Correspondence respecting Mr. Felton.

make with him prior to nomination, were matters in which none but the parties had any concern.

Assuming that all the parties to whom these discussions relate were Mr. Felton's labourers, an assertion which is neither proved by himself nor borne out by the report, I proceed at once to examine the right which is thus contended for. It demands particular attention, as constituting the main ground on which Mr. Felton rests his defence. This right is claimed by Mr. Felton, from the terms of a despatch which Lord Bathurst wrote to the Governor of Lower Canada, on the 7th of December 1816.

Mr. Felton's statement of the events in which he was personally concerned, antecedent to the date of this despatch is, that having in the year 1814 submitted to the Secretary of State a project for settling in Canada, and embarking in his enterprize a capital of 20,000*l.*, he received from Lord Bathurst a promise of 10,000 acres of land, and of 1,200 for each of his associates; that on his arrival at Quebec he learned that orders had been given to assign to him only 2,000 acres; that he remonstrated on the disappointment thus caused to him, but that the Secretary of State refused to sanction any further grant to him until that already made had been brought into cultivation. That in the spring of 1816, he dispatched one of his associates to London, to represent his case to His Majesty's Government; and that the consequence of his appeal was the despatch from Lord Bathurst, of the 7th of December 1816, which instructed Sir John Sherbrooke to grant to him 3,000 acres in addition to the 2,000 already assigned to him; to give to each of his associates 700 acres, in addition to the 500 already granted to them; and further (I continue to give Mr. Felton's version of these transactions), to assign to such of his labourers as might be desirous of becoming settlers on their own account, 100 acres each, in the same neighbourhood. The inference deduced by Mr. Felton from this despatch is, that it was a virtual admission of his title to the 10,000 acres alleged to have been originally promised to him; and that, as it directed the grant of the full quantity of land claimed for his associates, and left him deficient by one-half of what he had expected, the authority for granting 100 acres to each of his labourers was intended by Lord Bathurst to compensate him for such deficiency.

I quite agree with your Lordship in thinking that if Lord Bathurst's intention in these instructions was, as is probable, to bestow an indirect benefit on Mr. Felton, it never could have been intended to authorise his exaction of a direct profit in the shape of money or money's worth, as the price of the assignments to be made to his labourers. But it is not necessary in the present case to rely on a mere opinion as to what Lord Bathurst's intentions may have been. On reference to the entry of the despatch in question, I find that it directs assignments of land to be made, not to Mr. Felton's labourers only, but to those of his associates also. Mr. Felton's assumption, therefore, that it was intended by that instruction to compensate him for the non-fulfilment of a promise which was made good in the case of his associates, is most unwarrantable. But what surprises me still more is, that Mr. Felton, when holding an office demanding of him great circumspection in all such matters, should have engaged in land transactions of much pecuniary importance to himself upon a construction of a public document only, as he himself allows, "assumed," a construction which is warranted neither by the common sense nor the facts of the case.

Mr. Felton's denial of the right of the Government, or of any other party to inquire into the arrangements which he might have made with his labourers, prior to nominating them for grants from the Crown, appears to me most extraordinary. I can look on it in no other light than as an unworthy attempt to shelter his proceedings under a fictitious title to privileges, the exercise of which has been claimed on indefensible grounds, and perverted to purposes which I refrain from characterizing. I observe it to be alleged by Mr. Felton that his appointment as agent was made by Lord Dalhousie to give effect to the Secretary of State's order for assigning land to his labourers. Granting this to have been the case, although there is no evidence to corroborate the assertion, while on the other hand, Mr. Felton appears to have received his appointment in the same manner, and to have been furnished with the same instructions as the other agents for townships; it would be folly to imagine that Lord Dalhousie meant to countenance the sale of land by Mr. Felton in his official capacity, for his own direct pecuniary benefit.

I nowhere find in Mr. Felton's defence any assertion that the land so sold by him