

Correspondence  
respecting  
Mr. Felton.

could be maintained against that gentleman for obtaining money under false pretences. The persons who have been wronged have a civil remedy for the redress of the injury they have sustained.

We have, &c.

(signed) *C. R. Ogden, Attorney-general.*  
*M. O'Sullivan, Solicitor-general.*

The Civil Secretary.

No. 11.

Sir,

Quebec, 16 May 1836.

In obedience to the commands of his Excellency the Earl of Gosford to furnish such remarks as I might wish to offer on the report of a committee of the Assembly called "The Second Report of the Committee of Grievances," I have the honour to submit the following observations:

The report charges me in general with oppression, speculation and extortion, and alleges first, "that I falsely and fraudulently represented myself to be the proprietor of a great extent of Crown lands to which I had no manner of right." Secondly, "that I falsely and fraudulently denied that such land could be gratuitously granted to divers settlers who applied for the same, and were entitled thereto upon the mere performance of the settling duties; and concealing from them that it was my bounden duty to make such grants;" and thirdly, "that I corruptly and oppressively exacted and received from the said settlers applying for gratuitous grants large sums of money as the price of the land, of which I was by my office bound to procure them gratuitous grants."

To these charges I answer, 1st, that the first allegation which accuses me of representing myself to be the proprietor of lands to which I had no right is wholly untrue, and is a perversion of the fact, which is simply that I represented myself as being entitled to assign land to any person working for me, who was desirous of settling in the country, a right which I shall presently show is supported by documents in the possession of the Assembly, but which they have wholly omitted to notice. 2dly, That I am ready to admit so much of the second allegation as states that I "denied that such land could be gratuitously granted to all applicants;" and to the charge of "concealing that it was my bounden duty to make such grants," I reply that if the committee had read over the instructions communicated to me instead of the factitious paper delivered to them by the surveyor-general, they would have perceived that I was directed to make grants, not to all applicants, but to such persons alone who produced an order from Government to that effect; and, 3dly, that to the charge "of exacting from the said settlers applying for gratuitous grants large sums of money as the price of land, of which I was by my office bound to procure them gratuitous grants," I answer, that I did not receive from any person to whom I was bound as agent to make gratuitous grants any money or other consideration beyond the fee of 7 s. 8 d. collected at the request of the surveyor-general, from those persons to whom location-tickets were issued by me in my capacity as agent; and the amount of which was duly paid over and accounted for to him.

These allegations are founded on the assumption that I was acting in the execution of an official duty, the dereliction of which constitutes the gravamen of the charge preferred against me; it also appears from the preliminary observations of the report that the official capacity attributed to me, and to which they would limit and restrict my functions, is that of "agent for settling" certain townships; whereas, in truth, my appointment as agent was made in the view of giving effect to an order from the Secretary of State, directing the Governor to assign land to my labourers under certain conditions; and the instructions which I received from the civil secretary (not from, nor through the surveyor-general) do not authorize the granting of land to other persons than such as produced orders from the executive council. But it must be admitted that the documents exhibited by the committee, and appended to the report, if they were all authentic, and in the absence of the other documents which are designedly omitted, would establish those allegations conclusively; and if I had been merely, as they would represent, an agent for assigning land to all applicants, and if all the documents printed in the appendix had really been communicated to me as the rule for my guidance as such, then there would have been some foundation for the charges brought against me. But part of the documents exhibited in support of these assumptions are factitious; and the documents which would have afforded a correct view of the subject have been withheld or suppressed. On the one hand, certain papers are introduced, which it is pretended are copies of instructions, and supplementary articles given to me as agent, but which in fact were not at any time communicated to me; these factitious papers, marked in the report Nos. 1, 2, & 5, were delivered to the Assembly by the surveyor-general on the 11th March 1836. On the other hand, a return or statement of fees paid to the surveyor-general on the 24th October 1824, which he was bound to produce, has been suppressed by that officer; and the authentic copy of the letter of appointment and instructions from the civil secretary to me as agent, transmitted by my Lord Gosford in the session of 1836, is omitted; as likewise the correspondence between the Secretary of State and the local government, relating to the expectations which I had been led to entertain, and the encouragement intended to be afforded me on settling in the colony, which was also transmitted by his Excellency at the same time.

It is necessary to enter into these details respecting the omission of the correspondence and the insertion of the unauthentic papers, because the report circulated with so much diligence (500 copies of it being printed for distribution), is calculated to make an impression wholly