

No 18.
Despatch from
Mr. Sec. S. Rice
to Lord Aylmer,
29 October 1834.

will require a surrender of an equivalent portion of his own lands. The reasons on which this step is founded appear to me, after giving due consideration to Mr. Felton's statement, so obvious and incontrovertible, that I desire to receive no reference home on the subject. You will acquaint Mr. Felton that the demand is one with which I expect his immediate compliance.

The foregoing part of this despatch contains the communication which I wish to be made to Mr. Felton. To your Lordship I must add, that if he declines to obey the requisition which I have felt authorized to make upon him, it will be your duty to dispense with Mr. Felton's further services, and to provide in such manner as you most conveniently can for the discharge of his duties until a successor can be appointed by me. Your Lordship will also, in that case, take the opinion of the law officers of the government on the question, whether there is any legal process by which the right of the Crown to this land could be effectually asserted in a court of justice. Without meaning to express or suggest a positive conclusion on that subject, I should yet wish it to be well considered, whether a grant so unadvisedly made in favour of the family of a public officer, himself in charge of a large branch of the Crown land revenues, and upon an apparent mistake on the part of the King's Attorney-general can be valid as against His Majesty. Your Lordship is aware that for the protection of the public revenue, royal grants of this nature are liable to be revoked in this country, on grounds which would be inapplicable to the case of a private grant. To what extent this principle may have been adopted in the law of Lower Canada, is a question which I cannot undertake to resolve on any legal authority which I can consult in this country.

It is not without great pain that I contemplate the alternative which I have now mentioned, to which I trust your Lordship will not have need to resort. But your Lordship will have the goodness not to impart to Mr. Felton these conditional instructions; for I am anxious, on the one hand, not to obtain a cession of property by any proceeding which could be construed into a menace, nor, on the other hand, am I ready to become pledged that even if Mr. Felton does make the required surrender, I shall on that account abstain from any ulterior mark of displeasure.

Viewing Mr. Felton's want of connexion with the preparation of instruments for the conveyance of land, and, consequently, his perfect freedom from any imputation of wilful falsification of documents in the present case, I trust that I may not feel called upon to advise his removal on account of his too easy acquiescence in an error committed in his favour; but the question admits of doubt, and I am unwilling to preclude myself from further consideration of the subject.

I have marked this despatch "confidential," because, as the transaction to which it relates is one that required me to comment very freely the topics of personal character and motives, I do not wish that it should needlessly or accidentally become public. The communication, however, is perfectly official, and, if rendered desirable by any future circumstances, I have no objection to its being regarded in that light.

I have, &c.
(signed) *T. Spring Rice.*

— No. 19. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

No. 19.
Despatch from
Lord *Glenelg* to
Earl of *Gosford*,
23 February 1836.

My Lord, Downing-street, 23d Feb. 1836.
My attention has recently been directed to a despatch addressed to Lord Aylmer, on the 29th October 1834, by my predecessor in this office, Mr. Spring Rice, on the subject of the large quantity of land which had been obtained by Mr. Felton, the Commissioner of Crown lands in Lower Canada, in his own name and in the names of his children. Mr. Spring Rice directed that certain measures should be forthwith taken for procuring from Mr. Felton the cession of so much of this land as exceeded the quantity which His Majesty's Government had intended to bestow on him and his family; and he gave instructions as to the course which should be adopted towards Mr. Felton, should he hesitate to comply with the demand