

Correspondence
respecting
Mr. Felton.

a grant on that account; and I therefore submitted, for Earl Bathurst's consideration, a proposal to embark a capital of 20,000 £., with an engagement to reside upon the grant, on condition of receiving 10,000 acres of land for myself, and 1,200 acres for each of my associates. His Lordship having been satisfied that I possessed the necessary means, was pleased to entertain my application favourably, and I obtained the promise of a grant to the extent above mentioned.

Relying on the verbal assurance given me to that effect, I left London for Italy, and embarking my family at Leghorn, I arrived in Canada in August 1815. One of my associates, who remained in London for the purpose, was the bearer of Earl Bathurst's despatch to Quebec. On my arrival I had the mortification to learn that, instead of 10,000 acres, the Governor was directed to assign to me only 2,000. Immediately on ascertaining the discrepancy between the promise made to me and the contents of the despatch, I addressed a letter to Sir Gordon Drummond, stating explicitly that I had been led to expect a grant of 10,000 acres as the condition on which I had come out; and in a subsequent communication, I referred to certain gentlemen in the Colonial-office who were cognizant of the negotiation and of the terms of the agreement. These letters were transmitted by the Governor on the 22d September 1815, and on the 9th December following Earl Bathurst replies, "that as the instructions conveyed to Sir Gordon Drummond were drawn up after communication with Mr. Hamilton on the subject, his Lordship could not sanction any further grant until that already made shall be so far advanced in cultivation as to authorise such an addition." Pending this reference, I took up my grant for 2,000 acres, and I requested that reservation might be made of the quantity that I claimed in the vicinity of my grant; to which Sir Gordon Drummond was pleased to accede; but on receiving Earl Bathurst's reply above recited, his Excellency, who appears to have considered the decision as final, and adverse to my pretensions, allowed Major Loring, the civil secretary, and a Colonel Fulton, to select the best of the lots reserved for me; thus depriving me of many that adjoined my improvements, and that were most important to the success of my settlement.

Feeling most acutely the injustice of these proceedings, and determined to assert my claim, I dispatched one of my associates to London in the spring of 1816, to represent my case to the Secretary of State. The result of this appeal was, that Earl Bathurst, in a despatch dated the 7th December 1816, conveyed instructions to Sir John Sherbrooke to grant me 3,000 acres, in addition to the 2,000 already assigned to me; to give 700 acres to each of my associates, in addition to the 500 before granted; and further, to assign to such of my labourers as might "be desirous of becoming settlers on their own account, 100 acres each, in the same neighbourhood, under the usual conditions of residence and cultivation." The despatch also directs the Governor to resume the lands granted to Major Loring and Colonel Fulton to the injury of my establishment.

It is now important to understand the real bearing of this despatch on the question at issue; and to collect the intentions and the object contemplated by the Secretary of State. Viewed in connexion with the despatch of the 9th December 1815, which was written in reference to my positive assertion that I had come out on the faith of Earl Bathurst's promise to grant me 10,000 acres of land, the fair construction is, that it is an absolute admission of the truth of my assertion, and, consequently, is a tacit recognition of my claim to its fullest extent. If I had falsely stated facts so important, and in a manner to be misunderstood, it cannot be supposed that Earl Bathurst would have hesitated to give a positive denial to my assertions; and it is not probable that any subsequent application on my part would have been entertained with the favour that my requests, grounded on this claim, actually experienced. That a more direct admission of my right to the full extent was not made in either of the despatches, may be attributed to the change of views which the Government had adopted in respect to the system of making extensive grants in the colonies. It is probable that the Secretary of State may have considered that the literal performance of the promise held out for my encouragement would be inconvenient, as a precedent at variance with the regulations which it was desirable to enforce; but it cannot be doubted that the Colonial-office was convinced of my having made out my right to the full measure of that encouragement.

The despatch concedes to my associates the whole amount claimed for them, viz., 1,200 acres each, but it leaves me with the deficiency of one half; for I had received only 2,000 acres under the original order, and the present despatch authorises only 3,000 acres in addition, thus falling short of the quantity to which I was entitled by 5,000 acres. Under these circumstances, there does not appear to be any presumption in assuming that the order for granting land to my labourers was intended for my special benefit, in part compensation of the disappointment, and consequent inconvenience, to which I had been exposed. In this light I received it. I had never receded from the assertion of my right, even when the local government had acted upon the unfavourable construction put on the despatch in answer to my remonstrance; and most assuredly it could not be expected that I should relinquish my claim after the virtual admission of its validity in this despatch.

The immediate effect of these instructions was the surrender of the lands granted to Major Loring, in exchange for other lands assigned to me; and the understanding on the part of the local government that none of the lands in the neighbourhood of my grant should be disposed of without my consent; but the lands granted to Colonel Fulton, being under patent, could not be resumed, and they have continued to this hour an obstacle to my improvements, interposing a barrier of wilderness between my settlement and the waters of the Magog River.

At this epoch, and for many succeeding years, the enterprise in which I was engaged

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