

Correspondence
respecting
Mr. Felton.

settlers on their own account, 100 acres each in the same neighbourhood, under the usual conditions of residence and cultivation," contending that this order was, under the circumstances of the case, intended for his especial benefit, in part compensation for the disappointment and consequent inconvenience to which he had been exposed by the Government having failed to give him the whole amount of land originally promised to him, namely, 10,000 acres.

Now, although the effect and object of this part of the despatch might have been, and probably was, to bestow an indirect benefit on Mr. Felton by attracting labourers and settlers to his part of the country, and by giving him the selection of his neighbours, yet I cannot concur in the view he has taken of it, if it is to be construed as enabling him to derive a direct profit in the shape of money, or money's worth, as the price of the assignments to be made to his labourers.

With regard to the charge of selling lands as his own, and yet demanding of Government the usual per-centage, as if the grants had been made under his instructions as agent, your Lordship has been already informed that had Mr. Felton actually received this per-centage, he would, as the law-officers state, have been guilty of an act which would have subjected him to a criminal prosecution. Now, although the act was not legally completed by the issuing of letters patent, yet the intention existed, and manifests itself in the claim made for per-centage; the moral character, therefore, of the transaction, in my opinion, remains the same. But without going further into the case, I may at once acquaint your Lordship, that having given Mr. Felton the most unrestricted opportunity for making and supporting his defence, and having, to the best of my judgment, weighed all that he has advanced, I regret that it is not in my power to report to your Lordship that his explanation is satisfactory to my mind. In the discharge, therefore, of a clear but painful duty, and in the exercise of the power vested in me by my commission as Governor, I have suspended Mr. Felton from the only office he holds under the Crown, the commissioner of Crown lands, and have informed him that the whole of his case will be submitted to His Majesty for final decision.

In the meantime, until His Majesty's pleasure be known, and some final arrangements made respecting the mode in which the duties of the land-granting department should in future be conducted (one of the subjects upon which the Royal Commissioners are desired to report), I have directed that Mr. Davidson, the assistant Crown-land commissioner should, as a provisional arrangement, carry on the business of the office as usual, but without any increase of salary or other expectation of reward from Government, beyond the commission of five per cent. on the sales of the Crown-lands and timber, and clergy reserves, as received at present by Mr. Felton, and which is but a reasonable remuneration for the additional labour and responsibility thus thrown on him. He is of course to enter into a bond with sureties, in the usual manner, for the proper performance of the duties, and duly to account for the monies he may receive.

I have, &c.

(signed) Gosford.

Enclosures, Nos. 1 to 5, in the preceding Despatch.

No. 1.

Sir,

I AM honoured with your letter of the 16th instant, referring to your former communication of the 13th June, apprizing me of the intention of his Excellency the Governor-in-chief not to issue a commission of oyer and terminer, as intimated on the 2d May, and acquainting me that as the case must be determined by his Excellency, it is considered just to afford me an opportunity of supplying any further observations and proofs which the anticipation of a trial at law may have induced me to withhold.

I request that you will be pleased to offer to my Lord Gosford my most grateful acknowledgments for the consideration and condescension shown to me during these proceedings, and I beg you to assure his Excellency that the delay in replying to your letter arose from the circumstance of my papers relating to this matter being at Quebec, whilst I was employed in official duties in the townships. Having looked over the remarks which I had the honour of submitting upon this subject, I do not observe any material omission, unless it be that I have neglected to notice the discrepancy between the evidence, as printed in the report of the committee, and that actually given by one of the witnesses, which is important only as the printed report is unaccompanied with the proceedings had in the Assembly, in relation to this falsification of its records.

I cannot, however, neglect this occasion of fully vindicating myself by allowing the withholding of information by the surveyor-general to pass unnoticed, and I must therefore

Enclosure, No. 5.
8 August 1836.

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Nos. 1 to 5.