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LOWER CANADA.

CORRESPONDENCE between the SECRETARY
OF STATE for the COLONIES and the GOVERNORS
of Canada and Mr. W. B. Felton, relative to Lands
granted to the said W. B. Felton.

(In continuation of Paper presented 4 March 1836, No. 75.)

(Mr. Roebuck.)

Ordered, by The House of Commons, to be Printed,
27 July 1836.

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LOWER CANADA.

FURTHER RETURN to an ADDRESS of the Honourable The House of Commons,
dated 24 February 1836:—for,

COPIES of all CORRESPONDENCE that has taken place between the
SECRETARY OF STATE for the COLONIES and the GOVERNORS of *Canada* and
Mr. *W. B. Felton*, relative to Lands granted to the said *W. B. Felton*.

(In continuation of Paper presented 4 March 1836, No. 75.)

Colonial Department, }
26 July 1836. }

G. GREY.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
27 July 1836.

SCHEDULE.

No.

20.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis,
Quebec, 11 May 1836 (sixteen Enclosures) - - - - - p. 3

21.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street,
1 July 1836 - - - - - p. 11

CORRESPONDENCE between the Secretary of State for the Colonies and the Governors of *Canada* and Mr. *W. B. Felton*, relative to Lands granted to the said *W. B. Felton*.

— No. 20. —

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 11 May 1836.

I HAVE the honour to acknowledge the receipt, on the 5th instant, of your Lordship's despatch of the 23d of February last (No. 52), referring to a previous despatch from Mr. Spring Rice, of the 29th of October 1834, on the subject of the large quantity of land obtained by Mr. Felton in his own name, and in the names of his children; and, in compliance with your Lordship's wishes, I lose no time in transmitting for your information the enclosed documents (sixteen in number), being copies of all the correspondence and proceedings which have taken place in this matter since the receipt of Mr. Spring Rice's despatch, which it appears reached Quebec on the 6th of January 1835.

Upon a perusal of these documents your Lordship will perceive that, on the 9th of the same month, my predecessor furnished to Mr. Felton so much of Mr. Spring Rice's despatch as he was therein directed to communicate to that gentleman, and called upon him immediately to take the necessary steps for the surrender to the Crown of all the lands which had been assigned to his children, above the authorized quantity of two hundred acres to each; or, if that should be impossible by reason of their nonage, for the surrender of an equivalent portion of his own lands. Mr. Felton, in his reply of the same day, expressed his readiness to make the required surrender, and requested to be informed of the manner in which the Governor wished that operation to be performed; at the same time intimating an intention to remonstrate against the measure thus adopted by His Majesty's Government. The matter was then placed in the hands of the Attorney-general, to whom Mr. Felton was referred for the purpose of making the required surrender. In the month of May following Mr. Felton addressed a letter to the then Civil Secretary, in which, after stating that, from a verbal communication with the Attorney-general, he had ascertained that, by reason of nonage, there existed difficulties not easily to be overcome in the way of a surrender of the lands granted to his children, and renewing the assurance of his readiness to meet the views of Government, he inquired whether an equivalent in land, or the value in money, of the excess granted to his children above the authorized quantity, would be preferred. Upon this, it appears that my predecessors suspended all proceedings on the part of the Attorney-general by referring the matter to the Executive Council, who, in a Report dated the 13th of June 1835 (No. 5), recommended, as the most eligible mode of giving effect to the instructions of His Majesty's Government, and avoiding the difficulties suggested by Mr. Felton, that he should be called on to pay the value of the land in money; such value to be ascertained by the price obtained by the Crown for wild lands in the township nearest to that in which the lands assigned to Mr. Felton and his family were situated. The recommendation of the Council was sanctioned by Lord Aylmer, and communicated to Mr. Felton, with a request that he would adopt the necessary measures for carrying it into effect. He accordingly pointed out the steps (see Enclosure No. 7) which, in his opinion, would be best calculated for ascertaining the value of the lands; and his suggestions having been approved by the Governor in Council, Captain Hayne, of the Royal Staff Corps, then superintending, on the part of the Crown, the survey of lands in the neighbouring township for the British American Land Company, was instructed on the 15th of August last, to obtain and report to his Lordship the best information in his power as to the value of the lands assigned to Mr. Felton's family; but it appears from Captain Hayne's Report of the 6th of February last (Enclosure No. 10), that the nature of his other duties was such as to prevent his carrying these instructions into effect.

No. 20.
Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

Enclosure 1.

Enclosure 2.

Enclosure 3.

Enclosure 4.

Enclosure 5.

Enclosure 6.

Enclosure 8.

Enclosure 9.

No. 20.
Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

During the late session of the provincial parliament, and for some time afterwards, my attention was occupied with so many questions of general political importance and of pressing moment, that the consideration of Mr. Felton's case was postponed to a period when I could enter into a full and uninterrupted investigation of it. This opportunity did not present itself until a short time previous to the reception of your Lordship's despatch; and having, upon a perusal of the documents connected with the subject, arrived at the conclusion that the measures which had been adopted in consequence of Mr. Spring Rice's despatch would not lead to the result contemplated by His Majesty's Government, I did not hesitate to depart from the course which the proceedings had taken, and to revert to a literal observance of the instructions of the Secretary of State. With this view I caused Mr. Felton to be informed, on the 3d instant (Enclosure No. 11), that the Attorney-general had been instructed to adopt forthwith such measures as in his opinion would be best calculated to give immediate and full effect to the determination of His Majesty's Government, in the manner pointed out in Mr. Spring Rice's despatch.

From the enclosed correspondence, which, in consequence of this letter, has taken place between Mr. Felton, the Attorney-general and my Civil Secretary, your Lordship will perceive that Mr. Felton, while he conceives that he has already complied with the wishes of His Majesty's Government as far as he was concerned, and that it only remained to fix the price of the excess of land to complete the purchase according to his previous offer, has expressed his willingness to accede to any other measure for meeting the views of His Majesty's Government; and to procure from such of his children as are of age, whose consent he has obtained, the surrender of their respective portions, with a suggestion, either that a writ of *scire facias* on the ground of error should be brought to annul the grant to the minors, or, if preferred, that he should give a mortgage security on his own lands, to procure a valid surrender from them when they come of age.

This is the last step that has been taken in the matter; but from the positive nature of the directions given to the Attorney-general, coupled with the disposition evinced by Mr. Felton, I anticipate a satisfactory termination to this unpleasant affair; and I shall not fail to give your Lordship immediate information of the subsequent proceedings that may be adopted in carrying into effect my determination to adhere to the instructions I have received.

I have, &c.

(signed) Gosford:

(Enclosure 1, in No. 20.)

LETTER from Colonel Craig to W. B. Felton, Esq.

Sir,

Castle of St. Lewis, Quebec, 9th January 1835.

In compliance with the instructions of the Governor-in-chief, I have the honour of transmitting, for your information and guidance, copy of an extract from a despatch addressed to his Excellency by Mr. Secretary Spring Rice, dated the 29th October 1834, in relation to your explanation on the subject of a grant of Crown lands obtained by you in favour of your children, to the extent of 10,800 acres; and in compliance with the instructions conveyed in the concluding paragraph of the enclosed extract, his Excellency desires that you will immediately take the necessary steps for the surrender to the Crown of all the lands which have been assigned to your children above the authorized quantity of 200 acres to each; or should that be impossible by reason of their nonage, the surrender of any equivalent portion of your own lands.

I have, &c.

(signed) H. Craig, Secretary.

(Enclosure 2, in No. 20.)

LETTER from W. B. Felton, Esq. to Colonel Craig.

Sir,

Quebec, 9 January 1835.

I AM to acknowledge the receipt of your letter of this day, covering the copy of an extract from a despatch, addressed to his Excellency the Governor-in-chief by Mr. Secretary Spring Rice, of the 29th October 1834, and calling upon me to surrender to the Crown all the

Enclosures 12, 13
and 14.

Enclosures 15
and 16.

Enclosure 1.

Enclosure 2.

the lands which have been assigned to my children above the authorized quantity of 200 acres to each; or should that be impossible by reason of their nonage, the surrender of an equivalent portion of my own lands.

I have now the honour to inform you, 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 Government will recommend that operation to be performed. As I have evinced my early compliance with the decision of the Secretary of State, I trust his Excellency will feel himself at liberty to transmit to His Majesty's Government my remonstrance on the subject, as I am convinced that a more dispassionate judgment will be awarded, and a conclusion more just and liberal towards me will be arrived at, when all the circumstances attendant on the transaction, more particularly those connected with my relations to the Government as a Legislative Councillor and Commissioner of Crown Lands, shall be maturely considered.

I have, &c.

(signed) *William B. Felton.*

No. 20.
Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 3, in No. 20.)

LETTER from Colonel Craig to *W. B. Felton, Esq.*

Sir,

Castle of St. Lewis, Quebec, 14 January 1835.

Enclosure 3.

With reference to your letter of the 9th instant, on the subject of the lands which have been assigned to your children, above the authorized quantity of 200 acres to each, I am directed by his Excellency the Governor-in-chief to inform you, that the orders of the Secretary of State to demand the surrender of any land assigned to your children, which shall exceed the grant of 200 acres to each, as sanctioned by the instructions of Sir George Murray to Sir James Kempt, being imperative, it is his Lordship's desire that you will put yourself in communication with the Attorney-general (to whom an extract from Mr. Secretary Spring Rice's despatch of 29 October 1834 has been communicated) for the purpose of effecting the surrender accordingly.

I have, &c.

(signed) *H. Craig, Secretary.*

(Enclosure 4, in No. 20.)

LETTER from *W. B. Felton, Esq.* to Colonel Craig.

Sir,

Quebec, 5 May 1835.

Enclosure 4.

In obedience to the desire of his Excellency the Governor-in-chief, expressed in your letter of the 14 January last, I placed myself in communication with the King's Attorney-general, on the subject of the conveyance to the Crown of an excess of waste lands granted to my children, above the quantity which the Secretary of State authorized them to receive. 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 rights 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. Should my Lord Aylmer think proper to entertain any proposal of this character, it may probably be convenient to refer to the Executive Council to point out the mode of ascertaining the equivalent to be offered. In the absence of better means of coming at the value, I take leave to suggest that the examination and report of a surveyor (Mr. Wells) who was employed by the B. A. Land Company to inspect the lands in question, would furnish tolerably accurate grounds for fixing the price. I beg leave to point out, that the Crown in resuming these lands would probably obtain nothing for them from the Company, who would claim them as part of all the Crown property sold to them at a fixed sum, *en bloc*, or would demur at the price, if the payment was to be made in addition to that sum, at the rate of the other lands purchased by them.

I have, &c.

(signed) *William B. Felton.*

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 5, in No. 20.)

REPORT.

To his Excellency the Right honourable Lord *Aylmer*, K. C. B., Captain-general and Governor-in-chief of the Province of Lower Canada, &c. &c. &c.

REPORT of a Committee of the whole Council,—present the Hon. Mr. Smith, Mr. De Lery, Mr. Stewart and Mr. Cochran,—on your Excellency's reference respecting the excess of land granted to Mr. Felton's family, and to be surrendered by him or them.

May it please your Excellency,

Enclosure 5.

As it appears from Mr. Felton's letter of the 5th May last, that several of his children are under age, so that valid conveyances could not now be obtained from them for the surrender to His Majesty of the excess of land granted to them above the quantity authorized by His Majesty's Government, and as such conveyances of surrender, even from the elder branches of Mr. Felton's family and from himself, might be subject to some doubt as to their revesting the lands in His Majesty, with a title perfectly free from incumbrance, the Committee are induced to advise, as the most eligible mode of giving effect to the instructions of His Majesty's Government, and avoiding these and other difficulties suggested by Mr. Felton, that he should be called upon to pay to His Majesty the value of the excess of land so granted to him and his family, such value to be ascertained by the price obtained by the Crown for wilderness lands in the nearest township in which sales have been made in the neighbourhood of the lands granted to Mr. Felton and his family.

All which is respectfully submitted to your Excellency's wisdom.

Council Chambers, }
13th June 1835. }

By Order,

(signed) *W. Smith*, Chairman.

(Enclosure 6, in No. 20.)

LETTER from Colonel *Craig* to *W. B. Felton*, Esq.

Sir,

Castle of St. Lewis, Quebec, 16th June 1835.

Enclosure 6.

I AM directed by the Governor-in-chief to transmit for your information and guidance the accompanying extract, from a Report of a Committee of the Executive Council, respecting the excess of land granted to your family, and to be surrendered by you or them; and his Excellency has further directed me to request that you will adopt the necessary measures to carry the recommendation of the Council into effect.

I have, &c.

(signed) *H. Craig*, Secretary.

(Enclosure 7, in No. 20.)

LETTER from *W. B. Felton*, Esq. to Colonel *Craig*.

Sir,

Quebec, 18th June 1835.

Enclosure 7.

I AM honoured with your letter of the 16th instant, enclosing a report of the Executive Council, approved by his Excellency the Governor-in-chief, and directing me to adopt the necessary measures for carrying the recommendation of the Council into effect.

The report of the Council advises that I should be called upon to pay to His Majesty the value of the excess of land granted to my children, such value to be ascertained by the price obtained by the Crown for wilderness land in the nearest township in which sales have been made in the neighbourhood.

I am happy to perceive that a final decision has at length been come to on this business, which it was my desire to terminate long since, and in the manner most agreeable to His Majesty's Government.

In order to give effect to the recommendation of the Council, I beg leave to submit the proceedings necessary to ascertain the value of the lands in question, taking it for granted that the price at which the sales made to the B. A. L. Company have been effected apply to the lands, and that the actual sales in the same township, together with those to the Company, should form the basis of the estimate for their value; and that the difference of quality and position should influence that result, as in similar cases, when the value of other Crown lands are to be ascertained, it will be necessary to determine by examination the actual circumstances of the lots; and as the B. A. L. Company has required a survey to be made, to

mark

mark and re-establish the obliterated lines of the lands adjoining to these, a favourable occasion is presented of doing perfect justice to all parties, by causing the survey to be extended to the lands in question: the same reason which authorizes the Company to suspect that the lines, if ever actually marked in the field, are obliterated, apply to produce a similar belief in respect to these lands. The surveyor must be directed to report specially as to the circumstances of quality and position, as usual in operations of this nature. So soon as the report is received, his Excellency will be enabled to form a judgment on the estimate to be submitted, and I shall endeavour to pay the price which his Excellency may consider it just to require under all the circumstances of the case.

I have, &c.

(signed) *W. B. Felton.*

No. 20.
Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1835.

(Enclosure 8, in No. 20.)

REPORT.

To his Excellency the Right honourable Lord *Aylmer*, K. C. B., Captain-general and Governor-in-chief of the Province of Lower Canada, &c. &c. &c.

REPORT of a Committee of the Executive Council,—present, the Honourable Mr. Smith, Mr. De Lery, Mr. Stewart,—on a Letter from *W. B. Felton*, Esq. respecting the valuation of the lands which he is to return to the Government.

Enclosure 8.

May it please your Excellency,

THE Committee recommend that a valuation of the lands granted in excess to Mr. Felton and his family be made, as suggested in his letter of the 18th of June, by a surveyor, to be approved of by your Excellency and employed at the expense of Mr. Felton, and that such valuation be the price to be paid by Mr. Felton to Government.

All which is respectfully submitted to your Excellency's wisdom.

Council Chambers, }
13 July 1835. }

By Order,

(signed) *W. Smith*, Chairman.

(Enclosure 9, in No. 20.)

LETTER from Colonel *Craig* to Captain *Hayne*.

(Confidential.)

Sir,

Castle St. Lewis, Quebec, 15th August 1835.

By an order from His Majesty's Principal Secretary of State for the Colonial Department, Mr. Felton has been called upon to surrender an excess of lands in Orford, which had been granted in error to certain members of his family. Difficulties having arisen in carrying this order into execution, arising principally from the grants having been made to minors, his Excellency the Governor-in-chief was pleased to refer the instructions to the Executive Council, with a request that they would offer to his Lordship their advice as to the manner in which the surrender in question could best be effected, the Council reported, in the first instance, that the difficulty which presented itself might be removed, by calling upon Mr. Felton to pay for the excess to be surrendered, at the price paid for wilderness land by parties purchasing from the Crown in the nearest township. This communication, on its being communicated to Mr. Felton, produced a letter from that gentleman, dated 18th June, containing certain suggestions, which, on being transmitted to the Executive Council, that body finally advised his Excellency to adopt the suggestions contained in Mr. Felton's letter before alluded to; copies of which reports, together with Mr. Felton's letters, and a list of the lands granted, I now enclose for your further information. With a view to obtain the most correct information as to the value of these lands, so as to frame instructions for the guidance of the surveyor, who may be employed under the report of the Executive Council of the 13th July, his Lordship is desirous to avail himself of your services in this matter, during the time you are employed in retracing the obliterated lines in Orford; and his Excellency has directed me to request you to obtain the best information in your power respecting the value of the lands granted to Mr. Felton, and report the result to me for his Lordship's information; directing your inquiries not only to the value of the lands for agricultural purposes, but also as to their present value as timber lands.

Enclosure 9.

I have, &c.

(signed) *H. Craig*, Secretary.

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 10, in No. 20.)

LETTER from Captain *Hayne* to *Stephen Walcott*, Esq., Civil Secretary.

Sir,

Quebec, 6 February 1836.

Enclosure 10.

IN obedience to the commands of the late Governor-in-chief, Lord Aylmer, conveyed by Mr. Secretary Craig's letter of 15th August 1835, I beg leave to state that my opportunities for examining the lands in the township of Orford, referred to in the said letter, have been very limited, in consequence of my engagements in other duties; such, however, as I have seen (viz. those in the seventh and eighth ranges), and can venture to report upon, are of very little value for agricultural purposes, the soil being shallow and stony, and the timber chiefly spruce.

Instructions have been given to Mr. Wysse, who is now employed on the verification of the survey of Orford, to be very particular in his observations on the soil and timber of the lands referred to in Colonel Craig's letter, and I feel satisfied that his report will contain all the information necessary to enable you to form a just estimation of the value of the lands.

I have, &c.

(signed) *R. Hayne*,
Captain H. P. Royal Staff Corps.

(Enclosure 11, in No. 20.)

LETTER from *S. Walcott*, Esq., to *W. B. Felton*, Esq.

Sir,

Castle of St. Lewis, Quebec, 3d May 1836.

Enclosure 11.

REFERRING to Mr. Secretary Spring Rice's despatch of the 29th of October 1834 (of which you have had communication), directing the late Governor-in-chief to call upon you for a surrender of all the lands that have been assigned to your children, above the authorized quantity of 200 acres; or should that be impossible, by reason of their nonage, a surrender of an equivalent portion of your own lands, and requesting his Excellency to acquaint you that the demand is one with which the Secretary of State expects your immediate compliance, I have been commanded by his Excellency the Earl of Gosford to inform you, that as the proceedings, which have already been had in this matter, do not appear likely to lead to the result contemplated by His Majesty's Government, the Attorney-general has been instructed 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 to which I have above alluded.

I have, &c.

(signed) *S. Walcott*, Civil Secretary.

(Enclosure 12, in No. 20.)

LETTER from *S. Walcott*, Esq., to the Attorney-General.

Sir,

Castle of St. Lewis, Quebec, 3 May 1836.

Enclosure 12.

REFERRING to Mr. Secretary Spring Rice's despatch of the 29th of October 1834 (an extract from which accompanied my predecessor's letter of the 14th of January 1835), directing the late Governor to call upon the Honourable W. B. Felton for a surrender of all the lands that have been assigned to his children, above the authorized quantity of 200 acres; or should that be impossible, by reason of their nonage, a surrender of an equivalent portion of his own lands, and desiring him to be informed that the demand is one with which the Secretary of State expects an immediate compliance, I have been commanded by his Excellency the Governor-in-chief to request that, as the proceedings which have been already had in this matter do not appear likely to lead to the desired result, you will forthwith place yourself in communication with Mr. Felton on the subject, with a view to the adoption of such measures as may in your opinion be necessary for giving immediate and full effect to the determination of His Majesty's Government, as expressed in the despatch to which I have above alluded.

I have, &c.

(signed) *S. Walcott*, Civil Secretary.

(Enclosure

(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.*

No. 20.

Despatch from the
Earl of Gosford to
Lord Glenelg,
11 May 1836.

(Enclosure 14, in No. 20.)

LETTER from *W. B. Felton, Esq.*, to *C. R. Ogden, Esq.*, Attorney-general.

Sir,

Quebec, 5 May 1836.

I HAVE received your letter of yesterday, in which you inform me that Mr. Secretary Walcott, referring to the despatch of Mr. Spring Rice, of the 29th of October 1834, desiring the Governor to call upon me for the surrender of certain lands to my children, requests you, "as the proceedings which have been already had in this matter appear not to have had the desired result," to place yourself in communication with me on the subject, with a view to the adoption of such measures as may in your opinion be necessary for giving immediate and full effect to the determination of His Majesty's Government, as expressed in the despatch; and in which you request that I will inform you, at my earliest convenience, whether I will yield immediate compliance with the expressed desire of the Secretary of State. In reply, I beg leave to remark, that as far as I am concerned, the wishes of His Majesty's Government have been fully complied with, and I only await their determination as to the price to be paid for the excess of land to complete the purchase according to my offer, which I understood to have been accepted by the late Governor-in-chief, under the advice of the Executive Council. At the same time, as nothing conclusive has been done as yet, I am perfectly willing to accede to any other measure that may be more agreeable to his Excellency the Governor-in-chief, in the spirit of ready compliance with the desire of His Majesty's Government that I have repeatedly expressed. I presume, from the tenor of your letter, that you expect me to propose some plan for effecting the object which the Government appears to have in view,—that is, the absolute re-investment of the lands in the Crown; and, in consequence, I suggest for your consideration the following arrangement:

Of the nine children to whom grants were made, one is deceased, and two are of age, the portion of the deceased descending to one of the parties who is of age, so that three portions can be immediately reinstated in the Crown by the act of the grantees or their heir; and I propose to procure the surrender of these three portions direct to the Crown, the consent of the parties being conveyed in the accompanying letters. In respect to the remaining six portions which belong to the minors, I am advised that the safest and most immediate course to adopt is, by proceedings in court on a writ of *scire facias*, wherein the fact of error in the preparation of the patent is the averment. To this measure I shall be ready to afford every assistance, and, if necessary, to give my testimony as to the facts therein stated.

Should you be of opinion that my guarantee of a future surrender of the minors' portions would be preferable to the proposed proceedings, I am equally ready to adopt that course. In this case, I suppose that you will require me to bind myself to procure the surrender of each portion within a limited time after the grantee comes of age, under a penalty for the due performance of the engagement; and that I shall mortgage a specified real estate sufficient to cover the penalty. In such case, the value of the property may be estimated at the highest price at which land has been sold in the neighbouring townships. If the principle of either of these suggestions meet your approbation, I shall be ready to enter into further details whenever it may suit your convenience.

I have, &c.

(signed) *William B. Felton.*

(Enclosure 15, in No. 20.)

LETTER from *W. Locker Felton* to the Attorney-general.

Sir,

Quebec, 6th May 1836.

I ENGAGE to surrender to the Crown the lots of land in the township of Orford, granted to me as one of the children of Mr. Felton; and also the lots of land in the said township, granted to my deceased sister, Anna Felton, and which have descended to me; all the said lots being included in the same patent from the Crown, dated the 30th November 1830, whenever I may be required to do so by His Majesty's Government.

I have, &c.

(signed) *W. Locker Felton.*

(Enclosure 16, in No. 20.)

LETTER from *Eliza M. Felton* to the Attorney-general.

Sir,

Quebec, 6th May 1836.

I ENGAGE to surrender to the Crown the lots of land in the township of Orford, granted to me as one of the children of Mr. Felton, in a patent from the Crown, dated the 30th November 1830, whenever I may be required so to do by His Majesty's Government.

I am, &c.

(signed) *Eliza M. Felton.*

Enclosure 14.

Enclosure 15.

Enclosure 16.

—No. 21.—

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

No. 21.
Despatch from
Lord *Glenelg* to
the Earl of *Gosford*,
1 July 1836.

My Lord,

Downing-street, 1 July 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 11 May, announcing the steps which you had taken for carrying into effect Mr. Spring Rice's instructions of the 29 October 1834, relative to the large quantity of land obtained by Mr. Felton in his own name, and in the names of his children. I beg to express to your Lordship my approbation of the firmness and impartiality with which you appear to have acted in Mr. Felton's case. In the present imperfect state of the question I have no further instructions to convey to your Lordship respecting it, but I propose again to communicate with you on the subject when the result of your measures for the recovery of the land shall be finally ascertained.

I have, &c.

(signed) *Glenelg*.
