

him was his own property. The line of defence taken by him, and already adverted to, is indeed a confession that it was not so. He says, however, that it was only in cases where he had previously expended money in improvements, or where the lots had been set apart as a portion of his own grant, that he ever received any kind of compensation. I take this statement, however, to apply to cases which have no connexion with the present inquiry. The circumstance of the settlers who paid the money having been returned by Mr. Felton to Government, for gratuitous grants of the lots purchased by them, is conclusive as to the fact of his being aware that the land belonged to the Crown.

I will now briefly advert to Mr. Felton's defence against the charge of demanding a per-centage on the land which he sold for his own private benefit. He says, that the number of instances in which this was the case is so small, as scarcely to merit attention, and that the same per-centage must have been allowed to any other agent. To this accusation, therefore, I must consider that he pleads guilty. It would appear from the correspondence which passed between your Lordship and the law-officers of your Government on this part of the subject, that if the facts adduced in the report and evidence of the Committee were true, and if Mr. Felton had become actually possessed of the per-centage which he demanded, there would have been ground for a criminal prosecution of him. Now, the facts alleged by the committee, so far from being disproved, have not been denied by Mr. Felton; and the claim having been made and persisted in, the accident of its not having been satisfied does not, as your Lordship justly observes, alter the moral character of the transaction.

I abstain from dwelling on the many extrinsic points adverted to in Mr. Felton's defence. I regret to say that that document does not appear to me to meet the charges of the Assembly in the direct and open manner which I should have expected from an officer habitually correct and conscientious in the discharge of his duty. It would be easy to controvert many of the positions which it contains, but I am dissuaded from any more specific allusion to them, not only by the position in which Mr. Felton already unhappily stands, but because I have sufficiently recorded the grounds on which I have advised His Majesty to approve of your Lordship's conduct in suspending Mr. Felton from his present office of Commissioner of Crown Lands, and to direct his final dismissal from the public service. If, on a consideration of these discussions, I could have had, as it is impossible for me to have, the least doubt as to the advice which it was my duty to give to the King on the subject, I should still have had the same course prescribed to me by a reference to transactions in which two of my predecessors and myself have been compelled to pronounce the most marked censure on Mr. Felton's conduct. I allude to the immoderate quantity of land which he obtained for his children, under letters patent, passed subsequently to the receipt of instructions from His Majesty's Government, forbidding such extensive grants to his family. On this latter subject I expect, at no distant period, to learn from your Lordship that the measures which you directed to be taken for the recovery of the land have been completed.

I have, &c.

(signed) *Glenelg.*

Correspondence
respecting
Mr. Felton.
