

Correspondence
respecting
Mr. Felton.

was viewed by the experienced residents in the colony as hopeless and ruinous, undertaken in ignorance of the difficulties to be overcome, and only to be justified by the assurance of the support and protection of Government. These disadvantages were fully appreciated by the local authorities, and, in consequence, the protection of the colonial administration was liberally extended to me; and amongst other favours, the lands around my settlement were faithfully preserved for the location of my people. The subsequent development of the natural advantages of that part of the province, improved communications and increased population, results in great measure of my sacrifices and exertions, are proofs that the bounty of the Crown was not misapplied.

I proceed with the narration of events after this period. In the course of the five years succeeding the date of the despatch, that is, from 1817 to 1822, I was unremittingly engaged in the prosecution of my enterprise, and in the course of that time I established many of my labourers on the lands in my neighbourhood; and here I must remark that the evidence annexed to the report would make it appear that some of the witnesses had applied to me for gratuitous grants during this interval; and it is imputed to me as a crime that I refused them: now, according to the showing of the report, my authority for making such grants was derived from my office as agent, but I did not receive that appointment until the month of February 1822; whereas, the transactions with my labourers, to which the evidence refers, took place in 1819.

In the month of January 1822 I applied to the civil secretary for patents for divers of my settlers. At this time the local government had adopted a new system in respect to the disposal of Crown lands, intended to enforce the duties of settlement and cultivation, and to facilitate the location of poorer settlers. All applicants for gratuitous grants having obtained an order from the executive council, were referred to an agent in the township, by whom they were furnished with location tickets, describing the lots assigned to them. On presenting this ticket, with a certificate from the agent of the performance of the settlement duties, the formal grant by patent under the great seal of the province was issued in their favour. On referring to the authority for assigning land to my labourers, the civil secretary was of opinion that the conditions of residence and cultivation required to be certified previous to the issue of the patents; and in order to effect this object in a formal manner, and at the same time to preserve my rights, he suggested that I should take upon myself the office of agent for the townships in which my labourers were placed. Lord Dalhousie, in my presence, gave his sanction to this suggestion, and directed my nomination to be made out accordingly. I acquiesced in this arrangement, because it was to me a matter of indifference whether the patents issued before or after the performance of the conditions of cultivation; but in accepting the office of agent, I by no means understood that it entailed any sacrifice of my right in respect to the nomination of my labourers; so far from that being the case, I had every reason to believe that my Lord Dalhousie contemplated the extension rather than any restriction of the indulgence granted me by the Secretary of State.

If any other person had been appointed agent, his function in respect to my settlers, who had occupied land previous to his appointment, would have been limited to certifying to the performance of the required duties; this office being filled by me, made no change in the relations subsisting between me and my labourers at that time; all the arrangements between my settlers and myself were predicated on the right of obtaining grants under patent for each of the persons whom I nominated as my labourers immediately upon making application, without the preliminary performance of settling duties; for such is the course observed with respect to all other persons presenting orders from the Secretary of State, who obtain their grants under patents in which the prescribed conditions are embodied. My right of nomination remained in full force, and the arrangements which my labourers found it their interest to enter into with me prior to the nomination were matters in which no person but the parties had any concern. All that the Government, or the agent acting for Government could require, was proof that the nominees were actually my labourers; and being satisfied in this particular, the land was assigned to them as a matter of course.

On reviewing these considerations, they appear to establish the following points, viz.: That at the time of writing the despatch of the 7th December 1816, the Secretary of State virtually admitted the truth of my representations, and the justice of my claim, for the fulfilment of the promise of a grant of 10,000 acres of land to myself and 1,200 acres to each of my associates.

That the instructions direct the grant of the full quantity claimed for my associates, but leave me deficient in one-half of the amount promised me, being 5,000 acres less than I expected.

That the Secretary of State, for certain considerations, authorised the grant of 100 acres to each of my labourers, upon the usual conditions of residence and cultivation.

That it may be fairly inferred that this indulgence of granting land to my labourers, under the usual conditions, was intended to benefit me, in compensation of the deficiency of land promised to me.

That the nomination and recommendation of the persons rested with me; and all that the Government could require from me was proof of the parties being actually my labourers.

That the engagements under which the labourers acquired that character, so as to entitle them to be nominated by me for grants, forms no subject for inquiry by the Government.

That the conditions of the grant to my labourers being identical with those attached to my own, and all other grants ordered by the Secretary of State, the proceedings thereupon ought to have been similar, and such as were followed at the time when the despatch was received (1817); that is, that patents should have issued upon my application, previous to