

EVIDENCE BEFORE THE COMMITTEE FOR INVESTIGATING THE "LAND-JOBBER" CHARGES.

Continued from last week. [At the suggestion of Mr. Watters, Mr. Inches read here, from the notice of Motion Book, of 9th Feb., 1860, a notice of motion given by Mr. Tibbitts, last session, asking for information, and copies of correspondence relative to the issuing of the grant in this case.]

Mr. Inches continued:— I recollect Mr. Wilmot going to Little Falls, to investigate questions connected with the sales of land, on the upper part of the St. John, in 1852, or 1853.

"I remember Mr. Hart was required to attend and become a lessee of the Government. I believe Mr. Fisher was Hart's Attorney in defending his suit with the Government. There were two surveys made, one by Jno. Grant, when M. Herbert pulled the stakes, which licensed the Government, and Deputy Garden was sent to put them down again."

It being late, the Committee adjourned until to-morrow.

TUESDAY, March 12th.

Mr. Whitehead wished to make the following correction to his yesterday's evidence.

"I selected only the 300 acres for the Attorney General on the 21,000 acre block, and the remark applies only to that block."

"About applicants going on the land. They did not all go on, but I meant most part of them."

Mr. Inches, this morning wished the words "that Mr. Partelow pocketed the money," to be struck out of his yesterday's evidence.

Mr. Inches then went on as follows:—"I think at that time, I told Mr. Ferris that I had traced the money and found it had been paid into the Central Bank to Mr. Partelows credit; and the hesitation, and subsequent manner of the Cashier were not such as to make me suppose that it had been paid into the public account. Until yesterday it never occurred to me that it was possible it had been paid in, to the credit of the Province."

Mr. Wilmot called attention to an article in the Morning Globe of the 9th inst., or rather a paragraph in an article in which that paper states, that, "It has been said in St. John—and we think it is true—that Mr. Wilmot asked Mr. Inches to fix the date of Mr. Tilley's application for the land, so that it should appear that Mr. Tilley had applied for it after he became a member of the Government." This plot was found too dangerous, and has not been carried out. The Empire people will find they cannot accomplish much by publishing falsehoods against Mr. Tilley; a crusade of four years in that particular has not done much for the Tory cause."

This statement Mr. Wilmot declared to be one of the most base and unprincipled he had ever seen in public print. He desired to call the attention of the Reporter of the Globe to it, when he pronounced it grossly, wilfully and maliciously false; and stated, that it could have only emanated from a corrupt and depraved heart. He felt it to be a duty he owed to the committee, as well as to himself, to call attention to this article. It was a vile calumny, inflicted upon the whole committee, and if he, a member of it, had been guilty of the crime here imputed to him, he was not fit to sit on it—not fit to associate with gentlemen,—not fit to walk the streets, but rather for a felon's cell. When the article in question had been pointed out to him, he felt it a duty to have the matter cleared up, fully and satisfactorily, at once. He would, therefore, then, in the presence of the committee, ask Mr. Inches if he had ever, in any way or manner, asked such a question, or intimated, directly or indirectly, anything of the kind to him, or if he had any grounds whatever for supposing he (Mr. W.) wished him to do such a thing?

Mr. Inches here arose, and stated, that he fully concurred with Mr. Wilmot that the statement in question was base and malicious. He positively denied having ever received from Mr. Wilmot, or any other person, the slightest intimation of the kind.

Mr. Wilmot then said:—"If I could be guilty of the conduct imputed to me, I would be unfit to sit on this Committee or to be worthy of a seat in the Legislature. As Mr. Tilley is now present I will state the circumstances that occurred in connection with his land. In the latter part of Feb., 1859, I received a letter from C. W. Stockton, Esq., of St. John, acting as agent for some parties interested in Mills upon the Washademoack, stating that they had applied for timber licenses at Ryder's Brook, on the Snell Road, and that the country had been looked up by applicants from St. John under the Labor Act, and large purchases by Mr. Tilley, he requested me to make enquiries at the Crown Land Office. I did so, and on the 3d March, I wrote Mr. Stockton; the following is an extract of the letter:—"On receipt of your letter of the 26th ult. I went into the Crown Land Office, and examined the facts of the case. I there found that Tilley had 1700 acres in the locality, which I was informed had been regularly advertised and sold. But the applications under the Labor Act, are from such men as—N. S. Donnell and Sons, John McLachlan, John Ansley, L. McMann, and others of the Smasher party. It is without exception the greatest outrage I ever knew, and no wonder that the Revenues of the Crown Land Office have fallen off if all their party throughout the Prov-

ince are to be provided for, with the picked lands of the Province, under an act passed for the express purpose of permitting poor men, without land, to settle in the wilderness, and pay for it by labor on the roads. After this, the subject was noticed by the Freeman, and at the request of parties at St. John, I prepared a resolution for an address to get the information of lands applied for, and grants prepared for land in the District, from 1st June, 1857, to a specified date. Before moving the resolution in which Mr. Tilley was personally interested, I considered, as he was my colleague, and being politically opposed to him, that, as one gentleman should do to another, I showed him the Resolution that I intended to move. He read it over, and said it was all right; but that he was not sworn in as a member of the Government, until the 8th of June, he wished me to alter the date of the return from the 1st to the 8th of June. Not supposing that his lands had been applied for or granted between the 1st and 8th, and he not informing me of that fact, I very incautiously did so. He stated, that I need not press the resolution, as the information would be furnished without an address. When the returns were laid before the House, Mr. Tilley's lands were not included. I have looked since for the Returns, and cannot find them on the files of the House, nor is there any notice on the Journals of the House, as there should be, that the information was ever laid before it."

"I now ask Mr. Inches, who is on his oath, if I ever had such conversation with him, or asked him, ever to alter any record, paper, or minute, in his office, or insinuated that I would like to have them altered?"

Mr. Inches stated that he had had no conversation about it. He said, my direct answer is, No. Mr. Wilmot made no attempt to alter or fix the date of Mr. Tilley's application, and he must have known, had he attempted to do such a thing that the Record would speak for itself.

"Mr. Tilley at that time came to me, and wished to know what were the dates of his applications for land. This was after the return of the present Government to office, and while the Legislature was sitting. Mr. Tilley then told me, Mr. Wilmot had made a motion in the House for a certain return, and if my memory serves me right it went back to 1st June. Finding that the transaction evidently wanted to be got at, was dated the 5th of June, I think it occurred between the 1st and 8th of June, he told me, with some degree of glee, that he went to Mr. Wilmot in the House, and said to him, "You may as well make it the 8th, the day the Government was sworn in," and that Mr. Wilmot unsuspectingly assented in consequence of which the transaction sought to be got at did not appear in the return, but escaped."

"Mr. Wilmot, on seeing the omission of the transaction in the return, brought it in to me, expressing his surprise that it did not appear after having been told the date, before, by me, that is, expecting it to appear there. I replied to him to this effect. No wonder it was not there, after you have been weak enough, or silly or something of that kind, to you have consented to an alteration in the date, after you had drawn your Resolution in accordance with information you had received from me."

Mr. Wilmot seemed much annoyed at "the trick" he considered had been played upon him. "I recollect that Mr. Tilley contended that the alteration which he obtained, was only just in reference to the time of change of Government; that is, to make the return commence or end when the new government came in, but I don't remember which."

"In reference to monies paid in to the Bank. At the time, I did not communicate my knowledge of the facts to any member of the Government. I was under the impression, that, at a subsequent period I mentioned it to Mr. Wilmot but I cannot say whether he was in the Government or not then, as it was years afterward, and he seemed very much surprised at the transaction."

Mr. Wilmot expressed his wish to state all the facts connected with this transaction and desired the Chairman to send for Mr. Tilley, which was accordingly done, when that gentleman came in, the evidence of Mr. Inches given this morning, was read over to him. Mr. Wilmot repeated his statement about the Globe."

Mr. Tilley wished to give in his testimony on oath. Your Reporter follows him in his own language:—

"I stated it before, and knew that the lands were selling to speculators."

"In relation to the article in the Globe, I have communicated no such information to the proprietor of the Globe, or any other newspaper in this Province. A friend in St. John wrote me a letter, in which he said, that a gentleman well known here, and whose integrity will not be questioned, had written in his presence, and signed, the enclosed statement, to which he was willing to come before the Committee and bear testimony, if necessary. It was, that Mr. Inches had asserted to him, that Mr. Wilmot, on one occasion, came into the Crown Land Office and wished him, Mr. Inches, to change some dates."

[Mr. Inches said, "Never! In reference to some information asked for by Mr. Wilmot, my answer was, I thought he was mistaken, but that I did feel hurt at the course Mr. Wilmot pursued in the matter on the floors of the House. You will observe that I state distinctly, that I never made such a statement."] Mr. Tilley went on:

"In 1857, there was an article appeared in the Freeman, which I considered it necessary to make some remarks upon in the House. In that article I was charged with acting in concert with a number of persons in St. John, in trying to obtain lands under the Labor act, said to be about 17,000 acres, and that I had got one-tenth of the whole for my services. I then rose in my place, and asserted, that during the time I had been in the Government I had never applied for an acre of land under the Labor Act, or any other Act, and recited the manner in which I had made the purchase from Mr. Arnold."

Some days after this, Mr. Wilmot came to my seat, and asked me to step into the Speaker's room. He had a written paper in his hand. He said to me, "Here is an address I propose moving. I know you got your land in a proper manner, and I presume you have no objection to my moving this," reading it at the same time I said, "I observe that you commence your dates at the first of June, if you intend it should refer, in any way, to the Government, why not let it commence on the day the Government was sworn in?" He had no objection, and altered it, from the first, to the 8th June. He came in to the House, and gave notice of the motion. I arose in my place and stated, that the information would be furnished without the Address."

"The information asked for was in relation to the applications, sales of lands, and grants issued in King's County, from the 8th of June, up to that date, I think, but up to some given date.—That document was either given immediately to Mr. Brown or Mr. Inches, I am not sure which, in order that he might furnish the information. Within two or three days after the notice given by Mr. Wilmot, the paper containing the information furnished by the Crown Land Department, was laid before the House by the Surveyor General."

"About a week after that Mr. Wilmot rose in the House, and stated he had asked for information which the Secretary had promised, but which had not been furnished."

"Either the Surveyor General, or I informed him it had been before the House, four or five days. I may here state, I have never seen that paper, and don't know as a whole, what its contents are."

"I had occasion on that afternoon, or the next, to go into the Crown Land Office. I don't know what took me there, but then Mr. Inches told me Mr. Wilmot had been in, in a great rage, wanting to know why my grants for the land purchased in King's County, were not included in the return. Inches said he told Wilmot, because the grants had not been completed. Mr. Wilmot then said to Mr. Inches, "I will make such applications as will get them." Inches said he advised Wilmot not to do it, because it would look personal. I then said I saw exactly what Mr. Wilmot wanted. I had stated in the House, that I had never applied for an acre of Crown Lands while a member of the Government. That he came to me, admitting and asserting I had got my land properly, but that he wanted it to go to the country, that grants had issued in my favor, and people to be thereby deceived. The great body of the people not knowing the difference between the application for land, and the grant of it, would think I had stated falsely. This was my impression of what I supposed to be Mr. Wilmot's design; this has been carried out during the investigation—I don't say by him."

"Some short time after this, I saw it stated in the Freeman, and I believe it has been twice repeated in the same paper, that Mr. Tilley tricked Mr. Wilmot at the time; and that he did not like to acknowledge it, by asking for further information."

No information of this kind (alluding to the "Globe") went from me. I felt hurt, so I wrote to my friend in St. John the other day, and I intended to state it, in the House, during this session, and say, that in that matter, I thought Mr. Wilmot wished to place me in a false position; I now repeat, that I do not think I opened that return, or read it at all. I think the Surveyor General laid it before the House, and more, I never gave any advice, instruction, or intimation, as to the manner in which that document should be prepared. Inches speaks about glee. I may by expression of countenance, have denoted that I felt pleased that Mr. Wilmot had failed to place me in a wrong position."

"The reason I suggested that the motion for information should be changed from the 1st to the 8th of June was to confine it to the time to when the members of the present Government were sworn in."

In the main, Mr. Inches' statement is correct about the conversation. The name of the gentleman alluded to is Alexander Shives, as having a conversation with my correspondent. Mr. Shives was the person who is willing to come before the Committee."

[Mr. Inches then said, that he had no conversation with Mr. Shives for a long time; and that he had never said anything of the kind to Mr. Shives.]

Mr. Tilley said:—"Mr. Inches did not state that Mr. Wilmot had desired him to change the record."

"I will give a statement of all the lands I own. I am interested in no lands, directly or indirectly, but what I hold from the Crown, or by Deed from parties from whom I purchased in the Province. I will give a statement of all the lands I have had any interest in since the Railroad commenced."

"The first is a Lot purchased at Gouda Point, containing 50 acres. It was advertised for Sale at Public Auction, was within half a mile of

the then supposed Railroad Station at Gouda Point, I think that was in 1855, while the Road was being constructed by the E. & N. A. Company. I paid £270 cash for it. I bought it on the day of the Sale; I considered that a great bargain at the price I paid. Its proximity to the Railroad Station then fixed, was likely to make it a valuable country residence, or property. It was the first public Act in connection with the Railway, upon coming into the Government, was to decide upon the change of the line of Railway taking it and the Station two miles from this property, of which proposition, I, at the time, approved. I purchased in August, 1859, 10 acres within five minutes walk of the Hampton Station, from Chas. A. Everitt. This was two months, at least, after the line was open to Hampton, and after the Station had been fixed. I had no interest whatever in Mr. Everitt's purchase; these 10 acres I still hold."

"Sometime either in 1858 or 1859, I think in 1859, D. H. Hall in St. John, requested me to apply for one or two lots of land for him, at the Crown Land Office. I did so; they were brought to sale; he purchased them. When he asked me to apply for one or two Lots, I said I would apply for the two lots, and if he was tired of his bargain, at any time I would take one of them. He wished me to get them as near the Railway or one of the Stations, as he could. Three or four months afterwards, in St. John, he told me he had changed his opinion about Crown Lands, within a mile or two of the Railway being valuable; that any great increase of value generally arose in the immediate vicinity of a Station; and he felt disposed to buy some of the Lots in the vicinity of Hampton Station from Mr. Everitt."

"I told him I had procured 30 acres there, as what I paid for it, but that I would be willing to take one of the lots he held, as originally suggested, and which he and his wife shortly after conveyed to me by Deed."

"The application was made in Mr. Hall's name; and made the best selection I could. I think the land is about three miles from the line of Railway. I own in the town of Moncton a Lot, and a piece of ground with a small house on it, in the immediate vicinity, both of which I took for a debt. I will take £25 less than I gave for it."

"The only property I have sold is the Gouda Point property. These are the only properties I own or have any interest in, directly or indirectly, or in any way, except in the City of Saint John and Parish of Portland. I mean in addition to those I described in the former part of my testimony."

Ques.—"Where complaints are made against any officer connected with any particular Department, how, and by whom, are they brought before the Council, and how disposed of?"

Ans.—"Most generally, I think, by the heads of the Departments. Sometimes there are exceptions. Members of the Government may know something about it, or have heard charges against Public servants, and may bring them up without reference to the Heads of these Departments. If the complaints are brought formally before the Council, the first course is, to send the party complained of a copy of the charge, for his explanation. The Treasury and other Departments, such as Board of Works, and Post Office, are exceptions to this. Their answers are read, and is referred by the Government to the Crown Lawyers, if important. When the answers are satisfactory, the complaint drops. If it goes to the Council, it appears on the Schedule, and is taken up in order, and the views of the majority prevail."

"I don't recollect of any complaint being made by any member of the Government against Deputy Stiles."

"As a member of the Council, I am prepared to justify Deputy Stiles' dismissal. I hold myself responsible, as a member of the Council, for every thing that is done by the Government, so long as I remain a member of it. I am responsible to the country, and could only dissolve that responsibility by resigning. Deputy Stiles belongs to Albert County."

AFTERNOON SITTING

The Committee having re-assembled at 2 P. M. Mr. Tilley read a statement from Mr. Shives, as follows:—"At the time of your explanation in the House, of how you purchased the land after the Freeman publishing your purchase as the Land Plunder, Mr. Inches and I had a conversation, in which he stated, that Mr. Wilmot wished him to alter the dates of the application, or sale of the land to you, as to put your purchase in an unfair position; and Mr. Inches refused to do such a dishonorable act, and expressed contempt of Wilmot for asking him to do such a thing. Make what use you may see fit of this, and should you require personal attendance to corroborate it, it can be had."

"Memorandum, March 6th.—I saw Alexander Shives write the above." T. HANFORD.

Mr. Wilmot observed, that the statement was most infamous lies, which Mr. Inches corroborated, and stated he never did, nor could he if inclined, alter a document."

Mr. Tilley was then questioned and replied:—"I think applications for land and all papers connected with Land open for the investigation of any member of the Legislature. If any member of the Legislature wished to go to the Crown Land Office to examine them, they ought to be open to them. I think, and also to the public generally. If one of my constituents wrote desiring me

to procure information think it my duty to oblige. Ques.—"If he requires a dress to procure information applied for, or granted, would you not consider duty?"

Ans.—"No, I don't think it my duty to oblige. Ques.—"If any one of your constituents' request of a Public Department, or those for whom he is affected, would it not be a duty?"

Ans.—"Certainly, it is not, as a member of the obligation to shew you that the Resolution before making the motion."

Ans.—"How was it not, and it was remarkable did it before now since Ques.—"Had you in the grants to yourself, particularly requested to appear in the return, the 1st of June,—do you do it?"

Ans.—"I tell you now would appear in that completed."

Questions by Mr. Wilmot, malicious motives towards probable that I would have lution relative to land (ed) before making the motion."

Ans.—"Well, I tell when you, showed it, the impression that you, applications in at all; at the Grants. The intention intended to throw were requested by one a Return of the lands you did right in motion was altered at my return."

Ques.—"When returned by a member of the Government appear in the Journals?"

Ans.—"These papers recollection of the Committee was going what should not, go Journals."

"When Mr. Wilmot that there was no need information would be dress. The Clerk generals, any papers laid information for the taining this information nals, this is the first in Those motions generated to the House; and this House five days before I was surprised, when in, and got up and told days. The principle Snell's load, were made I think."

[A number of applications were here read by Mr. Shives furnished the Secretaries applications, at different signed by the parties, are as follows:— James Demill, Alfred Robinson, Junr., L. Perkins, Edward L. H. S. Fillmore, John ort Polly, James G. James Olmstead, N. Caisick, William B. Robt. McLean, John Christopher Frisch, a Hamilton Callaghan, tor, James Hamilton, stated that he furnish applications for some were sent to St. John and returned by the him.]

Under the Regulation of 31st of August, 1858, the Petitioner for land state in his Petition,— over 18 years of age, aged in, nor the own The same set of R person shall be allowed 100 acres, payable by full amount of purchase of sale a discount of 25 EMPRE.

The Secretary requested "The first intimating kind Mr. Lyman C. I Segoe's Hotel, on his was boarding at the tored into conversation he wished to get some of his. I told him if next morning, I w Inches, who would give desired. He came down Crown Land Office. Inches, who showed ed his attention to Inches owned some l Inches made him a l quately made in the