

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 14, in No. 20.)

LETTER from *W. B. Felton, Esq.*, to *C. R. Ogden, Esq.*, Attorney-general.

Sir,

Quebec, 5 May 1836.

I HAVE received your letter of yesterday, in which you inform me that Mr. Secretary Walcott, referring to the despatch of Mr. Spring Rice, of the 29th of October 1834, desiring the Governor to call upon me for the surrender of certain lands to my children, requests you, "as the proceedings which have been already had in this matter appear not to have had the desired result," to place yourself in communication with me on the subject, with a view to the adoption of such measures as may in your opinion be necessary for giving immediate and full effect to the determination of His Majesty's Government, as expressed in the despatch; and in which you request that I will inform you, at my earliest convenience, whether I will yield immediate compliance with the expressed desire of the Secretary of State. In reply, I beg leave to remark, that as far as I am concerned, the wishes of His Majesty's Government have been fully complied with, and I only await their determination as to the price to be paid for the excess of land to complete the purchase according to my offer, which I understood to have been accepted by the late Governor-in-chief, under the advice of the Executive Council. At the same time, as nothing conclusive has been done as yet, I am perfectly willing to accede to any other measure that may be more agreeable to his Excellency the Governor-in-chief, in the spirit of ready compliance with the desire of His Majesty's Government that I have repeatedly expressed. I presume, from the tenor of your letter, that you expect me to propose some plan for effecting the object which the Government appears to have in view,—that is, the absolute re-investment of the lands in the Crown; and, in consequence, I suggest for your consideration the following arrangement:

Of the nine children to whom grants were made, one is deceased, and two are of age, the portion of the deceased descending to one of the parties who is of age, so that three portions can be immediately reinstated in the Crown by the act of the grantees or their heir; and I propose to procure the surrender of these three portions direct to the Crown, the consent of the parties being conveyed in the accompanying letters. In respect to the remaining six portions which belong to the minors, I am advised that the safest and most immediate course to adopt is, by proceedings in court on a writ of *scire facias*, wherein the fact of error in the preparation of the patent is the averment. To this measure I shall be ready to afford every assistance, and, if necessary, to give my testimony as to the facts therein stated.

Should you be of opinion that my guarantee of a future surrender of the minors' portions would be preferable to the proposed proceedings, I am equally ready to adopt that course. In this case, I suppose that you will require me to bind myself to procure the surrender of each portion within a limited time after the grantee comes of age, under a penalty for the due performance of the engagement; and that I shall mortgage a specified real estate sufficient to cover the penalty. In such case, the value of the property may be estimated at the highest price at which land has been sold in the neighbouring townships. If the principle of either of these suggestions meet your approbation, I shall be ready to enter into further details whenever it may suit your convenience.

I have, &c.

(signed) *William B. Felton.*

(Enclosure 15, in No. 20.)

LETTER from *W. Locker Felton* to the Attorney-general.

Sir,

Quebec, 6th May 1836.

I ENGAGE to surrender to the Crown the lots of land in the township of Orford, granted to me as one of the children of Mr. Felton; and also the lots of land in the said township, granted to my deceased sister, Anna Felton, and which have descended to me; all the said lots being included in the same patent from the Crown, dated the 30th November 1830, whenever I may be required to do so by His Majesty's Government.

I have, &c.

(signed) *W. Locker Felton.*

(Enclosure 16, in No. 20.)

LETTER from *Eliza M. Felton* to the Attorney-general.

Sir,

Quebec, 6th May 1836.

I ENGAGE to surrender to the Crown the lots of land in the township of Orford, granted to me as one of the children of Mr. Felton, in a patent from the Crown, dated the 30th November 1830, whenever I may be required so to do by His Majesty's Government.

I am, &c.

(signed) *Eliza M. Felton.*

Enclosure 14.

Enclosure 15.

Enclosure 16.