

I am desired to acquaint you that no such communication as the previous letter from you of the 18th of March,* to which you refer, is on record as having been received at this department. I am to state that this, however, is immaterial, since, for the reasons already communicated to you, the Duke of Newcastle has come definitively to the conclusion that your case is one which can only be properly considered by the Provincial Government, and I am directed to inform you that his Grace must therefore wholly decline to enter into any further discussion of it with you in this country.

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I am, &c.
(signed) *F. Peel.*

— No. 14. —

COPY of a LETTER from *F. J. Cheshire, Esq.* to *Frederick Peel, Esq., M.P.*

No. 14.
F. J. Cheshire,
Esq., to F. Peel,
Esq., M.P.
18 April 1853.

Cambridge Villa, Norfolk-road,
18 April 1853.

Sir,

I HAVE to acknowledge yours of 15th, in reply to mine of 8th, referring to unanswered letter of 18th ultimo, with the request to be furnished with certain documents preparatory to an audience fixed for 21st ultimo. You are "desired to acquaint me that no such communication is on record as having been received at this department;" and you further say, "I am to state, however, that this is immaterial, &c.," and that "case is one which can only be properly considered by the Provincial Legislature."

I am of opinion that it is "material" for inquiry, as to such letter safely delivered at the Colonial Office not being recorded, the more especially as the original one of 21st ultimo, sent in duplicate with yours of 5th instant, I am well assured was not delivered to this address.

As to the "case being one for the consideration of the Provincial Government," need I, sir, again refer Her Majesty's Government to the decision of the President of the Executive Council, the Hon. Mr. Merritt and the Hon. Mr. Baldwin, Attorney-general, West, given to a deputation from the settlers in Montreal in 1849, that the case was one "under the management of the Home Government." Should that document be "on record," it will be sufficient reply to this point. And if not on record, why not. It was acknowledged by B. Hawes to Lord Dudley Stuart on the 14th January 1850; and further, sir, have you not on "record" the proceedings of the Provincial Legislature for 2d August 1851, when Hon. Francis Hincks, the Premier of Canada, resisted any interference of the "Provincial Legislature," on the ground that all matters connected with Indians or Indian lands, were under the control of the Imperial Government.

Are these lands Crown lands? or are they Indian lands? If the former, I grant that they are under the control of the "Provincial Legislature." But, says Messrs. Merritt, Baldwin, and Hincks, they are Indian lands, and so say Lord Elgin and Colonel Bruce. Your letters of 26th February also fixes these lands as "on the Indian reserve," and it must be quite needless for me to argue that department, whose interests are all watched over, whose officers are all Imperial appointments, cannot be under control of the Provincial Legislature no more than the troops and commissariat department. Under these circumstances I have to direct your particular attention to the subjoined duplicate of my still unanswered communication of 18th March last,* and deprecating, as I think I have just cause to do, the serious detention I have experienced since 10th of January last, when certain very clear and distinct arrangements were entered into with Lord Dudley Stuart, none of which have been carried out, excepting my own action thereupon.

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I remain, &c.
(signed) *Frederick John Cheshire.*