

The St. Andrews Standard.

PUBLISHED BY A. W. SMITH.]

E. YARIS SUMMUM EST OPTIMUM. -CIC.

[12 6M. PER ANN. IN ADVANCE]

No 11.]

SAINT ANDREWS, N. B. WEDNESDAY, MARCH 13, 1861.

Vol 28

CROWN LAND AFFAIR.

In consequence of the great interest taken by the people in the investigation now being held by a Committee of the Assembly, into the system of Land Jobbing, and the developments made by the chief draughtsman of the Crown Land Department, a desire has been expressed that we should publish the proceedings. We condense the following from the "Colonial Empire's" impartial report, and will give the evidence for the defence, when received:

The Surveyor General was the first witness sworn, and he stated as follows:—
"The subordinates in my office have each their particular duty. When petitions are received, Mr. Lockwood examines the Map to see if the land applied for is vacant. If so, he marks the lots, and the names are sent to Printing Office; the lands are advertised to be sold by the Local Deputies in the several Counties of the Province, except York and Sunbury. The sales in those two Counties take place at the Crown Land Office."

The commission of Mr. Inches in the Crown Land Office, constitutes him Chief Draughtsman, in his absence Mr. Gowan takes charge. Mr. Inches holds no other office.

I know nothing of what subordinates do, as agents for other persons. I think parties have sent monies to Mr. Inches, with reference to sales; but cannot say to what extent Mr. Inches ever made application for lands.

When Local Deputies make their returns, they are all entered, and Mr. Gowan marks on the back of each return the amount paid. When lands are sold by Local Deputies, or at Crown Land Office, the names of the purchasers are returned and entered.

I am not sure that the regulations for disposing of Crown Lands, published Dec. 1856, and the notices of lands reserved in the various Counties of the Province, for actual settlement, was an Order of Council, in force when I took office, in 1858; but I do not know when they were abrogated.

I believe Mr. Inches has been interested in the purchase of Crown Lands, but I did not know it until the commencement of this investigation.

The Committee met at an early hour on Friday morning, in one of the small and inconvenient Committee rooms of the House of Assembly.

The Chairman, Mr. Tibbitts, asked Mr. Inches before going into his statement, if he had received advice from any party, or parties, relating to the course he should pursue.

Mr. Inches replied, that he had consulted with his brother upon this subject, and had received a hint, equal to advice, upon one point. The hint was from the Attorney General; and it was with reference to giving evidence before that Committee, to the effect, that under the Act passed last session, [Mr. Gray's Act] the only punishment the Committee could inflict, in case he chose not to answer them, was to commit him until the end of the session, a fact of which he was not previously aware. This was on the 27th February. Since that time, he had had several interviews with the Attorney General respecting the matter. The Attorney General came in, and took a seat directly behind the witness, where he continued to sit, and take notes, during the rest of the day. Then Mr. Inches proceeded with his statement, as follows:—

"When I thought of the coolness of the proposal, that I should go to Goal, rather than expose him [the Attorney General] to stung me, and I replied, that I intended to state to the Committee all I knew about the various transactions, from first to last. I said, I was not prepared to make myself a martyr for the Government; that I intended to lay aside all reserve, and make public all I knew about the affair. I repeat, that I was stung by the coolness of the Attorney General's proposal; by his demeanor; by his offers of sympathy; by his assertions, that he would aid me all he could—when in reality, it was the Attorney General, and not me, that wanted aid. Ever since this affair was made public, the Attorney General, has been dogging me, suggesting and advising me, gratuitously, about the matter, in the streets, and in the Crown Land Office. From the Attorney General's conversation, I gathered the impression that he was exerting himself in my behalf. The Attorney General informed me, that he had done so by speaking to several Members of this Committee, and he particularly named Messrs. Wilmot and McClellan."

"I will now proceed to remark about Land purchases in which I have been interested. They amount to Twenty-Six Thousand acres! In these lands I have an interest of one-half. The remaining half is divided between two other parties, one of

whom is a resident in this Province, and the other is not.

"These lands are situated in the Counties of York, Westmorland, Albert, and King's. The Attorney General has nothing whatever to do with these lands. The parties that own the half-interest with myself, are not members of the Government. I decline to give their names."

[Here Mr. Inches was asked whether the party residing in this Province, and interested with him in his Land purchases, was a member of the Legislature? He declined to answer the question; but he did it in a way that left the impression such was the case.—Mr. Inches then put in a tabular statement of his purchases, and the position in which they now stand. Mr. Inches went on, and said:—"A considerable amount of these lands had been resold from four shillings to eight shillings and four pence per acre. Some were sold to Robert Watson, of St. Stephen, and some to William Parks, Alexander L. Light, and Douglas B. Stevens of St. John."

I believe there is a distinction made between persons holding public situations, and persons who do not, in connection with these transactions. I maintain, there is no moral guilt in them. The truth is, the official atmosphere in which I have lived, and breathed, the last three or four years, has not been such as to sharpen or elevate my ideas of rectitude with regard to the interests of the public. In making this statement, I refer to parties with whom I have been brought in contact officially and I refer particularly to the present Attorney General.

These land transactions, in their various branches embrace a wide scope. I have seen members of the Legislature, when desirous of obtaining large quantities of land, stoop to the meaner means of using fictitious names, and utterly disregarding the interests of the Province, in order to serve their own purpose. The regulations of the Crown Land Office forbid any one person from purchasing more than 100 acres on credit, payable by instalments.

Let me here mention that I believe a more honorable man than the Hon. John H. Gray does not live. Some eight or nine years ago long before he was in the Government, or Attorney General, he wished to purchase some Crown Lands, and asked me to take the necessary steps. I put in the applications in the usual way, with which he had nothing to do. At the sale, he bought the quantity applied for 626 acres, and subsequently, two Grants issued; one for himself for 306 acres, and the other to his law partner for the remaining 320 acres. Mr. Gray did everything openly and above-board; and although the newspapers discussed the matter at time, and tried to make political capital out of it, yet no person thought there was the slightest wrong in it, nor was there.

I do not wish in my remarks to throw the slightest censure upon the present Surveyor General, for I believe no man can be more honest. He has had no knowledge of these proceedings. The system of using fictitious names in the purchase of Crown Lands has been in use the last fifteen or twenty years.

A large extent of the lands I purchased are South of the Annapolis, and not far from the Shediak railway, another large portion in Moncton, north of the Railway, and near Montegale. The idea of a Clerk in the Crown Land Office making large purchases of Land in this way, without the knowledge of the Government is simply absurd.

As an additional proof that both the Attorney General and Provincial Secretary were perfectly cognizant of all these transactions, they have both repeatedly spoken to me, with reference to those Grants, apparently from motives of mere curiosity, but certainly not of reprobation. Both of them have also with myself examined plans of these lands. Shortly after the return of the Provincial Secretary to office in 1857, he examined with me, the plan of Montegale. I mentioned to him how much had been sold to speculators, and told him the rest would go in the same way. I told him distinctly, it would all go to speculators. I hold here a letter from Robert Watson, of St. Stephen. It appears he had met the Provincial Secretary at Woodstock, on some Railway Excursion, and in this letter, he informs me, the Secretary had told him there was a block of most excellent land in the vicinity of the Railway in Westmorland, which he [the Provincial Secretary] would purchase were he not connected with the Government, and advised him [Mr. W.] to buy it. And now with regard to the Attorney General. He mentioned to me, that he would like to get some of the lands South of the Annapolis. At his request, I entered applications for the land in fictitious names. This land is two or three miles directly South of the Peticodiac Station. The Attorney General had much conversation with me about it. I remember distinctly, a conversation with the Attorney General as to

the price he would give, in case of competition; and he said, he would not go beyond the upset price. There were other parties my partners wishing to obtain the same land, and they had no idea of letting it pass at that rate, nor did I myself care to let it slip. When the day of sale arrived, the Local Deputy, acting as Agent for both parties, knocked the land down to that party which advanced on the upset price and would have given considerable more, if necessary. The quantity of land was 550 acres, and it was knocked down to Hugh Smith—a fictitious person.

In the next transaction, the Attorney General was more fortunate. At his request, I purchased for him in the Parish of Moncton four hundred and seventy-five acres, in the names of five different persons. The first instalment on these lots was paid by me; the Attorney General furnished me with the money. The sale of these five lots took place on the 4th May, 1858, but no second instalment has ever been paid.

I furnished Deputy Wilmot with the names of three parties who had signed transfers before the Sale. I think the other two, Stevens and Stiles, were furnished by the Deputy in Albert. These five lots now stand in the Crown Land Office, as if those parties had each a claim upon a lot, by reason of their having paid the first instalment. The Attorney General, on paying the balance, and producing the transfers, can at any moment demand a Grant in his own name.

"There are two other purchases by the Attorney General, one with four names. The difference in this case was, that I gave him blank transfers, and he got them signed himself."

"The next purchase of the Attorney General is three hundred acres, in a tract lately surveyed on the Nackawick. It was sold on the first Tuesday in the last month, February 5th, 1861. The Attorney General told me this land was for himself, and got me to bid it in for him. He has not paid the money for it yet."

"I received instructions from the Attorney General to bid these lots in for him, which I did, at the upset price."

"A Tract of 21,000 acres (in which these lots lay) had been surveyed for actual settlement, and the Surveyor General objected to any of them being offered for sale, by auction, as they would be bought by speculators, and the lands looked up. The Attorney General contended that it ought to be done, as the quantity had been applied for a year before the survey of Tract had been ordered. The Attorney General told me he was opposed to the subject, and expressed much feeling upon the subject, because it had been decided in Council that these lots should all be sold for settlement, without exception."

"The block ordered to be surveyed was 10,000 acres; but the Deputy surveyed and returned 21,000 acres. The Deputy (Whitehead) delayed making his survey to the very last moment, and until he was threatened that Deputy Davidson would be sent if he did not proceed with it. The effect of this delay was, to cause a suspension of nearly all timbering operations on the Nackawick River this season. The Surveyor General declared the Deputy should never be paid for surveying more than the 10,000 acres ordered. I said derisively, that he would be paid! This but an instance of the way in which the Surveyor General has been interfered with by other members of the Government."

"The distribution of advertisements was made by the Attorney General, without consulting the Surveyor General, until about two years ago, when the matters were taken up by the Government, and arranged in a more methodical manner, after a good deal of protestation by the Surveyor General. I told the Attorney General several times, that I could not act without consulting the Surveyor General. This was in particular cases, and the case of Whitehead, before mentioned, was one of them. I remember mentioning to the Surveyor General, what Whitehead wanted, and he scouted at the idea, yet, after all, he had to put up with it and pay the whole amount."

"The Provincial Secretary and myself within the last three or four years, sometimes arranged the advertising without consulting the Surveyor General. I have a pencil memorandum of the Provincial Secretary on the letter file, directing to whom the advertisement should be given. Lastly, the Attorney General has assumed the control of the advertising."

"The business of the C. L. Office must be done promptly and some person must necessarily assume the responsibility. The mode of transferring purchases is not new. When I attended the Executive Council with the Land Schedule, ten or fifteen years ago, the Executive would ask if the transfers were all right, and pass them. In Mr. Baillie's time they were settled in the Office, without reference to the Executive."

"Applications would come from North-

umberland for license to cut timber on the Indian Reserves; they would be put on the Schedule of the Executive Council, and the answer invariably was, "to stand over." The Council never found leisure, or inclination, to deal with them. At last I got tired of entering them, and having them "stand over;" so I took the responsibility of answering them myself, which has been found to work well."

"In consequence of delay on the part of the Law Officers, a great many conflicting cases are never decided; and a reference to the Law Officers, which means to the Attorney General, is virtually an indefinite postponement, and sometimes amounts to a denial of justice. It is a jest in the Office, that a reference to the Attorney General sends the matter to the "dead file"—there is an end of it."

"And now to my land purchases. There are others far above me, whose example I merely followed, and I extend there is no "moral guilt" in my buying land which may appear so to many. I make no observations as to its propriety in an official and public point of view, and I do say, that the Chief Officers of the Govt. are connected with these transactions themselves, and know to a certain extent, what was going on."

"I now wish to submit to the Committee a proposition touching these lands which is this:—In consideration of relinquishing to my partners all my interest in various scattered Tracts, they have consented to give up to me entirely, the large and unbroken tract, in and near Montegale, containing 3,330 acres, composing the best land for settlements on either side. [This tract is not far from the Railway station at Salisbury.] I propose to reconvey this tract to the Crown or being refunded the purchase money, and the adoption by the Assembly of a Report from this Committee recommending that course."

"When before the Executive Council a few days since, the Hon. Albert Smith hinted at the possibility of escheating the lands I hold I said, I was quite prepared to meet any question of that kind. I then also said, there were three courses open to the Executive. They could, and should, make a full enquiry as to all the purchases, and the details of each. They could pass an order to prevent such dealings in future; and lastly (I said it respectfully) they could dispense with the services of Andrew Inches."

"In connection with the above proposition, I beg to say that I am not indifferent to a dismissal from a position I have occupied twenty five years which has rendered me more familiar with all the details and duties of the Crown Land Office, than perhaps any other man in the Province. Had there been an Order that I should have no connection with Crown Lands, I would neither directly or indirectly, while in the public service, have interested myself in the slightest degree in their purchase, and have further freed myself from all connection with Agents. A practice has grown up, of allowing clerks in the Crown Land Office to act as Agents for purchases, or persons having business with the Department, which I think highly objectionable. My own emoluments in this way during the past year, was between £50 and £75; but on an average of the last five or six years, cannot have amounted to less than £100 a year. The Attorney-General declined asking Mr. Inches any questions at that stage of the proceedings."

SATURDAY, March 23.
The Committee met this morning in the Supreme Court room, in order to have more space; but very shortly after the proceedings commenced, the place became crowded. The Attorney General was again present with other members of the Government, and also all the leading members of both Houses thus causing an entire suspension of business in both branches."

The examination of Andrew Inches was resumed. He said:—"I have still important evidence to lay before the Committee."

"My situation on 25th February last was that of Chief Draughtsman in the Crown Land Office. I held the same appointment under Mr. Baillie and Mr. Saunders. I am now a Deputy Surveyor but never act. I am not a Local Deputy."

Mr. Ferguson, of Restigouche, gave me leave in writing to use his name, to get land and have the grants issued to him. I never purchased an acre under the Labour Act."

A grant issued to the Hon. S. La. Tilley, on 3d September, 1855, for 400 about a mile and a half from the Railway. Also a grant in Studholm, K. C., dated March 26, 1858, for 700 acres; this is about nine or ten miles from the Railway. Another grant on April 3rd, 1848, for 400 acres in Salisbury, Westmorland County. On the 7th April 1858, another grant for 300 acres in Studholm, K. C.; and a further grant on the 16th April 1858, for 280 acres adjoining land granted to Robt. Shives, in Studholm."

"All these lands were sold at auction, under application made in fictitious names; but

I do not think Mr. Tilley had anything to do with the applications, or knew of them.

In the time of Mr. Wilmot, parties had three months to make improvements on land to comply with the provisions of the Labor Act. In 1858 this time was extended to two years, and though I tried repeatedly to have this time shortened, with the concurrence of the Surveyor General, it could not be effected until last year."

"The Hon. W. H. Stevens made an application for land under the Labor Act. A person making applications under that Act, must state that he is a poor man and has no land in the country."

"I do not recollect that any grants were issued to me while Mr. Wilmot was Surveyor General. No grant of any consequence issued in my name until last year. I never informed Mr. Wilmot that I had purchased lands, nor did he know of my having done so."

"Yesterday, I gave evidence of the responsibility I had assumed in answering petitions. This morning I went into the Crown Land Office, and found a number of cases referred to the present Attorney General, which have never been reported upon."

With reference to the present Attorney General he found the case of Jeremiah Rockwell and the Central Bank, respecting land in Carleton, on the application of G. Botsford, in 1859. An order was made in Council in July, 1859, referring it to the Attorney General, but as yet he has made no report. The officers of the Bank have complained of this long delay, and become very urgent in the matter. The Attorney General has been repeatedly pressed for his decision, but without effect."

Some dozen other cases of the like nature were also mentioned by Mr. Inches, to show the dereliction of duty in the part of the Attorney General and neglect on the part of the Government, when an adjournment took place until Monday morning at 9 o'clock.

Provincial Parliament.

FREDERICTON, March 5th.

The House accepted the amendment made by the Legislative Council to the Bill authorizing alien Clergymen to solemnize marriages.

Mr. Cudlip introduced a Bill to authorize the Session for the City and County of St. John, to assess the County for the expense of fitting up the Court House for the reception of the Prince of Wales.

The Hon. Albert Smith's Bill to allow the Acadian French of Westmorland to tax themselves for the support of their paupers, was discussed in Committee, and progress reported. [The French in the Province have always supported their own poor by arrangement among themselves, and have therefore been exempted for payment of poor Rates.—Ed. B. & V.]

The order of the day for going into Supply came up, according to usage, at noon. The Provincial Secretary, in view of pending investigations, moved that the question of Supply should be postponed, until Friday next.

Mr. Inches was on the stand in the forenoon and stated, in addition to John McAdam the Member for Charlotte, Freeman H. Todd, and Buchanan of St. Stephens, Zachariah Chipman of St. Stephen, and Thomas Berry of St. George, as interested in large Tracts of Land, obtained in the Counties of York and Charlotte, under the Dabor Act, and the evasion of its provisions.

The Surveyor General was examined in the afternoon, with respect to the negligence of the Attorney General, and dereliction in the performance of his official duties with respect to the business of the Crown Land Department in every branch, and he fully confirmed the evidence of Mr. Inches.

Mrs. Winslow vs. Crying Children.

Are you disturbed at night and broken of your rest by a sick child suffering and crying with the excruciating pain of cutting teeth? If so go at once and get a bottle of Mrs. Winslow's Soothing Syrup. It will relieve the poor little sufferer immediately—depend upon it; there is no mistake about it.—There is not a mother on earth who has ever used it, who will not tell you at once that it will regulate the bowels, and give rest to the mother and relief and health to the child operating like magic. It is perfectly safe to use in all cases and to the taste, and is the prescription of one of the oldest and best female physicians and nurses in the United States. Price 25 cents. Office 13 Cedar-st. New York. Sold everywhere.

A man named Boutellier was recently frozen to death in the vicinity of Ha Ha N. S.

One hundred cases of suicide are officially registered in New York and Brooklyn for the past year.