

Correspondence
respecting
Mr. Felton.

ble of a legal investigation; I have now the honour to acquaint you, that from a recent report of the law officers of the Crown, it appears that the ground on which they conceived that legal proceedings against you could be supported was the circumstance of your having, as stated in the report of the special committee of the House of Assembly, actually received the 913 acres of land claimed by you for agency in your memorial of the 30th May 1834. But as, on reference to the officers connected with the preparation of land patents, it appears that no letters patent conveying this land to you have in fact ever issued, the law-officers have reported to his Excellency that the supposed grounds for a criminal prosecution against you no longer exist; and I am therefore to inform you that the intended commission will not be issued. As the whole case, therefore, must now in the first instance be determined by his Excellency, and as your explanation of the 16th May last, which was written at a time when a legal investigation was contemplated, may not, perhaps, be so full and complete as it might have been had no such investigation been intended, his Excellency thinks it but fair and just, before coming to a decision, to afford you an opportunity of supplying any further observations and proofs which the anticipation of a trial at law may have induced you to withhold.

I have, &c.

Hon. W. B. Felton.

(signed) S. Walcott, Civil Secretary.

COPY of a DESPATCH from the Earl of Gosford, to the Right Hon.
Lord Glenelg.

My Lord,

Government-house, Montreal, 10 Aug. 1836.

With reference to my despatch of the 14th of June last, informing your Lordship that no legal proceedings could be had against Mr. Felton, with respect to the charges preferred against him by the House of Assembly, as contained in the second report of the standing committee of grievances, and that I had afforded that gentleman another opportunity of adding to, and supporting by proof, the defence which he had put in while under the impression that his conduct was to be investigated in a court of law; I have now the honour to acquaint you that on the 20th ultimo Mr. Felton, in reply to the letter of my civil secretary of the 13th of June, a copy of which accompanied my last despatch on this subject, addressed a communication to me, stating that he had nothing further to add to his defence, except to draw my attention to the discrepancy between the evidence as printed in the report of the committee, and that actually given by one of the witnesses, and to request that the surveyor-general might be called upon to supply some information on certain points, which he thought important to the right understanding of his case. To this I immediately consented, and desired Mr. Felton himself to prepare in writing the questions he would wish to be put to the surveyor-general. The replies of that officer (in my opinion not very material to the decision of the case), are contained in enclosure No. 3.

Your Lordship will observe that Mr. Felton, in one part of his defence, after complaining generally of the way in which the examination of the witnesses was conducted by the committee, states, that on one occasion when some questions were put to the two last witnesses (D. Weir and William Dodds), which produced replies unfavourable to the views of the committee, they were entirely suppressed, and replies more suitable to their designs substituted; that these facts were afterwards substantiated by an inquiry before the House, where the fraud, as he terms it, was ingeniously attributed to mistake. I herewith transmit a copy of the resolutions of the House on this point, which I omitted by mistake to forward with my despatch of the 14th June. Mr. Felton proceeds, a little further on, to state that in most instances the lands assigned to his labourers were given to them free of expense, as he did not consider them bound to pay fees, and that it was only in cases wherein he had previously expended money in improvements, or wherein the lots given up had been set apart as a portion of his own grant, that he ever received any kind of compensation, which was usually in labour performed; but he does not adduce any proof whatever in support of this, to him, very important and material statement. He appears also to rely much on a particular view that he has taken of a despatch from the Earl of Bathurst, then Secretary of State for the Colonies, to Sir John Sherbrooke, dated the 7th of December 1816, No. 52, wherein an additional grant of 3,000 acres to Mr. Felton and of 700 to each of his associates is authorized, and the Governor is instructed "to assign to such of Mr. Felton's labourers as might be desirous of becoming settlers

Enclosure, No. 1.
20 July 1836.

See Questions,
Enclosure, No. 2.
Enclosure, No. 3.
27 July 1837.

Enclosure, No. 4.
2 March 1836.