

(Enclosure 13, in No. 20.)

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.LETTER from *W. B. Felton, Esq.* to *Stephen Walcott, Esq.*

Sir,

Quebec, 4 May 1836.

Enclosure 13.

I AM honoured with your letter of yesterday, communicating to me the decision of his Excellency the Earl of Gosford, in respect to the proceedings to be adopted for the surrender of certain lands granted to my children. On this occasion, I take the liberty of recalling to your recollection, and of repeating the assurances which I had the honour of making to the late Governor-in-chief, immediately on receiving the communication of Colonel Craig, calling on me to surrender those lands in compliance with the instructions from the Secretary of State. In my letter of the 9th January 1835, I state "that I am ready to make the required surrender immediately, and request that you will be pleased to signify the manner in which the legal adviser of the Government will recommend that operation to be performed." On the 14th January, Colonel Craig desires me to "put myself in communication with the Attorney-general, to whom extract from Mr. Secretary Spring Rice's despatch of the 29th October 1834 has been communicated, for the purpose of effecting the surrender accordingly." And on the 5th May 1835, I informed Colonel Craig, that "upon making inquiry as to the course which I am to adopt for effecting that object, I have ascertained by a verbal communication from Mr. Attorney-general, that the difficulty which was anticipated by the Secretary of State, in relation to the right of the minors involved in this conveyance, appears to be of a nature which cannot readily be got over, and therefore the alternative contemplated in the same despatch will most probably be resorted to for the satisfaction of His Majesty's Government. Under these circumstances, I renew the assurance which I had before the honour of making to you, that however I may regret the decision of the Secretary of State, yet that I am most ready to accede to any measure which may place the Crown in the same position in which it stood before the patents passed the Great Seal, and I am desirous of ascertaining whether his Excellency, in carrying the instructions of the Secretary of State into effect, prefer the conveyance to the Crown of an equal quantity of land, or the payment of the value of that which has been already granted." This proposition was submitted to the Executive Council, and on their recommendation the Government decided to have the lands valued, and to receive payment from me for the amount.

As I have learnt by the publication of Lord Aylmer's confidential instruction to Captain Hayne, that measures have been adopted to insure that the full value of these lands should be secured to the Crown, I am somewhat surprised at the annunciation of my Lord Gosford's pleasure "to instruct the Attorney-general to adopt forthwith such measures as in his opinion may be best calculated to give immediate and full effect to the determination of the Government, in the manner pointed out in the despatch above alluded to."

It is not, however, with the remotest intention of obstructing these measures, which his Excellency upon reconsideration of the decision of his predecessor deems it expedient to direct, that I submit the present remarks; but it appears to me, that as a public officer, whose official character has been assailed in relation to the obtaining and retention of these lands, it may be permitted me to request that some measures may be adopted to exculpate me from the charges in that particular, which have been brought under his Excellency's notice by the Assembly of this province. It cannot fail to strike you, that the opportunity to remove the imputations against me in regard to the arrangements between my labourers and myself in locating lands to them, afforded by the issue of a Commission of Oyer and Terminer, will not avail me in respect to the charge of fraudulently procuring the patents for the grants to my children, and that the judgment of some other tribunal, equally entitled to public respect, is essential to the proper and just vindication of my character from this aspersion; I have already applied to the Royal Commission on this particular point, deeming it to form a subject to which their inquiries might with all propriety be directed, more particularly on account of its having been made matter of complaint in the House of Commons, but I had not the good fortune to succeed in my application. As the motion of a Member of the Imperial Parliament, noticed in the public papers, leads me to suppose that some inquiries must, in justice to me, be instituted in the course of a short time, I take leave to suggest that the immediate investigation into all the circumstances attending the preparation of the patents by the Members of the Royal Commission, at the instance of his Excellency the Governor-in-chief, will have the effect of doing full justice to me, and of furnishing His Majesty's Ministers with the information that may enable them to meet the inquiry in the House of Commons.

I have, &c.

(signed) *William B. Felton.*