in Council previous to your departure for Upper Canada. I have received no reply; and though it may perhaps be in vain to argue the case already prejudged against the adverse and powerful interests opposed to me, I again renew my application to the same effect, and if the Provincial Government persist in refusing me a fair and equitable indemnification, as directed by Lord Grey, I will at once proceed to the foot of the throne, and lay my grievance there, in the full confidence that her Majesty's ministers will see the necessity of some decided action in a matter which reflects disgrace and discredit on the British Government, and is calculated to destroy all confidence in the acts and promises of the Crown.

I have, &c.
(Signed) G. H. RYLAND.

The Right Hon.
the Earl of Elgin and Kincardine,
Governor General, &c.

Enclosure 10. in Mr. RYLAND'S LETTER of 19th November 1847.

Encl. 10. in Mr. Ryland's letter of 19th Nov. 1847.

Sir,

Secretary's Office, Montreal, 5th November 1847.

I have the honour, by command of the Governor General, to inform you that his Excellency has had under consideration in Council your letters of the 29th September and 23d ultimo, praying that you may be heard by counsel before his Excellency in Council in support of your claims on the Government, and in reply, I am to inform you that his Excellency is advised not to accede to your request.

H. Ryland, Esq., Quebec.

I have, &c.
(Signed) E. PARENT, Assistant Secretary.

Encl. 11. in Mr. Ryland's letter of 19th Nov. 1847.

Enclosure 11. in Mr. RYLAND'S LETTER of 19th November 1847.

L.

MR. RYLAND'S ACCOUNT AGAINST GOVERNMENT.

Receipts and Expenditure of the Registry Office of Quebec.

Year		£	s.	d.	£	s.	d.
1842 to 1843	Expenses of registry office in Quebec up to 1st January 1843, as laid before the house	812	4	4			
	Number of memorials registered from 1st January 1842 to 1st January 1843, 1,821. Deeds at full length, three. Amount of fees on ditto	530	8	3½			
	Excess of disbursements during same period, as shown in printed statement laid before the house	-	-	-			281 16 0½
1843 to 1844	Expenses of registry office from 1st January 1843 to 1st January 1844	731	17	3			
	Number of memorials and deeds registered during same period, 2,405. Fees on above (70l. of which will never be had)	603	0	0			
	Excess of expenditure during the period, which includes payment of deputy, two clerks at 100l. each, extra writers, fuel, stationery, office servant, corporation dues, &c.	-	-	-			128 17 3
18 months from 1st Jan. 1844 to 9th July 1845.	Expenses of registration in registry office, Quebec, from 1st January 1844 to 9th July 1845, as follows:—						
	Deputy at the rate of 250l. per annum	375	0	0			
	One clerk at 100l. per annum	150	0	0			
	Two clerks at 80l. per annum	240	0	0			
	Books and stationery	110	0	0			
	Fuel and office servant	64	0	0			
	Ten clerks employed from 1st June 1845 to 2d May 1846 in bringing up arrears, and completing registration of documents delivered in during Mr. Ryland's time	767	19	0			
	Mr. Legg employed in superintending, taking charge of, and giving out deeds lodged with Mr. Ryland from 9th July 1845 to 1st July 1847	160	0	0			
		1,866	19	0			
	Number of deeds registered in above eighteen months, 6,470. The fees on only 5,170* were paid, being 1,482l. 2s., and 37l. 0s. 1d. for searches	1,519	3	0			
	Excess of expenditure over receipts in same period	-	-	-			347 16 0
	First Year, ending 31st December 1842.						
	Excess of expenditure over receipts of registry office in Quebec	281	16	0½			
	Expenses in proceeding to and from Kingston, in prosecution of claim, including one month's stay there, in February 1843	45	13	0			
	Insurance on life given as collateral security to Mr. Ryland's securities as registrar	49	17	1			
	Income of clerk of Executive Council, surrendered by Mr. Ryland under arrangement with the representative of the Sovereign in August 1841, with interest up to 1st July 1847	1,369	18	0			
	Interest paid to Montreal Bank on monies borrowed in consequence of nonfulfilment of contract on the part of the Government†	70	8	6			
							1,817 12 7½

* The remaining 1,300 deeds being still in Mr. Ryland's charge, and in all probability will never be claimed, inasmuch as they did not require registration, being thrown in during the hurry of the last days allowed for registering old deeds. The expense of tracing out the owners and recovering would exceed the value of the deeds, nevertheless Mr. Ryland is answerable for their safe keeping.

† Vide Bank statement, and Mr. Ryland's arrangement with them, in consequence of nonfulfilment of contract by the Government.

	£	s.	d.	£	s.	d.
Second Year, ending 31st December 1843.						
Excess of expenditure	128	17	3			
Expenses of proceeding to Kingston and back in prosecution of claim	27	8	0			
Interest on monies borrowed from Montreal Bank, raised on notes of hand, also bearing interest	156	15	8			
Interest to Quebec Bank	18	0	0			
Insurance of life (collateral security, &c.)	46	1	9			
One year's income as clerk of the Council, surrendered as above, with interest up to 1st July 1847	1,308	0	0			
				1,685	2	8
Third Year, ending 31st December 1844.						
Expenses of proceeding to Montreal in prosecution of claim there, including three months stay	63	0	0			
Interest paid Montreal Bank	184	18	0			
Do. City Bank	18	0	0			
Do. Quebec Bank	12	0	0			
Loss on note for 300 <i>l.</i> endorsed by Baron Grant, and cashed by an individual in Montreal, to enable Mr. Ryland to stop the sale of his furniture seized by the sheriff*	50	0	0			
Loss of policy of insurance, No. 83,942, in consequence of nonfulfilment of contract by Government, by which Mr. Ryland was disabled from paying premium when due †	1,100	0	0			
One year's income of Council office, with interest to 1st July 1847	1,246	4	0			
				2,678	2	0
Fourth Year, ending 31st December 1845.						
Interest paid Montreal Bank, with cost of protests, &c.	216	11	5			
Do. Quebec Bank	9	0	0			
Do. City Bank	12	0	0			
Do. Bank of British North America	6	0	0			
Loss of notes discounted at Montreal at usurious interest	25	0	0			
One year's income of Council office (as above), with interest to 1st July 1847	1,184	10	0			
				1,453	1	5
Fifth Year, ending 31st December 1846.						
Interest paid Montreal Bank	184	18	0			
Do. City Bank	15	0	0			
Do. Quebec Bank	7	10	0			
Do. British American Bank	6	0	0			
Do. People's Bank	3	0	0			
Premium on fresh policy of insurance, collateral security to securities, as registrar of Montreal	52	0	0			
Loss of income of Council office (one year), with interest to 1st July 1847	1,122	4	0			
Excess of expenditure over receipts in Quebec office, including expense of bringing up back work, from 1st January 1844 to period of Mr. Ryland's removal to Montreal, stationery, fuel, pay of a clerk in charge of documents, &c.	347	16	0			
				1,738	8	0
Sixth Year, i.e. from 1st Jan. to 1st July 1847.						
Interest due, Quebec Branch Montreal Bank, under agreement with them on 30th June 1847	92	0	0			
Do. Bank of do. in Montreal	9	0	0			
Do. City Bank	6	0	0			
Do. Quebec	6	0	0			

* This is clearly one of the losses alluded to by Lord Grey as occasioned by the surrender of the clerkship of the Council.
 † This item is left to the justice of the Council. It is evident that were Mr. Ryland to die previous to the settlement of his claims that his family would by the act of the Government be deprived of the amount insured. Vide B.

	£	s.	d.	£	s.	d.
Six months loss of income as clerk of the Council	515	0	0			
Costs of suits instituted in Superior Court of Queen's Bench at Quebec, as per return of prothonotaries, with amount of interest on judgment, &c.*	647	1	7½			
Do. in inferior term (of which no return has yet been had, but averaging twenty-three suits brought by Mr. Ryland's clerks and others connected with office, at the rate given in Mr. Panet's note) (See D.)	110	4	2			
Losses occasioned by forced sale of property in consequence of nonfulfilment of contract on the part of the Crown	250	0	0			
Commutation of the pension to which Mr. Ryland is entitled under 4 & 5 W. 4. c. 24., averaged at the usual rate of ten years	5,150	0	0			
						6,785 5 9½
Total amount of Mr. Ryland's claim for actual losses occasioned by his surrender of the clerkship of the Council in August 1841	-	-	-			16,157 12 6½
<p>In addition to which he respectfully submits that he is entitled to some remuneration for the anxiety of mind and the sufferings he has endured in consequence of the nonfulfilment of the contract entered into with him by the representative of the Sovereign. Mr. Ryland, however, forbears to make any express demand on this head, leaving it entirely to the honour, justice, and liberality of the Governor in Council to determine what additional amount of remuneration he is in equity and justice entitled to receive.</p>						

CONTINUATION of RETURN of fees and disbursements in registry office, Montreal, from 1st January 1847 (the period to which the returns required by the Council in April last were made up and delivered in) up to 1st July instant.

	£	s.	d.
Number of deeds at full length, 778; the fees on which amount to	-	-	52 17 0
Number of memorials, seventeen; fees	-	-	6 7 6
Discharges, mostly of Custom House bonds, 632†; fees thereon	-	-	79 0 0
No return is made of searches, Mr. Ryland being compelled to decline giving certificates of search, as no reliance can be placed on Mr. Dowling's books, or on those kept by Mr. Middleton; indeed during the period the latter gentleman had charge of the office, as well as in work received by himself as in bringing up Mr. Dowling's arrears, every entry may be said to be faulty.			338 4 6
Expenses of registry office from 1st January to 1st July 1847:—	£	s.	d.
Deputy, at 250 <i>l.</i>	-	125	0 0
First clerk, at 100 <i>l.</i>	-	50	0 0
Second clerk, at 80 <i>l.</i>	-	40	0 0
Extra writer employed at night	-	37	10 0
Office rent	-	25	0 0
Fuel	-	8	0 0
Books, stationery, &c.	-	22	10 0
			508 0 0
<p>There are 618 deeds in arrear, which, owing to the registrar's being restricted to one book will take two clerks three months to complete, so that some idea may be formed of the very handsome, liberal, and remunerating sum which will remain to the registrar for his time, labour, and responsibility.</p>			

* Return from prothonotaries office, showing actions and judgments against Mr. Ryland, all of which were consequent on breach of contract on part of the Crown. One of these judgments, it may here be stated, will have the effect of depriving Mr. Ryland of a valuable property left under certain conditions to him by his parents.

† I may here remark in regard to Custom House bonds (which are almost the only instruments which pay or yield any profit) that, notwithstanding the requirements of the law, the collector at Montreal has not entered one bond during this year.

(Signed) G. H. R.

Enclosure 12. in Mr. RYLAND'S LETTER of 19th November 1847.

Encl. 12. in Mr. Ryland's letter of 19th Nov. 1847.

ACCOUNT of RECEIPTS and DISBURSEMENTS during the year ending 1st January 1844.

	£	s.	d.
Rent of offices	65	0	0
Salary of deputy	250	0	0
Two clerks salary	200	0	0
Extra clerks employed under superintendence of deputy during the night, and from five in the morning to eight ditto:			
Messrs. Burrage and Campbell	57	15	0
Mr. Dufresne	33	5	0
Stationery, books, printing, &c.	63	0	0
Fuel, wood and coal, and cartage	15	7	3
Office servant in charge of building, necessary woman, &c. employed in washing and cleaning	37	10	0
Carters employed during winter in clearing snow, and corporation dues	7	0	0
Tinsmith's account	3	0	0
	<u>731</u>	<u>17</u>	<u>3</u>
RECEIPTS.			
On 2,404 memorials and deeds	603	0	0
	<u>£ 128</u>	<u>17</u>	<u>3</u>

Enclosure 2. in No. 21. (Lord Elgin's Despatch No. 108., 7th December 1847.)

Encl. 2. in No. 21., Lord Elgin's Despatch No. 108., 7th Dec. 1847.

The Committee of Council having again had their attention drawn to the case of George H. Ryland, Esquire, by your Excellency placing before them a letter from that gentleman to the Right Honourable Earl Grey, Secretary of State for the Colonies, upon the subject of his claims, deem it advisable to furnish your Excellency, for the information of Earl Grey, with a brief statement of the proceedings which have been taken on the various applications which Mr. Ryland has from time to time made in reference thereto. As early as 1843, Mr. Ryland urged his claims upon the Colonial Government, which were taken into consideration, and the report of a committee of the Executive Council unfavourable to his application was prepared, although not adopted. Again in 1845 he renewed his application, and on its being again considered, a report of a committee of Council was adopted, advising his Excellency the Governor General to reject his claims altogether. To this report of the committee the Governor General, the late Lord Metcalfe, dissented, alleging that in his opinion the pledge given to Mr. Ryland by the late Lord Sydenham ought to be redeemed, and that his Excellency conceived that the local Government and the colony were the responsible parties, because the pledge was given for a political and public object, to enable the Governor General to effect an arrangement for carrying out the new system of government established to meet the views then entertained in the province. No further action being taken by the Government, Mr. Ryland resorted to the Provincial Parliament, and in 1846 petitioned for redress. His case was examined into, and reported upon by a committee of the Legislative Assembly, upon which the House adopted an address to the Imperial Government, recognizing certain claims without defining them, and praying that her Majesty would be pleased to take them under her most favourable consideration, and direct such measures to be adopted thereon as her Majesty in her wisdom might find them to deserve. In answer to this address, her Majesty, through a despatch from the Provincial Secretary of State for the Colonies, dated the 18th July 1846, stated that it was the opinion of the Imperial Government that Mr. Ryland's claims were not on the British treasury, but on the provincial chest, and instructed your Excellency to bring those claims under the consideration of the Legislature, with a view to their being satisfied. At the time of the receipt in this colony of the despatch above referred to, dated 5th July 1846, the Executive Council of this province was composed of the same gentlemen as composed it when the unfavourable report to Mr. Ryland's claims which was dissented from by Lord Metcalfe was made, and it continued so constituted, with the exception of the retirement of one gentleman, until June 1847; and having already expressed their opinion, and not discovering any reasons for changing it, they deemed it unnecessary, even after the receipt of the despatch referred to, to take any further action in the matter. In June 1847 changes were made in the Council by the retirement of some and the introduction of other members, which materially altered its composition; after being so reconstructed, but a very few days elapsed before the subject of Mr. Ryland's claims were again taken by the Council into consideration, the result of which was the following minute in Council, made and approved on the 5th of July 1847, being the first occasion on which any recognition was made of Mr. Ryland's claims on the Provincial Government:

“ On the claim of George H. Ryland, Esquire, late clerk of the Executive Council :

“ The committee to whom have been referred the renewed application of Mr. Ryland, dated 18th March 1847, and the several documents accompanying the same, assuming the basis of his claim to be the promise made to him by Lord Sydenham, of an office of the value of 515*l.* currency per annum, as mentioned in the said documents, recommend that so soon as it shall be ascertained what the net revenue has been of the office of registrar at Quebec held by Mr. Ryland, and that at Montreal subsequently held by him, upon the basis of a fair and liberal allowance for necessary expenses in these offices, the difference, if any, in his favour, shall be the amount which Mr. Ryland, shall be considered as fairly entitled to claim. The committee are unable to determine the precise amount, by reason of the want of information of the details of expenditure and receipt of the offices in question.”

The substance of the above minute was communicated to Mr. Ryland within a day or two after it was approved, and during the sitting of the Parliament of this year. During the said session inquiries were made on several occasions of the members of Government, as to what they intended to do in Mr. Ryland's case. To these inquiries it was replied, that Mr. Ryland had had communicated to him the basis upon which the Government was prepared to settle his claims, and that basis was explained to the House.

As soon after as the necessary information could be obtained to ascertain the amount due to him on the basis determined on, the following minute of Council, dated the 10th September 1847, was made and approved.

[Here follows the minute of Council of 10th September 1847, which will be found to be already printed at page 66 of this paper.]

Subsequently to the date of this last-mentioned Minute in Council, but before its substance was communicated to him, Mr. Ryland addressed another letter to the Government, requesting that a warrant might be issued in his favour for 1,500*l.* in part liquidation of his claims. Upon this letter a minute in Council, dated 22d September 1847, was made and approved, and is as follows:

“ On the letter of George H. Ryland, Esquire, dated 13th September instant, requesting that a warrant may be issued in his favour for 1,500*l.* in part liquidation of his claims on the Government :

“ The Imperial Government have expressed it as their opinion that Mr. Ryland's claims are not on the British Treasury, but on the provincial chest, and have accordingly instructed your Excellency to bring those claims under the consideration of the Legislature, with a view to their being satisfied. To that end the committee have given the subject their most attentive consideration; and, in an earnest desire to place a fair and liberal construction on the understanding under which Mr. Ryland appears to have resigned the clerkship of the Executive Council, have, by a recent minute in Council, recommended that the sum of 2,500*l.*, in satisfaction of Mr. Ryland's demand, be placed in the estimates to be submitted to Parliament at its next session; but, aware as they are of the diversity of opinion entertained by the Legislative Assembly on the subject of that gentleman's claims, they conceive the proper course for their adoption to be, to lay their views before the Legislature, prior to taking any action whatever towards liquidating the claim; thus leaving the matter to the unfettered deliberation of that body. The committee therefore, entertaining this opinion, cannot advise your Excellency to anticipate the decision of the Legislature, by making the advance solicited by Mr. Ryland.”

The committee beg to call the attention of your Excellency to the difference between the sum proposed in the last minute to be asked for from Parliament, and the amount stated to be due to him upon the calculation annexed to the minute of Council dated the 10th of September, above referred to. Anxious to render to Mr. Ryland every justice in their power, and apprehending that they might not have allowed sufficient for the expenses of his office, they agreed to add to the amount first established a sum of upwards of 500*l.*, which accounts for the difference between the two. Again, on the 17th September 1847, Mr. Ryland addressed another letter to your Excellency, praying that his claims on the Government for the past might be discharged by the payment to him of a block sum, either in debentures or otherwise, as your Excellency might see fit, and that for the future his name might be placed on the pension list reserved by the Act of union; when the following and final minute was made and approved :

[Then follows the minute of Council of 28th September 1847, which will be found already printed at page 69 of this paper.]

Before concluding their report, the committee of Council beg permission to observe on the recent letter of Mr. Ryland to the Right Honourable Earl Grey, that on account of the offensive language used therein and the disregard for truth shown in many of its statements, they would have respectfully tendered their advice to your Excellency to decline becoming the medium of its transmission; but they have refrained from doing so, as such a refusal might perhaps be considered a departure from the general practice in this respect, and might render the Government obnoxious to the charge of being guilty, from feelings of resentment, of a denial of justice.

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No. 22.

(No. 17.)

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to the Right Honourable Earl GREY.

No. 22.
The
Earl of Elgin and
Kincardine
to
Earl Grey,
20th Feb. 1848.

Government House, Montreal, 20th February 1848.

My Lord, (Received 27th March 1848.—Answered 4th April 1848. No. 187. Page 106.)

At the request of Mr. Ryland, I have the honour to enclose the accompanying communication, addressed to your Lordship.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

Encl. in No. 22.

Enclosure in No. 22.

My Lord,

Quebec, 15th February 1848.

I have received an official communication from the Civil Secretary, informing me that your Lordship, upon a perusal of my letter of the 19th November last, does not find that it affords any ground for your interference in my behalf.

Having in December last applied for leave of absence to enable me to proceed to England, for the purpose of bringing personally before you my claims on her Majesty's Government, the answer was so long delayed that I was unable to reach home in time to arrest your reply; and I regret that I am now again compelled to address you by letter, in order to set your Lordship right on one or two important points in my case, which you appear to have overlooked, but which, once explained, will, I am sure, convince you of the necessity of an interference as a *matter of justice on your part* in my behalf.

In the Civil Secretary's letter, communicating your Lordship's opinion, my case is mentioned as "a claim to compensation for the loss of the office which I held as clerk of the Council."

Premising that that loss was brought about after Lord John Russell had intimated to the then Governor General that I should not be deprived of my office, as your Lordship truly observed in your despatch of the 18th July 1846*, "surrendered it" under a solemn contract with the accredited agent of the British Crown in his official capacity as the representative of the Queen of England, putting into force an Act of the Imperial Government of Great Britain, before granting a new constitution to the Canadas.

* Page 105.

Responsible Government had not then been promulgated in this province; had it been, I should have refused to treat with the Executive.

I was not then a colonial servant under a Government such as now exists in Canada, but the officer of the Queen, holding a patent appointment unconditionally conferred on me in reward of public services and in consideration of the *official ability with which I had confessedly conducted the department for several years, under the great seal of the province by her representative and Lord High Commissioner the Earl of Durham, confirmed by her Majesty under her sign manual.*

In treating, therefore, with Lord Sydenham, I acted in good faith, as the Queen's officer contracting with the Queen's agent, and relying on the honour and justice of the British Government to redeem the pledge under which I, on public grounds, consented to surrender my appointment.

It may be argued that Lord Sydenham had the power to remove me without providing me with an equivalent, and he certainly might, though that would have been an unprecedented act; but had he done so, I should then, as the Queen's officer, have applied to the Queen's Secretary of State for compensation, and should doubtless have received it as other officers somewhat similarly situated did; and here, my Lord, I may be permitted to refer to that part of your Lordship's despatch to Sir John Harvey of 31st March last, relative to the general rule of the public service, in regard to the tenure of office in her Majesty's civil service during *good behaviour*. On this head Lord Sydenham's ideas were perfectly in unison with your own. Not only did he bear testimony to my good behaviour, and fitness for the office I held, but he admitted my right to retain it, or, as an officer holding the Queen's commission, to retire under the Imperial Act 4 & 5 W. 4., on a pension of 515*l.* per annum. Wishing, however, to give me a full equivalent for the appointment which I had consented to surrender, in order to enable him to carry out the views of the Imperial Government, and basing the contemplated remuneration on the *aforesaid admissions*, he guaranteed the amount of pension to which I was entitled, and gave me another office. That was the office of Registrar of the district of Quebec, containing an area of 315 square miles, with a dense population.

The conditions under which I agreed to this arrangement were renewed with his Lordship's successor, and my appointment as registrar of the district of Quebec reported to the Secretary of State, and surely, being under your despatch entitled to compensation, the express promise, on which I rely, cannot impair my claim.

This appointment would have proved remunerative, as his Lordship intended, but immediately after his decease the remunerating clauses of the Act were repealed, the office taken away from me, and that of registrar of the county of Quebec was substituted, the area thereof being only eighty square miles, with a proportionately diminished population.

(112.)

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I have thus conscientiously performed my share of the bargain, but the Government, who have reaped upwards of 7,000*l.* by the transaction, have violated every part of theirs.

The contract between the agent of the Crown and myself, as well as my claims arising out of it, have been acknowledged and recognized by the Imperial and Colonial Governments, and to your Lordship, as her Majesty's Secretary of State for the Colonies, do I look for redress.

It is now *two years* since the address of the local Legislature to the Queen in my behalf was sent home, and *nineteen months* since your despatch was written, acknowledging my right to compensation for all losses consequent on the surrender of my office in 1841, and directing measures to be adopted for my relief.

Wishing in all things as far as possible to meet your Lordships views, I have urged to the utmost my claims on the local Government, suffering in the meantime incredible mortification, inconvenience, loss, and misery.

Your Lordship will perceive by the report of Council of the 10th September last, how utterly useless it is to hope for justice from the present ministry, and should the present opposition obtain power, I can expect nothing from them.

It is true that the Assembly have acknowledged my claim and the validity of the contract between the representative of the Sovereign and myself, yet on principle, as I was the Queen's officer having contracted with the Queen's agent, the leaders of the opposition object to its being paid out of colonial funds.

Page 79.

The enclosed copy of the debate which took place in the Assembly when the report of the select committee to whom the case was referred was brought up, will show your Lordship the opinions of the different parties on this subject.

Under these circumstances it would be a *cruel mockery* to refer me back to that body for payment of a debt which you know *they will not satisfy*, inasmuch as *they steadfastly contend that it should be paid out of the imperial treasury*; and as I contracted with the representative of the Crown on the part of the Imperial Government, it is to that Government that I look for compensation, and to you, as her Majesty's Secretary of State, the sole controlling power next to the House of Commons, I now appeal in the strongest and most solemn manner in which a subject and a colonist is allowed to address a minister of the Crown, to afford me such immediate redress and relief for the past out of the imperial treasury as will save me from the inevitable ruin, which, owing to the breach of faith on the part of the Crown, is now hanging over me and my family.

My Lord, it is my painful duty to apprise you, that, owing to the position in which her Majesty's Government has placed me, the whole of my property has been taken in execution, attached and seized by the sheriff according to the practice which prevails here.

In accordance with that practice it will be advertised for judicial sale on the 12th of May next; on that day, unless you relieve me, it will assuredly be sold. This is a solemn fact appalling to me as a husband and father; but if I be, as is now all but inevitably, divested of the fruits of a life of industry, it will scarcely assuage my sufferings or those of my helpless children to feel that the responsibility is partaken by two different bodies in authority, *both of whom admit my claim, while both refuse to satisfy me*. Time, my Lord, presses, and I may have no means of communicating with your Lordship, until, stripped of everything, I stand a living example of the injustice of the British Government.

Since I last had the honour to address your Lordship, your luminous and excellent despatch, above referred to, of the 31st March last, to the Lieutenant Governor of Nova Scotia has been published. It is therein *distinctly stated, that no person should be deprived of office without an adequate provision*, a provision be it noted to which I am assuredly not the less entitled, as I have before said, because *it was specifically promised me*.

But why lay down principles, save for the guidance of human actions? Your Lordship, in promulgating for the government of public men in authority in the colonies a rule, which obtains in England, cannot have meant to indulge in mere abstract speculations, *meaning the semblance of adhesion to principle, enduring only while it costs nothing*. Your Lordship must admit the authority of that despatch; it applies to me; and I invoke it, praying, on the grounds herein set forth, that my claims for the past may be discharged by the payment out of the imperial treasury of such a sum of money as you may conceive me in fairness and justice entitled to receive. The accounts are before you, and the means of ascertaining that amount within your Lordship's reach.

As regards the future, I claim to be placed, from the 1st of July last, on the permanent pension list of the country, which is entirely at the disposal of the Crown, subject to your directions as to the incumbents,* and, as I have already stated, it shows an unappropriated annual amount of upwards of 1,000*l.*

In asking this, I only claim to be placed in the position in which her Majesty's representative found me when, in the name of the Crown, he entered into the contract of which I now urge the fulfilment. I was then acknowledged to be entitled to a retirement of 515*l.* per annum, and as that admission formed the basis of the contract, I am sure your Lordship will not consider that my subsequent sufferings and losses should be made to operate to my disadvantage.

The Right Hon. the Earl Grey,
Governor General.

I have, &c.
(Signed) G. H. RYLAND.

* See Memorandum furnished by Deputy Inspector General.

Enclosure to Mr. RYLAND'S LETTER of 14th February 1848.

(Extract from the "Pilot" Newspaper, 7th May 1846.)

Encl. to Mr. Ryland's letter of 14th Feb. 1848.

Mr. Ryland's Case.—We had occasion last year to notice the claim of George H. Ryland, Esq., registrar for this county, which is one of a very extraordinary and peculiar character. Mr. Ryland was clerk of the Executive Council at the time of the union, and was induced to relinquish that situation which was one of considerable emolument, upwards, we believe, of 1,000*l.* per annum, in consequence of a pledge from Lord Sydenham, then Governor, that he should receive an office worth at least 500*l.* or 600*l.* per annum, we are not sure which. Mr. Ryland holds Mr. Murdoch's letter to that effect. Relying on this promise Mr. Ryland resigned, and in due course received the registrarship of Quebec, which, however, he states, instead of producing him any income has been a source of expense. These are the facts. We cannot conceal from ourselves that Mr. Ryland's case is one of hardship, and this is, we believe, generally admitted. However, he has been several years pressing his claims on the Home and Provincial Government without success. Shortly before Lord Metcalfe's departure Mr. Ryland received a letter from Mr. Daly, *acknowledging the justice of his claim.* This letter was, it appears, written *without the concurrence of the Council, and without their knowledge,* and when it became known caused great indignation, as Mr. Draper had resisted Mr. Ryland's claim on the ground, as we understand, that the province cannot be bound by the promise of a Governor made without the knowledge of his responsible advisers. In this we think Mr. Draper right. If a claim exists, and we do think that Mr. Ryland has a strong one, it is on the Imperial Government, which alone must be held responsible for the acts of their Governors. However, Mr. Daly's letter clearly committed the Provincial Government, and the claim should either have been sanctioned or the Secretary should have resigned. It would take a good many rebuffs of the kind to affront Dominic Daly. He simply kept out of the way when the vote was taken, and the ministry were saved by the opposition, *all their own supporters voting against them.*

The question came up on the adoption of a report of a select committee of which Mr. J. A. McDonald was chairman, and the result of which will be seen in the routine business. It is now proposed to address the Home Government, and another committee has been appointed on the subject. One thing is clear, that the *official promises made by the Secretary of the Draper ministry in the name of the Governor General are of no value whatever—mere waste water.* The colleagues of the secretary disavow his acts—he pockets the affront, and the injured party has no one to look to for redress.

DEBATE ON Mr. RYLAND'S CASE.

Mr. McDonald of Kingston moved, that the House do concur in the report of the special committee on the petition of *G. H. Ryland*, registrar of Montreal. He then went into a long detail of the facts on which the petition and the report of the committee thereon had been founded.

Mr. Draper had taken great pains to come to a dispassionate conclusion, and he would state as plainly as possible the reasons that had induced him to come to the conclusion to vote against the motion. In the first place, the office of the clerk of the Executive Council was not accompanied with a salary of 1,030*l.*, but with a salary of 500*l.*, with 50*l.* for contingencies.* The petitioner did not hold that office till after his father's death, which occurred in 1838, and then he was only appointed pro. tem., as the patent had to be remitted to England and be gazetted there. In the meantime the course of events was such that it appeared evident that there would be a union of the two provinces; and it was intimated by the Home Government that there would necessarily, if the union took place, be some different arrangements as to the officers of the Government. In the year 1841 the union of the provinces took place; and it is true that then the late Lord Sydenham did make a pledge to Mr. Ryland for compensation, but he did so in direct opposition to the commands of the Home Government.† (He Mr. D.) would admit that as a principle he was bound to fulfil any pledges made by a former administration, as he had taken the reins of Government from them, but he did not feel justified in doing so in the present case, as the claims of Mr. Ryland have always been considered fully compensated, even by the administration of which the hon. member for the North Riding was one. He had already stated that the salary, 500*l.*, to which was added 50*l.* for contingencies, and the rest was derived from fees, accruing from the land-granting department and on petitions; the fees and the amount allowed for contingencies are not therefore to be taken into consideration, and he (Mr. D.) considered that Mr. Ryland was only entitled to whatever the Executive Government thought fit to grant him. The office of registrar of Quebec has always been considered as full compensation. He therefore felt himself called upon to oppose the present motion.

Mr. McDonald of Kingston had listened with surprise to the observations of the Attorney General West. He considered, that if the engagement entered into between Lord Sydenham and Mr. Ryland was not carried into effect, there would be a manifest breach of faith between the representative of the Crown and a subject, and if such conduct was

(Notes by Mr. Ryland.)

* See blue book and terms of Lord Sydenham's guarantee.

† This is false; Lord Sydenham had received Lord John Russell's orders not to interfere with Mr. Ryland.

sustained, it would put an end to public credit. A former administration had admitted the justice of Mr. Ryland's claim, and the present one was therefore bound, according to the learned gentleman's own argument, to pay his debt. The registry offices are not so profitable in Lower Canada as in Upper Canada, and Mr. Ryland never received 500*l.* a year from either the office in Quebec or Montreal. He referred to the case of Sir Lionel Smith, to show how promises given by a Colonial Secretary were regarded in England, even when these promises were given under a mistake. In this case the Colonial Secretary had promised Mr. Smith that his salary would be the same as his predecessor, supposing that he would be able to make it up out of some of the unappropriated revenues of the colony of Jamaica; this could not be done, and the balance of the salary was paid out of the general revenue of Great Britain. He (Mr. D.) spoke warmly on the subject, because he felt warmly. It made his *blood boil to think of the manner in which Mr. Ryland was treated.*

Mr. Moffatt.—If you set aside Mr. Ryland's claim by any quirk, no confidence can be placed in the acts of any Provincial Administration. Lord Sydenham was vested with extraordinary powers, and he said to Mr. Ryland, "We have other arrangements in view, but you shall not lose, by vacating the office of clerk of the Executive Council." Why was not Mr. Ryland continued in the office, when it was not filled up until the appointment of Mr. Parent in 1842?

Mr. Christie could not go quite so far as his hon. friend, although he sympathised with Mr. Ryland. At the same time he did not know by what policy that gentleman had been removed from his office and another put in his place. He did not know which was best qualified to fill it, Mr. Ryland or the present incumbent; but if there were any injustice in the case, why not send Mr. Parent into the office now filled by Mr. Ryland, and put that gentleman in his own.

Mr. Drummond said it was to be regretted that the committee was not more explicit in pointing out a remedy for the wrongs of Mr. Ryland. His was not a solitary instance; dissimulation and fraud had been practised on a whole people. Few felt more indignant than he did at the treatment Mr. Ryland had received at the hands of the Government, but he also felt indignant at the wrongs the people had suffered. The effects are felt to-day and would be felt for years. That dissimulation, that fraud, had left its traces on the statute books to this day, and had taught men to practise deceit, who had never thought of it until they found it was justified in high quarters. He could scarcely say he had examined this question with impartiality. No, he had examined it with an ardent desire to do Mr. Ryland justice, and was sorry that the committee had not recommended an address to the Imperial Parliament, praying that compensation might be granted to Mr. Ryland. But should we pay for the deceit and fraud of Lord Sydenham? Good heavens, if that were to be the case, what would we not have to pay for? We would suffer years from the wrongs done to Lower Canada. He regretted being called back to those old recollections, which were painful to him and to many who took an interest in Lower Canada. But to return to the subject, he hoped the House would take steps to do this gentleman justice, and would send a petition to the Imperial Government, that the wrongs done by Lord Sydenham, as their servant, should be remedied by them. He had understood that this Government had been called on for a vote to recompense Mr. Ryland. (No, no.) Well, he understood so, and for that reason he regretted the committee were not more explicit. The report said that the contract made by him (Mr. Ryland) should have been carried into effect, but as that was not possible he should give a compensation. Now the only way to give a compensation could be with the public monies of the province. In fact a severe reproach had been made by the friends of the Government for not acting in this manner, and he regretted it, as he did not wish to see blame thrown on them when not deserved. In his opinion they had acted correctly in not proposing a vote for this purpose; but he would join his honourable friends on the other side of the House in a petition to the Imperial Government.

Mr. Hall rose, amid cries of "question." He hoped hon. gentlemen would wait, as there was no hurry for the question. When this subject came before the House last session, he had spoken on the authority of the Attorney General, and he was sorry he could not rely on it, for when he examined it himself he arrived at a very different conclusion from what he had then formed. He had formed this opinion, that Mr. Ryland was a very badly used man, and would continue to be so, merely because the money was to come out of our own pockets, and the Attorney General West, with all his talents, had failed most signally in his attempt to convince the House of the justice of the course taken by the Government. Without referring to Lord Sydenham at all, he would say that a pledge was given to Mr. Ryland, which the Government was bound to redeem if they had the slightest spirit of honour among them. It might be quibbled that this pledge was given by Lord Sydenham; that was nothing, it was the act of the Government; and when the administration took office, they were bound to take that debt and to see this gentleman satisfied. The hon. member shakes his head, but if he were in Mr. Ryland's position he would see this matter in a very different light. If he had been deceived like Mr. Ryland, and finally given an office after it was deprived of three fourths of its value, he would take a very different view of the matter. It appeared to him that the notions of economy of the hon. member for Gaspé were very ill-timed, and if he had the slightest feeling of humanity in his composition, he would see that it was a debt which should be discharged. And the hon. member for Portneuf also could not see the propriety of paying this debt.

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Mr. Christie rose to explain. So far from not feeling for the wrongs of Mr. Ryland, he had expressed his sympathy for that gentleman.

Mr. Drummond also rose to explain. The hon. gentleman misunderstood him apparently. He had said that the pledge given to Mr. Ryland was the action of Lord Sydenham solely, and therefore the Government had acted correctly in the course they had taken.

Mr. Hall was very glad the hon. gentleman had risen to explain. The hon. gentleman admitted that Mr. Ryland had been badly used, but the consequences were not to fall on our shoulders. Then we are not to pay the debts of thousands of pounds contracted under Lord Sydenham's Government. (No, no.) Mr. Killaly or Mr. Any-one-else may spend 50,000*l.*, and the Government will ask the House to vote for it, and they would have to vote for it. But let a man of the people to whom we owe a debt come and ask for payment, and his is put off.

Mr. Baldwin would not have risen, if it had not been for the remarks made by some hon. gentlemen, that the Government is bound to recognize the claims made on Lord Sydenham. He perfectly concurred in the views of the Attorney General, that the Government was not bound to recognize them, and he for one was not prepared to do so. With regard to another question, he hoped the Attorney General would lay before the house the views which had induced the Government to take this course; he was quite satisfied that the late Government would never have refused to take any course which they were afterwards afraid to recognize in the house.

Mr. Hall rose to acquaint hon. members with the contents of a letter which they were not perhaps aware was in existence. It was a letter dated September 1843, and signed "Dominick Daly, Provincial Secretary." It said that the Government acknowledged the claims of Mr. Ryland on Lord Sydenham's promise, but that the means not being then in their power, all that could be done was to keep the claim in view in order to compensate him in a manner consistent with the public benefit. (Hear, hear.)

Mr. Drummond had one question to ask. Would not the report, if concurred in, call on the Provincial Government for the payment of this claim?

Mr. Baldwin.—It would certainly have that effect. If it were otherwise worded he would join his hon. friends in a petition to the Imperial Authorities for the payment, as to them alone was Lord Sydenham responsible for his acts.

Mr. Dickson said it was unimportant to him out of what funds Mr. Ryland received compensation; it was enough for him that a just claim had been made. He would not look so far a-head as to see where it should be paid, and he was surprised that when hon. gentlemen admitted the justice of the appeal, they would refuse a remedy. As an honourable member had submitted to the house a letter from the Provincial Secretary acknowledging the justice of the claim, he considered the case was still more striking. It was, however, no matter whether the pledge had been given by Lord Sydenham or the Executive; if he received no redress but what he would get from the British Government, he (Mr. Dickson) would be sorry for it, and would remind honble. gentlemen of the manner in which the unanimous address of the House respecting Alex. McLeod was treated. He regretted the circumstance; he regretted that the address of this Legislature, the second legislative body in her Majesty's dominions, should have had so little weight. He would therefore vote for the motion before the House with the greatest cordiality, as it was no more than an act of simple justice.

Mr. Robinson would not go quite so far as some hon. members. In his opinion the House could remedy this matter by rendering the registrarship a more lucrative office. It appeared that in Lower Canada they could get as great an amount of work done in the registry office for five shillings as would cost twelve shillings and sixpence in Upper Canada, and if they altered the rate of fees here, a great deal might be done in the way of compensation, by making the receipts of the office greater. But he had no objection to vote for the report, and an address to the Imperial Parliament couched in as strong language as they pleased, for he was sure that if Lord Sydenham had lived, he would not have allowed this claim to remain so long unsatisfied, and it was their duty to tell the Home Government that this was one of the extraordinary methods used by a Governor sent out for the purpose of carrying an extraordinary measure by extraordinary means.

Yeas 23, Nays 32. Followed up afterwards by address to the Queen.

No. 23.

(No. 25.)

COPY of a DESPATCH from Governor General the Earl of ELGIN AND KINCARDINE to the Right Honourable the Earl GREY.

Government House, Montreal, 5th March 1848.

My Lord, (Received 10th April 1848.—Answered 18th April 1848, No. 201. Page 106.)

At the request of Mr. Ryland, I have the honour to enclose a further communication addressed by him to your Lordship.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

No. 23.
The
Earl of Elgin and
Kincardine
to
Earl Grey.
5th March 1848.

3d March 1848.

Encl. in No. 23.

Enclosure in No. 23.

My Lord,

Mount Lilac, Beaufort, 3d March 1848.

* Page 77.

On the 14th ultimo* I had the honour to address a letter to you through Lord Elgin, furnishing explanations which I trust have been considered sufficient to authorize a liquidation of my claims by the Imperial Treasury.

Page 83.

In order, however, to show that I have left no means untried to obtain a settlement of my claims as directed by you out of provincial funds, I enclose a copy of an official application which I made to the Governor in Council through the Provincial Secretary on the 18th of last month.

This application, as I anticipated, has been ineffectual, nor indeed could it be expected to be otherwise, for under the Government which obtains in this country the Governor has no controlling power over his Council, who though nominally responsible to the Assembly for their official deeds are not in any way so for their negative acts, such as declining to do justice to an individual situated as I am.

Your Lordship must not compare the Executive Council of Canada to the Privy Council of Great Britain, or suppose that a colonial ministry possess the high and chivalrous notions of honour and justice in which you and other statesmen have been nurtured in England.

Alluding to the want of material in this country to form a council like the Privy Council at home, Lord Metcalfe repeatedly referred to a defect in the constitution which prevented his obtaining a settlement of my claim, the equity of which he acknowledged, and frequently pressed upon his Council, refusing his assent to every order of Council which did not carry with it a full measure of justice; and it was in consequence of a suggestion of his Lordship's, upon one of these occasions, that I presented the enclosed petition to the Legislature in 1845. This application was renewed by me during the next session, and an address to the Queen in my behalf, as you are aware, unanimously passed by both branches of the Legislature.

Here I would most respectfully remark that the instant you, *her Majesty's Secretary of State*, in answer to *this address submitted my right to compensation for all losses consequent on the surrender of my office* under an arrangement with the agent of the Crown in 1841, *relief ought at once* to have been extended to me.

A difference of opinion between the two Governments, who both acknowledge the debt, as to which should pay should not have been allowed to operate to my prejudice, or to inflict upon me *two years additional suffering*, nor ought I to have been expected, much less compelled, still further to *solicit from the British Government what in private life I should have had a right to demand*.

Your Lordship will recollect that I contracted with men in power, and that there is no Court short of the House of Commons into which I can summon you or them.

Independent of the rules and principles laid down in your despatch to the Lieutenant Governor of Nova Scotia of the 31st March 1847, pointing out the necessity of a suitable provision for officers going out of office on other grounds than misconduct, there was a *solemn contract between the English Government and myself*, the existence of which was admitted by all parties. I had *confessedly performed my share of it*, and the honour of the Crown was concerned in the *fulfilment of their part*; particularly as you, *her Majesty's minister, had confessed the debt, and directed that I should be paid*.

A despatch from the Secretary of State containing instructions to the representative of the Sovereign is supposed to emanate from the Queen's Government, *whose minister and organ the Secretary of State is*; and if orders of this kind were not to be considered as *binding*, the despatch containing them would be worse than a piece of waste paper, and the Government from which it proceeded a Government in name only, destitute of all those attributes which can render a Government beneficial to the people or protective of the subject.

In submitting these observations most respectfully to your Lordship, I will take this opportunity to add that there is, perhaps, no family in America having the claims which mine has on the British Government.

During the first American war, at the evacuation of New York, where my father was present as Assistant Paymaster General, specially charged by the Home Government with the payment of General Burgoyne and Lord Cornwallis armies, he was instrumental, among other important services, in saving the nation nearly a million of treasure, and his subsequent sacrifices and public services of fifty-two years are on record both here and in the Colonial Office; they were publicly acknowledged by Lord Camden, the Earl of Liverpool, and Mr. Canning.

It was shortly after the capture of General Burgoyne's Army that my father advanced from his own means the necessary funds attending the confinement and escape of Captain, afterwards General, Sir Charles Asgil, which drew forth Lady Asgil's celebrated letter. Sir Charles had been seized by the American Commander-in-Chief, and sentenced to public execution, in consequence of the death of one Huddy, who had been hung by a party of refugee loyalists in the Jerseys, but though Sir Charles's life was saved by the prompt measures taken by my father he would never refund the money.

Of my own particular services, I need only say that they were acknowledged by three successive Governors, as well as by Lord Glenelg when Secretary of State, and the clerkship of the Council, which I afterwards *consented to surrender* in order to facilitate the *views of the Imperial Government*, was given me in reward of those services by her Majesty's Lord High Commissioner the Earl of Durham.

If I may be permitted to refer to my wife's family, I would submit that her father, Colonel
Ralph

Ralph Gore (whose father raised the thirty-third regiment), the personal friend of George the Fourth, died of the consequences of a wound received in the service. Three of her brothers also died in the service, one at Waterloo. Of her two uncles, one, General Arthur Gore, specially referred to by the Duke of Wellington in his Indian despatches, was killed leading the attack on Bergem-op-Zoom; her other uncle, Admiral Sir John Gore, honoured with the personal friendship and confidence of William the Fourth, died broken-hearted in consequence of the death of his only son Lieut. Gore, who was drowned on his way home with Sir John from India, where the latter had been for three years in command of the India fleet.

These concurrent circumstances, without the *additional fact that I had in good faith mortgaged my property in the fulfilment of a contract with the Crown for upwards of 8,000L.*, would in other times have entitled me to a peculiar degree of favour from the British Government, whereas now I and my children are, in consequence of the injustice and breach of faith of the Government, threatened with actual beggary, whilst Mr. Papineau, the author of two rebellions, costing the country nearly three millions of money, has received five years arrears of salary in reward of his treason, which is at this moment acting as an incentive with him to fresh acts of hostility to the British Crown.

My Lord, believe me these things are not calculated to confirm the loyalty of her Majesty's subjects, nor to secure their services in the hour of need.

Having, however, now followed up your Lordship's views in regard to the liability of the Local Government to the utmost of my power, and it being fully apparent that the province cannot and will not pay, I trust justice will no longer be withheld from me, but that the most ample compensation for the past in the power of the Imperial Government to grant will at once be accorded, and a retirement on the permanent pension list of the province be secured for the future.

The Right Honourable the Earl Grey,
Secretary of State, &c. &c.

I have, &c.,
G. H. RYLAND.

Sir,

Mount Lilac, 18th February 1848.

The directions contained in Lord Grey's despatch of the 18th July 1846, acknowledging my right to compensation for all losses consequent on the surrender by me of the clerkship of the Council in 1841, not having yet been carried out or in any way acted upon, I have again the honour to bring the matter under the notice of the Governor General in Council, in the hope that an adequate provision and compensation may be secured me before the meeting of Parliament.

In soliciting the attention of the Government to this subject, I would refer to the Secretary of State's despatch of the 31st March 1847, to the Lieutenant Governor of Nova Scotia, relative to the tenure of office during good behaviour and the necessity of providing an adequate provision for those going out of office, as an additional authority for the liquidation of my claims, calling at the same time his Excellency's particular attention to an important point in my case, which the Executive Council appear entirely to have overlooked, viz., that the remunerating clauses in the registry ordinance, under which I received my appointment as registrar of the district of Quebec, were repealed in December 1842, thereby depriving me of the equivalent contemplated by Lord Sydenham in his arrangement with me in August 1841; and as the district office itself was shortly after taken away from me, the whole bargain between the Government and myself was consequently broken, and my claim to compensation for the surrender of my office, as stated by Lord Grey, and indeed admitted in the address of the local Legislature to the Queen, perfectly established.

I am still willing, as I declared in July last, in order to facilitate a settlement of this long pending affair, to submit the question of amount of compensation to arbitrators, say to *two members of the Administration* and an individual to be named by myself, provided that any pension or other adequate provision is secured me from the 1st of July last, and that the award for the past is based either upon Lord Grey's despatch above alluded to, or on the terms of the address of the House of Assembly and Legislative Council to Her Majesty in my behalf on the 17th April 1846. Nothing, I think, can be fairer than this, or more fully prove my willingness to compound on anything like fair and equitable terms.

I have, &c.
(Signed) G. H. RYLAND.

Enclosure in Mr. RYLAND'S LETTER of 3d March 1848.

PETITION of G. H. RYLAND, Esq., Registrar of Quebec, complaining that the Government has not performed certain engagements entered into with him, and praying relief.

To the Honourable the Legislative Council of the province of Canada in Provincial Parliament assembled.

The Petition of G. H. Ryland, Esq., Registrar of Quebec.

Humbly sheweth,

That at the period of the union of the province of Upper and Lower Canada your memorialist held the patent appointment of registrar and clerk of the Executive Council, expressly conferred on him by his Sovereign in reward of public services, and of which situation it was the desire of the then Secretary of State, Lord John Russell, that your memorialist should remain in undisturbed possession.

(112.)

That

Encl. in Mr. Ryland's letter of 3d March 1848.

That the late Governor General, however, in the exercise of those necessary discretionary powers with which he was vested at the important moment of putting into operation the new constitution granted to the Canadas, having determined to make certain alterations in the Council Office, by which the responsibility as well as the duty hitherto performed by the clerk should fall on the chairman, whose salary was at the same time to be raised from 100*l.* to 1,100*l.* per annum, pointed out to your memorialist how much it would interfere with his Excellency's plans if your memorialist persisted in retaining the office of clerk of the Council, and offered him at the same time in lieu thereof the registrarship of Quebec under the law for the enregistration of deeds then lately passed by the Special Council.

That your memorialist, trusting implicitly to the faith of the British Government pledged by the representative of her Majesty, and anxious at all times to promote the public measures of the Crown, consented to this proposal under certain conditions, which were submitted in writing and approved of by the Governor General; and a formal engagement was then entered into between the representative of the Sovereign and your memorialist, by which the latter agreed to give up, on public grounds, a lucrative patent appointment of which he could not otherwise have been deprived, in exchange for his present appointment, on receiving a guarantee of certain pecuniary advantages derivable under the ordinance relative to registration as it then stood, together with a clear annual income equal to the amount of pension, on which your memorialist was, from his length of services, entitled to retire under the Imperial Act 4 & 5 Wm. 4.; and further, your memorialist, in his official acceptance of the registrarship of Quebec, dated 3d September 1841, expressly stipulated that in case the income derivable therefrom should not equal that which he enjoyed from the Council Office, the annual amount guaranteed should not be considered as an equivalent for the loss of that office or for his claims on Government.

That immediately after the conclusion of this arrangement your memorialist proceeded by command of the Governor General to Quebec, for the purpose of organizing an efficient establishment to carry out the provisions of the registry ordinance on the 1st of October following; the sudden death of Lord Sydenham, however, caused a delay in this particular, and the law was not promulgated till the close of the year, when in answer to a circular addressed to your memorialist by order of the administrator of the Government Sir Richard Jackson, your memorialist again referred to the conditions under which he had consented to his exchange of office, stipulating that under certain contingencies he should return to the one he had left.

That after your memorialist had held the registrarship of Quebec upwards of six months, during which he had made heavy advances out of his private means towards carrying on this public department, he applied to the then Governor General, Sir Charles Bagot, for an accountable warrant to enable him to meet the current expense of the office. This request his Excellency declined complying with, though the guarantee given to your memorialist by Lord Sydenham was at the same time fully recognized by his Excellency, and your memorialist's claim for indemnity for nonfulfilment entertained as fit to be considered at a future fixed time, so soon as the contingency contemplated by the guarantee should have arisen.

That immediately before the arrival of that period, however, at the next meeting of the legislature, a bill was introduced into the Assembly, repealing the clauses in the registry ordinance from which your memorialist's principal source of remuneration would have arisen, and at the same time, towards the close of the session and after the virtual destruction of the registry bill, the clerkship of the Council which had been kept open from the time your memorialist resigned it, was filled up, thereby foreclosing your memorialist's return to that office.

That after the expiration of the period originally limited for the enregistration of old deeds, your memorialist proceeded to Kingston for the purpose of obtaining an adjustment of his claims, which, as will appear by a letter from Sir Charles Bagot's private secretary, were fully admitted by his Excellency, though his ill health prevented a final decision being then had, and the matter was left over to be settled by his Excellency, the present Governor General, to whom, shortly after his arrival in Canada, your memorialist, who was then reduced to a state of great pecuniary embarrassment, by the nonfulfilment of the arrangement entered into with Lord Sydenham, addressed two letters, dated the 29th March and 18th April 1843. The official answers to these letters forwarded to your memorialist by command of the Governor General *fully recognize his claim to remuneration*, admit the hardship of his case as well as *his right to the fulfilment of the arrangement entered into with Lord Sydenham*, but lament *the inability of his Excellency to afford your memorialist relief*.

That during the last session of the Provincial Parliament, the registry ordinance underwent still further alterations, all tending injuriously to affect your memorialist and to nullify the arrangement entered into between the representative of the Sovereign and himself; the district offices were done away with altogether, and though your memorialist remonstrated against the injustice of the transaction, three fourths of his territorial jurisdiction were taken away from him and a mere county office substituted instead, whilst at the same time that this violation of your memorialist's contract with Government was committed, an additional security was exacted from him over and above that which he had already given, to the amount of three thousand pounds. Thus, while the Government of the country have continued to enjoy the benefit of the arrangement entered into with your memorialist, he has been deprived of the whole of the remuneration contemplated by Lord Sydenham, and in fact of the office itself, which formed part of the guarantee under which he consented to retire from the Council Office in order to meet the views of the representative of the Sovereign. He has been denied assistance when prayed for, refused payment even of the monies advanced by him for the public service, and subjected to ruinous losses and vexations of every kind.

That in the early part of the month of November last your memorialist addressed a petition to the Governor in Council, setting forth the increasing hardship of his case, respectfully praying for relief and a liquidation of his claims, and suggesting that his name might be included in the yearly estimates about to be laid before your honourable House. To this application no answer has been returned, though the case is confessedly one founded in justice and reason, which, in private life, would be considered binding between man and man, and in the settlement of which the faith and honour of the Government are at stake.

That your memorialist in consequence, after a period of twenty-seven years of public service, with a young family, entirely dependent on him for support, finds himself reduced, by the grievous injury he has received, to the very verge of absolute ruin, with daily increasing debt and embarrassment pressing on him; having already, in his reliance on the faith of Government, mortgaged property inherited from his parents to the amount of upwards of 8,000*l.*, entailing on your memorialist's estate an annual interest of 500*l.*, and obliged, in consequence of the heavy securities exacted from him by Government, to make still further advances out of his private means to carry on a public department, the receipts of which are inadequate to its necessary expenses.

Under these extraordinary circumstances, as your memorialist has faithfully performed his share of the contract entered into between the representative of the Crown and himself, whilst the Government, on the other hand, have neither in spirit or letter kept their engagement with him, your memorialist feels himself justified in laying the above statement before your honourable House, who are the legal guardians of the rights as well of individuals as of the whole community; and your memorialist earnestly requests that his case may be investigated by your honourable House, and that such steps may be taken for his relief as the exigency of his case requires.

And your memorialist, as in duty bound, will ever pray.

G. H. RYLAND.

No. 24.

(No. 112.)

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to the Right Honourable Earl GREY.

Government House, Montreal, 28th August 1848.

My Lord, (Received 21st Sept. 1848.—Answered 30th Sept. 1848, No. 281. Page 107.)

At the request of Mr. Ryland, I have the honour to transmit to your Lordship the copy of a minute of the Executive Council of this province, recently passed, in reference to his claims. It was not without reluctance that I assented to a resolution of the Government setting aside the decision on the same case to which a former administration had arrived; but I am not prepared to dispute the general soundness of the reasoning on which it is founded, although I could have wished that there had been a disposition to interpret in a more liberal spirit the terms of an arrangement entered into by one of my predecessors with a public servant for the promotion of provincial objects. It is but just, however, to observe that the opinion that Mr. Ryland's claim is not good against the province, prevails so generally that it is doubtful whether an administration pledged to carry through Parliament an indemnification to that gentleman could be formed. It was not until a period very shortly preceding their retirement from office, that my late Executive Council arrived at a decision in his favour, and the compensation which they then resolved to recommend Parliament to award to him, was declared by him to be altogether inadequate.

2. In order the better to enable your Lordship to form a judgment on the merits of this embarrassing case, I enclose herewith a return of the emoluments of the registry offices of Montreal and Quebec since the Union, extracted from the blue book. The return for Quebec is blank for the period during which Mr. Ryland held the office; but Mr. Montizambert, who was appointed to it in the month of June 1845, on Mr. Ryland's removal to the office at Montreal, which was considered the more lucrative of the two, states his emoluments at 210*l.* 17*s.* 5*d.* for that year, and at 544*l.* 15*s.* sterling for each of the succeeding years 1846 and 1847. This statement is confirmed by a letter, of which I enclose a copy, addressed by Mr. Montizambert to the Inspector General of Accounts. It follows that the registrarship of Quebec in Mr. Montizambert's hands has produced a net income exceeding that which Lord Sydenham promised to secure to Mr. Ryland when he gave him the office. I am aware that Mr. Ryland contends that the expensive establishment which he kept up, the maintenance of which formed so large a deduction from his gross receipts, was approved by Lord Sydenham, and that it was essential to the efficient discharge of the duties of his office. Nevertheless, I cannot but think that he would have acted more wisely, and that his claims for consideration would have been stronger, if, when he found that the gross receipts of his office

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fell so far short of what he had been led to expect, he had taken more energetic measures than he appears to have done to reduce its expenses.

I have, &c.

(Signed) ELGIN AND KINCARDINE.

Encl. 1. in No. 21.

Enclosure 1. in No. 24.

EXTRACT from a REPORT of a Committee of the Honourable the EXECUTIVE COUNCIL, on Matters of State, dated on the 3d July 1848, approved by his Excellency the Governor General in Council on the same day.

On the claim of George H. Ryland, Esquire, to indemnity for the nonfulfilment of certain stipulations made by Lord Sydenham.

May it please your Excellency :

The Committee of the Executive Council have, in obedience to your Excellency's commands, considered the claim of George Herman Ryland, Esquire, for indemnity.

On the 13th day of October 1838, a commission issued under the great seal of the province of Lower Canada, by which the claimant was appointed clerk of the Executive Council of the said province.

At that period a legislative union of the provinces of Lower and Upper Canada was anticipated, and the Governor General, the late Earl Durham, had that measure in view throughout the continuance of his mission to this colony.

As the contemplated measure of the union would of necessity make an end to all offices connected especially with the Executive Government of either province, an end would of course be put to the official relations with Government of the incumbents of these offices.

At the time of the issuing of the commission above mentioned, it was a rule of the Colonial Government of England that appointments to the higher offices of the provinces should await the signification of the royal pleasure, or that the offices should be filled up provisionally, until a warrant under the royal sign manual should arrive in the colony.

This rule was not observed in Mr. Ryland's case. The commission issued absolutely.

This omission did not affect the legality of the appointment, the commission of the Governor General being sufficient authority for the grant of the office.

As regards an office like Mr. Ryland's, held during the pleasure of the Crown, there could be no practical difference between an acting or provisional appointment and one absolutely made, as, if the appointment were disapproved of, whether on grounds of personal objection or of general inexpediency, or if any conditions were considered advisable by her Majesty's Government to be attached to the appointment, the desire of her Majesty's Government could be carried out as well and easily by removal of the officer as by disallowance of the appointment; and under the circumstances of the non-signification of her Majesty's pleasure in the first instance, there could be no reason why, upon learning that the appointment was made, her Majesty's Government should not attach any conditions to the future incumbency of the office, which her Majesty should be advised to impose upon the incumbent.

Upon the appointment of Mr. Ryland being made known to the Marquis of Normanby, her Majesty's Secretary of State for the Colonies, it appears to have struck his Lordship that to fill up an office with a new incumbent at a time when the union of the provinces was expected almost immediately to put an end to all offices, was an imprudent step; and his Lordship directed that Mr. Ryland should be given to understand, that if the two provinces of Canada should be thereafter united, and it should be found impossible to continue his services, he should not be entitled to any retiring allowance on account of his appointment.

The committee of the Executive Council are humbly of opinion that this intimation from his Lordship was wise and considerate, and was what the colony, under its then circumstances, had a right to expect from her Majesty's Government; for since her Majesty's Government were determined that the officers of the Provincial Governments should be provided for, because of their loss of office inevitably arising from the measure of the union, it cannot be imagined that any of her Majesty's servants would advisedly multiply claims to arise in this manner, by making new appointments on the eve of the union of the provinces, without some understanding as to the demands which might be thus originated.

It is true that these demands would arise upon a fund disposable not under any fixed rule of law, but upon the just and equitable consideration of the Government which should have to decide upon the claims of the respective retiring officers. It may therefore appear an unnecessary caution on the part of Lord Normanby to inform Mr. Ryland of the opinion held upon his particular case; but at all events it enabled him to consider whether he would continue to hold the office with the limited expectations held out to him, and it deprived him of all ground of complaint if his own more enlarged expectations should happen not to be realized.

When the union of the provinces of Canada did take place, Mr. Ryland, for a short time, acted as clerk of the Executive Council; but no commission issued, and no order of the Government passed fixing the emoluments of the office.

His emoluments as clerk of the Council for the province of Lower Canada consisted of a salary of 500*l.* per annum, an allowance of 50*l.* per annum for stationery, which, as he furnished no stationery, must be regarded rather as an overlooked abuse than as a strictly legitimate charge, and of certain fees charged against persons doing business with the Executive Government.

Mr.

Mr. Ryland appears to have been under an impression that the fact of his acting as clerk of the Council for the united province gave him a title that the Government should continue these fees.

But on his claiming them, individuals from Upper Canada, accustomed to transact business without payment of official fees, remonstrated, and the fees were discontinued as to both sections of the province.

Mr. Ryland appears to claim that he voluntarily relinquished these fees, or that they could not be properly discontinued without his assent, or at all events without remuneration; but the committee of Council cannot consider that the office was at the time finally organized or arranged under the Union Act. Mr. Ryland was not an officer commissioned, with certain fees appurtenant to his office. The necessity of the case required that some person should at once discharge the duties of clerk of the Council, and the fact that a commission did not issue until after the fees were abolished, is abundant proof that they were not advisedly meant to form part of the official income.

But his claim was not admitted; on the contrary, the Governor General, in a note written under Mr. Ryland's remonstrance on the subject, states that he did not believe the clerk to have any right to the fees at all.

The official income allowed to Mr. Ryland during the latter part of his temporary incumbency of the office of clerk of the Council of the united province was 500*l.* currency. This was, upon the appointment of Mr. Parent, reduced to 400*l.* sterling. The salary was on the 1st October 1844 fixed at 600*l.* currency. These changes show how far the Government was from considering the income of the office established during Mr. Ryland's continuance in it.

Mr. Ryland repeatedly asserts that he gave up a patent office, of which he could not be deprived, worth 1,030*l.* per annum; but he did not give up the office to which the union put an end; and if he gave up an office, it must have been the one in which he was acting without a commission after the union, and the emoluments attached to that office by the Government were 500*l.* per annum.

When it was resolved to appoint Mr. Ryland to the office of registrar of Quebec, Lord Sydenham made him an allowance out of funds in his Lordship's hands, equivalent to one half what the estimated fees would have amounted to had they been exacted; and his Lordship permitted Mr. Ryland to receive the salary of clerk of the Council, namely, 500*l.* per annum, until the Registry Act should come into operation. His Lordship's successor in the administration of the Government, on account of certain expenses incurred by Mr. Ryland in preparation for the office of registrar, the creation of which was delayed for a time not at first anticipated, made an allowance in addition to the salary equivalent to the same one half the estimated fees; but these allowances were not in either instance made on admission of a claim of right, but in the shape of gratuities, and were only half the estimated amount which would have been received for fees during the same period, had these fees been continued during the time that Mr. Ryland was allowed to receive the salary of clerk of the Council.

In the month of August 1841, Mr. Secretary Murdoch, on its being contemplated by Lord Sydenham to place Mr. Ryland in the office of registrar of Quebec, addressed a letter to him, containing the following passage:—

“But as it is possible that the emoluments of the registrarship of Quebec may fall very far below those of your present office, his Excellency is willing to guarantee to you an income equal to the sum to which you would be entitled as a retiring allowance, were your employment in the public service altogether discontinued. Assuming your income for the last three years to be 1,030*l.* currency, and your length of service to be twenty-four years, you would be entitled, under the scale established by the 4 & 5 W. 4. c. 24., to a retirement equal to one half your emoluments, or 515*l.* currency. That amount, therefore, his Excellency is willing to guarantee to you, by making up your emoluments from the employment in the public service which may hereafter be assigned to you to that extent, should they be insufficient in themselves to do so. Should they exceed it, you will of course be entitled to the excess.”

It is to be observed, that the statute referred to in the above letter is not in the least applicable to Canada; but Lord Sydenham adopted the scale of allowance therein laid down as a convenient general rule of provision for officers whose services were discontinued at the time of the union.

Upon the establishment of the Registry Office at Quebec, Mr. Ryland was appointed registrar; but the ordinance of the special Council which authorized the establishment of registry offices was materially modified by the Provincial Parliament. The changes in the law produced a reduction in the emoluments of the registrars; and Mr. Ryland complained to the Governor General, Sir Charles Bagot, that the receipts did not and could not, under the then tariff and with the minute accuracy required by the forms of registration, meet the current and necessary expenses of the office, much less afford an adequate remuneration to the officer at the head of the department, and he therefore claimed indemnity.

From a letter of Captain Bagot, private secretary to Sir Charles Bagot, dated on the 20th April 1843, it would appear that Sir Charles Bagot was personally favourably disposed, as regards Mr. Ryland's claim; but in his Excellency's then position after the arrival of his successor in the Government, he declined interfering with her Majesty's Government in England.

It would appear also, that during the government of Sir Charles Bagot, no official recognition of Mr. Ryland's claim upon the Provincial Government took place.

Mr. Ryland then addressed a memorial to Sir Charles Metcalfe, again setting forth his case, and claiming not only the fulfilment of Lord Sydenham's guarantee, but compensation for his loss, by reason of the changes in the registry law.

To this memorial the applicant received an answer through Mr. Secretary Daly, stating that his Excellency acknowledged Mr. Ryland's claim to a fulfilment of Lord Sydenham's guarantee, but was advised that a reference to the Provincial Parliament would be unsuccessful.

This answer appears to the Committee not to be an admission but a denial of the liability of the Provincial Government to make good the guarantee of Lord Sydenham. It shows that Lord Metcalfe personally agreed with Sir Charles Bagot in thinking Mr. Ryland's demand just, but this is all. The opinion of Parliament was supposed to be against the claim; and it is humbly submitted that her Majesty's representative in this colony has no authority, and that no authority was, by any possible inference from the language used, assumed by either Sir Charles Bagot or Sir Charles Metcalfe, to bind the Government or Parliament of the province, present or future, to an accordance with their individual opinions as to the validity of Mr. Ryland's claim.

Upon a renewed application and refusal on the part of the Governor General to submit Mr. Ryland's claim to the Legislature, Mr. Ryland addressed a memorial to Lord Stanley.

This memorial was replied to by a despatch, the substance of which was communicated to Mr. Ryland by Mr. Secretary Higginson as follows:—

“ Lord Stanley gathers from the papers submitted to his consideration, that you could not be deprived of the office of clerk of the Executive Council without your own consent or adequate compensation. The understanding thus subsisting was not, however, founded upon an accurate view of the fact. In the first place, the commission granted to Mr. Ryland, and the royal mandamus subsequently issued, conferred the office upon Mr. Ryland during her Majesty's pleasure only. In the next place, his office ceased and determined on the union of the provinces; but above all the loss of his office was anticipated as a consequence of the union, when the Secretary of State confirmed Mr. Ryland's nomination to it. Despatch No. 53., 3d July 1839, from the Marquis of Normanby to Lord Seaton, contains an instruction that Mr. Ryland should be informed 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.”

Lord Stanley appears by that despatch to be under the impression that Lord Sydenham's pledge was given in ignorance of the full circumstances of the case; but in a subsequent despatch, dated 31st March 1844, his Lordship stated that it was clear, from the information afforded to him, that Lord Sydenham was fully aware of the condition attached by her Majesty's Government to the promotion of Mr. Ryland to the office of clerk of the Executive Council of Lower Canada, but that his Lordship thought proper to disregard it, and entered into an engagement which involved a violation of the instructions of the Secretary of State.

His Lordship, therefore, refused to sanction the claim, but suggested an allowance from the pension fund, proportioned to Mr. Ryland's income as assistant clerk, until it should be in the power of the Government to provide him with a more lucrative office than his then present one; and that this allowance should be issued from the date at which he ceased to draw salary as clerk of the Executive Council.

This suggestion of Lord Stanley was carried into effect, by appointing Mr. Ryland a pension of 111*l.* 2*s.* 2*d.* which, together with a pension of 50*l.* per annum, formerly assigned to him on loss of the office of secretary to the Jesuits Estates, he received up to June 1845, when the former pension of 111*l.* 2*s.* 2*d.* appears to have ceased upon Mr. Ryland's appointment to the registrarship of Montreal, supposed to be more lucrative than the one at Quebec.

The refusal of Lord Stanley to acknowledge the liability of her Majesty's Government in England to make good Lord Sydenham's engagement was reiterated by Lord Stanley himself, and by Mr. Gladstone; which latter Secretary of State, as communicated to Mr. Ryland by Mr. Secretary Higginson, on the 23d May 1846, instructed Lord Metcalfe to inform Mr. Ryland, “ that, on behalf of the British treasury, her Majesty's Executive Government have invariably repudiated and denied all liability to make good the engagement formed by Lord Sydenham, which had never been reported to them by his Lordship, and which, when brought to their knowledge, they had disapproved, and refused to sanction.”

Mr. Secretary Gladstone, however, stated, that if the House of Assembly should think fit to regard the claim as one which ought to be met from colonial funds, he could have no objection to authorize the Governor General to apply towards Mr. Ryland's indemnity, out of any funds at the disposal of the Canadian Government, any sum which the Legislative Assembly might be of opinion ought to be applied to his relief.

The local Government of Canada did not think fit, upon this suggestion, to recommend to the Legislative Assembly any grant of money for the relief of Mr. Ryland; but upon his petition a select committee of the Legislative Assembly, then in existence, reported, on the 17th April 1846, that his claims, the justice of which has been officially recognized by Lord Metcalfe, ought not to be avoided nor overlooked, and that he had a right to expect that the contract entered into between him and the Government, of which he had performed his part, should be carried out according to its terms, or, as that may now be impossible, that he should be fully compensated for the nonfulfilment thereof. On this report a question of concurrence was put, and it passed in the negative; the two Attornies General, the Solicitor General

Jachereau, and other members connected with the then Government voting with the majority. Afterwards Mr. Ryland's case was again considered during the same session; and the Assembly addressed her Majesty, not asking that a grant in favour of Mr. Ryland should be placed in the estimates to be laid before themselves, but stating that they felt his case to be one of great hardship; that his claims, the justice of which had been officially recognized by Lord Metcalfe, ought not to be avoided or overlooked; and that he had a right to expect that the contract between the Governor General and him should be carried out by the *Imperial Government* according to its terms, or, as that might then be impossible, that he should be fully compensated for the nonfulfilment thereof.

This address, which, in connexion with the previous proceeding, can only be viewed as a direct negative to the liability of the local Government to make good Lord Sydenham's undertaking, appears to have been met by Earl Grey by a despatch, dated the 18th July 1846, who states that an examination of the correspondence on Mr. Ryland's claim had satisfied him that the decision communicated by Mr. Gladstone was just and well founded; that his predecessor did not controvert, nor did his Lordship deny, Mr. Ryland's claim to compensation for whatever loss he may have sustained by the surrender of his office as clerk of the Executive Council; but that that surrender was made with a view to Canadian objects, and in aid of a policy suggested by and directed to the interests of Canada; and it was as Governor General of Canada, and in no other capacity, that the late Lord Sydenham negotiated with him; that his Lordship had no authority whatever to bind the British treasury by any such negotiation; that whatever might be the justice of the claim, it was, therefore, a claim against the local and not against the imperial revenue; that as the House of Assembly had acknowledged the validity of it, the Governor General would strongly urge on that house the necessity of their providing for the reasonable compensation of the claimant. His Lordship concludes by declining to advise the Lords of the Treasury to address any such recommendation to Parliament.

In pursuance of this direction, the committee of the late Executive Council, the leading members of which had voted against the report of the committee in favour of Mr. Ryland's claim upon the local Government, entered into an inquiry into the statements and accounts produced by Mr. Ryland, for the purpose of ascertaining the amount of claim to which he would be entitled, "assuming that the arrangement entered into by Lord Sydenham involved a specific guarantee."

By this expression, used in the minute of Council of the 10th September 1847, the committee do not understand the Executive Council to have admitted the claim of Mr. Ryland, or that they were in any manner bound by Lord Sydenham's arrangement. They proceed to ascertain a sum to which Mr. Ryland would be entitled if a certain point were assumed; and they state that they are prepared to advise that sum to be placed in the estimates for the next session to the amount of 2,500*l.*, in full of all past and future claims respecting the above-mentioned arrangements, and in compensation for the loss of the office which Mr. Ryland originally held. This view of their opinion is confirmed by a minute of the same Council on the 20th September 1847, made on Mr. Ryland's application for an advance of 1,500*l.* In this latter minute, the committee say, "the Imperial Government have expressed it as their opinion that Mr. Ryland's claims are not on the British Treasury but on the provincial chests, and have accordingly instructed your Excellency to bring these claims under the consideration of the Legislature, with a view to their being satisfied. They state that they conceive the proper course for their adoption to be to lay their views before the Legislature prior to taking any action whatever towards liquidating the claim, thus leaving the matter to the unfettered deliberation of that body. They decline therefore to advise that Mr. Ryland's request should be complied with."

The late Executive Council appear to have considered the despatch of Earl Grey a positive command to place in the estimates a sum of money for the indemnification of Mr. Ryland, without any reference to the opinions of the members of the local Government. This state of facts would seem to involve a probability that not only the Assembly but also the advisers of the Crown in the province would use an unfettered discretion in the ultimate decision of the question, whether Mr. Ryland was to be compensated from colonial funds at all. If the members of the local Government continued to hold the opinion upon which they voted against the report of the select committee, and if the Assembly retained the opinion expressed upon the same occasion, the result of the application to Parliament must have been unfavourable. There was no opportunity of trying this question. Before the late administration of Canada could carry their resolution of placing a sum in the estimates, for the granting of which they were in no way pledged to vote in Parliament, a change took place in the representation and councils of the province, which makes it necessary for the present advisers of your Excellency to consider their own position and views with reference to this claim; and upon that consideration, they, with all deference, venture to express a doubt whether her Majesty's Colonial Secretary would desire his intimation as to the course to be pursued by your Excellency at the time the above-mentioned despatch was written, to be considered as applicable to the present time and state of public affairs in the colony.

It would indeed be of little advantage to Mr. Ryland for the advisers of your Excellency to recommend to be placed in the estimates to be laid before the Legislature a proposed grant of a sum of money in fulfilment of a guarantee which, upon principle, they feel bound individually to repudiate, and which on the introduction of the proposal before the Legislative Assembly they individually would have to refuse to recognize, giving reasons against the recognition of the guarantee in which the Assembly would most probably concur.

Such a course would not satisfy Mr. Ryland, and yet it would be the only one open to the advisers of the Crown in this province if they were, with their present opinions, to advise your Excellency to ask from the Assembly a grant of money in satisfaction of Mr. Ryland's claim.

This view of the case makes it necessary for the committee of Council to put your Excellency in possession of the opinions which they humbly entertain respecting the guarantee in question.

They have no desire in the least to call in question the decision deliberately pronounced by successive administrations in England as to the nonliability of the Imperial Treasury to make good a guarantee not intended originally to be borne upon British finances, and not reported to or acquiesced in by her Majesty's Government. It is for her Majesty's advisers to consider and decide upon the question, whether the fact of a Governor General of a colony, entering into a personal agreement with a colonial officer, binds her Majesty's Government to indemnify the officer, should the Governor be unable to fulfil the agreement. Upon this point the committee of Council would think it presumptuous to offer an opinion; but they humbly conceive that it does not follow, because it is assumed that her Majesty's Government are not bound to offer the indemnity, therefore the Provincial Government and Legislature are bound to fulfil the agreement, or to indemnify the complaining party for its nonfulfilment.

The Governor of a colony possessing a Legislature cannot expend or promise to expend money so as to bind the Legislature without its consent. In the course of administration of a Government it often becomes expedient for the Executive to enter into agreements involving the expenditure of money, but this is always upon the presumed confidence of Parliament in the Government for the time being, and in the moral certainty that the majority in Parliament will sustain the Executive in which it has declared its confidence. To say that the faith of Parliament was pledged by undertakings on the part of the Executive not authorized by law, would be to allege the existence of something like a constitutional authority in the Government, to dispose of money without the consent of the Legislature. The value of undertakings on the part of a Government, must therefore be in exact proportion to the probability of a concurrence on the part of the Legislature in the proposed measure. An Executive Government may pledge itself to recommend a measure to the Legislature, but this pledge is merely personal; and no undertaking to do what can only be done by authority of Parliament, whatever may be the form adopted in the undertaking, can amount to more than a pledge to recommend the proceeding to the favourable consideration of the Legislature, and to support it there; this can also be only personal; and the committee humbly conceive that it is not competent to a Governor of this province, even with the advice of his Council, or even with the knowledge that the Parliament in existence at the time of the agreement would probably concur in giving the agreement legal sanction, if that sanction were asked, to undertake for future Governments and Governors and Parliaments, respecting matters over which they could have no control, or on which they could have no opportunity of exercising any judgment.

But the guarantee now in question bears no trace of having been entered into with the advice of any responsible minister or officer in the colony. It never was submitted to Parliament by Lord Sydenham; and no one in the province, to the knowledge of any member of the present Executive Council, was a consulted party, who can now be called upon to fulfil or to endeavour to fulfil the agreement.

That agreement is therefore reduced to one merely personal to Lord Sydenham, which his Lordship unquestionably expected to be called upon to perform himself, and which his Lordship would have felt bound to endeavour to perform himself had he lived, and had he continued in the administration of the Government until the unlooked-for contingency arose, of Mr. Ryland's new office not being as profitable as it was anticipated to be.

It is only on this supposal that the undertaking can be accounted for at all, or that it can be understood why a pension was not assigned to Mr. Ryland at the time, to the full amount that his Lordship intended, subject to cease upon the acceptance by him of an office of equivalent emolument. There can be no doubt but that Lord Sydenham was personally bound to endeavour to fulfil his guarantee to Mr. Ryland, however embarrassing he might have found the promise, but he could not enter into a valid agreement which was to embarrass his successors or successive Governments in the province.

It is for this reason that his Lordship's successors in the Government, while they felt that Mr. Ryland misunderstood his claim to be upon the Government, and not merely upon the Governor making the stipulation, and that therefore his disappointment was hard upon him, yet refused to embarrass themselves with an undertaking, as theirs, which they personally or officially had no concern with. The claim was not laid before Parliament either by Sir Charles Bagot, or Lord Metcalfe, or Sir Richard Jackson, or Lord Cathcart, or adopted by any of them, or by their constitutional advisers officially. And yet had it been or could it have been considered an official and not merely a personal undertaking that was in question, the same obligation would have remained with them that had been with Lord Sydenham.

The committee of Council cannot recognize the authority of one Governor of this colony, by personal stipulation, to bind the future judgment or control the future discretion of succeeding Governments; and without doing this they cannot adopt the contract entered into by Lord Sydenham. They cannot believe that his Lordship contemplated a contract of this objectionable nature; and if he did, that fact could make no difference in the conclusion which the committee of Council are now compelled to adopt.

Mr. Ryland's claims have, in the course of years of alleged injustice on the part of the Governments of England and of this country, in withholding what he alleges to be his absolute and indefeasible right, swelled into an amount which would make the present consideration of some pecuniary consequence. It is difficult to say that the amount arrived at by the late Executive Council would be sufficient to remunerate him for his disappointments and losses, if unjustly occasioned; but the pecuniary importance of the claim is little compared with the principle involved; and the committee are not disposed to enter into the question of amount of loss upon the failure of a guarantee, when they cannot acknowledge its validity.

If, however, Mr. Ryland's claims, apart from the undertaking of Lord Sydenham, were such as the committee of Council could admit, or if the undertaking were one which, if made now under like circumstances, they could uphold and recommend to Parliament, Mr. Ryland is entitled to the same justice at the hands of your Excellency as he was entitled to from Lord Sydenham at the time of his leaving the office of the clerk of the Council; but on this point they have to repeat their approval of the precautionary conditions imposed by Lord Normanby, and to express their opinion, that considering Mr. Ryland as a retiring officer at the time of the union, and that he was already in the enjoyment of a pension of 50*l.* per annum, the pension accorded to him of 111*l.* 2*s.* 2*d.* was as much as ought, under the circumstances of his case, to have been allowed him, even if he were not appointed to another office under the Government.

Mr. Ryland appears to be under the impression that his consent was in some measure necessary to the organization of the department of the Executive Council, and to the disallowance of the fees and reduction of the emoluments of the office of clerk, after the union; but on this he is altogether mistaken. His right to take fees after the union was never admitted, nor the emolument of the office fixed, while he remained there; and if the facts were otherwise, alterations would have been made without reference to his opinion or consent. Had Mr. Ryland remained as clerk of the Council, his salary would not have been higher than 400*l.* sterling per annum, until afterwards increased to 600*l.* currency, as it was to his successor. The allowance made on account of fees was purely gratuitous and temporary, and could not have been continued to him had he remained. He therefore did not lose an office worth 1,030*l.* per annum, for he never had that income from the office after the union, and had no right to expect it. For it was out of all proportion with the salaries assigned to the higher officers of the Government. He had no claim to retire upon a pension, if the Government could find him an employment which it thought a just and adequate provision. The appointment of registrar at Quebec was supposed to be such an employment, and probably would have been more than equal to Mr. Ryland's just claims to a provision, had the ordinance remained unaltered by the Legislature.

As the Governor General intended the office in lieu of a pension, it would be hard upon Mr. Ryland if, when that office turned out unprofitable, the pension should be withheld; but he has been allowed a pension as if he had received no new office. And as the agreement of Lord Sydenham cannot be recognized as binding upon this Government, the utmost that can be done by the present advisers of your Excellency is to take up his case as that of an officer retiring at the union, and to consider whether he should be allowed more than the sum assigned him by Lord Stanley. Considering the case in this light, the committee think him not entitled as a retiring officer to any further provision, and they cannot advise that any other be made for him through this Government.

According to the report of the committee of the late Council, the office of registrar of Quebec, held by Mr. Ryland, ought not to have been a losing one, if conducted with due economy and a proper degree of personal performance of its duties. According to Mr. Ryland's statements it has actually been a loss to him. But the committee are not of opinion that this question should be considered with reference to Lord Sydenham's guarantee, further than as before stated; that is to say, the office should not be considered as a provision in lieu of a pension, unless with due economy and exertion it was in reality capable of benefiting the officer as much as the pension would have done. On this subject the committee remark that Mr. Ryland's pension of 111*l.* 2*s.* 2*d.* appears to have been discontinued on the 30th June 1845, when he accepted the office of registrar of Montreal. That office probably is or may be made a more lucrative one than the registry of Quebec; but whether it is sufficiently so to justify the withdrawal of the pension the committee are unable to say, without further investigation, and they therefore respectfully recommend this question to be kept open until an examination be made of the office, with a view to placing it in a proper state of efficiency, when this point may conveniently be made a subject of inquiry.

As regards the office of registrar in both places, and the emoluments derived by Mr. Ryland from them, the committee think that he stands in precisely the same situation as other registrars. He has the emoluments which the Legislature thought fit to assign to the office; and while the committee are desirous that Mr. Ryland should not forfeit the allowance to which he would have a claim by reason of his holding an office not sufficiently remunerative, they cannot advise a pension in itself sufficient to be increased, because the officer is disappointed in the emoluments of a new office.

Mr. Ryland appears to suffer in his income because of the condition in which his predecessor left the office at Montreal. On this subject the committee think that measures should be taken to place the office in order, not at Mr. Ryland's expense; but as they consider this subject as wholly disconnected with Mr. Ryland's claims, they prefer making it a subject of separate investigation and report.

Mr. Ryland complains of the fees of the office of registrar not being proportionable to the expense, responsibility, and labour of the office, but this again is a subject not connected with Mr. Ryland's claim. He is not required to remain in an office with remuneration attached to which he is not satisfied with; and if alterations should be made in the law, they cannot be framed with a view to his peculiar interest or expectations. There can be no doubt but that Mr. Ryland has been most unfortunate in continuing to insist upon Lord Sydenham's agreement, after he was distinctly informed that it was not one which the Government thought could be laid before Parliament with success. That answer he should have considered sufficiently final, to have prevented his continuing to calculate upon the fulfilment of the undertaking; and it is not because he misapprehended the agreement or the powers of an Executive Government or a Governor General to make agreements of the nature which he understands this one to be, that this Government are to enter into a question of indemnifying him. It is not surprising that, understanding as he appears to do, his right to a situation worth 1,030*l.* a year as indefeasible and independent of the Government and Legislature, that he should feel strongly his right to be indemnified for the loss of that income by an arrangement not carried out. But the committee, knowing that he had no such right, thinking that the pension assigned to him was all that he could justly claim, and believing that the agreement of Lord Sydenham to keep up the income of an office to a certain sum for all future time during the life of Mr. Ryland, was one which his Lordship was not competent to make, so as to bind the Government and Legislature of this province, they continue in the opinion which those of them in the Government under Sir Charles Bagot had occasion to express to his Excellency, and which the gentlemen who succeeded them in office appear to have entertained, that Mr. Ryland's claim for indemnity for the loss of the office of clerk of the Council, or for the nonfulfilment of Lord Sydenham's guarantee, is not one which they can advise your Excellency to lay before the Provincial Assembly with a recommendation for a grant of money, a grant which, if recommended upon Mr. Ryland's claim, would, in their apprehension, establish a false and unconstitutional principle, and possibly create a danger of misunderstanding and disagreement, which no feeling for individual disappointment or misfortune could justify then in incurring.

Certified.

(Signed) J. JOSEPH, C. E. C.

Encl. 2. in No. 24.

Enclosure 2. in No. 24.

RETURN of Emoluments of the Registry Offices of Montreal and Quebec since the Union, extracted from the Blue Book.

Year.	Emoluments, Montreal.	Registrar.	Emoluments, Quebec.	Registrar.
	£ s. d.		£ s. d.	
1841	Nil.	—	Nil.	—
1842	496 16 11	E. Dowling	No Return	G. H. Ryland.†
1843	No Return	Do.	No Return	Do.
1844	No Return	Do.	None	Do.
1845	None	G. H. Ryland*	210 17 5	C. N. Montizambert.‡
1846	None	Do.	544 15 0	Do.
1847	None	Do.	544 15 0	Do.

* Appointed June 1845.

† Appointed 1st January 1842.

‡ Appointed June 1845.

Encl. 3. in No. 24.

Enclosure 3. in No. 24.

Sir,

Quebec Registry Office, 8th July 1848.

In compliance with the request contained in a letter dated from your office, and signed by Mr. Crofton, I beg leave to subjoin a return of the fees and emoluments of my office as registrar for the county of Quebec for the years 1846 and 1847, in the form required, as follows:—

Years.	Gross Amount of Fees.	Deduction for Expenses of the Office.	Net Receipts.	—
	£ s. d.	£ s. d.	£ s. d.	
1846	699 4 2	93 18 8	605 5 6	} Currency.
1847	764 11 8	115 8 4	649 3 4	

During these two years I enjoyed my office rent-free, but have now to pay 20*l.* per annum for it; and, moreover, by the operation of the new Customs Act, which came into force on the 5th of April last, the emoluments of the office are reduced to the extent of about

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about 100*l.* per annum; for this I trust that compensation will be granted during the tenure of the office by me, particularly with reference to the other circumstances of my case, of a similar nature to those admitted in favour of Mr. Ryland.

These two items thus form a reduction of not less than 120*l.* per annum from the emoluments of the office.

The Hon. the Inspector General
of Accounts.

I have, &c.
(Signed) C. N. MONTIZAMBERT,
Registrar.

No. 25.

(No. 160.)

COPY of a DESPATCH from Governor General the Earl of ELGIN AND
KINCARDINE to the Right Honourable the Earl GREY.

Government House, Toronto, 11th March 1850.
(Received 2d April 1850.)

No. 25.
The
Earl of Elgin and
Kincardine
to
Earl Grey.
11th March 1850.

My Lord,

I have the honour to transmit herewith the copy of a memorandum on Mr. Ryland's case which has been drawn up by Mr. Hincks, Inspector General. It states the grounds of the opinions which have been expressed upon it by the different authorities to which Mr. Ryland has addressed himself for compensation.

I have, &c.
(Signed) ELGIN AND KINCARDINE.

Enclosure in No. 25.

Encl. in No. 25.

MEMORANDUM on Mr. Ryland's case.

Mr. G. H. Ryland's claim rests on the ground that he held the patent office of clerk of the Executive Council of Lower Canada at the period of the union of the two provinces, that the emoluments of that office were about 1,030*l.* per annum, and that he surrendered the said office under a guarantee from Lord Sydenham that the office of registrar of Quebec, conferred on him in lieu of the clerkship of the Executive Council, should be worth to him at least 515*l.* currency per annum. Mr. Ryland's case has become very complicated, owing to his having made repeated applications during several years back, at one time to the Imperial Government, and at another time to the Provincial Government, while the different parties who have had occasion to take it into consideration have naturally dwelt on those points which appeared to them at the time to be of the most importance. Mr. Ryland urged his claim in the first instance on the Provincial Government and Legislature; but was unable to get a majority, even in a conservative house, to admit it. I refer to the political character of the house, because the party generally known as conservative were formerly more ready than their opponents to recognize claims founded on length of service. It must be borne in mind, in considering this question, that the principle of pensioning the servants of the Crown has long been repudiated by the public at large, and that the opposition to such a principle has long been gaining ground with all parties in the province. This arises in some degree, no doubt, from the neighbourhood of the province to the United States, where the tenure of office is strictly dependent upon the will of the people, and where neither pensions nor gratuities are tolerated. But there is another strong reason incidental to a new country. Many of the officers appointed by the Crown, such as sheriffs, clerks of the peace, registrars, &c. are compensated by fees. In a country where the population is rapidly filling up there are frequent changes in the territorial divisions, by which the emoluments of these officers are seriously affected; and if the principle were once admitted, that incumbency of office was to be considered as a vested right, the claims to compensation would be proportionately much greater than in a long settled country. In Canada, though the tenure of office has been considered to be during good behaviour, and though the adoption of the English principle has been hitherto acquiesced in by the public, there has been a determined opposition to the consideration of the claims of parties for pensions who may have been obliged to leave office owing to the exigencies of the public service. I have been thus particular in calling attention to the state of public opinion in Canada on the subject of pensions, because I had an opportunity last year of hearing the discussion on Mr. Ryland's case in the House of Lords, and I remarked that the advocates of the claim never took into consideration whether the Canadian Legislature acknowledges Mr. Ryland's right to the enjoyment of office and his consequent right to compensation; and although they joined in repudiating the claim as against England, they seemed to expect that the Secretary of State should find the means of satisfying it. There can be no other object in bringing the subject before the Imperial Parliament, as Earl Grey has already recommended the claim to the favourable consideration of the Provincial Legislature. Further discussion in the Imperial Parliament seems to be wholly useless, unless with the view of obtaining compensation for Mr. Ryland out of the

Imperial Treasury. Mr. Ryland's claim is not admitted to be a just one as against Canada by any considerable portion of the Canadian people; and in my opinion a very large majority believe that he has no claim whatever.

I shall endeavour to treat the question fairly, and to state the different views which have been taken with regard to the claim.

Mr. Ryland and his friends maintain that he held a patent office from which he could not be removed unless with his own consent; that his emoluments could not be interfered with; that he made a specific bargain with Lord Sydenham, and that having his Lordship's guarantee, he has a right to the full amount of his losses as registrar of Quebec; that his official establishment was sanctioned by Lord Sydenham at the time the agreement was entered into, and that no objection can now be taken to its extent. Mr. Ryland further alleges that at the time of the union he stood "in a different position from any other public officer in the province, having peculiar claims upon Government;" the nature of these claims he does not state. Lords Stanley and Normanby conceived that Mr. Ryland having been appointed to the clerkship of the Executive Council in Lower Canada at a time when important constitutional changes were under consideration, and having been notified that he was to have no claim for pension founded on that appointment, he would be sufficiently compensated by a pension based on his emoluments as assistant clerk; this view is also taken in the last minute of the Executive Council of Canada on the subject. A number of persons in Canada admit Mr. Ryland's claim to the fullest extent, but insist that it is not a claim upon Canada, but on the Imperial Government. These persons admit that it is not reasonable that England should be called on to compensate an office-holder in Canada, but they contend that a Governor General, over whose appointment the Canadian people had no control, having given an unconstitutional guarantee which the Legislature are unprepared to make good, the individual should be protected by the Imperial Government by which the Governor General was appointed. A very large class of persons repudiate altogether Mr. Ryland's original claim, and look on Lord Sydenham's guarantee as mere waste paper, so far as Canada is concerned. Lord Metcalfe held the claim to be good as founded on the pledge given, and to be good against the province; but he evidently felt the difficulty of redeeming it, and saw that the only feasible mode of doing so, was by considering Mr. Ryland's claim to another office. Acting on this view of the case, he took the opportunity of a vacancy occurring to promote Mr. Ryland to the more lucrative office of registrar of Montreal. Mr. Aylwin, formerly Solicitor General, whose name has been introduced by Mr. Ryland as a supporter of his claim, appears to have been of the same opinion as Lord Metcalfe. He, like some others, thinks Mr. Ryland's case a hard one, but he distinctly affirms that it is out of the question to give him a pension or gratuity, and that more lucrative employment is the only mode of relief. There is yet another opinion on the subject. It is held by some, that Mr. Ryland had the same but no greater claim to compensation for deprivation of office at the time of the union as other officers similarly situated. It is believed by them, that Lord Sydenham endeavoured in good faith to satisfy that claim, and that he did fairly satisfy it. This last is my own opinion, and I shall state the grounds on which I have arrived at it. I am not aware that Mr. Ryland had any peculiar claims either on the Imperial or Provincial Government, and I find no statement of such claims in his papers, unless it be that his father had enjoyed a very lucrative office for a great number of years, and that he himself had entered the civil service very young, and been paid a liberal salary during his incumbency. One of the old grievances of the Canadian people was the transmission of lucrative offices from father to son, as was done in Mr. Ryland's case; and I refer to it here simply to establish, at the outset, that Mr. Ryland's assumption that he had peculiar claims, and was in a different position from any other office-holder, was unfounded. Mr. Ryland was, in the year 1838, raised from the office of assistant clerk with a small salary to the very lucrative one of clerk of the Council. His commission was under the great seal of the province; and he was entitled to receive all the emoluments of the office, which consisted of a salary of 500*l.* sterling, and 50*l.* allowance for stationery, and certain fees collected under an order in Council, and which were considered to be an intolerable abuse. The committee of Council having referred to the fact, that at the time of Mr. Ryland's appointment the union was in contemplation, that gentleman, in his commentary in the report, denies the fact, alleging that Lord Durham contemplated a federal union of all the provinces. I consider this a mere quibble. Political change was admitted on all hands to be necessary, though differences of opinion prevailed on the subject; but certainly Mr. Ryland had early notice that he was not to consider himself as entitled to the office under every contingency. Mr. Ryland's appointment was an act of great favour; and he ought to have considered any claims for service most amply compensated by an increase of salary from about 250*l.* per annum to 500*l.* I cannot look upon his case as that of a person long enjoying a large income, and having contracted engagements or adopted a style of living in accordance with it. Mr. Ryland had early notice that he was not to consider himself as entitled to this office if it was found impossible to appoint him. Mr. Ryland rests a great deal on its not having been impossible to do so. Now I contend that it would have been absolutely impossible to have continued a clerk of the Council with such emoluments, or with fees of any kind. Let Mr. Ryland's claim to continuance in office be admitted, and I am not disposed to dispute it, he would necessarily have continued at the salary fixed under the Union Act, viz. 400*l.* sterling per annum, afterwards increased to 600*l.* currency, but again reduced by the

Civil List Act to 500*l.* currency. When the time of Mr. Ryland's appointment is considered, together with Lord Normanby's despatch, and the fact that he had been only recently raised from a salary of 250*l.* per annum, I think that all that Mr. Ryland could have reasonably expected was a salary of 400*l.* per annum. It is evident that Lord Sydenham determined on removing Mr. Ryland, wholly without reference to that gentleman's wishes. He considered that the public interest required other arrangements. I am strongly inclined to think that the reduced salary had more to do than is apparent with the removal of Mr. Ryland. I cannot believe that any objection would have been made to his continuing clerk of the Council, at the salary fixed upon under the Union Act. I have no doubt that he himself objected to the reduction, and claimed to be allowed to retire. The appointment to the registrarship of Quebec was ample compensation for Mr. Ryland's claims at the time, and was a much better office than the clerkship of the Council at the reduced salary, which Mr. Ryland would have had to be satisfied with. At the time of the union other officers, with even stronger claims than Mr. Ryland, were either removed, getting a gratuity of two years salary, or other office, or without any provision. Of the latter class I may mention Mr. Stanton, Queen's printer, and Mr. Joseph, clerk of the Legislative Council. Both these gentlemen advanced their claims repeatedly, and they were recognized to the extent, that when vacancies occurred they would be considered. Mr. Montizambert and Mr. Paul were both removed, as well as Mr. Ryland, and were both compensated with registrarships, but they have made no complaints of insufficiency of emolument. Since the union Colonel Gugy, Adjutant General of Lower Canada, and Colonel O'Hara, Deputy Adjutant General of Upper Canada, were removed from office by act of Parliament without any compensation. Colonel O'Hara has repeatedly urged his claims, but it has not yet been found possible to consider them in the only possible way, viz., employment in the public service. Had Mr. Ryland then been removed without any compensation, his case would not have been an isolated one; as it was, he was given an office that would enable him to reside at Quebec, where his property was situated, instead of being removed to Kingston, and with every prospect of its being more lucrative than the one he lost. Mr. Ryland, however took the precaution, which no other person similarly situated seems to have done, of raising a question as to the probable emolument of the office which it was proposed to confer on him; and as he expressed a doubt whether it would produce him any thing, Lord Sydenham directed his private secretary to guarantee him an income equal to one half of his former emoluments. This guarantee has given rise to much embarrassment. Mr. Ryland had made an estimate of the expenses of his office, and he contends that this estimate was approved by Lord Sydenham, although no such approval was ever expressed; and it would obviously have been quite impossible for Lord Sydenham to have formed any opinion as to the extent of assistance which Mr. Ryland might require in discharging the duties of a new office. I deny altogether that Lord Sydenham gave any sanction to the expensive establishment formed by Mr. Ryland, and which has led to all his difficulties. Mr. Ryland, instead of conducting his office with that economy which he would have done had he been entirely dependent on it, relied on his guarantee, and imagined that any deficiency in his income would be made good out of the public chest. I have no doubt that the guarantee was given by Lord Sydenham, on a well-founded assurance that he was conferring on Mr. Ryland an office fully equal to his just expectations. It must be borne in mind that Mr. Ryland had no peculiar claim at the time. Any other subject of her Majesty, holding a commission from the Governor General, had the same right to consider his income permanent and guaranteed as Mr. Ryland had. Lord Sydenham's guarantee was based on the assumed right of every incumbent of office to be compensated for its loss, according to the provisions of an imperial act which it is admitted had no force in Canada. I contend, therefore, that if Mr. Ryland had a claim for compensation, every other incumbent had an equally good one. Mr. Ryland was given an office worth emoluments equal to the guarantee, and greater than he would have had if he had remained clerk of the Council. Some time afterwards Parliament made a most important alteration in the law, by which not only the emoluments of Mr. Ryland, but of every other registrar in the province were affected. Mr. Ryland's loss then, has been caused by an act of Parliament from which others with claims as good as his have suffered equally. Parliament awarded no compensation to the incumbents whose emoluments were interfered with; and if Mr. Ryland were to be remunerated for his loss every other registrar might set up an equal claim. I contend that, taking Mr. Ryland's case in the most favourable point of view, he was merely entitled to an office worth 515*l.* currency per annum, and that he was appointed to such an office. The Provincial Government, therefore, took care to fulfil Lord Sydenham's guarantee. Parliament subsequently reduced the emoluments of the office, by reducing the size of the districts. Parliament might have reduced the emoluments of the clerk of the Council to 150*l.*; and had it done so, on whom would Mr. Ryland have had a claim? Such interference is of constant occurrence. The emoluments of the sheriffs of Upper Canada were materially affected by an act of last session. The clerks of the peace have been deprived of a large portion of their emoluments. I may put a case more strictly analogous: When a new county is set off in Upper Canada, as has been done frequently, the registrar loses, perhaps, one half of his emoluments, but no compensation has ever been allowed. I contend, therefore, that Lord Sydenham's guarantee was bonâ fide fulfilled, by Mr. Ryland's getting an office equal to his own pretensions, and greater than his equitable claims. The most satisfactory way of proving this is by the

following statement of the emoluments of Mr. Montizambert, Mr. Ryland's successor as registrar of Quebec:—

Year.	Gross Fees.			Expenses.		
	£	s.	d.	£	s.	d.
1846	699	4	2	93	18	8
1847	764	11	8	115	8	4
1848	622	14	4	112	12	11
1849	547	19	6	128	16	4
	2,634	9	8	450	16	3
	450	16	3			
	2,183	13	5			
Average	545	18	4			

If such had been Mr. Montizambert's emoluments from the office conferred on Mr. Ryland by Lord Sydenham, how can it be contended that the guarantee of that nobleman has not been fulfilled? When Mr. Ryland was appointed under the guarantee, the county of Montmorenci was attached to the county of Quebec, so that his emoluments should have been greater than those of his successor; and it is further to be observed, that Mr. Montizambert's emoluments have been reduced since his appointment, as will be seen by a reference to his statement. The cause of this I believe to be the change in the customs law, which has put an end to the practice of giving credit for duties on imports, the bonds for which were always registered, and were an important source of income to the registrars. I contend that Lord Sydenham's guarantee cannot be invoked to protect Mr. Ryland more than any other registrar from the effects of acts of the Legislature. I must notice here an important fact connected with Mr. Ryland's emoluments. The Registry Law required all the old titles to be registered during the year 1844, so that in that year the emoluments were unusually large. As a proof of this I find in the blue book that the registrar of Dorchester returned 1,219*l.* fees in 1844, and in 1845 117*l.*, 1846 161*l.*, 1847 119*l.* The registrar of Leinster returns 900*l.* in 1844, and about 200*l.* in each succeeding year. The registrar of Montmorenci 330*l.* in 1844, and 75*l.* in each subsequent year. I am warranted then by all the returns in assuming the fees of 1844 to have been quadruple those of subsequent years; and according to Mr. Montizambert's returns for 1846 and 1847, I think I am justified in placing them at 2,500*l.* or 3,000*l.* Mr. Ryland, however, in that year returns *Nil*, although in the county of Montmorenci, which had been set off from Quebec, and the present emoluments of which are in comparison with the latter county as 75*l.* to about 600*l.*, there was collected in 1844 330*l.*, so that if the county which embraces the populous city of Quebec be estimated as likely to furnish eight times the emoluments of Montmorenci which it has furnished to Mr. Montizambert, the fees in 1844 should have been 2,640*l.* I hold then that Mr. Montizambert's returns prove that he has an office which produces 545*l.* currency per annum; in addition to which Mr. Ryland had a pension of 111*l.* currency, of which he was deprived on his removal to Montreal, making 656*l.* per annum, while the guarantee was only 515*l.* The fees from Montmorenci, of which Mr. Ryland was deprived by act of Parliament long after Lord Sydenham's death, may be estimated at nearly 100*l.*, so that without any reference to the large emoluments of 1844, it must be obvious that the guarantee of Lord Sydenham has been fully satisfied. As I was induced on one occasion some years ago, at the request of Mr. Ryland, to express an opinion on the hardship of his case, which he has published in his pamphlet, and as this may be invoked by him as a proof of inconsistency on my part, it is proper for me to state here in justice to myself, that I relied entirely on Mr. Ryland's own representations as to the emoluments of the registrar of Quebec. I had no means at the time of testing the accuracy of those representations; and it is only of late that I have become convinced that the office conferred on Mr. Ryland was fully equal to what he was entitled to under the guarantee of Lord Sydenham, and that his losses are attributable solely to his own want of economy and failure to attend personally to the discharge of his official duties.

(Signed) F. HINCKS.

Inspector General's Office,
11th March 1850.

APPENDIX to DESPATCHES from GOVERNOR GENERAL.

Papers referred to at Page 58.

EXTRACTS from a DESPATCH addressed by Lord GLENELG to Sir FRANCIS BOND HEAD, and communicated to the Legislature of Upper Canada by message bearing date the 30th January 1836.

“The principles of the Government in the two Sister Provinces must I am well aware be in every material respect the same.

“First, you will at the earliest opportunity enter into a diligent review of the offices in the appointment of the Crown and of the local Government, as detailed in the report of the Committee and the Appendix, with a view to ascertain to what extent they may, without impairing the efficiency of the public service, be reduced immediately and prospectively; you will report to me the result of your investigation, with such particular information as will enable His Majesty’s Government to decide in each case on the expediency of adopting your recommendation.

“Secondly, if during the reference of that report to me any occasion occurs for the reduction of offices, either by abolition or by consolidation, you will exercise your own discretion as to waiting for further instructions or proceeding at once to the reduction, any appointment however made under such circumstances will be merely provisional; *in case of the immediate abolition of any office not required for the efficient discharge of the public service, you will stipulate for such a compensation to the present holders as the disappointment of their reasonable expectations may entitle them to receive.*

“In dealing with existing interests, the local Legislature will, I doubt not, be well disposed to adopt the rules which have been uniformly taken by Parliament for the guidance of their discretion in similar cases. The saving of public money which would arise from the unexpected reduction of official incomes would not only subject numerous families to extreme distress, but by *impairing general confidence in the public credit* would weaken the foundations on which all proprietary right must ultimately repose.

“The King confidently relies on his faithful subjects of Upper Canada that they will not reduce his Majesty to the distressing alternative of either abandoning the just interests of any of his servants, or opposing himself to measures having for their object the reduction of public expenditure.”

If a fancied violation on the part of Lord Sydenham of unknown *implied instructions* conveyed to one of the Governors of Lower Canada could, in the opinion of Lord Stanley, be strained to my prejudice, surely I ought by a parity of reasoning to be allowed the fullest possible benefit of a *positive instruction* conveyed to the Governor of Upper Canada, and declared by the Secretary of State to be applicable to both provinces, particularly when it is borne in mind that I surrendered, at the instance of the Crown, advantages of which I could not without my consent have been deprived, and entered into a solemn arrangement with Government, my right to the fulfilment of which has been admitted by the late and present Governors General of Canada and the Executive Council of the day, forming in fact the Government of the Country. (Vide Official Letter from the Provincial Secretary, dated 7th April 1843.)

G. H. RYLAND.

Extracts from the Minutes of Council of the 6th September 1828.

“His Excellency was pleased to direct the Assistant Clerk of the Council to make a Minute on the Book of Council of his entire satisfaction with the manner in which the business of Council has been now brought to a conclusion.”

Truly extracted,
E. PARENT.

Despatches from the Right Honourable the Secretaries of State.

No. 1.
Lord Glenelg
to the
Earl of Gosford,
19th May 1836.

27th April 1836.

No. 1.

(No. 82.)

COPY of a DESPATCH from Lord GLENELG to the Earl of GOSFORD.

My Lord,

Downing Street, 19th May 1836.

I TRANSMIT to you, enclosed, an application which I have received from the Rev. Mr. Ryland, who solicits that in consideration of the long and faithful services of his father Mr. Ryland, the registrar and clerk of the Executive Council of Lower Canada, that gentleman may be allowed to resign his office in favour of his son, who is at present assistant clerk of the Council.

Mr. Ryland's services, as they are represented to me by his son, seem to entitle him to the notice of his Majesty's Government; but it is evidently impossible for me to give any opinion on the subject of the application which has been made to me on his behalf, without a reference to your Lordship.

I must, therefore, request that you will consider and favour me with a report upon the papers of which I enclose copies.

I have, &c.
(Signed) GLENELG.

Encl. in No. 1.

Enclosure in No. 1.

My Lord,

Sandridge Vicarage, St. Albans, 27th April 1836.

It has become my duty to present to your Lordship the following statement on behalf of my father, the Honble. H. W. Ryland, a member of the Legislative Council of the province of Lower Canada. Through me, as his eldest son and the only member of his family in England, he begs leave to represent to your Lordship that he first entered the service of Government so far back as the year 1781, when, through the interest of the late Earl Spencer, he obtained the situation of assistant deputy paymaster general to the British forces in America, and accompanied William Deane Poyntz, Esq. the deputy paymaster general, to New York. That after the capture of Lord Cornwallis's army he was stationed at Lancaster in Pennsylvania as acting deputy paymaster general to the British prisoners of war, in which situation he remained till the peace, when he returned to England with the commander-in-chief Sir Guy Carleton.

That at the time of the first contemplated regency in 1789 he was selected by the late Earl Spencer for the confidential situation of his private secretary, upon his being nominated to the vice-royalty of Ireland, an appointment, however, which the restoration of his Majesty's health prevented from taking place.

That in the year 1793 he again accompanied Sir Guy Carleton (then Lord Dorchester) to Canada as his principal civil secretary, in which situation he continued to serve under the several Governors of Lower Canada on a salary of 200*l.* per annum during a period of twenty years, the appointment having been raised, soon after he relinquished it, to 500*l.* a year. That on the 1st July 1796 Lord Dorchester, being about return to England, appointed him registrar and clerk of the Executive Council of Lower Canada, which situation he continues to hold in the seventy-seventh year of his age; and it is with respect to this appointment that he ventures to express a hope that, in consideration of the nature and length of his public services extending over a period of fifty-six years, his Majesty will graciously be pleased to permit him to resign it in favour of the only son he has to provide for in Canada, Mr. George Herman Ryland, who, having for the last fifteen years held the appointment of assistant clerk of the Executive Council, is fully acquainted with the duties of the office and in every respect competent to the discharge of them.

Mr. G. H. Ryland, who is my only brother, is married to a niece of Admiral Sir John Gore, and is entirely dependent upon his official situation for the support of himself and family.

I beg to enclose a few testimonials respecting the public services of my father, and will leave the rest, with humble confidence, to the justice and kind consideration of his Majesty's Government.

The Lord Glenelg,
&c. &c. &c.

I have, &c.
(Signed) WILLIAM DEANE RYLAND.

Testimonials.

No. 2.

(No. 129.)

COPY of a DESPATCH from Lord GLENELG to the Earl of GOSFORD.

My Lord,

Downing Street, 20th September 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 9th August, No. 89.,* on the subject of the application of Mr. Ryland, the registrar and clerk of the Executive Council, to be allowed to retire from his situations in favour of his son the assistant clerk. In deference to your Lordship's opinion on this subject, in which I entirely concur, I shall abstain from taking any steps in the proposed arrangement.

I have, &c.
(Signed) GLENELG.

No. 2.
Lord Glenelg
to the
Earl of Gosford,
20th Sept. 1836.

* Page 1.

No. 3.

(No. 53.)

COPY of a DESPATCH from the Marquess of NORMANBY to Governor Sir J. COLBORNE.

Sir,

Downing Street, 3d July 1839.

I HAVE the honour to acknowledge the receipt of your despatch of the 8th ultimo, No. 84.,† enclosing an application from Mr. Ryland for the issue of the usual warrant under the royal sign manual, appointing him clerk of the Executive Council of Lower Canada. In reply I beg to inform you, that Mr. Ryland's nomination to this office was not reported to my predecessor by the Earl of Durham, and consequently that it was impossible for Lord Glenelg to submit his name to the Queen for that appointment. If, however, you should be of opinion that the selection was a proper one, and ought to be confirmed, I will give the necessary directions for preparing the usual warrant. But in that case you will apprise Mr. Ryland that if the two provinces of Upper and Lower Canada should be hereafter united, and it should be found in consequence impossible to continue his services, he would not be entitled to any retiring allowance on account of his present appointment.

I have, &c.
(Signed) NORMANBY.

No. 3.
Marquess of
Normanby
to
Sir J. Colborne,
3d July 1839.

† Page 2.

No. 4.

(No. 6.)

COPY of a DESPATCH from Lord J. RUSSELL to the Right Hon. C. POULETT THOMSON.

Sir,

Downing Street, 12th September 1839.

I HAVE to acknowledge the receipt of Sir John Colborne's despatch, No. 105., of the 14th of August,‡ enclosing a letter from Mr. Ryland, in which he applies to have the mandamus for his appointment as clerk to the Executive Council ante-dated the 13th of October 1848, being the day on which he was nominated to the office by the Governor General.

I have in reply to instruct you to acquaint Mr. Ryland, that before the receipt of his application the mandamus§ for his appointment had been prepared

No. 4.
Lord John Russell
to the
Right Hon.
C. P. Thomson,
12th Sept. 1839.

‡ Page 2.

§ Copy of warrant referred to in Lord John Russell's despatch.

VICTORIA REX.

Trusty and well beloved, We greet you well: Whereas We have taken into our royal consideration the loyalty, integrity, and ability of our trusty and well-beloved George Herman Ryland, Esq., We have thought fit hereby to authorize and require you forthwith to cause letters patent to be passed under the seal of our province of Lower Canada in America, constituting and appointing him the said George Herman Ryland clerk of the Executive Council of our said province, to have, hold, exercise, and enjoy the said office and place during our pleasure, with all the rights, fees, profits, privileges, and advantages thereunto belonging or appertaining; and you are to cause to be inserted in the said letters patent a clause or proviso obliging him the said George Herman Ryland to actual residence within our said province, and to execute the said office in his own person, except in case of sickness or other incapacity, and all such other clauses and provisos as are requisite and necessary in this behalf; and for so doing this shall be your warrant. Given at our court at Windsor, the 26th day of August 1839, in the third year of our reign.

By Her Majesty's Command,
(Signed) NORMANBY.

George Herman Ryland, Esq.,
To be Clerk of the Executive Council, Lower Canada.

and issued to his agent; but that even if such had not been the case, I should have felt myself precluded by the established practice in such cases from complying with his request.

I have, &c.
(Signed) J. RUSSELL.

No. 5.
Lord Stanley
to
Governor
Sir Charles Bagot,
1st June 1842.

No. 5.
(No. 156.)
COPY of a DESPATCH from LORD STANLEY to GOVERNOR SIR CHARLES BAGOT.

* Page 5.

Sir,
Downing Street, 1st June 1842.
I HAVE received your despatch, No. 75.,* of the 8th of April, enclosing a list of the appointments which, in consequence of the unexpected delay in your arrival in Canada, Sir Richard Jackson had proceeded to confer on the gentlemen whose names are specified in the list, with the grounds for their selection.

I have, &c.
(Signed) STANLEY.

No. 6.
Lord Stanley
to
Sir C. Metcalfe,
28th Dec. 1843.

No. 6.
(No. 145.)
COPY of a DESPATCH from LORD STANLEY to GOVERNOR SIR CHARLES METCALFE.

† Page 5.

Sir,
Downing Street, 28th December 1843.
I HAVE to acknowledge the receipt of your despatch, No. 104.,† of the 25th October, forwarding a memorial addressed to myself, from Mr. G. H. Ryland, registrar of the district of Quebec, claiming the fulfilment of the pledge given to him by the late Lord Sydenham, when he relinquished the office of clerk of the Executive Council of Lower Canada, that the income of his present office should be equal to the amount of the pension (515*l.* currency) to which he was considered entitled for his services in the Council office.

† Page 2.

I gather from the papers annexed to Mr. Ryland's memorial that he assumed, and Lord Sydenham admitted, that he could not be deprived of the office of clerk of the Executive Council of Lower Canada without his own consent, or adequate compensation. The understanding thus subsisting between them was not, however, founded on an accurate view of the facts. In the first place, the commission granted to Mr. Ryland by Lord Durham, 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 when the provinces of Upper and Lower Canada merged into that of Canada; 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. On referring to the Marquess of Normanby's despatch to Lord Seaton, No. 53., of the 3d July 1839, you will find 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, No. 98.,‡ of the 26th July, to have been made to that gentleman accordingly, and is referred to in a letter from him, dated the 12th of that month, which was transmitted to this office by the Governor, on the 14th August, No. 105.§

§ Page 2.

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 satisfactorily 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, I must reserve the expression of any opinion upon his case.

FORMERLY SECRETARY TO EXECUTIVE COUNCIL, CANADA. 101

As I perceive 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) STANLEY.

No. 7.

(No. 193.)

COPY of a DESPATCH from Lord STANLEY to Governor Sir CHARLES METCALFE.

No. 7.
Lord Stanley
to
Sir C. Metcalfe,
31st March 1844.

Sir,

Downing Street, 31st March 1844.

I HAVE received your despatch, No. 31.,* of the 16th February, transmitting the copy of a letter from Mr. G. H. Ryland, in which he supplies the explanation called for by my despatch of the 28th December last, relative to the circumstances under which the late Lord Sydenham guaranteed to Mr. Ryland an income as registrar of the district of Quebec, equal to the amount of the pension (515*l.* currency) which he claimed for his services as clerk of the Executive Council of Lower Canada.

* Page 24.

It is clear from the information afforded to me, that Lord Sydenham was fully aware of the condition attached by her Majesty's Government to the promotion of Mr. Ryland to the office of clerk of the Executive Council of Lower Canada, but that his Lordship thought proper to disregard it, and entered into an engagement with Mr. Ryland which involved a violation of the instructions of the Secretary of State. It is, of course, impossible for me to sanction any claim, as of right, founded on the fact of any persons, whoever they might be, taking on themselves to set aside, without even reporting the fact, the official instructions of her Majesty's Government. The utmost that Mr. Ryland could expect under Lord Normanby's despatch of the 3d July 1839 was, either to be provided with another suitable office, or to be granted a pension, computed upon his emoluments as assistant clerk of the Executive Council.

Mr. Ryland did receive another appointment, but the income arising from it has not proved sufficient for his legitimate expectations. I am, therefore, of opinion that he might with propriety be assigned, from the fund of 5,000*l.* a year reserved to the Crown by the Re-union Act for pensions, an allowance proportioned to his income as assistant clerk, until it should be in the power of the Provincial Government to provide him with a more lucrative office than his present one; and, if the pension fund admit of it, I think that the allowance should be issued from the date at which he ceased to draw salary as clerk of the Executive Council.

I have, &c.
(Signed) STANLEY.

No. 8.

(No. 247.)

COPY of a DESPATCH from Lord STANLEY to Governor Sir CHARLES METCALFE.

No. 8.
Lord Stanley
to
Sir C. Metcalfe,
27th June 1844.

Sir,

Downing Street, 27th June 1844.

I HAVE received your despatches, Nos. 92. and 97., † of the 20th and 25th May last, enclosing copies of two letters which have been addressed to you by Mr. G. H. Ryland, on the subject of his claim to be compensated for the loss of the office of clerk of the Executive Council of Lower Canada.

† Page 29 and 31.

Mr. Ryland is desirous, either that I should revise the decision which I have already pronounced on his claim, or that his case should be submitted for the consideration of the Queen in Council.

You will inform him that I have attentively weighed the arguments on which he rests his present application, but that I have not seen in them anything to justify my departing from the view which I have already taken of his case; viz. that he is only entitled to be compensated for the loss of the office of assistant clerk, which he held previously to his promotion to the clerkship of the Executive Council of Lower Canada. Considering the peculiar circumstances of

(112.)

C c

Mr.

Mr. Ryland's case, I think that, although not entitled to it as a matter of right, the temporary allowance which I proposed in my despatch of the 31st March last to assign to him, might fairly be computed upon the increased scale of salary allotted to his successor in the assistant clerkship, provided you should see no objection to granting him this indulgence.

With regard to Mr. Ryland's proposal, that his case should be referred for the consideration of her Majesty in Council, you will inform him that her Majesty could not be advised to consult the judicial committee of the Privy Council upon it, because there is no judicial question depending; neither could her Majesty be advised to consult the Privy Council collectively, or to depart from the rules by which the Crown is usually guided in cases analogous to his own.

In communicating the substance of this despatch to Mr. Ryland, you will express to him my regret that I have been unable to take a more favourable view of his claim.

I have, &c.
(Signed) STANLEY.

No. 9.
Lord Stanley
to
Sir C. Metcalfe,
28th Sept. 1844.

(No. 238.)

No. 9.

COPY of a DESPATCH from LORD STANLEY to GOVERNOR SIR CHARLES METCALFE.

Sir,

Downing Street, 28th September 1844.

I HAVE the honour to acknowledge the receipt of your despatch, No. 133,* of the 24th ultimo, submitting a communication from Mr. G. H. Ryland, in which he urges his claim to further compensation for the loss of the office of clerk of the Executive Council, and for the nonfulfilment of the expectations which had been held out to him when he accepted the office of registrar of the district of Quebec.

You will inform Mr. Ryland that I have fully considered his present representation, and that I have not perceived in it sufficient grounds to alter the view which I had already taken of his case. The claim which he prefers cannot be admitted as a matter of right; and I must refer him to the decision conveyed in my despatch to you, No. 247,† of the 27th of June last, as finally disposing of the subject, so far as her Majesty's Executive Government are concerned.

I have, &c.
(Signed) STANLEY.

No. 10.
Lord Stanley
to
Lord Metcalfe,
27th June 1845.

(No. 397.)

No. 10.

COPY of a DESPATCH from LORD STANLEY to LORD METCALFE.

My Lord,

Downing Street, 27th June 1845.

I HAVE received your Lordship's despatch, No. 276,‡ of the 19th May last, inclosing, at the request of Mr. Ryland, the copy of an order by the Governor General in Council, dated the 13th February 1841, stating that Mr. Ryland was, on that day, sworn in as registrar and clerk of the Executive Council of Canada.

You will inform Mr. Ryland that this intelligence does not induce any alteration of the decision upon his case, which has been already signified to him. I was perfectly aware that for some months after the re-union of the Canadian provinces he discharged the duties and enjoyed the emoluments of the clerk of the Executive Council of Canada; but that was clearly a temporary arrangement, as he was not regularly appointed to the office either by a commission from the Governor or from her Majesty, like his successor in the situation.

I have, &c.
(Signed) STANLEY.

‡ Page 34.

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No. 11.

(No. 413.)

COPY of a DESPATCH from Lord STANLEY to Lord METCALFE.

My Lord,

Downing Street, 10th August 1845.

I HAVE received your Lordship's despatch, No. 305,* of the 2d ultimo, reporting the appointment of Mr. G. H. Ryland to be registrar of the county of Montreal in succession to Mr. Dowling deceased; and enclosing copies of a correspondence which has passed between your provincial secretary and Mr. Ryland relative to the continuance to the latter of the allowance enjoyed by him as late assistant clerk of the Executive Council of Lower Canada, after his acceptance of the first-mentioned office.

I have to convey to your Lordship my approval of the terms of the answer which you directed to be written to Mr. Ryland in reference to his remonstrance against the discontinuance of the temporary allowance granted to him.

I have, &c.

(Signed) STANLEY.

No. 11.
Lord Stanley
to
Lord Metcalfe,
10th August 1845.

* Page 35.

No. 12.

(No. 436.)

COPY of a DESPATCH from Lord STANLEY to Lord METCALFE.

My Lord,

Downing Street, 16th September 1845.

I HAVE received your Lordship's despatch, No. 329,† of the 8th August, enclosing the copy of a letter which Mr. Ryland has written to you on the subject of his claims on the Government of Canada.

I do not perceive in Mr. Ryland's present statement any ground for altering the view which I have already taken of his case.

I agree with you in thinking, that if the pledge given to this gentleman were a valid one, the responsibility of redeeming it would rest with the provincial and not with the home Government, the latter not having been a party to the transaction.

I request that you will inform Mr. Ryland that it is not in my power to interfere any further in the matter.

I have, &c.

(Signed) STANLEY.

No. 12.
Lord Stanley
to
Lord Metcalfe,
16th Sept. 1845.

† Page 37.

No. 13.

(No. 9.)

COPY of a DESPATCH from the Right Honourable W. E. GLADSTONE to the Earl CATHCART.

My Lord,

Downing Street, 25th January 1846.

I HAVE received from Mr. G. H. Ryland a communication dated the 14th of December last, bringing under my consideration his claim to compensation for his loss of the office of clerk of the Executive Council, and for the nonfulfilment of the expectations held out to him when he accepted the office of registrar of the district of Quebec.

This communication having been sent to me from the colony by the writer, and not having been transmitted through you, I have to desire that you would apply to the writer for a copy of it, and that you would forward that copy to me, accompanied by such a report as the case may appear to you to require.

I have, &c.

(Signed) W. E. GLADSTONE.

No. 13.
Right Hon.
W. E. Gladstone
to the
Earl Cathcart,
25th Jan. 1846.

‡ Page 114.

No. 14.

(No. 60.)

COPY of a DESPATCH from the Right Honourable W. E. GLADSTONE to the Earl CATHCART.

My Lord,

Downing Street, 1st May 1846.

I HAVE received your Lordship's despatch, No. 22,§ of the 9th March, upon the subject of the claims of Mr. Ryland to redress for the nonfulfilment of certain

(112.)

No. 14.
Right Hon.
W. E. Gladstone
to the
Earl Cathcart,
1st May 1846.

§ Page 39.

certain expectations held out to him by the Executive Government of Canada in 1841.

I have attentively examined all the documents relating to this case, and I can perceive no ground to doubt that the proper course for your Lordship to pursue is, to acquaint the House of Assembly and Mr. Ryland, that, on behalf of the British Treasury, her Majesty's Executive Government have invariably repudiated and denied all liability to make good the engagement formed by Lord Sydenham, the engagement being one which her Majesty's Government had never authorized beforehand, which had never been reported to them by his Lordship, and which, when brought to their knowledge, they had disapproved and declined to sanction. Such is the view which I confess myself to entertain of the case; but if the House of Assembly shall think fit to regard the claim as one which ought to be met from the colonial funds, I can have no objection to authorize your Lordship to apply towards Mr. Ryland's indemnity, out of any Canadian funds at the disposal of the Canadian Government, any sum which the House of Assembly may be of opinion ought to be applied to that gentleman's relief.

Your Lordship will be pleased to communicate the substance of this despatch to Mr. Ryland as comprising my answer to the different communications which he had addressed to me upon his case.

I have, &c.
(Signed) W. E. GLADSTONE.

No. 15.
Right Hon.
W. E. Gladstone
to the
Earl Cathcart,
26th May 1846.

(No. 69.)

No. 15.

COPY of a DESPATCH from the Right Honourable W. E. GLADSTONE
to the Earl CATHCART.

My Lord,

Downing Street, 26th May 1846.

I HAVE received your Lordship's despatch, No. 37.,* of the 26th April, in which, at the request of Mr. Ryland, you transmit to me the copy of a report upon his case by a select committee of the Legislative Assembly of Canada.

I have only to observe in answer, that having in my despatch of the 1st instant explained to your Lordship my views of this case, I have no addition to make to its contents in consequence of this fresh communication. Your Lordship will, therefore, refer Mr. Ryland to that despatch as the only answer which it is in my power to return to him on the present occasion.

I have, &c.
(Signed) W. E. GLADSTONE.

No. 16.
Right Hon.
W. E. Gladstone
to the
Earl Cathcart,
2d June 1846.

(No. 79.)

No. 16.

COPY of a DESPATCH from the Right Honourable W. E. GLADSTONE
to the Earl CATHCART.

My Lord,

Downing Street, 2d June 1846.

I HAVE received your despatch, No. 57.,† of 13th May, enclosing an address to the Queen from the Legislative Council of Canada, praying for a favourable consideration of the claims of Mr. G. H. Ryland, late clerk of the Executive Council of the lower province.

Your Lordship will make known to the members of the Legislative Council the views which are stated in my despatch, No. 60.,‡ of the 1st May, and will apprise them that for the reasons there given her Majesty has not been advised to entertain the prayer of the address.

I have, &c.
(Signed) W. E. GLADSTONE.

* Page 46.

† Page 48.

‡ Page 103.

345

No. 17.

(No. 80.)

COPY of a DESPATCH from the Right Honourable W. E. GLADSTONE
to the Earl CATHCART.

My Lord,

Downing Street, 2d June 1846.

I HAVE received your Lordship's despatch, No. 55.,* of the 13th May, transmitting an address to the Queen from the Legislative Assembly of Canada, praying a favourable consideration of the claims of Mr. G. H. Ryland, late clerk of the Executive Council of Lower Canada.

I have it in command to refer your Lordship to my despatch, No. 60., of the 1st May, as conveying the views of her Majesty's Government on Mr. Ryland's case; and you will acquaint the House of Assembly that for the reasons therein stated her Majesty has not been advised to entertain the prayer of their address

I have, &c.

(Signed) W. E. GLADSTONE.

No. 17.
Right Hon.
W. E. Gladstone
to the
Earl Cathcart,
2d June 1846.

* Page 47.

No. 18.

(No. 3.)

COPY of a DESPATCH from the Right Honourable the Earl GREY to
the Earl CATHCART.

My Lord,

Downing Street, 18th July 1846.

I HAVE received your Lordship's despatch, dated the 26th June last, No. 79.,† in continuation of the correspondence respecting the claims of Mr. Ryland.

An examination of that correspondence has satisfied me that the decision communicated to you by Mr. Gladstone in his despatches of the 1st and 26th May last was just and well founded. My predecessor did not controvert, nor do I deny, Mr. Ryland's claim to compensation for whatever loss he may have sustained by the surrender of his office as clerk of the Executive Council. But that surrender was made with a view to Canadian objects, and in aid of a policy suggested by and directed to the interests of Canada. Mr. Ryland was a public officer of that province, and it was as Governor of Canada, and in no other capacity, that the late Lord Sydenham negotiated with him. His Lordship had no authority whatever to bind the British Treasury by any such negotiation. Whatever may be the justice of the claim, it is, therefore, a claim against the local, not against the imperial revenue. As the House of Assembly have acknowledged the validity of it, your Lordship will strongly urge on that House the necessity of their providing for the reasonable compensation of the claimant. I must decline to advise the Lords Commissioners of the Treasury to address any such recommendation to Parliament.

I have, &c.

(Signed) GREY.

No. 18.
Earl Grey
to the
Earl Cathcart,
18th July 1846.

† Page 104.

No. 19.

(No. 33.)

COPY of a DESPATCH from the Right Honourable the Earl GREY to
the Earl CATHCART.

My Lord,

Downing Street, 20th September 1846.

I HAVE received your despatch, No. 112.,‡ of the 13th August, transmitting a letter addressed to me by Mr. Ryland on the subject of his claim to compensation for the loss he has sustained by the surrender of his office as clerk of the Executive Council. Your Lordship will acquaint Mr. Ryland, in answer to this letter, that I cannot advise the Queen to refer to her Privy Council a question on which, according to the established usage and habits of the constitution, her Majesty must act upon the advice of her confidential and responsible ministers. If, however, the Provincial Assembly should advise such an appropriation as Mr. Ryland suggests from the pension fund, her Majesty's Government will defer to their recommendation.

I have, &c.

(Signed) GREY.

No. 19.
Earl Grey
to
Earl Cathcart,
20th Sept. 1846.

‡ Page 53.

No. 20.
Earl Grey
to
Earl of Elgin and
Kincardine,
11th Jan. 1848.

(No. 156.)

COPY of a DESPATCH from the Right Honourable the Earl GREY to
the Earl of ELGIN AND KINCARDINE.

My Lord,

Downing Street, 11th January 1848.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 108.,* of 7th December, transmitting a letter, with its enclosure, addressed to me by Mr. Ryland on the subject of his claims to compensation for the loss of the office he held as clerk of the Executive Council in Canada.

Your Lordship will acquaint Mr. Ryland that I do not find, upon a perusal of his letter, that it affords any ground for my interference in his behalf.

I have, &c.
(Signed) GREY.

* Page 55.

No. 21.
Earl Grey
to
Earl of Elgin and
Kincardine,
26th Jan. 1848.

(No. 159.)

COPY of a DESPATCH from the Right Honourable the Earl GREY to
the Earl of ELGIN AND KINCARDINE.

My Lord,

Downing Street, 26th January 1848.

I HAVE to request that your Lordship will inform Mr. Ryland that I have duly received his communication of the 24th ultimo,† but that I do not perceive any grounds in it for altering the decision on his claims contained in my despatch, No. 156., to which, therefore, your Lordship will refer him as containing the only answer it is in my power to return to his renewed application.

I have, &c.
(Signed) GREY.

† Page 121.

No. 22.
Earl Grey
to
Earl of Elgin and
Kincardine,
4th April 1848.

(No. 187.)

COPY of a DESPATCH from the Right Honourable the Earl GREY to
the Earl of ELGIN AND KINCARDINE.

My Lord,

Downing Street, 4th April 1848.

I HAVE to acknowledge the receipt of your Lordship's despatch, No. 17., of 20th February, enclosing a letter from Mr. Ryland on the subject of his claims to compensation for the loss of his office; and I have also received a further letter from that gentleman, dated 3d ultimo.‡ I have to request that your Lordship will acquaint Mr. Ryland that I do not find in these statements any reason to depart from my former opinion that the case is not one which affords any ground for my interference.

I have, &c.
(Signed) GREY.

‡ Page 77.

No. 23.
Earl Grey
to
Earl of Elgin and
Kincardine,
18th April 1848.

(No. 201.)

COPY of a DESPATCH from the Right Honourable the Earl GREY to
the Earl of ELGIN AND KINCARDINE.

My Lord,

Downing Street, 18th April 1848.

I HAVE to acknowledge the receipt of your Lordship's despatch, No. 25.,§ of 5th March last, enclosing a further communication from Mr. Ryland on the subject of his claims to compensation. I have also received a letter from that gentleman, dated 16th March last.||

I have to request that you will acquaint Mr. Ryland that I regret that it is not in my power to return any other answer to his representations than that which is contained in my previous communications to you on this subject.

I have, &c.
(Signed) GREY.

§ Page 81.

|| Page 129.

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No. 24.

(No. 281.)

COPY of a DESPATCH from the Right Honourable the Earl GREY to the Earl of ELGIN AND KINCARDINE.

My Lord,

Downing Street, 30th September 1848.

I HAVE the honour to acknowledge your despatch, No. 112.,* of the 28th August, transmitting, at the request of Mr. Ryland, copy of a minute of the Executive Council of Canada in reference to that gentleman's claims to compensation for the nonfulfilment of certain engagements made by Lord Sydenham.

Though I regret the decision to which the Executive Council has come on this case, I have no doubt it was founded on the conviction that such a course was rendered necessary by a due regard to the interests of the province, as well as a sense of justice to Mr. Ryland. I have to request that you will inform Mr. Ryland that it is out of my power any further to interfere in his behalf, and that I must leave the case entirely in the hands of the Provincial Government.

I have, &c.
(Signed) GREY.

No. 24.
Earl Grey
to
Earl of Elgin and
Kincardine,
30th Sept. 1848.

* Page 85.

No. 25.

(No. 353.)

COPY of a DESPATCH from the Right Honourable the Earl GREY to the Earl of ELGIN AND KINCARDINE.

My Lord,

Downing Street, 29th April 1849.

I TRANSMIT herewith, for your Lordship's consideration, the copy of a petition to the Queen from Mr. G. H. Ryland; together with the copy of the answer which I have caused to be returned to that gentleman.

I have, &c.
(Signed) GREY.

No. 25.
Earl Grey
to
Earl of Elgin and
Kincardine,
29th April 1849.

Petition.

Mr. Hawes,
26th April 1849.

Enclosure in No. 25.

To the Queen's most Excellent Majesty.

The humble Petition of George Herman Ryland, Esquire.

Encl. in No. 25.

Humbly sheweth,

That at the period of the union of the provinces of Upper and Lower Canada, in the year one thousand eight hundred and forty-one, your petitioner held the patent appointment of registrar and clerk of the Executive Council, conferred on him by your Majesty in reward of public services.

That the late Lord Sydenham, however, then Governor General, in the exercise of the extraordinary powers with which he was intrusted at the moment of putting into operation the new constitution granted to the Canadas, deeming it indispensably requisite, and as a necessary incidental measure to the great change to be brought about by the act of union, to constitute the Executive Council an effective department, by shifting the responsibility hitherto held by the clerk of the Council on the president, whose salary he at the same time proposed to raise from one hundred pounds to one thousand one hundred pounds per annum.

That his Lordship accordingly pointed out to your petitioner how much it would interfere with his plans if he persisted in retaining the clerkship of the Council as desired by the Secretary of State, and offered him, in lieu thereof, the registrarship of Quebec under the law for the enregistration of deeds then lately passed by the special Council.

That your petitioner trusting implicitly to the faith of the British Government pledged by the representative of her Majesty, and anxious at all times to promote the public measures of the Crown, consented to this proposal, under certain conditions which were given in in writing and approved by the Governor General, by whose commands an official guarantee, through the chief secretary Mr. Murdoch, was given to your petitioner, expressed in the following terms: "His Excellency is willing to guarantee you an income equal to the sum " to which you would be entitled as a retiring allowance were your employment in the " public service altogether discontinued. Assuming your income on an average of the last " three years to be one thousand and thirty pounds currency, and your length of service as " a public officer to be twenty-four years, you would be entitled, under the scale established " by the 4th & 5th William IV. c. 24., to a retirement equal to one half your emolument " or five hundred and fifteen pounds currency. That amount, therefore, his Excellency is " willing to guarantee to you, by making up your emoluments from the employment in the " public service which may hereafter be assigned to you to that extent, should they be " insufficient of themselves to do so; should they exceed it, you will, of course, be entitled " to the excess."

That your petitioner signified his acceptance of the Governor General's offer through Mr. Secretary Murdoch, on the third September one thousand eight hundred and forty-one, in the following terms: "In regard to the registrarship of Quebec, I have to request that you will convey to his Excellency my acceptance of this office, but with the perfect understanding that in the event of its not proving nearly equal in value to my appointment of registrar and clerk of the Council, the sum guaranteed is not to be considered as compensation in full either for the loss of that office or of my claim upon Government."

That immediately after the conclusion of this arrangement, your petitioner proceeded by command of the Governor General to Quebec, for the purpose of organizing an efficient establishment to carry out the provisions of the registry ordinance, on the first of October following. The sudden death, however, of Lord Sydenham caused a delay in this particular, and the law was not promulgated till the close of the year, when, in answer to a circular addressed to your petitioner by order of the administrator of the Government, your petitioner again referred to the conditions under which he had consented to this exchange of office, and stipulated in failure thereof that he should return to the office he had consented to surrender.

That after your petitioner had held the registrarship of Quebec upwards of six months, during which he had made heavy advances out of his private means towards carrying on this public department, he applied to the then Governor General, Sir Charles Bagot, for an advance to enable him to meet the current expense of the office. This request his Excellency declined at the time complying with, though the guarantee given to your petitioner was fully recognized, and his claim for indemnity entertained as fit to be considered at a future fixed time, so soon as the contingency contemplated by the guarantee should have arisen.

That immediately before the arrival of that period, at the next meeting of Legislature, a bill was introduced, by consent of the Executive, into the Assembly repealing the clauses of the ordinance from which your petitioner's principal source of remuneration would have arisen; and at the same time, towards the close of the session, and after the virtual destruction of the registry law, the clerkship of the Council, which had been kept open from the time your petitioner consented to retire from it, was filled up, thereby foreclosing your petitioner's return to it.

That after the expiration of the period originally limited for the enregistration of old deeds, your petitioner proceeded to Kingston for the purpose of obtaining an adjustment of his claims, which, as will appear by a letter from Sir Charles Bagot's private secretary, were fully acknowledged by his Excellency, though his ill health prevented a decision being then had, and the matter was left over to be settled by his successor Sir Charles Metcalfe.

That shortly after the arrival of Sir Charles Metcalfe in Canada, your petitioner, who was then reduced to a state of great pecuniary embarrassment by the nonfulfilment of the arrangement entered into with Lord Sydenham, addressed two letters to Sir Charles, appealing to his Excellency for a liquidation in full of his claims for the past and security of income for the future, praying at the same time to be allowed to resign the office of registrar at the end of the year, rather than be involved in further loss and worse ruin.

That in answer to these letters your petitioner received a letter from the Provincial Secretary, bearing date the seventh of April eighteen hundred and forty-three, in which he stated, "His Excellency acknowledges your claim to the fulfilment of Lord Sydenham's guarantee, but has no means at his disposal of performing its stipulations, and is advised that a reference to the Provincial Parliament would be unsuccessful; nothing therefore is in his power, but to keep your claim in view, and to consider it as occasions may arise for benefiting you, consistently with the public interests."

That during the next session of the Imperial Parliament the registry ordinance underwent still further alterations, all tending injuriously to affect your petitioner, and to nullify the arrangement entered into between the representative of the Sovereign and himself. The district offices were abolished; the territorial jurisdiction was taken away from your petitioner, and a county office, much less lucrative, was substituted instead, whilst an additional security, over and above the five thousand pounds which your petitioner had given, was exacted from him to the amount of three thousand pounds, making eight thousand pounds in all.

That your petitioner thereupon, by the advice of the late Governor General Sir Charles Metcalfe, memorialled the then Secretary of State, setting forth the hardship of his case, arising from his surrender of office in order to enable Lord Sydenham to carry out the views of the Imperial Parliament, and praying relief.

That, in reply thereto, your petitioner was thrown back on the colony for compensation, the Secretary of State not being then aware of the exact circumstances attending your petitioner's appointment as clerk of the Executive Council of Lower Canada by Lord Durham, under the previous sanction of Lord Glenelg, in one thousand eight hundred and thirty-six, and being of opinion that the appointment was attended with restrictions, instead of being, as it was, unconditionally bestowed. But the Secretary of State expressed his opinion of the justice and reasonableness of your petitioner's claim in the following terms: "I am, therefore, of opinion that he might with propriety be assigned, from the fund of five thousand pounds a year reserved to the Crown by the Re-union Act for pensions, an allowance, proportioned to his income as assistant clerk, until it should be in the power of the Provincial Government to provide him with a more lucrative office than his present one, and the pension fund admit it, I think that the allowance should be issued from the date at which he ceased to draw salary as clerk of the Executive Council."

That

That your petitioner thereupon petitioned the Provincial Legislature for relief; and though the reception of his petition was opposed by the local ministry, the house, impressed with the justice of the case, over-ruled the objection, referred the application to a select committee, who, after a careful examination into all the circumstances connected with the case, drew up a report in your petitioner's favour, concluding as follows: "Your committee, on a consideration of the circumstances above stated, cannot but consider that Mr. Ryland's case is one of great hardship; that his claims, the justice of which has been officially recognized by the late Governor General Lord Metcalfe, ought not to be avoided nor overlooked; and that he has a *right* to expect that the *contract* entered into between him and the Government, of which he has performed his part, should be carried out according to its terms, or, as that may now be impossible, that he should be fully compensated for the nonfulfilment thereof."

The report of the select committee, and all its conclusions, was subsequently adopted by both houses of the Provincial Parliament, and an address, founded thereon, was presented to the Queen, praying that her Majesty would be pleased to take your petitioner's claim into her most favourable consideration, and to direct such measures to be adopted thereon, as her Majesty, in her wisdom, might find them to deserve; premising this request, however, with the declaration that the Imperial Government were answerable for the fulfilment of Lord Sydenham's engagement with your petitioner.

That at this period also a bill was passed by the Provincial Parliament, to enable parties in Canada having claims on the province to sue the Government; but, being reserved for the royal pleasure, her Majesty was advised to refuse her assent; thus depriving your petitioner of the recourse which he might otherwise have had against the Provincial Government.

That in answer to the address of the Provincial Parliament, the present Secretary of State acknowledged the justice of your petitioner's claim; and in a despatch to the Earl Cathcart, bearing date the eighteenth of July eighteen hundred and forty-six, he thus expressed himself: "My predecessor did not controvert, nor do I deny, Mr. Ryland's claim to compensation for whatever loss he may have sustained by the surrender of his office as clerk of the Executive Council. But that surrender was made with a view to Canadian objects, and in aid of a policy suggested by and directed to the interests of Canada. Mr. Ryland was a public officer of that province, and it was as Governor of Canada, and in no other capacity, that Lord Sydenham negotiated with him. His Lordship had no authority whatever to bind the British Treasury by any such negotiation. Whatever may be the justice of the claim, it is, therefore, a claim against the local not against the imperial revenue. As the House of Assembly have acknowledged the validity of it, your Lordship will strongly urge on that house the necessity of their providing for the reasonable compensation of the claimant. I must decline to advise the Lords Commissioners of the Treasury to address any such recommendation to Parliament."

That your petitioner, respectfully but emphatically denying that Lord Sydenham acted as a mere ordinary Governor of the colony in dealing with him, inasmuch as no act of the Provincial Government authorized the Governor to take this step, but maintaining, on the contrary, that he was acting within the scope of the extraordinary powers with which the Imperial Government and Parliament had entrusted him to develop and give effect to the new constitution provided by the Union Act, yet willing to carry out the views of the Colonial Office, your petitioner, on the arrival of the present Governor, Lord Elgin, again applied to the local Government for redress, and received, on the twentieth of February eighteen hundred and forty-seven, an official answer from his Excellency, acknowledging the case to be one of the exigencies of the public service, to which his Excellency's attention would be given at as early a period as possible.

That Parliament was, nevertheless, allowed to meet without any subsequent steps being taken to afford your petitioner relief, or to give effect to the Secretary of State's despatch of the eighteenth July one thousand eight hundred and forty-six, though, on the question being asked in the House of Assembly, why your petitioner's just claims had not been paid, the organ of the ministry declared that they were in progress of liquidation.

That on the tenth of September following, however, after the prorogation of the Assembly, a report of Council was drawn up, proposing that there should be placed in the estimates to be submitted at the next session of the Legislature, the block sum of two thousand five hundred pounds, in full of all past and future claims respecting the above-mentioned arrangement, and in compensation for the loss of office which your petitioner originally held and surrendered at the instance of the representative of the Crown.

That the sum proposed to be paid to your petitioner is less than one seventh of what is actually due to him.

That being driven to despair your petitioner again appealed to the Secretary of State for the colonies, representing the total disregard which had been evinced for his Lordship's instructions of the eighteenth July eighteen hundred and forty-six, and specially pointing to the reserved pension fund, showing a large unappropriated annual balance which the Crown had the power of applying towards your petitioner's relief.

That your petitioner was told in reply that the Secretary of State saw no grounds for interference, though about the same period the Imperial Government and Parliament surrendered to the province, without any stipulation or reservation in your petitioner's favour, the civil list and pension fund reserved by the Union Act, thereby abandoning all

control over funds which had been declared answerable for the liquidation of your petitioner's claims.

That upon the recent changes in the provincial ministry your petitioner again brought his claims before the Governor in Council, when a report was made diametrically opposite to that of the 10th of September preceding, at total variance with facts, and in substance precisely what Sir Charles Bagot, Lord Metcalfe, and Earl Cathcart had refused to sanction, repudiating your petitioner's claim, and throwing him back on the Imperial Government.

That on your petitioner remonstrating with Lord Elgin, and pointing out the injustice of sanctioning a report at variance with the admitted facts before him, and with the Secretary of State's instructions, your petitioner was informed that he could not suppose that his Excellency would risk the breaking up of an administration on a matter involving individual interests and rights.

That your Petitioner with the combined admissions in his favour of three representatives of his Sovereign, of two provincial administrations, the voice of the public, the solemn act of the Legislature, and the confirmation of the Sovereign through her Secretary of State, is still compelled to suffer; he has been denied assistance when prayed for; refused payment even of monies advanced by him out of his own means for the public service, and subjected to ruinous losses and vexations of every description.

That your petitioner in consequence, after a period of thirty-one years of public service, with a young family entirely dependent on him for support, finds himself reduced to the very verge of ruin, with daily increasing debt and embarrassment pressing on him, having already, in his reliance on the faith of Government, mortgaged property partly inherited from his parents, and acquired by his own industry during a period of twenty years, to the amount of nine thousand pounds, involving an annual interest of five hundred and forty pounds.

That your petitioner's personal property has already been sold at a sacrifice of seven hundred per cent. to meet obligations contracted on the faith of Government and in the service of the Crown.

That his landed property, in consequence of the nonfulfilment of contract by the Government, has been seized by the sheriff of Quebec, and but for the interposition of your petitioner's friends, who, still trusting to the high sense of national honour which has so long distinguished the British Government, came forward, and by an advance of a large sum of money postponed the sale, the whole would have been disposed of by auction on the thirteenth of December last, and your petitioner is convinced, unless relief is previously extended, that it will be eventually sacrificed in the course of the summer.

That your petitioner and his father, whom your petitioner succeeded in the office of clerk of the Executive Council at the time of his death, have served the Crown zealously and faithfully for upwards of eighty-seven years, in consideration of which, and under the circumstances above alluded to, your petitioner hopes that his last appeal for compensation and redress, an appeal to the justice of your Majesty and of the British House of Commons, will not be made and heard in vain.

Therefore your petitioner most humbly prays, that your Majesty will be pleased to take his unfortunate case into your serious consideration, in order that he may obtain such relief in the premises as to your Majesty shall seem reasonable and just.

And your petitioner, as in duty bound, will ever pray.

G. H. RYLAND.

Encl. 2. in No. 25.

Enclosure 2. in No. 25.

Sir,

Downing Street, 26th April 1849.

I am directed by Earl Grey to acquaint you that your petition, without date, having been forwarded by Lord John Russell to this department, has been laid before the Queen, and that her Majesty was pleased to receive it very graciously, but that for the reasons communicated to you in the former correspondence it was not in Lord Grey's power to advise her Majesty to do more than again refer the subject to the consideration of the Provincial Government.

G. H. Ryland, Esq.

I have, &c.
(Signed) B. HAWES.

No. 26.
Earl Grey
to
Earl of Elgin and
Kincardine,
19th May 1849.

(No. 366.)

No. 26.

COPY of a DESPATCH from the Right Honourable the Earl GREY to
the Earl of ELGIN AND KINCARDINE.

My Lord,

Downing Street, 19th May 1849.

WITH reference to my despatch, No. 353., of the 29th ultimo, enclosing a petition to the Queen from Mr. G. H. Ryland, I have now the honour to transmit

5th May 1849.

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transmit for your Lordship's consideration the copy of a further letter from that gentleman representing the state of distress to which he is reduced by the loss of his office in Canada.

I have, &c.
(Signed) GREY.

Enclosure in No. 26.

Encl. in No. 26.

Sheriff's Prison, Cursitor Street, Chancery Lane,
5th May 1849, 9 P.M.

My Lord,

It is under feelings of no ordinary nature that I am compelled, in answer to Mr. Hawes's communication of the 3d instant,* to address your Lordship from this place, where, owing to the breach of faith on the part of her Majesty's Government, a vindictive creditor who has followed me from Canada has by a summary process, in which my intercourse with Government has been brought to bear against me, succeeded in arresting and placing me within the walls of a sheriff's prison, from where, but for the active intervention of my kind friend Sir James Kempt, who rose from a sick bed for the purpose, I had no chance of escape, except by a removal to a building of a more revolting description.

* Page 141.

The unbounded indignation, my Lord, which I cannot but feel at the heartless treatment I have experienced, and the degradation to which I have been subjected in return for my enduring loyalty and attachment to the Crown, renders it so difficult for me to express myself in those temperate and deferential terms which are usually employed in addressing a minister of state, that I must claim for my language the most favourable and indulgent construction.

I am told by Mr. Hawes that he is directed by your Lordship to inform me that a copy of my petition, which was transmitted through Lord John Russell, "was addressed to the Queen, and that your Lordship had not received a copy of a petition from me to either house of Parliament."

In reply to Mr. Hawes, I would refer to a letter which I wrote to him shortly after the opening of Parliament, requesting information in regard to the form in which it was necessary that the Queen's copy should be prepared, and upon the strength of his reply I furnished the copy in the shape I did, offering at the time that I submitted it to the Prime Minister, if there was anything objectionable in it, to make any alterations or to reconstruct it in any way the Government might think proper. One slight alteration only was suggested, which I adopted, and the petition, addressed to the *justice of all parties in the house*, was, with the permission of Government conveyed in a note from Lord John Russell's private secretary, presented by Mr. Walpole, and ordered to be printed, a copy of which I have now the honour of enclosing†; and as I was under the impression that it was customary to address the copy furnished to each branch of the Government to that particular branch for which it was prepared, it will I trust satisfactorily account for my having directed the Queen's copy to her Majesty.

† Printed Copy of Petition, 6th April 1849. Vide page 331, Appendix to 31st Report on Public Petitions, 24th, 25th April 1849.

Having said thus much, my Lord, permit me most respectfully to observe that I cannot reconcile it to myself to believe that your Lordship entertains anything like a personal feeling against me, or a desire to postpone a consideration of my claims by Parliament, on grounds of mere informality. But when I think of the numerous obstacles which have been thrown in my way, the philosophical manner in which I have mockingly been consigned to ruin, and put off with a reference to a third party hostile to me, and in no way concerned in the matter, and of the unconditional surrender to the province of Canada of the means the Government had of paying me there if they thought fit,—when I consider all this, I say,—and that her Majesty's Ministers, instead of using their utmost exertion to secure justice to a faithful servant who had given up his all to meet their views, still in the face of every principle of justice, humanity, and good faith endeavour to evade the question and get rid of the responsibility of a debt which they acknowledge to be due, the conviction is forced upon my mind that justice is no longer paramount in England, but that the laws which govern the weak and compel the middling classes to keep faith with each other, enabling a creditor even for an alleged debt to coerce and deprive his debtor of his liberty, is inapplicable as regards constituted authorities, who are at liberty to use the Queen's name for the purpose of depriving her servants of their property; that in fact contracts which are binding in private life between man and man, are not so when the Queen's Government is concerned, and expediency counsels the exercise of might to crush right, and stifle the pleadings of an injured subject.

I have, &c.,
G. H. RYLAND.

The Right Hon. The Earl Grey.
&c. &c. &c.

Other Letters on Mr. Ryland's Case.

No. 1.
G. H. Ryland, Esq.
to
Lord Stanley,
23d Feb. 1844.

No. 1.

LETTER from G. H. RYLAND Esquire to the Right Honourable Lord STANLEY.

(Private.)

Kingston, 23d February 1844.
(Received 14th March 1844.)

My Lord,

I HAVE forwarded by this mail, through Sir Charles Metcalfe, an answer to your Lordship's remarks on my memorial, and I trust that the explanations will be considered as amply sufficient to prove the straightforward manner in which I have acted throughout the whole of the business on which my present claims are founded, and that the implied charge of concealment on my part contained in your Lordship's despatch is as undeserved as it is unjust; and when your Lordship reflects how, in good faith, I at once gave up a lucrative patent appointment of 1,030*l.* per annum (which I might still have continued to retain), for the purpose of facilitating a great public measure of the national Senate, the severe pecuniary losses to which my faith in the solemn engagement entered into with me on the part of the Crown by her Majesty's representative in this country has involved me, the important public services rendered by my father during a period of sixty years, and my own acknowledged services during twenty-seven years, I feel convinced that the amount of remuneration which will be awarded me will be of such a *specific amount* as at once to mark the approbation of her Majesty's Government, and at the same time afford me the full compensation to which I lay claim for the past, as admitted by the Governor General in the official letter addressed to me by the Provincial Secretary on the 7th of April last, and which now amounts in round numbers to 5,750*l.*, exclusive of the loss to which I have been subjected by an act passed during the last session of the Provincial Parliament cutting off three fourths of the district secured to me by the arrangement entered into with Lord Sydenham, for which I respectfully submit I am also entitled to further compensation; and I trust that unless provision can be made for me in England, such instructions will be forwarded to her Majesty's representative here as will secure me an income equal to that which I gave up in August 1841, or such an amount of pension as under the Act 4th and 5th Will. IV. (already acted under here) I am entitled to retire on after twenty-seven years of public service.

Having put the Duke of Wellington in possession of all the documents and information necessary to enable him to form an opinion on my case, and his Grace having kindly promised to peruse the whole, so that if called upon as a member of the Privy Council he might be prepared to give his opinion on the subject, your Lordship may not perhaps object to his Grace's being consulted on a question in which the faith and honour of the Crown are so deeply involved, and to preserve which inviolable is, in the present posture of affairs in this country, where a feeling of distrust is beginning to arise in the public mind with regard to the security of any pledge or engagement entered into on the part of the Crown, essential to the success of Sir Charles Metcalfe's administration; and here I would respectfully refer your Lordship to the memorandum submitted by his Excellency to the House of Assembly, wherein, among other causes which led to the antagonism between himself and his ministers, and to their subsequent resignation, he mentions "his desire to render justice to those who have been injured by the measure of the Union," of which my case, I humbly submit, if not the only one, is at least the most glaring instance.

Lord Spencer, in a letter to me, dated the 31st October last, expresses his fear (in which he is joined by several other parliamentary friends of my family) that my case will ultimately have to be brought before the House of Commons. I trust, however, that the precedent of Sir Lionel Smith's case, given in my memorial to your Lordship, will be considered sufficient to authorize an application to the Lords of the Treasury for the means of immediately liquidating a claim,

claim, the justice of which has been so fully acknowledged by the authorities here, and the continued delay in the settlement of which has brought me to the verge of ruin.

Trusting that the peculiar circumstances of my position will be considered as a sufficient excuse for the liberty I have taken in addressing myself in this form to your Lordship,

I have, &c.
(Signed) G. H. RYLAND.

No. 2.

(Private.)

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Lord STANLEY.

No. 2.
G. H. Ryland, Esq.,
to
Lord Stanley,
28th August 1844.

My Lord,

Mount Lilac, 28th August 1844.

I took the liberty in February last of addressing a private note to your Lordship on the subject of my claims. In doing so I may have been, as perhaps I am now, guilty of a breach of official etiquette. I consider, however, that my position in society, my connexions, and the treatment I have received from Government, justify me in a course, which, under other circumstances, I should not have presumed to adopt. Should I, however, in your Lordship's opinion, have really overstepped the strict line of official respect, I can only throw myself upon your Lordship's kindness to forgive my departure, on both occasions, from the usual formalities in addressing a minister of the Crown.

On receiving communication of your Lordship's last despatch*, I had made up my mind to proceed to England for the purpose of bringing my case more prominently before her Majesty's Government. I have, however, been dissuaded from this course by Sir Charles Metcalfe, who appears of opinion that the explanations I have now given will be considered by your Lordship as sufficient to authorize the settlement of my claim, particularly when it is called to mind that Sir Charles Bagot, on the 14th January 1842, reported to your Lordship the appointments made by Sir Richard Jackson under arrangements previously entered into by Lord Sydenham; that the list of these appointments required by your Lordship's despatch of 23d of February was forwarded by his Excellency on the 8th of April, and acknowledged by your despatch of the 1st of June following, at which time the clerkship of the Council was still unfilled up, and the individual who now holds it not even thought of as my successor, and if, as I have already had the honour of submitting to the Governor General, the person then administering the Government omitted, in reporting these appointments to your Lordship, to notice the particular circumstances attending mine, I, who acted in good faith, ought not to be made to suffer for his omission.

* 27th June 1844.
Vide page 101.

It is not, my Lord, my intention to dwell on the influence which my family have for so many years exercised in the political affairs of this province, nor on the feelings towards me of the principal families in the country of both French and English extraction; but I have no hesitation in saying that the delay in the fulfilment of the solemn pledge of Government to me has operated most injuriously on Sir Charles Metcalfe's government, withholding from him the support of those whose co-operation is essential to the success of his administration. It has in fact, as I have before observed, tended to destroy all confidence in the acts of the representative of the Sovereign, and led many to look upon the Government as a Government in name only, divested of all those attributes that can render a Government beneficial to the people or protective of the subject. But in regard to public opinion on this head I would refer your Lordship to the Attorney General of the Isle of Man (now, I believe, in London), who has lately been on a visit to this province, and from his intimate knowledge of its affairs and the opportunities he has had in different parts of the country of hearing this particular case discussed among influential people, can speak more fully on the subject than, under existing circumstances, it would become me to do. Suffice it, my Lord, for me that I have been cruelly treated, and, in a pecuniary point of view, deeply injured; that the faith of the Crown, as pledged to me by the representative and in the name of my Sovereign, in order to carry through an arrangement of which the Government now enjoys the benefit, has been broken, though the Crown

Officers have declared Lord Sydenham's guarantee binding on the Government, and my claims have been fully and officially admitted by Sir Charles Bagot as well as by the present Governor General, who is, however, restricted from rendering me that justice to which he has declared that I am entitled.

To your Lordship, however, as a minister of state, charged with the care of her Majesty's colonial possessions and the honour of the Crown, I confidently appeal, in the firm persuasion that relief commensurate with my losses will at last be secured me, either out of the funds which I have pointed out as available and applicable to my case, or from such other imperial fund as your Lordship may consider at the disposal of the Crown.

In conclusion I will only observe that should your Lordship be pleased to direct my restoration to the clerkship of the Council, the pension to which the gentleman now holding it might lay claim, after twenty months service, would be trifling in comparison to that to which I am entitled after twenty-seven years of service under the Imperial Act 4th & 5th Will. IV. cap. 24.

I have, &c.

(Signed) G. H. RYLAND.

No. 3.

No. 3.
G. H. Ryland, Esq.,
to
Lord Stanley,
28th April 1845.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable
Lord STANLEY.

My Lord,

Mount Lilac, Beaufort, 25th April 1845.

I TAKE the liberty of forwarding a copy of a minute of *Council received by me this day from the Provincial Secretary's office, and which I have reason to think your Lordship could not have perused, otherwise the argument advanced in your Lordship's despatches of †31st March and ‡27th June 1844, as justifying the Government in refusing to liquidate my claims, never could have been brought forward, inasmuch as the document now laid before you not only removes anything like a doubt as to the possibility of continuing my services on the union of the provinces of Upper and Lower Canada, but fully establishes the fact that I was appointed registrar and clerk of the Executive Council of the united province, and that I held that appointment under *precisely the same authority as the members of the Council held their seats*, and, moreover, that I continued to discharge the duties of the office in question for nearly a year after the union.

I shall only at present add that a special committee of the Legislative Assembly, to whom my case was referred by order of the house, agreed in a report declaring Lord Sydenham's pledge binding on the Crown, and nothing but the late period of the session, and the difficulty in getting a quorum together at the time, prevented a resolve being come to, calling upon the Imperial Government to discharge a debt which the house considered sacred. As no such step, however, was taken by the Legislature, the matter remains exactly as it was when your Lordship's last despatch was received (excepting that I have made still further advances out of my private means for the public service); and if the document I now enclose carries with it to your Lordship's mind the conviction, which I cannot but think it must do, of the total inapplicability of Lord Normanby's despatch to my case, it is still in your Lordship's power (as I am convinced it must be your desire) to revise your opinion, and to do me that justice which as a British subject I have a right to expect.

I have, &c.

(Signed) G. H. RYLAND.

No. 4.

No. 4.
G. H. Ryland, Esq.,
to
the Right Hon.
W. E. Gladstone,
20th Feb. 1846.

COPY of a LETTER from G. H. RYLAND, Esquire, to the Right Honourable
W. E. GLADSTONE.

Sir,

Montreal, 20th February 1846.

UNDER ordinary circumstances I should feel some degree of hesitation in departing from the usual official etiquette, and addressing myself directly to you instead of through the medium of the Governor General; as my case, however, is not

not one now brought before her Majesty's Government for the first time, but has been under consideration for several years, having now, as I have recently been informed by Lord Cathcart in a private note, dated 12th January, "assumed too much importance to allow him, whilst only temporarily in office, to move in it, though he had no doubt that Lord Metcalfe's successor would come out fully prepared to bring the matter to a satisfactory termination," I am emboldened to hope that these circumstances, coupled with the (to me) ruinous delays which have already occurred in the liquidation of my acknowledged claims, will be considered by you as a sufficient excuse for my present deviation from the customary course.

As copies of my correspondence with Lord Metcalfe and Lord Stanley on the subject I am now bringing before you will be found in the Colonial Office I do not think I can more concisely put you in possession of the facts of the case up to the period when Lord Stanley re-opened it in June last than by a reference to the enclosed copy of a report of the special committee of the Provincial Assembly, to whom my petition was referred by order of the house during the last session.* It is true that this document is not, strictly speaking, an official one, having been agreed to by the committee only two days before the close of the session, when, owing to the rapid manner in which the Government measures were hurried through the house, it was found impossible to prepare an address upon the subject. It will nevertheless show you the opinions of the leading men in the Provincial Parliament in regard to the case, before it had assumed its present aggravated form.

* 28th March 1845, see page 42.
Petition, page 49.

The subsequent correspondence, of which I also enclose copies†, will put you in possession of the embarrassing position in which Lord Stanley's endeavour to repudiate the acts of the representative of his Sovereign has now placed the Government of this country, not only as regards me, but as regards the political existence of the Governor General in this province, and in fact the existence of any Government at all, except a Government in name only, destitute of all those attributes which can render a Government beneficial to the people or protective of the subject.

† Letter to Lord Metcalfe, 28th July 1845, page 37.

Letter to Lord Metcalfe, 11th Oct. 1845, page 40.

Nearly five years, Sir, have now elapsed since I consented to enter into the arrangement proposed by Lord Sydenham. The income I gave up would at this moment amount to nearly 5,000*l.*, besides which I have advanced for the public service, out of my own pocket, nearly 1,600*l.*, and owing to the non-performance of contract on the part of Government I have suffered losses approaching to 2,000*l.* more, a great part of my property having been seized and sacrificed for the payment of debts contracted on the faith of the Crown, and I may add that perhaps one of the worst features in my case is, that though the Government continue to enjoy the benefit of the transaction, and my claims have been acknowledged by all Lord Sydenham's successors in the Government of Canada, every possible impediment has been thrown in the way of payment, or the fulfilment of an arrangement which in private life would be considered binding between man and man. Thus, after twenty-eight years of public service, the importance of which has been acknowledged by several of the Governors of Lower Canada, I and my family are involved in inextricable ruin, for no other reason than because I believed the representative of the Crown in this province to be vested, at the important moment of uniting the provinces of Upper and Lower Canada, with the powers which he assumed and was generally believed to hold, and trusting to the honour of the British Government, pledged to me by the representative of my Sovereign, consented to an arrangement by which I gave up a lucrative patent appointment which I should otherwise have continued to enjoy, and in good faith advanced monies out of my private means to carry out my share of the contract.

In conclusion, Sir, having by the last mail received through Mr. Secretary Higginson a message from Lord Metcalfe, stating that "though he could not now with propriety volunteer an opinion on matters relative to the government of this province, he would at all times be ready, if called upon, to express the same opinion on my case as he has always entertained and officially reported," I unhesitatingly refer you to him for such further information on

the subject as you may require; and partaking as I do in the general satisfaction which is felt by all those who are interested in the welfare of her Majesty's North American possessions at the recent change which has placed you at the head of the colonial department, I hail the event as a guarantee that under your administration the meanest of her Majesty's subjects in Canada will be protected in his rights, and impartial justice be administered to all.

I have, &c.
(Signed) G. H. RYLAND.

No. 5.
C. Buller, Esq.,
to
the Right Hon.
W. E. Gladstone,
31st July 1846.

(Private.)

No. 5.
LETTER from CHARLES BULLER, Esquire, to the Right Honourable
W. E. GLADSTONE.

My dear Sir,

2, Chester Place, 31st January 1846.

THE accompanying paper is a copy of a report* of the committee of the House of Assembly in Canada on the case of Mr. Ryland, which I mentioned to you yesterday. I presume that you will find a copy of this report in your office; but as it is possible it may not have been officially transmitted, I send this, as giving in a very short space a summary of Mr. Ryland's case in the language of an impartial authority.

I think you will be struck with the extreme hardship of the case. Of the difficulty of a direct interference on your part I am perfectly sensible; but the case appears to me one in which the Governor General's attention might very properly be called to the report of the committee, with a desire that he would take such steps as really seem to be required by a due regard to the honour of the Crown.

Yours, &c.
(Signed) CHAS. BULLER.

No. 6.
The Right Hon.
W. E. Gladstone
to
C. Buller, Esq.,
6th Feb. 1846.

No. 6.

LETTER from the Right Honourable W. E. GLADSTONE to C. BULLER,
Esquire.

My dear Sir,

Downing Street, 6th February 1846.

I HAD already received from Mr. Ryland the communication which you forwarded to me on the 31st ultimo; but not having been furnished with the Governor's report upon the case of that gentleman, I have been compelled to write to Canada for information. On the arrival of the necessary report I will enter upon the consideration of Mr. Ryland's case.

I have, &c.
(Signed) W. E. GLADSTONE.

No. 7.
G. H. Ryland, Esq.,
to
J. Stephen, Esq.,
23d Feb. 1846.

(Private.)

No. 7.
LETTER from G. H. RYLAND, Esquire, to J. STEPHEN, Esquire.

Sir,

Mount Lilac, Quebec, 23d February 1846.

NOT having the honour of a personal acquaintance with you, it may, perhaps, appear strange that I should take the liberty of addressing you. As I cannot, however, but think that my name, as well as the public services of my family, must be known to one so well acquainted with the affairs of this province as you are, I avail myself of the suggestion contained in a letter from a mutual friend, to forward you by this mail a printed copy of a correspondence between Lord Metcalfe and myself, published by order of the Legislative Assembly, relative to

my

my claims against Government, together with two subsequent letters referred by Lord Metcalfe to the Executive Council, showing the position in which the Government of this country is now placed by Lord Stanley's desire to repudiate the solemn engagements of the representative of the Crown. This disgraceful affair has created a considerable sensation throughout the country, giving rise to a general feeling of distrust towards the Government; and looking at our relative position at this moment with the neighbouring states, true policy will, I think, suggest the necessity (if it is considered advisable to maintain the faith and honour of the Crown in this province) of removing an act of such monstrous injustice as I have suffered from further public discussion. The case has, in fact, now assumed a degree of importance which will render the interference of the Home Government indispensable; and as Lord Cathcart appears to think that instructions on this head will be forwarded by the Colonial Office, I have written to Mr. Gladstone by this mail, urging his immediate interference; but though I feel perfect confidence in his sense of honour and justice, and am convinced that he will ultimately procure me redress for the past and security of income for the future, I know that a measure of relief would be much facilitated if you would kindly consent to afford your powerful advocacy of the case. I ask no favour, but merely justice, and the fulfilment of a contract, the performance in good faith of my share of which has ruined me; and as Lord Metcalfe has sent me word, through Mr. Higginson, that he will at all times when called upon repeat the opinion he has already officially reported, I trust (with your kind assistance) I shall avoid the alternative to which my friend, the late Lord Spencer, eighteen months ago urged me, of proceeding to England for the purpose of bringing the matter before the British House of Commons.

Hoping you will excuse the liberty I have taken in addressing myself to you, and which you must in some measure ascribe to your own high character for justice and liberality,

I have, &c.
(Signed) G. H. RYLAND.

No. 8.

(Private.)

LETTER from G. H. RYLAND, Esquire, to the Right Honourable
W. E. GLADSTONE.

No. 8.
G. H. Ryland, Esq.,
to
the Right Hon.
W. E. Gladstone,
28th May 1846.

Sir,

Montreal, 28th May 1846.

I HAVE received from the Civil Secretary communication of a despatch from you in answer to Lord Cathcart's report of the 29th March* last, on the subject matter of my claims on Government. I now take the liberty of enclosing a copy of the reply which I have addressed to his Lordship in the hope that it may fully remove any doubt which might otherwise still exist in regard to the fulfilment on the part of the Imperial Government of a contract entered into by the representative of the Sovereign in carrying out a great measure of the national Senate.

* Page 39.
25th May 1846, page 50.

It is my intention, in case the Governor General does not receive the instructions relative to the settlement of my claims, which I am informed, in a letter from Mr. Secretary Higginson this morning, he expects from the Colonial Office by the next mail, to proceed at once to England in the Great Britain via New York, on the 7th of next month, for the purpose of taking such ulterior steps as may be necessary to bring this vexatious matter to an end. In the meantime, and in order to show to what indignities I have been subjected by the breach of faith on the part of the Crown, I have to mention a circumstance of a most aggravating nature which has this morning been communicated to me from Quebec; viz., the forcible entry into my house at Beauport during Mrs. Ryland's illness by bailiffs, and the seizure by the sheriff of my property for debts contracted on account of and in the service of the Crown. Now, Sir, I will ask whether under the British Government such an intolerable grievance should exist, or whether a subject, who in good faith has performed his share of a contract entered into on public grounds with the representative of his

Sovereign, should with his family be consigned to ruin and disgrace, because a doubt exists whether the Imperial or the Local Government are liable for a debt contracted for their mutual benefit.

I have, &c.
(Signed) G. H. RYLAND.

No. 9.
G. H. Ryland, Esq. (Private.)
to
the Right Hon.
W. E. Gladstone,
10th July 1846.

No. 9.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable
W. E. GLADSTONE.

Sir,

Mount Lilac, Quebec, 10th July 1846.

THE lawsuits in which I have been involved in consequence of the manifest indisposition on the part of the Crown to meet its engagements having prevented my proceeding to England, as I had made arrangements to do last month, I am again compelled to address myself to you in regard to my claims, earnestly intreating that immediate steps be taken for the settlement of this long pending question.

I have by this day's post forwarded to Lord John Russell a copy of my letter to Lord Cathcart, in answer to the objections raised by you to the liquidation by the Imperial Government of a debt incurred by the representative of the Sovereign on the part of the Crown, in carrying out a measure of the national Senate, and in case any further explanations are required in regard to the sufficiency of Lord Sydenham's powers to enter into the contract he did with me, I have no hesitation in referring you to Lord John Russell on the subject, merely remarking, that at the time Lord Sydenham came out to this country he was a member of the British Cabinet, and at the period of the union of the provinces of Upper and Lower Canada, the Secretary of State for the Colonies delegated to him, besides the powers with which he was vested as Governor General, the authority which he himself possessed in his ministerial capacity, to enable him to give effect to that great measure.

These facts are, I believe, generally understood and admitted; and I trust, therefore, that when brought under your notice they will hasten a measure of justice, the withholding of which has already been so seriously injurious to the interests of my family.

I have, &c.
(Signed) G. H. RYLAND.

No. 10.
G. H. Ryland, Esq. (Private.)
to
Lord John Russell,
10th July 1846.

No. 10.

Extract of a LETTER from G. H. RYLAND, Esquire, to the Right Honourable
Lord JOHN RUSSELL.

Mount Lilac, Quebec, 10th July 1846.

"HAVING by the packet of the 3d of June again appealed to your Lordship, soliciting your interference with the Secretary of State to procure me justice, I venture once more to address myself to you on the same subject, and to enclose a copy of my letter to the Governor General in answer to the extraordinary objections raised by Mr. Gladstone to the fulfilment on the part of the Home Government of a contract entered into by the representative of the Sovereign in carrying out the Imperial Act of Parliament uniting the provinces of Upper and Lower Canada."

25th May 1846, page 50.

No. 11.
G. H. Ryland, Esq.
to
Earl Grey,
12th Aug. 1846.

No. 11.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

My Lord,

Montreal, 12th August 1846.

THE peculiar hardship of my position will I trust be considered a sufficient excuse for my addressing myself to your Lordship on the subject of my claims.

A few

A few days ago I received a communication of your Lordship's despatch of the 18th July last*, acknowledging my right to compensation for any losses I may have sustained by the surrender of my office as clerk of the Executive Council of Canada, and directing Lord Cathcart to urge on the Assembly the necessity of providing means for my reasonable compensation. * Page 105.

On the receipt of this communication, I immediately applied to the Governor General, requesting to be informed what steps he contemplated taking, under your Lordship's decision, to procure me relief.

The enclosed copy of a note which I received in reply from the Acting Civil Secretary tells me that his Excellency is not prepared to state what steps he may think it advisable to adopt in the matter, and I am consequently still left in doubt as to my future prospects, with daily increasing difficulties pressing upon me. 10th Aug. 1846, p. 55.

Under these circumstances, and in the firm conviction that a call upon the local Legislature to pay a debt contracted by the representative of the Sovereign, under the title, it is true, of Governor of Canada, but still as the accredited agent of the Crown, in the act of giving effect to and putting into force a Statute of the Imperial Parliament, will have the effect of bringing the Assembly in direct collision with the Executive, and occasion much embarrassment to the Government of this country, I have thought it advisable to avail myself of the Governor General's consent to forward by this mail an application addressed through him on the 24th of last month, praying that prior to a communication to the respective bodies of the answers to the addresses of the Legislative Council and Assembly in my behalf, the matter may be submitted to her Majesty in her Privy Council, with relation to the principle involved in the settlement of my claim.

Feeling, my Lord, convinced that under your Lordship's upright administration justice will not be denied to any of her Majesty's subjects who may have been aggrieved through the acts of her representatives or other her officers in authority, I trust that my present motive will be appreciated when I declare, that in the application about to be forwarded to you I am influenced not only by a desire to obtain immediate relief (which is essential to the interests of my family), but by a wish to prevent further agitation in this country on a subject which has already caused so much excitement in the public mind. And as the payment by the Imperial Government of my claims for the past would be looked upon by the local Legislature not only as an act of justice, but as a proof of the great desire on the part of the mother country to conciliate her Majesty's Canadian subjects, your Lordship may perhaps agree in opinion that a matter of a few thousand pounds (an amount of little moment to the exchequer of Great Britain) should not be made a bone of contention between the Imperial and Provincial Governments, particularly *when the debt is acknowledged by both to be due.*

In regard to the future, I would respectfully point to the pension fund of 5,000*l.* reserved by the Union Act, and at the disposal of the Crown, of which an unappropriated annual amount of nearly 2,000*l.* is available. On this the pension to which I should be entitled to retire on under the Act 4th and 5th Will. IV. might be charged, till such time as a suitable appointment could be provided for me; thus, in fact, dividing the liability between the two Governments, and getting rid of a question which never should have arisen.

Trusting that your Lordship will excuse the liberty I have taken, and to which I have been urged by a desire to put you in possession of the difficulties which are likely to present themselves in the liquidation of my claims by the Provincial Parliament,

I have, &c.
(Signed) G. H. RYLAND.

No. 12.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

My Lord,

Mount Lilac, Beauport, Quebec, 26th November 1847.

ON the 19th instant I forwarded through the Governor General a letter to you on the subject of my claims, and as I have reason to think that it will not be transmitted by this mail, I take the liberty of enclosing a copy.

No. 12.
G. H. Ryland, Esq.,
to
Earl Grey,
26th Nov. 1847.

19th Nov. 1847, page 55.

Considering the extreme injustice I have experienced, and the utter disregard with which your directions in my behalf have been treated, I think your Lordship will admit that the honour of the Crown requires some prompt action on the part of the Imperial Government in this matter.

I have already, in the fulfilment of my share of the contract with Lord Sydenham, been compelled to mortgage my property to the amount of upwards of 8,000*l.*, and if I do not obtain redress before the end of February I shall be obliged to sacrifice the whole of it; your Lordship, therefore, will, I am sure, excuse me, if I earnestly entreat that an advance may at once be made to me, either out of the imperial or provincial funds, leaving the question as to which treasury shall ultimately be charged with the payment of the debt, to be hereafter settled between the two Governments.

I have, &c.
(Signed) G. H. RYLAND.

No. 13.
G. H. Ryland, Esq
to
Earl Grey,
11th Dec. 1847.

No. 13.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

My Lord,

Mount Lilac, 11th December 1847.

As the documents forwarded by this mail relative to my case are very voluminous I thought it would facilitate your reading of them were I to have the whole printed.* This I have accordingly done, with the exception of the vouchers referred to in the margin, and which are gone home in original.

It may, my Lord, be considered that in some part of my correspondence with the Executive Government I have been drawn into the use of expressions which, under ordinary circumstances, would not have been justifiable; if so believe me, they have been wrung from me by the intensity of my sufferings, and have not proceeded from any want of respect or courtesy to constituted authority; and I appeal to your Lordship's high and honourable mind to judge how difficult it is for a gentleman, placed in the cruel position in which I have for some time been kept, to restrain his feelings, or to avoid giving expression to the irritation under which he suffers.

If then, my Lord, I have at any time been so unfortunate as inadvertently to clothe my language in terms devoid of official etiquette, I trust it may be allowed to pass as the mere outpouring of a wounded spirit, and not allowed to operate to my prejudice or to the denial of my acknowledged rights. That, in short, my claims may be tried on the broad basis of their merits, divested of all extraneous matter, and finally decided on as a case between man and man; and whatever your Lordship's fiat may be, I have that implicit confidence in your justice and high sense of honour that I shall at once bow to your decision as just and conclusive.

It is not impossible that with an exhausted exchequer the present colonial ministers may be unwilling to take upon themselves the payment of a larger sum than that which they have proposed.

In that case I would respectfully suggest that the most ready way of settling this long pending affair would be *to direct the payment as proposed by the local Government.* That from the *First of July last* my name shall be inserted in the permanent pension list at the disposal of her Majesty *for 515*l.* per annum*, and that I shall be paid from the *imperial treasury*, through the Commissary General or otherwise, *such block sum of money* as your Lordship may consider me fairly and justly entitled to receive.

I have, &c.
(Signed) G. H. RYLAND.

* In Three Parts.—Schedule of Contents of Parts I. and II. will be found printed at page 58. Schedule of Part III. annexed, page 121.

Enclosure in No. 13.

Encl. in No. 13

(Being Part III. of printed Correspondence on Mr. Ryland's Claims.)

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1. Letter from Mr. Ryland to Earl Grey, dated 19th November 1847.—(Printed at page 55 of this paper.)
2. Letter from Mr. Secretary Daly to Mr. Ryland, dated 20th February 1847.—(Printed at page 58 of this paper.)
3. Letter from Mr. Ryland to Earl of Elgin, dated 18th March 1847.—(Printed at page 58 of this paper.)
4. Letter from Mr. Ryland to Earl of Elgin, dated 27th August 1847.—(Printed at page 60 of this paper.)
5. Letter from Mr. Ryland to the Honourable W. Badgley, dated 2d September 1847.—(Printed at page 65 of this paper.)
6. Letter from Mr. Ryland to Lord Elgin, dated 24th July 1847.—(Printed at page 59 of this paper.)
7. Extract Report of Committee of Executive Council, dated 10th September 1847.—(Printed at page 66 of this paper.)
8. Letter from Mr. Ryland to Lord Elgin, dated 17th September 1847.—(Printed at page 61 of this paper.)
9. Extract Report of Committee of Executive Council, dated 22d September 1847.—(Printed at page 76 of this paper.)
10. Letter from Mr. Secretary Daly to Mr. Ryland, dated 6th October 1847.—(Printed at page 69 of this paper.)
11. Letter from Mr. Ryland to Earl of Elgin, dated 29th September 1847.—(Printed at page 70 of this paper.)
12. Letter from Mr. Ryland to Earl of Elgin, dated 23d October 1847.—(Printed at page 70 of this paper.)
13. Letter from Mr. Secretary Parent to Mr. Ryland, dated 5th November 1847.—(Printed at page 71 of this paper.)

No. 14.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable the Earl GREY.

No. 14.
G. H. Ryland, Esq.
to
Earl Grey,
12th Dec. 1847.

My Lord,

Mount Lilac, 12th December 1847.

ON looking over a copy of the papers relative to my claims which I caused to be printed for your Lordship's perusal, I find that the printer, mistaking a pencil memorandum of mine, has made a mistake in copying the minute of Council, filling up the space opposite the word "registrar" (which is left blank in the original) with the sum of 1,030*l.* per annum; and as this might have the effect of misleading you in estimating the award of the Council, showing as it does a calculation bearing something like a semblance of justice, I now take the liberty of forwarding a corrected copy.*

Had the Council really estimated my compensation on the scale shown in the *uncorrected printed copy*, and allowed that portion of my actual official expenditure which they cut off, placing my name for the future on the pension list, I should have been disposed, in order to bring this vexatious matter to a close, to have acceded to the arrangement; and even now, should your Lordship thus decide, I will at once assent, though, by doing so, I shall still be a very considerable loser.

I have, &c.
(Signed) G. H. RYLAND.

* See note, making the requisite correction on the Minute of Council, referred to, page 67.

No. 15.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

No. 15.
G. H. Ryland, Esq.
to
Earl Grey,
24th Dec. 1847.

My Lord,

Mount Lilac, Beauport, Quebec, 24th December 1847.

SINCE I last had the honour of addressing your Lordship on the subject matter of my claims, a further correspondence in relation to this case has taken place
(112.) H h

place between the local Government and myself, to which I respectfully call your Lordship's attention. (See printed case, No. 3.)*

Your Lordship will see that I am here denied communication of any further objections which may have been raised by the Governor or the Council to the full liquidation of my claims, and I am thus kept in the dark in a matter where in *common fairness I was entitled to the fullest information*. Unprecedented, however, as I consider this proceeding to be, so confidently do I rely on your Lordship's high sense of honour and justice, that even under these adverse circumstances, and labouring under the disadvantage of being kept in ignorance of any arguments thus covertly brought against me, I am willing to abide by your Lordship's decision on the merits of the case as now before you.

Owing to the breaking up of the roads, the last mail left Quebec earlier than was expected, and in my having to get the case printed, so as to facilitate your Lordship's perusal of the numerous documents, some papers were left out; these omissions†, however, are now supplied, and I take the liberty of *forwarding the whole in as complete and concise a form as possible*.

There are two documents herewith transmitted, to which I would *particularly* call your Lordship's attention; viz.,

First, ‡ my *official* acceptance of the transfer to Montreal. To this letter (which is a direct contradiction to the assertion of the Council, that I "accepted the transfer without reservation,") no other reply was given than the immediate issue of my commission as registrar of Montreal, thus tacitly agreeing to the conditions under which I consented to the removal.

Your Lordship will observe, that though the office to which I was transferred proved even less lucrative than the one I left, yet I have ever since been subjected to the additional inconvenience of providing *a public office at my own expense*, and at the same time, the pension to which Lord Stanley allowed I was entitled as assistant clerk of the Executive Council of *Lower Canada* was denied me.

The second document to which I refer is that containing a communication of despatches called for by the Legislative Assembly. No reference, you will perceive, is therein made to your despatch of the 18th July 1846, which was only obtained after an angry debate on the subject in July. This fact alone speaks volumes. It proves how unfairly I have been treated; and if under the pressure of the accumulated annoyances which have been heaped upon me, I have been goaded into expressions betraying want of temper, I am sure your Lordship will make due allowance for my sufferings, and not permit any infirmity of this nature to weigh against the justice of my cause.

In conclusion, my Lord, permit me most respectfully to remark that this case has already done more to injure the Government and to destroy confidence in the acts and pledges of the Crown than any matter which has ever been brought under the public notice in this country; and when I inform you that *my library has lately been seized by the sheriff of the district to pay a debt contracted on the faith of the British Government*, I think you will acknowledge the necessity of some immediate relief being extended to me.

In regard to the future, I have already stated that the permanent pension list shows an unappropriated annual amount of about 1,000*l.*; this within the last week has been augmented by the death of Mr. Smith, the late clerk of the Legislative Council of Lower Canada, whose pension of, I believe, 400*l.* per annum has consequently fallen in; and whatever amount your Lordship may award me for the *past*, I trust you will direct my name to be borne on the pension list from the 1st of July last for the retiring allowance of 515*l.*, to which both Governments admit me to be entitled.

I have, &c.

G. H. RYLAND.

† See Schedules at pages 121 and 123.

‡ 17th June 1845, page 36.

Governor's Message, 18th June 1847, page 125.

* Contained in Part III. of printed Correspondence, as noted in the annexed Schedule.

Enclosure 1. in No. 15.

Encl. 1. in No. 15.

SCHEDULE of additional Correspondence contained in the printed papers (Part III.), enclosed in Mr. Ryland's letter of 24th December 1847.

1. Papers marked A. to F., being—
 1. Copy Report of Committee of Executive Council, dated 6th August 1845.—(Printed at page 64 of this paper.)
 2. Letter from Mr. Ovide Le Blanc to Mr. Ryland, dated 13th September 1847.—(Printed at page 64 of this paper.)
 3. Letter from Mr. Secretary Higginson to Mr. Ryland, dated 23d May 1845.—(Printed at page 65 of this paper.)
 4. Letter from Mr. Ryland in reply, dated 24th May 1845.—(Printed at page 65 of this paper.)
 5. Letter from Mr. Ryland to Mr. Secretary Higginson, dated 28th May 1845.—(Printed at page 65 of this paper.)
 6. Letter from Mr. Ryland to Mr. Secretary Higginson, dated 29th May 1845.—(Printed at page 65 of this paper.)
 7. Letter from Mr. Ryland to Mr. Secretary Daly, dated 17th June 1845.—(Printed at page 36 of this paper.)
2. Letters from Mr. Ryland to Major Campbell, Civil Secretary, dated 13th December 1847, annexed, page 123.
3. Letter from Major Campbell in reply, dated 15th December 1847, annexed, page 124.
4. Accounts of Receipt and Expenditure of Registry Office, already printed at page 72 of this paper.
5. Statement of Expenses of Registration, eighteen months ending 31st December 1847, annexed, page 124.
6. Amount of Fees received from 9th July 1845 to 31st December 1846, annexed, page 124.

Enclosure 2. in No. 15. (continuation of printed correspondence as referred to in the above schedule).

My dear Campbell,

Mount Lilac, 13th December 1847.

Enclosed you have an official application for a copy of Lord Elgin's report to the Secretary of State, which accompanied my papers and appeal to Lord Grey.

Lord Metcalfe never concealed from me the opinions which he forwarded to the Colonial Office on my several applications, and I trust that I have given no cause to his Excellency Lord Elgin to pursue a different course.

I have reason to think that my application to the Secretary of State was in the first instance referred to the Executive Council, and their opinion thereon not only taken, but forwarded home; and considering the position in which I am placed with that body, it would be almost jesuitical, or at any rate very disingenuous to keep me in the dark as to what that opinion is; and I feel that Lord Elgin occupies too high a position in the service of his Sovereign to withhold that which, in private life, he would consider it his duty spontaneously to offer, especially as in the present instance there should be no cause for secrecy or concealment.

I shall not, I think, unless the elections come off earlier than we imagine, leave this before the 26th; but if possible I should like to get the report a few days before that, in the event of my requiring to take home any other documents in support of my case than those already forwarded, or to refute any other arguments of the Council against the full liquidation of my claims. I may, in either contingency, be prepared to lay before the Imperial Government every thing bearing on the case, and thus enable them to come to a just, dispassionate, and final decision. Believe me to be,

Major Campbell,
Civil Secretary.

Truly yours,
G. H. RYLAND.

Sir,

Mount Lilac, Quebec, 13th December 1847.

As it is my intention shortly to proceed to England, for the purpose of following up my claims, and, if necessary, to bring my case before the House of Commons, I have to request that you will move his Excellency to cause me to be furnished with a copy of his report to the Secretary of State upon the subject matter of my appeal to Lord Grey, of the 9th of November last, in order that I may be placed in a position to reply to any fresh objection, and thus enable the Imperial Government to come to a correct conclusion on the merits of the case, *divested of all extraneous matter.*

Major Campbell, Civil Secretary,
Government House, Montreal.

I have, &c.
G. H. RYLAND.

Sir,

Government House, Montreal, 15th December 1847.

I have it in command from the Governor General to acknowledge the receipt of your letter of the 13th, in which you request to be furnished with a copy of his report on the subject matter of your appeal to Lord Grey of the 19th November last, and in reply to inform you, that his Excellency is of opinion that it will not be to the advantage of the public service to comply with a request of such an unusual character.

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

I have, &c.

T. CAMPBELL, Major.

EXPENSES of Registration during the eighteen months ending 31st December 1847.

	£	s.	d.
Deputy and two clerks	660	0	0
Extra writers	73	0	0
Books, stationery, and printing	93	0	0
Fuel	18	0	0
Office servant, cutting wood, and charwoman	22	10	0
Office rent and assessments	105	0	0
Counter, carpet, table, and chairs	10	5	0
Expenses of completing the work, at least	125	0	0
	<hr/>		
	1,106	15	0
To which may be added debts due to the office	67	2	9
	<hr/>		
	1,173	17	9
	<hr/> <hr/>		

A true copy.

E. PARENT,
Asst. Sécy.

AMOUNT of Fees received in the Registry Office at Montreal, from 9th July 1845 to 31st December 1846.

	£	s.	d.
On memorials, deeds at full length, and custom house bonds	993	17	0
Balance, as nearly as can be ascertained, without counting the words in the unentered deeds	67	2	9
Fees on certificates and discharges	62	10	0
Searches	53	1	0

This latter item would amount to a much larger sum were I enabled to give a proper certificate; but owing to the gross blunders committed by Mr. Middleton, as well as Mr. Dowling's former deputies, in both the minute and index, we find it almost impossible to comply with the wishes of the parties applying for searches, except as regards the time during which I have held the office. To give some idea of the labour attending a search at the present moment, I shall here instance a search made at the request of Mr. Tully, who would not be satisfied with an ordinary search, and verbal assurance. The number of entries which we found in this case were 110, and as the names of the parties were not given, we were entitled on each entry to a fee of 2s. To procure the information required, however, as Mr. Dowling's indexes were useless, it was necessary to go through the whole of the full length entries contained in twenty-nine volumes, which work occupied my deputy, principal clerk, and another eight entire days, to the neglect of all other work. Having stated thus much, I shall proceed to show the expenses of the department during eighteen months; ended 31st December 1846 and in order to give the Council some idea of the labour attending registration on ordinary deeds, I would call their attention to the accompanying extract from the index of names alone on one common deed, taken at hazard from the books, and for which the registrar receives nothing; and I may add, that the minute book, which contains a kind of digest of the deeds, are, as well as the marginal entries, gratuitously kept up, i. e. unpaid for.

(Signed) G. H. RYLAND.

Enclosure

Enclosure 3. in No. 15.

Encl. 3. in No. 15.

MESSAGE from his Excellency the Governor General, transmitting copies of despatches from the Secretary of State, conveying answers to the several addresses to her Majesty, adopted during the second session of the second Parliament of the province of Canada.

(Received, 18th June 1847.)

ELGIN AND KINCARDINE.

The Governor General transmits, for the information of the Legislative Assembly, copies of the despatches from the Secretary of State enumerated in the annexed Schedule, conveying the gracious answers which the Queen has been pleased to direct to be returned to the several addresses to her Majesty adopted during the last Session.

Government House, Montreal, 18th June 1847.*

EXTRACT from Schedule of Despatches accompanying Message of the 18th June 1847.

NO.	DATE.	SUBJECT.
" 80	1846. 2d June -	In reply to address of Assembly respecting Mr. Ryland, &c. &c."

[Then follows Mr. Secretary Gladstone's despatch to Earl Cathcart, dated 2d June 1846, No. 80., printed at page 104, of this paper; as also Mr. Secretary Gladstone's despatch, 1st May 1846, No. 60., to which the notes at the foot of this page, Nos. 2 and 3, refer.]

(No. 60.)

My Lord,

Downing Street, 1st May 1846.

I have received your Lordship's despatch, No. 22., of the 9th of March, upon the subject of the claims of Mr. Ryland to redress for the nonfulfilment of certain expectations held out to him by the Executive Government of Canada in 1841.

I have attentively examined all the documents relating to this case, and I can perceive no ground to doubt that the proper course for your Lordship to pursue is to acquaint the House of Assembly, and Mr. Ryland, that, on behalf of the British treasury, her Majesty's Executive Government have invariably repudiated and denied all liability to make good the engagement formed by Lord Sydenham, that engagement † being one which her Majesty's Government had never authorized beforehand, which had never been reported to them by his Lordship ‡, and which, when brought to their knowledge, they had disapproved, and declined to sanction. Such is the view which I confess myself to entertain of the case; but if the House of Assembly shall think fit to regard the claim as one which ought to be met from the colonial funds, I can have no objection to authorize your Lordship to apply towards Mr. Ryland's indemnity, out of any Canadian funds at the disposal of the Canadian Government, any sum which the House of Assembly may be of opinion ought to be applied to that gentleman's relief.

Your Lordship will be pleased to communicate the substance of this despatch to Mr. Ryland, as comprising my answer to the different communications which he has addressed to me upon his case.

Lieut. Gen. the Earl Cathcart, K.C.B.
&c. &c. &c.

I have, &c.
(Signed) W. E. GLADSTONE.

No. 16.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

No. 16.
G. H. Ryland, Esq.
to
Earl Grey,
8th Jan. 1848.

My Lord,

Mount Lilac, Beauport, Quebec, 8th January 1848.

I AM compelled to take the further liberty of again addressing you in consequence of my having yesterday been served with a writ of ejectment from

(Notes by Mr. Ryland.)

1. * Lord Grey's despatch of the 18th July 1846 had been received ten months before this; but instead of his Lordship's directions being complied with, the despatch was kept back, and only forced out after repeated calls for it by the House of Assembly.

2. † The engagement formed by Lord Sydenham in his capacity of representative of his Sovereign.

3. ‡ Lord Sydenham could not report after he was dead. His successor, however, did; and Lord Stanley, so far from repudiating, merely asked for information, in order to enable the home Government to take the matter up.

the office which I hold as registrar of Montreal, occasioned by my no longer being able, without injury to my family, to advance money out of my private means for this public service.

Surely, my Lord, this discreditable affair will convince you of the necessity of some action in the matter by the Imperial Government.

What would be said in England if a public servant, in the honest discharge of his official duty and the fulfilment of a contract between the Crown and himself, were thus subjected to open and unmerited disgrace, merely because a doubt existed as to what fund should be made available to his payment.

Why then should a colonist, equally a British subject as any public officer residing in the United Kingdom, be made to suffer as I have done?

It was, my Lord, as a subject of the Queen of England, that I contracted with Lord Sydenham, not in his private *but in his public capacity as Governor General of Canada, representing the Sovereign of Great Britain, and giving effect to an Act of the Imperial Parliament*; and whatever portion of the empire may ultimately be adjudged answerable for the liquidation of claims acknowledged by all parties, it is to the *Imperial Government* that I alone look for protection, for justice, and relief from the cruel position in which I am placed by the act of its accredited agent.

Trusting, my Lord, that you will kindly forgive these reiterated applications, which I feel that nothing but necessity would warrant,

I have, &c.
(Signed) G. H. RYLAND.

Encl. 1. in No. 16.

Enclosure 1. in No. 16.

Sir,

Quebec, 7th January 1848.

I have this day been served with the enclosed order of ejection from the building occupied by me as a registry office in Montreal, which I consider it my duty to request you will immediately bring under the notice of the Governor General in Council, in order that some means may be devised to prevent *an act at once prejudicial to the public interests and injurious to the Government of the country*.

Of the disgrace which this public exposure attaches to me individually I shall at present say nothing, it is but an additional item to the long list of injuries I have suffered by the breach of faith towards me and nonfulfilment of contract on the part of the Crown.

I will, however, take this occasion to remark that my successor in Quebec, between whom and the Executive no contract exists, but to whom the Council refer in their report of the 10th September last, is furnished by the Government with a public office free of all expense, and therefore protected from *the indignity which I am now made to experience*.

Hitherto, perhaps, the accommodations in the public buildings in Montreal have been too limited to allow of my being provided with an office therein; but these buildings have since, I believe, been considerably increased, and considering the urgency of the case, I trust his Excellency will allow me (at any rate until I can secure another fitting office for my department) to occupy some of the new rooms, or that a temporary office may be provided for me in the building purchased for the Crown land department, or in the Court House, where I understand accommodation next to the rooms of the clerks of the peace can be found.

Before closing this communication I have to submit to the Governor General that I have been detained in Quebec for the last seven weeks in consequence of a number of seizures made by the sheriff on my property. *These have all been occasioned by the non-fulfilment of contract with me on the part of the Crown*; and I have within the last ten days, owing to the *same cause*, been served with sundry writs and summonses, compelling me to attend the Court of Queen's Bench in Quebec during the present term.

It was to protect myself from these proceedings and the Crown from ultimate loss that I prayed for an advance of money from the Government in September last. They refused this reasonable request, and though acknowledging that they owed me a much larger sum than what I prayed for to meet my necessities, they declined to relieve me.

Respectfully renewing my protest, therefore, against their decision, I hold the Government answerable for all losses consequent upon this fresh denial of justice, and

The Honourable Mr. Daly,
Provincial Secretary, &c.

Have, &c.
G. H. RYLAND.

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Enclosure 2. in No. 16.

Encl. 2. in No. 16.

Province of Canada, District of Montreal.

Court of Queen's Bench.

Tuesday the twenty-eighth day of December one thousand eight hundred and forty-seven.

PRESENT,

The Honourable Chief Justice Rolland; Mr. Justice Smith.

No. 2,529.

Ovide Leblanc, of the city of Montreal in the county and district of } Plaintiff.
 Montreal, Esquire, notary public - - - - - }

George H. Ryland, of the same place, Esquire, registrar for the county } Defendant.
 of Montreal - - - - - }

The court having heard the parties by their counsel, having examined the proceedings, and seen the admissions made and given by the said defendant, it is considered and adjudged that the lease of the premises herein-after mentioned and described, and made by the said plaintiff to him the said defendant by deed passed Messrs. J. O. Bastien and his colleague, notaries public, on the second day of May one thousand eight hundred and forty-six, be and the same is hereby rescinded and set aside; and it is ordered, that the said defendant do, within three weeks from the signification to him of the present judgment, quit, abandon, and give up to the said plaintiff the said premises so leased and described in the said plaintiff's declaration and in the said deed of lease as follows; to wit, "two offices and a vault " in the house of Doctor David, M.D., Esquire, designated as number twenty-seven of Little " St. James Street of the aforesaid city of Montreal;" and in default of the said defendant's quitting, abandoning, and giving up the said premises within the above delay, it is ordered, that the goods and effects of the said defendant found upon the said premises be thrown out and placed *sur le carreau*, and the said plaintiff put into the possession of the said premises in due course of law, the whole with costs against the said defendant, and reserving to the said plaintiff the legal recourse for any rent which may be due or damages he may have suffered.

So in original.

A true copy.

(Signed)

M. R. COFFIN and PAPINEAU.

A true copy.

(Signed)

ROBERT LE MOINE.

No. 17.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

No. 17.
 G. H. Ryland, Esq.
 to
 Earl Grey,
 3d March 1848.

My Lord,

Mount Lilac, Beauport, Quebec, 3d March 1848.

ON the *14th ultimo I had the honour to address a letter to your Lordship through Lord Elgin, furnishing explanations which I trust have been considered sufficient to authorize a liquidation of my claims by the Imperial Treasury.

* page 77.

In order, however, to show you that I have left no means untried to obtain a settlement of my claim as directed by you out of provincial funds, I enclose a copy of an official application which I made on the 18th of last month, through the Provincial Secretary to the Governor General in Council.

18th February 1848.
 With petition, vide
 page 83.

This application, as I anticipated, was ineffectual, nor indeed could it be expected to be otherwise, for under the Government which has been inflicted on this country, the Governor has no controlling power over his Council, who though *nominally responsible* for their official deeds to the Assembly, are not in any way so *for their negative acts*, such as declining to do justice to an individual situated as I am. Indeed their whole responsibility in point of fact consists in retaining possession of their places as long as possible.

Your Lordship must not compare the Executive Council of Canada to the Privy Council of Great Britain, or suppose that these officers (mostly needy men of low extraction) possess the high and chivalrous notions of honour and justice in which you and other statesmen have been nurtured in England, and this, Lord Metcalfe repeatedly told me, was a defect which prevented his obtaining a settlement of my claims, the equity of which he acknowledged and frequently pressed upon the consideration of his Council; and it was in consequence of a suggestion of his Lordship, upon one of these occasions, that I presented the enclosed petition to the Assembly in 1845. This application was renewed by me during the next session, and an address to the Queen in my behalf, as you are aware, unanimously passed by both branches of the Legislature.

Vide petition, page 83.

And here, my Lord, I would most respectfully remark, that the instant you, her Majesty's Secretary of State, in answer to this address, *admitted my right to compensation for all losses consequent on the surrender of my office under an arrangement with the agent of the Crown in 1841, relief ought at once to have been extended to me.* A difference in opinion between the two Governments, *who both acknowledged the debt,* as to which should pay, should not have been allowed to operate to my prejudice, or to the infliction on me of two years additional suffering; nor ought I to have been expected, much less called upon, *still further to solicit from the British Government what in private life I should have been entitled to demand as a right.*

Independent of the rules and principles laid down in your despatch to the Lieutenant Governor of Nova Scotia of the 31st March 1847, in regard to a provision for officers going out of office for other cause than misconduct, *there was a solemn contract between the British Government and myself, the existence of which was admitted by all parties.* I had confessedly performed my share of it, and the honour of the Crown was concerned in the fulfilment of their part, *particularly as you, her Majesty's minister, had directed that I should be paid.*

A despatch from a Secretary of State, containing instructions to the representative of the Sovereign, is supposed to emanate from the Queen's Government, whose minister and mouthpiece the Secretary of State is; and if orders thus conveyed were not to be considered as binding, the despatch containing them would be worse than a piece of waste paper, and the Government from which it proceeds a Government in name only, destitute of all those attributes which can render a Government beneficial to the people, or protective of the subject.

In submitting, most respectfully, these observations to your Lordship, I will take this opportunity to add, that there is perhaps no family on this continent having the claims mine have on the British Government.

During the first American war, at the evacuation of New York, where my father was present as deputy assistant paymaster general, he was instrumental in saving the Government nearly a million of money. His subsequent services of fifty-two years are on record both here and in the Colonial Office. Of my own particular services I need only say that they were acknowledged by three successive Governors, and by Lord Glenelg, when Secretary of State; and the clerkship of the Council, which I afterwards consented to surrender in order to facilitate the *measures of the Imperial Government,* was given me *in reward of those services,* by her Majesty's Lord High Commissioner the Earl of Durham. And if I may be permitted to point to my wife's family, her father, Colonel Ralph Gore, the personal friend of George the Fourth, died of a wound received in the service; *her three brothers* also died in the service,—one at Waterloo; and of her two uncles, one, General Arthur Gore, specially referred to by the Duke of Wellington in his India despatches, was killed at Bergem-op-Zoom; her other uncle, Admiral Sir John Gore, honoured with the confidence and friendship of William the Fourth, died broken hearted from the loss of his only son, drowned in his way home with Sir John from India, where the latter had been three years in command of the Indian fleet. These concurrent circumstances, without the additional fact that I had in good faith mortgaged my property in the fulfilment of a contract with the Crown for upwards of 8,000*l.*, would in other times have entitled me to a peculiar degree of favour from the British Government; *whereas now I and my children are, in consequence of the injustice and breach of faith of the Government, threatened with actual beggary; whilst Mr. Papineau, the author of two rebellions, costing the Government nearly three millions of money, has received five years arrears of salary in reward of his treason,* which is at this moment acting as an incentive with him to fresh acts of hostility to the British Crown.

My Lord, believe me, these things are not calculated to confirm the loyalty of Her Majesty's subjects in this province, or to secure their services in the hour of need.

Having, however, now followed up your Lordship's views in regard to the liability of the local Government to the utmost of my power, and it being fully apparent that the province cannot and will not pay, I trust justice will no longer be withheld from me, but that the most ample compensation for the past in the power

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power of the Imperial Government to grant will at once be accorded, and a retirement on the permanent pension list of the province be secured for the future.

I have, &c.
(Signed) G. H. RYLAND.

No. 18.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

No. 18.
G. H. Ryland, Esq.
to
Earl Grey,
16th March 1848.

My Lord,

Mount Lilac, Quebec, 16th March 1848.

I TAKE the liberty of enclosing a number of the New York Albion, containing an extract from the Halifax Times under the head of "*Executive Action.*" It relates to your *Lordship's instructions*, and the proceedings thereon, *relative to Sir Rupert George*; and as the arguments apply with tenfold force to my own case I trust you will excuse my bringing the subject before you in this novel manner.

No. 10.
4th March 1848.
Not printed.

Between Sir Rupert George's case and mine, however, there is a difference; viz., he was required to resign his office, and in obedience to your directions a pension has been voted. But the provision secured does not come up to what you contemplated, or to what he had a right to expect, and consequently he may justly complain of inadequate compensation, but nothing more; *there existed no contract between the Crown and himself*, he had received no *guarantee*, and there was *no actual breach of faith on the part of the Crown.*

But with me it was far otherwise. *I have received a formal guarantee and pledge.* I not only surrendered my office *when it was admitted that I might have insisted on retaining it*, but I surrendered it on public grounds, under a contract with the accredited agent of the British Crown acting on the part and in the name of the Imperial Government, and with the declared and written admission that I was entitled from my length of service to retire on a pension of 515*l. per annum.*

The Government have already benefitted by this transaction to the amount of upwards of 7,000*l.*, whilst I in good faith have, in the performance of my share of the bargain, burdened my estates to the amount of upwards of 8,000*l.*

The validity of the contract, and my claims arising out of it, have been officially acknowledged by three successive Governors, by both branches of the local Legislature, who have solemnly addressed her Majesty on the subject, and by you, her Majesty's Secretary of State, who have confessed the debt, and directed it to be paid.

The late Executive Council, however, erecting themselves into a superior tribunal, have set the instructions of her Majesty's Government at nought; and, in defiance of the judgments thus solemnly pronounced in my favour by the highest authorities in the land, attempt to convert the arrangement with me into a leonine contract; and in violation of every principle of honour, justice, and good faith, have drawn up a report in direct opposition to your commands, deliberately stripping me of my rights and of my property. If, my Lord, Sir Rupert George has cause to complain, how much greater reason have I; but surely you will not allow *this great, this grievous* wrong to go longer undressed.

Your Lordship is aware that I treated with one in power, viz. *the representative of my Sovereign*; and as the creditor of the Crown, I have no means of enforcing my acknowledged right, and am therefore compelled to leave it to the sense of honour of the person representing my debtor to satisfy my claim. That person is your Lordship; and the circumstance that a nobleman of your exalted rank and honour is at the head of the Colonial Office, assures me that as my case is one in the settlement of which public justice and good faith are concerned, no reasons of inconvenience or *inexpediency* will be allowed to operate to my disadvantage or further injury.

Whether the arrangement with me was as an officer of the Metropolitan or of the Colonial Government, *I was equally the officer and subject of the empire*; and

having been made to suffer by the *act of the representative of the Sovereign, acting on the part of the Imperial Government*, I of course look to you as *her Majesty's Secretary of State*, under whose special charge her colonial possessions are placed, *for that justice to which you have declared me entitled*.

As it is reported that Lord Elgin has recommended the ex-provincial secretary, Mr. Daly, whose claim (if he has any) is as nothing compared to mine, for compensation from the *Home Government* for the loss of his recent office in *Canada*, which he accepted at his own risk, and continued to fill after *responsible Government* had been promulgated in this province, under three distinct administrations of different political creeds, it must, I think, be obvious to your Lordship, that *I, who have given up everything under contract to meet the views of the Imperial Government*, am entitled to prior and prompt consideration; in fact, that if there is any honour or justice in the conduct of public affairs, my claims can be left no longer unliquidated without seriously impairing the respect and confidence which ought to be placed in the public acts of the Crown.

I have, &c.
(Signed) G. H. RYLAND.

No. 19.
G. H. Ryland, Esq.
to
Earl Grey,
20th August 1848.

(Private.)

No. 19.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

My Lord,

Mount Lilac, Beauport, Quebec, 20th August 1848.

I HAVE just received a note from Colonel Bruce, informing me that Lord Elgin was about to report to you the recent proceedings of the Executive Council on my claims; and as I shall leave this to-morrow, via the Eastern Townships, for England, in order to bring this matter personally before her Majesty's ministers, it will be unnecessary for me to trouble your Lordship at present further than to say that the result of the reference to the existing Colonial Cabinet has been what I anticipated and predicted in my letter to you of the 12th of August 1846, and respectfully to request your Lordship's *attentive perusal* of the inclosed pamphlet, containing all the *essential documents* bearing on the case, which I have had printed in this form *for the express purpose of enabling you at once to grasp and fully comprehend all the principal points of this most extraordinary and unprecedented affair*.

Pamphlet printed at
Montreal.
1848.

I would particularly call your Lordship's attention to the utter disregard which has been evinced to the instructions contained in your despatch of the 18th July 1846, as well as to the contradictory acts of the late and present provincial ministry, who, in dealing with this business, have outraged and abandoned all those fixed principles upon which an upright Government can alone be carried on in a manner beneficial to the people or protective of the subject.

Relying on the equity of the British Government, as well as on your Lordship's sense of justice, to which I confidently appeal, I trust that on my arrival in England some means will at once be found for the liquidation of my *just and acknowledged* claims; the nonpayment of which, I regret to say, is at this critical moment telling fearfully against her Majesty's Government in Canada, where people are called upon by designing men to look at my case, and to take warning by the example of one who has been ruined by *his loyalty and attachment to the British Crown*, whilst those who in 1838 and 1839 attempted to wrest the Canadas from Great Britain have been held up as the *deservedly happy recipients of favour and approbation*, and worthy of those offices of honour and emolument which heretofore were bestowed on those who had done the state some service.

I have, &c.
(Signed) G. H. RYLAND.

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No. 20.

No. 20.
G.H. Ryland, Esq.
to
Earl Grey,
2d October 1848.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

My Lord,

Union Hotel, Cockspur Street, London, 2d October 1848.

HAVING come to England for the purpose of urging in person a settlement of my claims on her Majesty's Government, I venture in the first instance to address myself to you, in order to solicit your Lordship's permission to submit my case to the Prime Minister, who, having gone into the Colonial Office for the express purpose of enabling Lord Sydenham to give effect to the Imperial Act of Parliament re-uniting the Canadas, is intimately acquainted with all the private and public instructions under which her Majesty's representative acted in carrying out that great measure; and as the arrangement with me was consequent thereon, and in fact may be said to have formed a part thereof, Lord John may be able to bear testimony as to the sufficiency of the authority under which Lord Sydenham acted in my particular case.

Enclosing an introductory letter which Lord Spencer was kind enough to give me on my arrival in England,

I have, &c.
(Signed) G. H. RYLAND.

No. 21.

No. 21.

LETTER from Earl SPENCER to the Right Honourable Earl GREY.

My dear Lord,

Althorp, 18th September 1848.

MR. RYLAND, who has large claims against the Crown, which have been undecided for some years past, has arrived from Canada to press the settlement by his personal exertions. He has written to me to interfere in his behalf with your Lordship; and though I am not acquainted with him, nor have time to enter into the merits of his case, so as to give an opinion thereon, yet the very long acquaintance which existed between Mr. Ryland's father and my father, and the proofs of the interest my father took in Mr. Ryland's affairs and in his family, induce me to request of your Lordship a favourable consideration of these claims, in which request I am only doing what I am certain my father would have done had his life been preserved to this time.

I am, &c.
SPENCER.

No. 21.
Earl Spencer
to
Earl Grey,
18th Sept. 1848.

No. 22.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND Esquire.

Sir,

Downing Street, 13th October 1848.

IN answer to your letter of the 2d instant*, in which you report your arrival in this country for the purpose of urging your claims on Her Majesty's Government, and request permission to submit your case to Lord John Russell, I am directed by Earl Grey to inform you that his Lordship can have no objection to your appealing to Lord John Russell if you think fit to adopt that course, although Lord Grey does not see that such an appeal is likely to be of any service to you.

I am to take this opportunity of acquainting you, that, in reply to a despatch from the Governor of Canada transmitting at your request a copy of the minute recently passed by the Executive Council in reference to your case, Lord Elgin has been instructed to inform you that it is not in Lord Grey's power to interfere any further in your behalf, and that it must rest entirely with the Provincial Government to decide upon your claims to compensation.

(Signed) B. HAWES.

No. 22.
to
G.H. Ryland, Esq.,
13th October 1848.

* See above.

No. 24.
G. H. Ryland, Esq.
to
Earl Grey,
10th Oct. 1848.

* Page 131.

No. 23.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

My Lord,

Union Hotel, Cockspur Street, London, 10th October 1848.

NOT having been honoured with an answer to the letter* I took the liberty of addressing to your Lordship a week ago, enclosing one from Lord Spencer, and requesting permission to submit my case to the Prime Minister of England, who, at the period of the union of the provinces of Upper and Lower Canada, and of Lord Sydenham's arrangement with me, held the office of Secretary of State for the Colonies, and can therefore speak to the nature of the powers vested in her Majesty's representative at that important juncture, I take it for granted that your Lordship has no objection to the course I have suggested; and upon the strength of this supposition, I have ventured, by this day's mail, to forward to Lord John Russell a statement showing the exact nature of my claims on her Majesty's Government, together with a copy of all the essential documents bearing on the case, informing his Lordship, at the same time, that I had written for your permission to do so.

Trusting that I have not acted prematurely in this particular, or at variance with your Lordship's wishes, which I have ever believed inclined to a measure of justice,

I have, &c.
(Signed) G. H. RYLAND.

No. 24.
G. H. Ryland, Esq.
to
Earl Grey,
18th Oct. 1848.

† Page 131.

No. 24.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

My Lord,

Dublin, 18th October 1848.

AN official communication, dated the 13th instant †, from Mr. Under Secretary Hawes, containing your Lordship's kind permission to refer my case to her Majesty's Prime Minister of England, has been forwarded to me here, for which I beg respectfully to tender my sincere thanks.

Mr. Hawes further acquaints me, in reply to a despatch from Lord Elgin, transmitting a copy of a minute recently passed by the Executive Council of Canada, that it is not in your Lordship's power further to interfere with the local Government, &c.

On this head I may perhaps be permitted to remark, that I contracted in good faith with the *Queen's* agent, in his *official* capacity, and *no other*, carrying out, as her *Majesty's representative*, under the instructions of the Secretary of State, an Act of the *Imperial Parliament of Great Britain*.

No Act of the Provincial Legislature authorized Lord Sydenham, as *Governor of Canada*, to enter into the contract he did with me, or to *bind the funds of the province* for the payment of claims arising out of such a transaction.

But your Lordship, as her Majesty's Secretary of State, having, in answer to an address from the local Legislature to the Queen on the subject, acknowledged the debt, and given certain instructions to the Governor of Canada relative to the means by which payment should be effected, I was willing to forward your views in this respect; and I did, accordingly, under incredible losses and sufferings, continue to press upon the local authorities the liquidation of a claim for which the *British Government were alone responsible*.

The Council of Canada have now *solemnly and finally* declared that they *will not pay the debt*. *The Governor General has sanctioned their act*, throwing me back on the *Imperial Government*; and your Lordship, on the part of that Government, having officially abandoned all control over the funds of the province, as well as the actions of your agent representing her Majesty there, it is manifestly impossible for me, even if I felt so inclined, which I respectfully state I am not, *further to contend for justice in that quarter*.

I cannot, therefore, but rejoice at your Lordship's present decision; for, having now done every thing you could wish or expect in following up (to my utter ruin) the claim in Canada, I feel convinced you will be the more desirous to concur in any measure of relief in my behalf which, with your colleagues, you may consider requisite to uphold the honour of the Crown and the integrity

of

of the empire in this matter; and as it is said, that where a grievance exists under the British Government there is a remedy, I earnestly hope that in the present instance it may be prompt and effectual.

I have, &c.
(Signed) G. H. RYLAND.

No. 25.

LETTER from B. HAWES, Esquire, to G. H. RYLAND, Esquire.

Sir,

Downing Street, 1st November 1848.

I AM directed by Earl Grey to acknowledge your letter of the 18th ultimo; and as it may be inferred from some parts of its contents that the answer which was returned to you from this office on the 13th is understood by you in a different sense from that which it was intended to convey, I am to repeat to you that it is out of his Lordship's power to encourage any expectation that your claim to indemnification can be entertained by any other authority than the Provincial Government of Canada.

(Signed) B. HAWES.

No. 25.
B. Hawes, Esq.
to
G. H. Ryland, Esq.,
1st Nov. 1848.

No. 26.

LETTER from G. H. RYLAND, Esquire, to B. HAWES, Esquire.

Sir,

Union Hotel, Cockspur Street, 4th November 1848.
(Received 6th November 1848.)

I YESTERDAY had the honour to receive your letter of the 1st of November instant, marked duplicate, explanatory of that part of your official communication of the 13th ultimo, wherein, after conveying to me Earl Grey's deliberate consent to appeal my case to her Majesty's Prime Minister of England, you informed me that the Secretary of State for the Colonies could not further interfere with the Provincial Government on the subject matter of my claims.

Considering that the matter, with the approbation of the Secretary of State, now rests with the head of the Cabinet, I am at a loss to form an opinion on the precise object of the present communication, and can, therefore, only repeat, that as the Provincial Government of Canada were neither consulted or in any way a party to the contract between Lord Sydenham and myself, in August 1841, I hold the Imperial Government alone responsible for a debt contracted by her Majesty's representative.

The claim has been officially acknowledged by Earl Grey and the local Government, but a subsequent change of the Provincial Administration has led to a refusal of justice in that quarter.

Under these circumstances, I have come to England to obtain justice, which I must respectfully continue to press upon the attention of her Majesty's Government till I receive it, no other course, in fact, being now left open to me.

I have, &c.
(Signed) G. H. RYLAND.

No. 26.
G. H. Ryland, Esq.
to
B. Hawes, Esq.,
4th Nov. 1848.

No. 27.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

My Lord,

Union Hotel, Cockspur Street, 8th November 1848.

ALTHOUGH your Lordship has kindly consented to allow me to refer my case to the Prime Minister of England, yet feeling as I do that there is no lack of desire on your Lordship's part to do me justice, but that you have hitherto been deterred from applying to the Lords of the Treasury in my behalf, by the conscientious belief that the local Government were alone responsible for the fulfilment of Lord Sydenham's contract with me, I think it my duty to bring under your notice a very important point connected with my case, which has been entirely overlooked, otherwise I am convinced that your

No. 27.
G. H. Ryland, Esq.
to
Earl Grey,
8th Nov. 1848.

Lordship's opinion in regard to the sole liability of the Government of Canada would have been entirely different.

After the final arrangement between Lord Sydenham and myself, (for he had obtained my previous conditional assent to surrender the Council office in the early part of May, by which means he was enabled to effect his contemplated changes in the department,) the compensation which was awarded me for the loss of that part of my income consequent on the Union Act, viz. fees, was not taken from the funds of the province, though the amount of salary was, but it was paid by an order from Major Campbell, the *Military Secretary*, on the *Commissary General*. So also, when in consequence of Lord Sydenham's death, the registry ordinance was not put in force till the January following, *the same distinction* was made, the amount of salary being paid by the Receiver General, and the compensation, on the other hand, *out of imperial funds*, by order of the Commander of the Forces (acting under Lord Sydenham's commission) upon *the Commissary General*. (See Mr. Murdoch's Letters.)

The official communications also accompanying these payments were not made through the provincial, but through the chief Secretary, at that time acting under the *imperial authority* and control of the representative of the Crown; and it is worthy of remark that no part of the negotiation passed through the medium of a provincial authority, the whole having been carried on, either personally by Lord Sydenham, as in the first instance, or through the officer appointed by the Colonial Department to assist his Lordship in perfecting the great public measure entrusted to him.

It follows, therefore, that as far as the half of my official income derivable from salary was concerned, it became or was intended to become, from the period of Lord Sydenham's guarantee, chargeable on the pension fund of 5,000*l.* per annum, reserved by the Act of Union for her Majesty's disposal. Of this fund there has yearly been a large unappropriated amount; and as the same sum has since been granted by the Legislature for the same purpose for her Majesty's life, if all control over this fund as well as others has not been abandoned to the local authorities, the means of remunerating me to a certain extent are in the hands of the Crown, and at once available; there is, in fact, nothing to prevent the Lords of the Treasury from immediately paying my arrears of pension, charging the province with it, and directing that hereafter I shall continue to receive it at the usual fixed periodical payments to other public servants. By this simple operation, clearly within the limits of her Majesty's authority, you have the means of getting rid of a part of the claim for the past and of securing me all the provision I require for the future.

Then, as regards the other half of my income and the losses consequent on my surrender of office, it is evident that the two payments made through the *Commissary General* must be looked upon as *earnest*, paid on account of a *recognized contract between the Imperial Government* and myself, who thereby bound themselves to the fulfilment of the transaction previously entered into by the representative of the Sovereign in discharge of *his imperial mission*, the completion of which was duly reported to her Majesty's Government in a despatch, dated Kingston, 21st July 1841, and acknowledged by them through Lord John Russell on the 18th August following.

Trusting that the important facts which I have now, for the first time, had the honour of bringing under your Lordship's notice, may have the effect of changing your view of the case, I would in conclusion respectfully refer you to the several law authorities cited in the enclosed memorandum as bearing directly on the question at issue.

I have, &c.
(Signed) G. H. RYLAND.

Enclosure in No. 27.

Encl. in No. 27.

The following is extracted from the opinions of Mr. Justice Story, a judge of the Supreme Court of the United States, published in his work, "Liabilities of public agents on contracts," pages 307-8:

"An agent contracting in behalf of the Government or of the public is not personally bound by such a contract, even though he would be by the terms of the contract if it were an agency of a private nature.

"The

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“ The reason of the distinction is, that it is not to be presumed either that the public agent means to bind himself personally in acting as a functionary of the Government, or that the party dealing with him in his public character means to rely on his individual responsibility; on the contrary, the *natural presumption* in such cases is that *the contract was made upon the credit and responsibility of the Government itself, as possessing an entire ability to fulfil all its just contracts far beyond that of any private man*, and that it is ready in *good faith* to fulfil them *with punctilious promptitude* and in a spirit of *liberal courtesy*. Great public inconvenience would result from a different doctrine, considering the various public functionaries which the Government must employ in order to transact its ordinary business and operations.”

“ By a parity of reasoning upon such a contract entered into by a public agent on behalf of the Government, no suit lies by him, but it must be brought in the *name of the Government*.”

“ This principle not only applies to simple contracts both parol and written, but also to instruments under seal which are executed by *agents of the Government in their own names, and purporting to be made by them on behalf of the Government*, for the like presumption prevails in such cases that the parties contract not personally but merely *officially within the sphere of their appropriate duties*. Thus an act executed by a public officer in his own name, but describing himself as *acting in behalf of the King or Government for purposes connected with the public service* has been held not to bind him personally but to be *merely obligatory on the Government*.”

In support of the above opinion may be cited the case in which the principle was first laid down by Lord Mansfield, in the case of Mr. Beath and Haldimand, St. T., Vol. 1. p. 172. There is also Lord Somer's argument in the Bankers case, Vol. II. of State Trials, p. 59. No benefit was derived from the petition of right. In this case Parliament was afterwards obliged to provide a particular fund towards the payment of these debts.

All these opinions and precedents bear on Mr. Ryland's case. But it has been said that Lord Sydenham acted as the Governor of the province in treating with him; this is emphatically denied, no act of the Provincial Government authorized the Governor to take this step; but, on the contrary, there is abundant evidence to show that Lord Sydenham was authorized to give effect to a measure dear in her estimation, one upon which “the eyes of all England were anxiously fixed upon the result;” and a proof that the arrangement entered into with Mr. Ryland by Lord Sydenham was purely on behalf of the *Imperial Government* and not with the local or provincial Government, is to be found in the fact that *it forms no part of the proceedings of the Executive Council as established under the Act of the union*, whose claim to be consulted in every measure connected with the affairs of the province was, from the passing of the Act, admitted and exercised, and he challenges proof to the contrary; and this is one of the main arguments now used by the Executive Government of the province responsible to the people for the due expenditure of the public money, for resisting the payment of this too long delayed claim, the responsibility of which evidently rests with the Imperial Government, who acknowledged their liability and assumed the whole debt by the payment of two several sums on account through the Commissary General, the officer of the imperial treasury, in August 1841 and January 1842.

No. 28.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND, Esquire.

Sir,

Downing Street, 15th November 1848.

I AM directed by Earl Grey to acknowledge the receipt of your letter of the 8th instant, and in reply to express to you his Lordship's regret that the facts which you have now adduced do not tend to alter the view which he had previously taken of your case.

I have, &c.
(Signed) B. HAWES.

No. 28.
B. Hawes, Esq.
to
G. H. Ryland, Esq.,
15th Nov. 1848.

No. 29.

LETTER from G. H. RYLAND, Esquire, to B. HAWES, Esquire.

Sir,

Union Hotel, Cockspur Street, 16th November 1848.

I HAVE the honour to acknowledge the receipt of your letter of the 15th instant, in which you are directed to convey to me Earl Grey's regret “that the facts which I have adduced do not tend to alter the view which he had previously taken of my case.”

(112.)

Lamenting,

No. 29.
G. H. Ryland, Esq.
to
B. Hawes, Esq.,
16th Nov. 1848.

Lamenting, as I cannot but do, his Lordship's conclusion, I must patiently abide the decision of her Majesty's Prime Minister of England, to whom Earl Grey has consented that I shall appeal the case.

I have, &c.
(Signed) G. H. RYLAND.

No. 30.
G. H. Ryland, Esq.
to
B. Hawes, Esq.,
24th Nov. 1848.

No. 30.

LETTER from G. H. RYLAND, Esquire, to Mr. Under Secretary HAWES.

Sir,

Union Hotel, Cockspur Street, 24th November 1848.

WITH reference to the conversation I had the honour of having with you on Saturday last, I now, in compliance with your desire, proceed to address you in writing.

Respectfully dissenting, as I do, from the decision of Earl Grey that my acknowledged claim is on the local Government of Canada and not on her Majesty's Government in England, and having failed to receive from Lord John Russell, to whom the Secretary of State had permitted me to appeal, more than an expression of his sympathy, I have resolved, disclaiming at the same time all wish to embarrass the Government, to submit the whole subject to the consideration of Parliament by an appeal to that tribunal, provided Earl Grey sees no objection to that course and will not withhold his permission to lay before the House of Commons the correspondence with which he has honoured me, as well as that which has passed between the Colonial department and the authorities in Canada, together with such other evidence as I may consider necessary to prove my case.

I have, &c.
(Signed) G. H. RYLAND.

No. 31.
B. Hawes, Esq.
to
G. H. Ryland, Esq.,
30th Nov. 1848.

No. 31.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND, Esquire.

Sir,

Downing Street, 30th November 1848.

I HAVE laid before Earl Grey your letter of the 24th instant, intimating your intention to submit the subject of your claims to compensation for the loss of office in Canada to the consideration of Parliament, provided his Lordship did not object to such a course, and would grant his permission to you to lay before the House of Commons the correspondence connected with the case.

I have received Lord Grey's directions to state to you in reply, that in the event of either House of Parliament deeming it proper to address her Majesty for the production of the papers, they would of course be produced, but that his Lordship is not prepared to say whether, if a motion for such an address should be made, it would be assented to on the part of her Majesty's Government.

The course which the Government would in that case adopt must depend upon the grounds which may be urged for the production of these papers.

I have, &c.
(Signed) B. HAWES.

No. 32.
G. H. Ryland, Esq.
to
B. Hawes, Esq.
2d Dec. 1848.

No. 32.

LETTER from G. H. RYLAND, Esquire, to Mr. Under Secretary HAWES.

Sir,

Union Hotel, Cockspur Street, 2d December 1848.
(Received 4th December 1848.)

I HAVE the honour to acknowledge the receipt of your letter of the 30th ultimo, conveying the Secretary of State's reply to my letter of the 24th November, stating my intention, with his Lordship's permission, to submit the whole subject connected with the contract entered into between the representative of the Sovereign and myself in 1841 for the consideration of Parliament by an appeal to that tribunal; and I have now respectfully to request Earl Grey's consent to extend my leave of absence, which was for six months, from the end of August last to the first of May next, pledging myself at the same time to return

return to my official duties the instant the decision of Parliament shall have been had, and in the meantime to continue to provide for their efficient discharge during my absence.

I have, &c.
(Signed) G. H. RYLAND.

No. 33.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND, Esquire.

Sir,

Downing Street, 8th December 1848.

I AM directed by Earl Grey to acknowledge the receipt of your letter of the 2d instant, in which you apply for an extension of your leave of absence from Canada, for the purpose of submitting your case to the consideration of Parliament.

I am to acquaint you in reply, that as Lord Grey is not aware that there is any question connected with your case which calls for the decision of Parliament, and as it is at all events in your power to prepare a petition which could be presented after your departure, there would appear to be no reason for your remaining longer absent from the discharge of your duties in the colony; and I am therefore to express to you his Lordship's regret that it is not in his power to comply with your request on the grounds on which it is preferred.

I have, &c.
(Signed) B. HAWES.

No. 34.

LETTER from G. H. RYLAND, Esquire, to the Right Honourable Earl GREY.

My Lord,

Union Hotel, Cockspur Street, 14th December 1848.

I HAVE had the honour to receive from Mr. Under Secretary Hawes a letter dated 8th December 1848, conveying your reply to my application of the 2d instant, praying for a short extension of leave of absence, and I feel in consequence compelled again to address myself to your Lordship, in the hope that the circumstances I am about to bring under your notice will induce you to reconsider and reverse your present decision.

It is now, my Lord, *twenty-five years* since I last came to England, during which time I have never asked for or obtained one hour's leave of absence from Canada, and this fact would, I conceive, alone entitle me to at least a twelvemonth's leave, even if my object was merely pleasure or relaxation; but my present visit to England is connected with neither. I have been *compelled* to come home, at great personal loss and inconvenience, *by acts of her Majesty's Government* which have *brought ruin on my family and myself*; I have in fact crossed the Atlantic with a view, in the first instance, of an application to you for justice, and, failing in this, an appeal to Parliament.

In requesting your permission to adopt this latter course I disclaimed all wish to embarrass the Government, and conceived, that as you had distinctly admitted my right to the fulfilment of Lord Sydenham's contract with me, you would gladly consent to any step by which I proposed to obtain a measure of assistance which you felt it inconvenient to enforce. But I am told by Mr. Hawes "that your Lordship is not aware that there is any question connected with my case which calls for the decision of Parliament."

Permit me, my Lord, in reply, respectfully to state that the simple fact of an appeal from your decision argues a difference of opinion on this head which every Englishman has a right to entertain; and acknowledging, for argument's sake, that there is no question in my case, as your Lordship has been pleased to observe, which calls for the *decision of Parliament*, (which I am by no means prepared to do,) yet there may be, and in my humble apprehension there are, ample grounds for the *intervention of Parliament*, either by an expression of its opinion on the whole of the case or otherwise, which might lead to favourable results, without at all derogating from the authority of the office over which your Lordship presides.

No. 33.
B. Hawes, Esq.
to
G. H. Ryland, Esq.,
8th Dec. 1848.

No. 34.
G. H. Ryland, Esq.
to
Earl Grey,
14th Dec. 1848.

I am quite aware, as Mr. Hawes kindly informs me, that it would be in my power to propose a petition which could be presented to Parliament after my departure. I cannot, however, divest myself of the belief that the indifference which would naturally be inferred from so apparent an abandonment of my complaint would enable your Lordship in the one house, and Mr. Hawes in the other, with the views your Lordship entertains, to make short work of my memorial, by preventing the gentlemen undertaking to urge on in either house the prayer of my petition from obtaining the necessary answers and statements which your Lordship's or Mr. Hawes' explanations, or those of others, might call for, and which I alone could furnish.

I trust, therefore, that your Lordship will now see how disadvantageously the course suggested by your Lordship would operate upon my interests; and I pray your Lordship also to consider how unsatisfactory, to say the least, it will hereafter be to a nobleman of your Lordship's character for justice to feel that the ruin of a faithful servant of the Crown had been consummated by means of an ex-parte statement secured by the exercise of your official authority.

But moreover, my Lord, I am not without hope that the subject matter of my complaint will entitle me to be heard in person at *the bar of both houses*; for your Lordship will permit me to remind you that a public question as between Canada and the Home Government arises in my case, both having admitted my claim to indemnity, but both equally insisting on payment by the other; in a word, the question now is, whether the public purse of England or that of the colony is to contribute the means in discharge of my claim, and hence, therefore, the further necessity of my presence in England, when the questions involved come to be mooted.

And here, my Lord, I may be allowed further to say that my health has been seriously injured by the anxiety of mind I have for the last seven years been made to suffer; that my medical adviser has enjoined repose, and if possible a short sojourn to a milder climate, as the only means of restoring my shattered constitution. Were I then to cross the Atlantic at this inclement season, with a mind labouring under continual suspense and multiplied injustice, I feel that the consequences would be fatal; not that this would operate or weigh with me if I felt that the public service required me to be in Canada, but it cannot in any way be affected by my remaining nine instead of six months in England, inasmuch as the law provides for the registry office being carried on by deputy. I have besides given heavy securities for the discharge of my departmental duties. By the registry ordinance I am compelled at all times to have an efficient deputy, who is duly sworn in, and for whose correct fulfilment of official duties I and my securities are answerable; and moreover I nominated, at the suggestion of the Council, before leaving Canada, another deputy to act in the event of the death or sickness of the gentleman now in charge of the department.

Considering, therefore, that the office has hitherto been one of loss rather than emolument to me, that my presence in Canada as far as concerns the public service is unnecessary, and that I have been absent from England for a quarter of a century, under all these circumstances I trust your Lordship will not consider my present application for a trifling extension of leave unreasonable or improper, but that you will kindly extend to me the indulgence I respectfully solicit.

I have, &c.
(Signed) G. H. RYLAND.

No. 35.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND, Esquire.

Sir,

Downing Street, 20th December 1848.

I AM directed by Earl Grey to acknowledge the receipt of your letter of the 14th instant*, in which you renew your request for an extension of your leave of absence from Canada; and I am to acquaint you in reply, that if you had assigned the state of your health, or the necessity for some further relaxation from the duties of your office after so long a period of service, as the ground of your application for a prolonged leave, his Lordship would have felt no difficulty in acceding to your request in the first instance; but to have granted

it.

No. 35.

B. Hawes, Esq.
to
G. H. Ryland, Esq.,
20th Dec. 1848.

* Page 137.

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it on the grounds alleged by you would have involved an apparent sanction on his Lordship's part of an appeal to Parliament for which Lord Grey can see no sufficient reason.

Under the circumstances now stated by you, his Lordship has no hesitation in extending your leave of absence for the term you wish, an indulgence which the state of your health appears to require.

I have, &c.
(Signed) B. HAWES.

No. 36.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND, Esquire.

No. 36.
B. Hawes, Esq.
to
G. H. Ryland, Esq.,
26th April 1849.

Sir, Downing Street, 26th April 1849.
I AM directed by Earl Grey to acquaint you that your petition*, without date, having been forwarded by Lord John Russell to this department, has been laid before the Queen, and that her Majesty was pleased to receive it very graciously; but that, for the reasons communicated to you in the former correspondence, it was not in Lord Grey's power to advise her Majesty to do more than again refer the subject to the consideration of the Provincial Government.

* Page 107.

I have, &c.
(Signed) B. HAWES.

No. 37.

LETTER from G. H. RYLAND, Esquire, to B. HAWES, Esquire.

No. 37.
G. H. Ryland, Esq.
to
B. Hawes, Esq.,
27th April 1849.

Sir, 12, Maddox Street, Bond Street, 27th April 1849.
I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, wherein you are directed by Earl Grey to acquaint me, that the copy of my petition to Parliament which, as is customary, I had forwarded for Her Majesty, "had been laid before the Queen, and that her Majesty was pleased to receive it very graciously; but that for the reasons communicated to you in the former correspondence it was not in Lord Grey's power to advise her Majesty to do more than again refer the subject to the consideration of the Provincial Government."

As my case has now been, with the consent of Government, some days before Parliament, I am unwilling to believe that there exists on the part of the Secretary of State for the Colonies a desire to control or forestall the decision of Parliament on an appeal from an injured subject to them for justice; but conceiving that his Lordship, in the hurry of business, has been led to look upon the copy of the petition, furnished in the customary way for the Queen's information, as an ordinary application addressed to her Majesty alone, without reference to the other branches of the Government, I will take advantage of the opportunity which your letter affords me of touching upon those points at issue between the Secretary of State and myself.

On reference to the correspondence alluded to in your letter it will be seen that, though from a desire to comply with the wishes of her Majesty's ministers, and to carry out the views of the Secretary of State, I consented (to my ruin, as it has proved,) to follow up my claims in Canada till a solemn and final decision was arrived at by the local ministry, *approved of by her Majesty's representative, Lord Elgin*, repudiating on the part of the colony all participation in or liability arising out of the contract of which I claim the fulfilment, and concluding with the declaration on the part of the Governor and Council, "that it would, in their apprehension, establish a false and unconstitutional principle, and possibly create a danger of misunderstanding and disagreement which no feeling for individual disappointment or misfortune could justify them in incurring," yet I have from the first emphatically denied, and on this point the report of Council agrees with me, that my claim is on any party other than the Imperial Government, with whose agent I treated and consented to sur-

render an office conferred on me by the Sovereign in reward of my own and father's public services as officers of the empire during a period of eighty years. The salary attached to my office was not provided out of local funds, but out of revenues arising from imperial Acts of Parliament, subsequently doubly secured by the Act reuniting the Canadas.

At the time of that union I belonged to a class of officers who, by Lord John Russell's despatch of the 16th October 1839, were specially exempted from change. It follows, therefore, that Lord Sydenham, to whom *carte blanche* was given to secure the working of the great measure which had just then been resolved on by the national Senate, in contracting with me for the surrender of my office as a means necessary for that end, could not otherwise have considered (*et omne actum ab agentis intentione est judicandum*) that the guarantee was secured to me by the British Government, on whose behalf and as whose agent, in respect to all the means he might consider as necessary to the carrying out of the Union Act, he was. To suppose the reverse, or that he for a moment intended that the fulfilment of the guarantee should devolve on the Legislature of the province, who were no party to the agreement, is a supposition at variance with every principle of right thinking and of justice, for no law can compel a third party to pay for the act of another, unless you can establish the relationship of principal and agent. As regards the colony in my case *this cannot be done*, but as regards the metropolitan Government *the relationship is fully established* in a manner which no sophistry can shake. The principals here were the Imperial Parliament and Government of Great Britain; the agent, the representative of the Sovereign, carrying out their views under the immediate direction of the Secretary of State. Had Lord Sydenham acted in the capacity of a mere Governor of Canada, the arrangement with me would have been submitted to the local ministry, and formed part (which it does not do) of the proceedings of the Executive Council as established under the Act of the Union, whose claim to be consulted in every measure connected with the affairs of the province was from the putting into operation of the Act admitted, exercised, and recently confirmed by the fiat of the present Secretary of State.

As, therefore, the local Government were no party to the transaction between Lord Sydenham and myself, I need scarcely point to the events which are taking place in Canada as affording indisputable proof that the dominant power there, a party declaredly and individually hostile to me, are not so overflowing with the milk of human kindness and extreme attachment to the parent state as to abandon what they denominate fixed principles for the purpose of carrying out Lord Grey's views in opposition to their own, or to consent, with an exhausted exchequer, to the payment of a debt from provincial funds *which the legislative bodies of the country have solemnly, in an address to the Throne, declared to be due by the Imperial Government alone*, particularly as the latter have unconditionally surrendered to the province, without even a recommendation in my favour, not only the funds on which the salary of the office I consented to give up was charged, but that on which the pension I was declared entitled to might legitimately have been secured. And here I may be permitted to remark that had the British Government, on a consideration of the subject, really arrived at the conclusion that the provincial funds were answerable for the liquidation of claims arising out of a contract with their agent, my right to the fulfilment of which they had repeatedly acknowledged, they would surely have considered themselves bound, as the guardians of the national honour, to adopt so simple a precautionary measure in my behalf, before they abandoned all control over those funds. In neglecting to do this, they cannot plead ignorance, inasmuch as in my letter to Lord Grey of the 12th August 1846, I brought the matter in a special manner under their notice, particularly directing his Lordship's attention to the pension fund, then showing a large annual unappropriated amount.

I am sure, therefore, that a high honourable statesman like Lord Grey would be the last person, particularly after the gracious reception (as you inform me) by her Majesty of my petition, to exercise the authority with which his high official station vests him, to stifle inquiry on the part of Parliament, or to bar the only course now open to me for redress in England which he has been instrumental in placing beyond my reach in Canada, but that, on the contrary, he will take a pleasure in affording every facility to both Houses of Parliament,

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to enable them to come to an unprejudiced and final decision on the merits of a case involving the honour of the Crown, followed, if I am pronounced entitled to it, by a measure of immediate relief.

I shall, in conclusion, merely remark that on the result of the appeal which I am now making to the justice of all parties in the House of Commons, will in a great measure depend the faith and reliance which is hereafter to be placed upon the pledges of the Crown in her Majesty's North American colonies. And until that high tribunal to which I have appealed shall declare that a solemn contract, such as the one which was entered into with me on public grounds by the representative of the Sovereign, is worthless and unbinding on the nation on whose behalf and name it took place, and that a public servant can lawfully be inveigled out of his property by a person in authority representing the Sovereign whose powers it is incompetent in him to examine or call in question, I will not cease to hope for that justice which a British subject who has been injured by the acts of his Government rarely sues to the representatives of the people in vain.

I have, &c.
(Signed) G. H. RYLAND.

No. 38.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND, Esquire.

Sir,

Downing Street, 3d May 1849.

I AM directed by Earl Grey to acknowledge the receipt of your letter of the 27th ultimo, and to acquaint you, in reply, that the petition* to which my letter of the 26th ultimo referred was one addressed to the Queen, and transmitted to his Lordship by Lord John Russell; and that Lord Grey has not received any petition or copy of a petition from you to either House of Parliament.

I have, &c.
(Signed) B. HAWES.

No. 38.
B. Hawes, Esq.
to
G. H. Ryland, Esq.
3d May 1849.

* Page 107.

No. 39.

LETTER from M. Under Secretary HAWES to G. H. RYLAND, Esquire.

Sir,

Downing Street, 16th May 1849.

I AM directed by Earl Grey to acknowledge the receipt of a farther letter from you, of the 5th of this month*, on the subject of your petition to Parliament. Lord Grey sincerely regrets the painful circumstances under which your communication is made; but it is impossible for him to take any other steps respecting your case than those which, after full consideration, he has already signified to you his readiness to adopt. I am directed, however, to repeat his assurance, that he had no intention whatever of preventing or delaying the presentation of your petition to Parliament; and to observe that, in fact, it appears by your letter and its enclosure, that your petition has been presented to the House of Commons, and has been printed by order of the house.

I have, &c.
(Signed) B. HAWES.

No. 39.
B. Hawes, Esq.
to
G. H. Ryland, Esq.
16th May 1849.

* Page 111.

No. 40.

LETTER from G. H. RYLAND, Esquire, to the Right Hon. EARL GREY.

My Lord,

12, Maddox Street, Bond Street, 8th May 1849.

BEING now, through the kindness of Sir James Kempt, freed from the unjust and insulting restraint I lately suffered, I am enabled to substitute a written* copy of my petition to Parliament for the printed one I had the honour of forwarding to you on Saturday last.

I have, &c.
(Signed) G. H. RYLAND.

No. 40.
G. H. Ryland, Esq.
to
the Right Hon.
Earl Grey,
8th May 1849.

* Vide Petition, 6th April 1849, page 331 Parliamentary Papers. "Appendix to 31st Report on Public Petitions."

No. 41.

B. Hawes, Esq.

to

G. H. Ryland, Esq.
22d May 1849.

No. 41.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND, Esquire.

Sir,

Downing Street, 22d May 1849.

I AM directed by Earl Grey to acknowledge the receipt of your letter of the 8th instant, enclosing a manuscript copy of your petition to the House of Commons.

I have, &c.
(Signed) B. HAWES.

No. 42.

G. H. Ryland, Esq.

to

the Right Hon.
Earl Grey,
26th May 1849.

No. 42.

LETTER from G. H. RYLAND, Esquire, to the Right Hon. Earl Grey.

My Lord,

12, Maddox Street, Bond Street, 26th May 1849.

I THINK it my duty to address your Lordship, in answer to Mr. Under Secretary Hawes's letter of the 16th instant*, respecting your Lordship's offer again to recommend my claims to the local Government of Canada.

Were I, my Lord, the subject of a foreign power instead of a subject of Her Majesty the Queen of England, or had I treated with an ordinary Governor of Canada after the introduction of responsible government there, upon the advice of his constitutional advisers, instead of with the Imperial Government and Parliament through their agent, Lord Sydenham, the course suggested by Mr. Hawes might be a very proper one, and indeed perhaps all that in strict justice I could demand of your Lordship. But, my Lord, such is not the case. I am a servant and subject of Her Majesty, and as such under your special protection. I treated with the imperial agent; and, for imperial purposes alone, consented to give up an appointment paid out of funds raised and appropriated under an imperial Act of Parliament; and though I subsequently consented, to my utter ruin as it has proved, to follow out your Lordship's views, and press my claim on the local Government, against my own opinion, and that of high legal authorities whom I consulted on the subject, this has not lessened my hold on the Imperial Government, but, on the contrary, should have the effect of increasing my claim on your Lordship's justice, particularly when you call to mind that the Government of this country, during the period that I was thus following up your views, unconditionally resigned all control over those funds which they had previously declared to be applicable to my payment.

My Lord, to originate and carry out a comprehensive system of government in a colony is befitting an enlightened minister of a great country; but to follow up an abstract and doubtful principle, at a sacrifice of those fundamental principles of government on which the integrity of a nation is maintained, at the expense of a faithful and confiding public servant, who has been instrumental in enabling the Crown to carry out a pet measure of the national Senate, having for its object the union of two important provinces under a new and experimental system of government, is neither consistent with your Lordship's magnanimous and honourable character or with the practice and proverbial justice of the British empire.

I can very well understand how, having many matters of great public importance on your mind, that with every wish to render impartial justice to all, yet on some occasions particular points in a case of vital importance to the party concerned may escape your notice, which otherwise would give a very different aspect to affairs, and lead to conclusions opposite to what under a more restricted view your Lordship might arrive at. All men, my Lord, are prone to errors of judgment; the only difference is, that the weak and wicked having once done wrong refuse to set themselves right, and persist in error; whereas the great and noble minded, like your Lordship, having done wrong, and seeing their error, at once proceed to set themselves right.

Now, my Lord, I would respectfully observe, that in the present instance your Lordship has taken a contracted and erroneous view of my case, looking upon it as merely the claim of a colonial officer, dating from the union of the Canadas, and overlooking the important fact that the office I surrendered had been given me in reward of upwards of *twenty years previous service on my*

own

* Page 141.

own part and *fifty-nine* years of public service rendered by my father to the *empire*, dating from the period that he entered the public service, during the first American war, as Assistant Paymaster General in charge of General Burgoyne's and Lord Cornwallis's armies, and whose services then and afterwards were of a nature to elicit the public acknowledgment and thanks of Lord Camden, Earl Liverpool, and Mr. Canning. To deprive me, therefore, of the Sovereign's reward for these united services and claims on the empire, of the position which I held at the time of the union, and of the money which in good faith I have advanced for the public service, merely because I consented to an arrangement to facilitate the measures of the representative of the Queen, giving effect to an Act of the Imperial Parliament, would be as unjust a proceeding as it would be were the officers who have lately been rewarded for their gallant conduct in India to be hereafter deprived of their well-earned distinctions in the event of their being engaged elsewhere in a less successful affair, or that the officers who fought at Chilianwallah should be deprived of their Waterloo medals and pensions granted for wounds on that occasion, and referred to Shere Singh for compensation. This, my Lord, I maintain is a fair illustration of my case, were I deprived on account of my compliance with the views of Her Majesty's Government of the reward bestowed on me for previous services to the Crown, and turned over to the responsible bankrupt Government of Canada, with whom I have nothing to do, for compensation.

Under these circumstances, therefore, I trust, as my case is now with your Lordship's consent before Parliament, and my claim admitted by both Governments to be a just claim on some party or other, that you will sanction its being discussed on Friday next, the day on which Mr. Walpole has given notice of a motion to that effect, upon its merits; not as a party question, not as a petition containing anything like a complaint against constituted authorities, but as an open question, *and an appeal to the justice of all parties in the house*. And, my Lord, setting aside the equity of my claim, and treating the measure of payment by the Imperial Government as a mere matter of policy, I would respectfully submit, whether an act of simple justice like this, in behalf of one whose family's public services are so generally known and admitted, might not have the effect of allaying the growing feeling in Canada, that the sympathies and favour of Her Majesty's Government here are exclusively enlisted in behalf of one class only of Her subjects in that province, and thus help to restore that confidence in the faith and honour of the British Crown without which the relationship between the two countries cannot be maintained with benefit to either. I throw out this suggestion, not for the purpose of bolstering up a claim on which there can be any doubt, but merely to show that in this particular case justice and policy point the same way in removing what Lord Metcalfe, in taking leave of his council before his departure from Canada, declared, if not fairly met and disposed of by some party, would prove a stumblingblock and source of irritation to each succeeding administration, reflecting discredit upon both Governments.

I have, &c.

(Signed) G. H. RYLAND.

No. 43.

COPY of a LETTER from Mr. Under Secretary HAWES to G. H. RYLAND, Esquire.

Sir,

Downing Street, 1st June 1849.

I AM directed by Earl Grey to acknowledge the receipt of your further letter, dated the 26th ultimo*, on the subject of your claims to compensation for the loss of emolument, which you allege yourself to have sustained in consequence of your transference from the office of registrar and clerk of the Executive Council of Lower Canada to that of registrar for the county of Montreal.

I have, &c.

(Signed) B. HAWES.

No. 43.

B. Hawes, Esq.
to
G. H. Ryland, Esq.
1st June 1849.

* Page 142.

No. 44.
G. H. Ryland, Esq.
to
B. Hawes, Esq.
9th June 1849.

No. 44.

LETTER from G. H. RYLAND, Esquire, to Mr. Under Secretary HAWES.

Sir,

12, Maddox Street, Bond Street, 9th June 1849.

BEFORE any further steps are taken in either Houses of Parliament, I shall feel much honoured if Earl Grey will, at his convenience, allow me a short interview, as I am convinced from his Lordship's speech on the reception of my petition yesterday, that he has every desire to do me justice, and a very brief personal explanation will, I have no doubt, remove from his Lordship's mind the erroneous impression that I, equally with my successor in Quebec, could have realized an income, which that gentleman owes to fortuitous circumstances and my previous labours, coupled with an indulgence granted by the Government which was refused to me.

I have, &c.

(Signed) G. H. RYLAND.

No. 45.
B. Hawes, Esq.
to
G. H. Ryland, Esq.
12th June 1849.

No. 45.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND, Esquire.

Sir,

Downing Street, 12th June 1849.

I HAVE laid before Earl Grey your Letter of the 9th instant, requesting an interview with his Lordship, in order to explain certain points connected with your petition to the House of Lords; and I am to acquaint you, in reply, that his Lordship can see no advantage in a personal communication on the subject of your claim, which he considers to be one for the exclusive consideration and decision of the Canadian Government, and that, as his Lordship is much engaged at present, he must beg to be excused complying with your request.

I have, &c.

(Signed) B. HAWES.

No. 46.
G. H. Ryland, Esq.
to
Earl Grey.
11th June 1849.

No. 46.

LETTER from G. H. RYLAND, Esquire, to the Right Hon. Earl GREY.

My Lord,

12, Maddox Street, Bond Street, 11th June 1849.

I WROTE a note to Mr. Under Secretary Hawes on Saturday, requesting he would solicit your Lordship to grant me the honour of a short interview; but as the numerous and important matters which must at this moment engross your Lordship's attention may render this inconvenient, I trust I am not taking too great a liberty if I respectfully request your perusal of the enclosed memorandum, which will, I think, satisfactorily prove to your Lordship how utterly impossible it was for me, consistently with the proper discharge of my duty to the public, to realize anything like the income which my successor, owing to fortuitous circumstances and my labours, is now enabled to report.

On reference to the *11th section of the registry ordinance your Lordship will perceive that the appointment of an efficient deputy, whose oath of office is recorded with the clerks of the peace, is imperative on the registrar; and as he or his deputy can alone administer the oath to a witness to the discharge of a mortgage, great inconvenience and loss might be occasioned parties if in case of the sudden illness, death, or absence of the principal there was no person on the spot duly qualified to perform this essential duty. And here, my Lord, I may mention that the only difficulty which was raised to my coming home was the possibility of my deputy's death or sickness; for though the Government *can appoint a registrar, the deputy under the Act can only be appointed by the registrar himself*. In conclusion, my Lord, I trust you will allow me to correct an error into which, from your statement in the House of Lords on Friday, you appear to have been led, and which is calculated to injure me in the public opinion, a result which I am sure your Lordship never contemplated, or under any circumstances could desire; I allude to the declaration that I had never furnished any account of receipts and disbursements. Now, my Lord, on reference to the first correspondence printed by order of the House of Assembly, you will see the account rendered

* See subsequent Letter on this Point, 13th June 1849, Page 148.

dered on the 1st January 1843, supported by vouchers, and showing a balance of disbursements over receipts amounting to 281l. 16s. 0½d. From that period I continued to furnish my accounts *quarterly*, giving Mr. Cremazie, the Commissioner appointed to examine into my office, free access to all my books and accounts, the latter of which were before the Select Committee appointed by the Assembly to report on my petition, and are doubtless still in the hands of the Clerk of the House; the results are also given in the last papers printed during the session of 1847, on the 9th of April of which year, pursuant to the Governor General's orders contained in the Provincial Secretary's letter, of which I enclose a copy, the whole of my receipts and payments were laid before the Council.

Page 147.

It is true that I have never rendered a return for the Blue Book which is annually sent home, because, instead of having an income to report, I had an unsatisfied claim to advocate.

Such, my Lord, being the case, and as in Canada the shadow of a doubt as to the correctness of my accounts, which were in a manner before the public, never was or could be entertained,—though the Committee of Council found fault with my disbursements, caused by circumstances which they had overlooked,—I trust your Lordship will do me justice on this head, and believe that there has been no defect on my part, either in the discharge of my official duty, or in withholding from the Government any information they might require.

I have, &c.
G. H. RYLAND.

Enclosure 1. in No. 46.

Encl. 1. in No. 46.

Memorandum.

At the time Mr. Ryland took upon him the duties of Registrar of the District of Quebec he opened the office with an establishment graduated on a scale sanctioned by Lord Sydenham, on which, in fact, the agreement with Mr. Ryland was based.*

The object of the Registry Ordinance was to bring to light all secret incumbrances on property, with a view to the introduction of British capital into the country. A certain period was fixed by the statute, within which it was required that all titles to real estate, deeds and instruments carrying mortgage, should be deposited for registration. This period was extended from time to time, and finally determined about six weeks previous to Mr. Ryland's transfer to Montreal; and till the deposit of the *old deeds* was completed, it was not only necessary to keep up the establishment upon the footing on which the office was opened, but occasionally to *augment its numerical strength*; for, owing to the greater part of the instruments being of a very *ancient* description, and having been kept in damp vaults were nearly *illegible*, the work proceeded slowly, and to keep it up it was requisite to employ writers during the night as well as the day. Now it must be borne in mind, that this was a *new*, important, and most *complicated law*, many of the provisions of which the *Bar* declared themselves unable to comprehend.

Mr. Ryland was selected to put this law in force in Quebec; and Mr. Dowling, Lord Sydenham's *legal adviser*, whom the Government of this country had sent out to his Lordship's assistance, was selected for the same purpose in Montreal.†

All the registrars in the lower part of the province fell back on Mr. Ryland for information and assistance in carrying on their offices, which he willingly granted, furnishing the forms in use to this day. Under these circumstances it could not be expected, nor was it contemplated, that Mr. Ryland, who was under heavy securities, could be called on to perform the mechanical part of the labours of his own department, his time being taken up in *superintending and certifying* the work,—a measure *necessary for the public security*.

During the week previous to the expiration of the period for depositing old deeds these instruments were poured into the office in masses, by individuals who had neglected or failed to do so before, in the hope of a further extension of time. It was *imperative on Mr. Ryland* to receive them; and as it was impossible to examine their contents, a greater part were lodged without the payment of fees, or with small deposits, the balances of which are to this day, and will for ever remain, unpaid. Upon Mr. Ryland's transfer immediately after this period to Montreal, it was resolved that *the whole of this work*, which required the *superintendence of the Registrar or his deputy*, should be performed by him. It

* See Memorandum dated 22d August 1841.

† From the perfect state in which Mr. Ryland left the Quebec office his successor is now enabled to derive a considerable income from *searches alone*. From opposite causes, however, Mr. Ryland can derive no income from *this source* in the Montreal office, which was left by his predecessor in a state which will cost the province 3,000l. to remodel it.

occupied thirteen clerks for eighteen months, for the payment of some of whom Mr. Ryland's property is now seized by the Queen's Sheriff of Quebec. Mr. Ryland at the same time was required to superintend, in person or by deputy, the perfecting, and it may be said in a manner to legalize, a mass of some thousands of deeds which had been deposited during the time of his predecessor in Montreal, on which the fees had been received, but none of the requirements of the law performed.*

Thus Mr. Ryland was compelled to keep up two expensive establishments at his own cost; whilst his successor in Quebec, having nothing but the current work to perform, was enabled with a small establishment securely, or with scarcely any responsibility, to carry on the department, beginning de novo with a fresh set of books and numbers, and having the advantage of Mr. Ryland's previous labours, and the perfect system of registration introduced by him, to fall back upon for information and searches.† And here it may be observed that Mr. Ryland was the only registrar who kept up an *Index to Estates*, a troublesome and very expensive work required by the law, but at the same time the most essential book in the office, and which has been a source of considerable official emolument to his successor ‡, inasmuch as at the period of Mr. Ryland's transfer to Montreal the two great fires of May and June 1845 occurred in Quebec, consuming both of the suburbs, and indeed the whole of the town outside of the fortifications, and with them the Notary's offices, containing a great portion of the original title deeds and mortgages relating to the principal properties in the district, and obliging parties desirous of identifying their lots in the burnt districts, or wishing to purchase, to sell, or to rebuild, to have recourse to the Registry Office for information, entailing expensive searches, which could only be obtained by means of the work performed by Mr. Ryland, and principally contained in the *Index of Estates*. § And as the town is rapidly rebuilding, causing the enregistration of a vast amount of notarial contracts, his successor is now enabled, without any great increase of his official establishment, to realize a handsome income; whilst Mr. Ryland, from opposite causes, arising from the imperfect manner in which his predecessor conducted the office in Montreal, and from the want of an index to estates, or even an index to names that can be depended on, is unable to realize anything like an income, and yet is obliged, from the causes above mentioned, to keep up a larger establishment than the current work would otherwise warrant. But this is not all of which Mr. Ryland thinks he may justly complain; for though the law enacts that every registrar shall have an efficient deputy, his successor, notwithstanding the representations to the contrary, is allowed to have a nominal deputy, who holds an office and resides in Montreal, 200 miles distant ||; finding also the *Index to Estates* an expensive affair he no longer keeps it up, trusting entirely to the one prepared by Mr. Ryland; and, finally, he has received from Government, since the day of his appointment, a public office free of expense, whilst Mr. Ryland was obliged to provide one at his own cost. Thus whilst the latter, who has strictly and conscientiously discharged his official duty with fidelity to the public, and fulfilled his share of a contract under which he resigned, on public grounds and to promote the views of the Imperial Government, an office of 1,030*l.* per annum, has been deprived of his property and reduced to ruin; his successor, on the contrary, in Quebec, as will be seen by the official returns in the Colonial Office, i. e. the Blue Book, has, owing to the indulgence of Government, together with the fortuitous circumstance of the fires above mentioned, and his own evasion of the law under which he holds office, been enabled to realize an income of 500*l.* per annum. These facts, Mr. Ryland respectfully maintains, increases his claim on the liberality and justice of the British Government, particularly when it is called to mind that the district office which he received under his contract with Lord Sydenham was taken away from him before he could derive the benefit it was intended he should receive as an equivalent for the loss of half of his income ¶, and but for which it cannot be supposed that with the admitted right to retire on a pension of 515*l.* per annum, paid quarterly, he would have consented to resign a high and confidential office of 1,030*l.*, paid in the same way, for one of lower grade and greater responsibility, entailing advances of money from his private resources and manual labour, which he was not called upon to perform in the other, with an income of half that amount only to be paid in the most unsatisfactory manner, viz. through the medium of fees, the exaction of each separate

* See Mr. Ryland's application calling on the Assembly to institute inquiry and examination, marked F.

† See Mr. Cremazie's Report.

‡ The increase in the income of Mr. Ryland's successor, after the first year, as stated by Earl Grey, and during the two last years, is proof of the correctness of this remark.

§ The average number of contracts consequent on each building requiring registration is about four,—mason, carpenter, plasterer, and shingler,—which, at 6*s.* each, would give the Registrar on each building 1*l.* 4*s.* besides the search fee.

|| The requirements of the Act relative to the appointment of an efficient deputy are positive. See Registry Act.

¶ The saving which accrued to the Government by the change in the Act, which, among other things, did away with the necessity of enregistering seigniorial dues, such as arrears of cens et rentes and lods et ventes, amounted, as will be seen by the Reports of the Inspector General of the Queen's Domain and Commissioner of the Jesuits Estates, which accompanied Mr. Ryland's first year's account of receipts and disbursements, given in on the 1st of January 1843 (and followed up by quarterly accounts to 1st July 1847), to 3,000*l.*, which saving was at the expense of Mr. Ryland, as effected by a violation of Lord Sydenham's contract with him.

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amount of which carried with it something like a sense of humiliation and shame, particularly when the individual paying belonged to the humbler class of life, as the greater part did.

Enclosure 2. in No. 46.

Encl. 2. in No. 46.

Sir,

Secretary's Office, Montreal, 9th April 1847.

With reference to my letter to you of the 31st ultimo, and to your reply of the 2d instant, I have the honour, by command of the Governor General, to request that you will be good enough to furnish me, in addition to the information already furnished by your letter, with a return of the fees for searches made in your office (whether paid for or due) from the date of your appointment to the 31st December last, and also of all fees for certificates and other emoluments arising from your office.

I have, &c.

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

(Signed) D. DALY, Secretary.

Enclosure 3. in No. 46.

Encl. 3. in No. 46.

To the Honourable the Legislative Assembly in Provincial Parliament assembled.

The Petition of George Herman Ryland, Esquire,

Respectfully sheweth,

That your petitioner succeeded E. Dowling, Esquire, in his lifetime Registrar of Montreal, in July 1845.

That neither that officer or the person in charge after his decease appear to have conducted the business of the department in the manner prescribed by law, but on the contrary omitted many important particulars.

That no Index to Estates having been kept, the principal object of the law (viz. to show the special mortgages on property) is defeated.

That no verification of the entries in the registers, not even by *the initials* of any person whatever, having been made, the time of registration is rendered a matter of doubt and uncertainty; to add to which, the writing in most cases is so illegible it cannot be deciphered.

That the Index to Names is erroneous in many instances, there being numerous omissions and substitutions of one party's name for that of another.

That the Minute or Day Book is found to be seriously erroneous, making it appear in some instances that parties are indebted to the extent of thousands of pounds, when in fact they only owe a few hundreds; and the numbers of the documents have been in many cases altered; neither is there any means of ascertaining whether the present numbers are the correct ones or not, as it is acknowledged that documents were never compared with the entries in the books prior to delivery.

That the time in the Minute Book also is erroneous, as it jumps, in some places, months at a leap, in others, runs from the seventeenth day to the fifteenth day, and then to nineteenth day of the month.

That some of the entries in the registers have names appended as notaries of persons who never were such; and it is impossible to discover before whom the documents were passed. Most of the Registers are not properly paged, but sadly blundered, with many blanks and discrepancies. In fact, such is the state of the old registration, that no information derived therefrom can be depended upon.

With reference to the office in Quebec, *the inspector went minutely into the examination of it, inspecting every entry, document by document, a work of many weeks duration, without finding one single error or omission in the entries, and no erasures or interlineations in the Minute Book, or discrepancies in date; the correctness of these books thus enabling the present Registrar to make searches and references with facility and security to himself and the public, which cannot be done in the Montreal office without a total recasting of the entire work thereof.*

At the period of your petitioner's taking possession of the office he found a mass of several thousand deeds, without date, numbers, or means of ascertaining when they were deposited for registration.

That on ascertaining this fact, as also the difficulties and dangers to which the public were exposed, your petitioner communicated the same to the then Attorney General, Mr. Smith, in the presence of another registrar, and notaries summoned as witnesses on the occasion.

That the Attorney General, at the instance of your petitioner, personally inspected the state of the archives without any result.

Your petitioner therefore has, from a due regard for the public interest, deemed it fitting to call the attention of your Honourable House to the foregoing statement, to the end that your Honourable House may take such measures for the security of the public in the premises as in your wisdom you may judge fit.

Montreal, 5th June 1847.

(Signed) G. H. RYLAND.

No. 47.
G. H. Ryland, Esq.
to
Earl Grey,
13th June 1849.

No. 47.

G. H. RYLAND, Esquire, to the Right Hon. EARL GREY.

My Lord,

12, Maddox Street, Bond Street, 13th June 1849.

* Page 144.

Enclosure 1.

HAVING quoted* the section of the Registry Ordinance relative to the appointment of a deputy registrar from memory, I fear I gave the wrong section, and therefore take the liberty of sending your Lordship a correct extract, in order the more fully to prove how undeserving I was of the implied censure contained in your declaration on Friday last. And here, my Lord, I would respectfully put it to your Lordship, whether it is at all probable that a gentleman of family and liberal education holding one of the highest offices, and in fact what was considered the best office, in the colony, given to him in reward of his father's and his own public services, with an admission from the Queen's representative that he might have retained it or retired on a pension of 515*l.* per annum, would have been requested to surrender his appointment for one of lower grade, requiring him to act as a common scribe, with an income only in amount equal to what he was entitled to as a retirement; or whether, on the other hand, it is not possible that Lord Sydenham, independent of his desire to reconstruct the Council department, was influenced in his selection of the legal adviser sent out to him by this Government and myself to put into operation in the two principal districts an important and complicated law, obnoxious to the French part of the population, by his confidence in our ability to comprehend, perfect, and carry out a new system, affecting the interests of every landed proprietor in the country, for which important service he intended that we should be fully and adequately remunerated. Of the relative manner in which Mr. Dowling and I carried out the law, the article contained in the enclosed newspaper, and written, I am informed, by a man of great legal acquirements, and fully capable of forming an opinion on the subject, will, I think, afford your Lordship proof; and I must confess, that when I appealed to you for justice, I was in hopes that I should have been considered worthy of praise rather than censure, for having, under most trying circumstances and at a ruinous loss, strictly and conscientiously performed my duty to the Government and the public.

I have, &c.

G. H. RYLAND.

Encl. 1. in No. 47.

Enclosure 1. in No. 47.

REGISTRY ORDINANCE.

Section VI. "And be it further ordained and enacted, That it shall be lawful for each registrar appointed under this Act, and he is hereby required, within twenty days after he shall have taken the oath of office, to appoint a sufficient deputy *for the discharge of the duties of his office*; and in the event of the death of any such deputy registrar, it shall be incumbent on his principal to appoint another deputy in his place within twenty days after the death of such deputy shall occur; and if any such registrar shall neglect to appoint a deputy registrar as herein is prescribed, he shall *forfeit 5*l.* current money of this province for each and every day during which he shall have neglected to make such appointment, which penalty shall and may be recovered in any court of record in this province, one half thereof to be paid to her Majesty and her heirs, and the other half thereof to the informer.*"

Encl. 2. in No. 47.

Enclosure 2. in No. 47.

EXTRACT from "L'Ami de la Religion et de la Patrie," dated 27th February 1848.

[The Commissioner was appointed at Mr. Ryland's request, and the party influence which was brought to bear upon him shows what little chance he has of justice in Canada.]

M. RYLAND ET LE BUREAU D'ENREGISTREMENT DE MONTREAL.

Les journaux annoncent qu'une enquête se fait maintenant pour constater l'état du bureau d'enregistrement du comté de Montréal, par suite de plaintes nombreuses portées contre le fonctionnaire actuel, M. Ryland. Nous n'avons vu qu'en passant, peu de temps après la mort de M. Dowling, premier régistrateur, le bureau d'enregistrement de ce comté qui était dans le plus mauvais état possible.

Nous avons eu occasion de visiter minutieusement le bureau de Québec peu de temps avant que M. Ryland ait résigné l'office de régistrateur de ce comté, et nous avons trouvé ce bureau dans un ordre parfait qui faisait honneur à M. Ryland et à son habile et intelligent député M. Weston.

Si donc, le bureau de Montréal est en mauvais ordre, la faute en est due au prédécesseur de M. Ryland; et nous savons qu'avec toute l'habileté, l'intelligence possible, il est impossible de débrouiller le cahos que M. Dowling a laissé à son successeur.

Un journal dit, "M. Ryland devait avertir l'exécutif de l'état dans lequel son prédécesseur avait laissé le bureau." Qui a dit à ce journal que M. Ryland n'a pas donné cette information à l'administration d'alors? Ce journal peut-il constater que l'information donnée par M. Ryland n'a pas eu le sort de celle donnée à notre connaissance, il y a plus de trois ans, à la ci-devant administration, relativement à un bureau d'enregistrement, du district de Québec: information qui a eu pour effet de métamorphoser en juge l'officier chargé de la tenue de ce bureau! Nous ne connaissons M. Ryland que très indifféremment; néanmoins, nous avons cru en justice pour ce monsieur et son député, devoir faire les remarques qui précèdent appuyées sur des faits dont nous avons une connaissance personnelle.

L'administration fait très bien de faire une enquête sur l'état du bureau d'enregistrement de Montréal; elle ne fait que remplir un devoir envers le public. Mais une enquête seule ne suffira pas pour mettre de l'ordre dans le tohu bohu créé par M. Dowling. Il faudra à ce sujet quelque dispositions législatives, qui souleveront de grandes difficultés.

Le *Pilot* dit que M. Drolet (Charles) a été chargé de faire une enquête sur l'état du bureau d'enregistrement du comté de Montréal, et qu'il a fait un *rapport admirable* sur ce sujet. Le même journal annonce qu'un ordre pour mépris de cour a été prononcé contre le propriétaire du *Transcript*.

No. 48.

LETTER from Mr. Under Secretary HAWES to G. H. RYLAND Esquire.

No. 48.
B. Hawes, Esq.
to
G. H. Ryland, Esq.
21st June 1849.

Sir,

21st June 1849.

I am directed by Earl Grey to acknowledge the receipt of your letter of the 13th instant, accompanied by an extract from the Registry Ordinance of Canada, relative to the appointment of a Deputy Registrar.

I have, &c.

(Signed) B. HAWES.
