

Correspondence
respecting
Mr. Felton.

the performance of the conditions, of which the specification should be given in the patent, as usual.

And, lastly, that my acceptance of the office of agent did not change the relation in which I stood in respect to my labourers under the authority of the Secretary of State's despatch, although it imposed on me the necessity of complying with the conditions of residence and cultivation before instead of after the issue of the patents.

I must now remark on the charge of demanding per centage for lands settled under my agency; if there be any offence in what I have done, it is at least enormously exaggerated in the report, and I do not think it necessary to occupy much time in showing the futility of the accusation. Per-centage must have been allowed by the Crown to any other agent upon all the lands located. I conceive that no question can be raised as to my right to per-centage on lands located to independent settlers; neither will any objection be taken to my demanding it on lands assigned to such of my labourers who took up lots on which I had not expended money; and if the objection be restricted to those who are stated to have paid me some consideration on that account, the number is so small as scarcely to merit attention; however, the list of persons performing the settlement duties was submitted to the surveyor-general in the usual manner, and the certificates to its correctness. If, as agent, I was not entitled to per-centage on all the land assigned to my labourers, it was competent to him to make any reduction therein; but he was right in not doing so, for the duties of settlement were performed equally by my labourers as by other persons; indeed, I supposed the performance of the conditions of settlement to be an indispensable preliminary to all grants, and therefore I placed settlers upon the lots set apart for my own per-centage, and included them in the returns of lands on which the duties were done. The statement of fees furnished to the surveyor-general exhibited the lands set apart for my agency, as well as the lands assigned to my labourers.

I must now proceed to narrate certain circumstances, to show that my appointment as agent was made with the intention that I have ascribed to it, and that the surveyor-general was cognizant of that intention. On the 9th February 1822, conformably with the arrangement sanctioned by Lord Dalhousie, as I have before stated, the civil secretary delivered to me in person a letter of instructions, as agent for the townships adjoining to my settlement; I was not put in communication with the surveyor-general, nor did I receive any instructions whatever from him at any time. Before leaving Quebec I requested Colonel Ready to cause me to be furnished with official diagrams of those townships; they were transmitted to me in the month of June following, together with a letter from Mr. Bouchette, dated 22d March 1822, inclosing 50 blank location tickets, and requesting me "to collect, like the other agents, the fees of the surveyor-general of 7 s. 8 d. for each location ticket." At the same time Mr. Bouchette says, "You having, I presume, the form of the permit of occupation, I do not send you one."

About the month of October 1824, Mr. Bouchette being employed at the expense of Government, in collecting statistical information in the townships, passed several days at my house in Ascot; during his stay with me I made up a statement of the settlers to whom I had assigned lands, in order to show the amount of fees collected on location tickets. This document comprised a list of each of the townships, containing the names of the parties and the numbers of the lots on which they were settled; and an abstract showing the number of lots on which fees were due, the number of lots assigned to my labourers being exempt from fees, and the number of lots set apart on account of my per-centage. The amount of fees due by the statement was paid to Mr. Bouchette partly by a draft drawn by him on me in anticipation, and the balance in money, for which I hold his receipt.

I am now compelled to expose certain proceedings in relation to these papers, and to which I have already alluded.

On the 25th March 1835, the Assembly addressed the Governor for the communication of the following documents: 1st, "A copy of my appointment, dated 9th February 1822, to the situation of agent for superintending the settlement of the townships therein mentioned, and of such instructions or other communications specifying the nature of his duties in the said situation as may have been transmitted to him;" and "copies of such certificates, statements, accounts or letters," as I "may from time to time have produced, furnished, rendered or written to His Majesty's Provincial Government, relative to my situation of agent or concerning my acts as such agent." In consequence of this address, directions were given to the surveyor-general to prepare copies of the documents in his office, and on the 11th March Mr. Bouchette delivered at the bar of the Assembly certain papers, which he stated to be copies of the documents called for by that house; (*vide* Appendix to the Journals of 1835, letter Y.)

It has been seen, that several of the charges against me turn wholly on the fact of my being an agent acting under certain specified instructions; and in support of these allegations certain documents are exhibited in the report. Now these documents were delivered by the surveyor-general as being copies of papers with which I was furnished by him; amongst others the supplementary instruction, authorizing the location of all applicants, being British subjects, &c. But in truth, Mr. Bouchette never did furnish me with any instructions whatever; and my instructions from Colonel Ready do not contain the supplementary instructions. Mr. Bouchette's letter of the 27th March 1822, before quoted, proves conclusively, that he did not furnish the instructions, for in it he says, "You having, I presume, the form of the permit of occupation, I do not send you one," from which the inevitable conclusion is, that I must have received it from some other authority; but this other authority must also have given the instructions which refer to that permit; which is
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