

and should be decided in another Court, and in another way.

This Honor also said to the Counsel, who had instituted the enquiry, that it would not be proper for him to bring the widow into Court, to assist in contesting the will, as under its provisions, she was much better off, than she could possibly be, if this will were broken, or if no will existed, as in that case, she would only have her right of dower, and not the use of the whole property as allowed by the will.

The Counsel then withdrew to another room, and after a consultation, on returning, informed the Court, that they had agreed not to take up, at present any evidence, not strictly in accordance with His Honor's suggestion.

Leonard R. Harding, was then again called to the stand. I told Gurney, that my two sons and Armstrong were come. I told them to come into the bedroom, and witness the will; the door of the bedroom was open. I placed the table so that Gurney could see the witnesses sign. I stood at the North East Corner of the table. Jonathan stood at the side of the table. I am sure that Gurney, and the witnesses could see each other. Gurney did see the will after it was signed. The position of the table, as given by the witnesses to Hartley is all guess work. I lay down on the bed, where Gurney lay, and I could see the table where they signed it.

Gurney told me, Charles Connell had asked him, if he had not better give him his property, and he would take care of him and his wife, and that he would bring them into Woodstock, and keep them as long as they lived, for the property. I told him, he would be foolish to do that, as one half the proceeds, of the farm would keep him and his wife comfortably, and he would still have the property to do with as he chose.

Mr. Connell also wanted to send out his brother George, to make his (Gurney's) will.

Cross-examined by Mr. Needham.

I did not say, I could be as good, as £60 or £70 to Mr. Newcomb.

Gurney owed Geo. Welsh and wife, between £30 and £40, J. Grover £15, Josiah Green £4 or £5. Geo. Welsh, put in his claim. I gave him a cow.

Question.—To whom did that cow belong? Ans.—To the estate.

William Armstrong was then sworn.

Examined by Mr. Needham.

I have lived in Jacksontown since 1858. I have seen this paper, it is the will signed by Mr. Gurney, and the witnesses on 4th December, 1860, at his house at night. I sat up at Gurney's that night. About an hour after the will was executed, Harding and his two sons left the house. Harding did not stay that night with Gurney. L. R. Harding, Senior, L. R. Harding, Junior, Jonathan Harding and myself were all present when the will was executed. Mr. Gurney had NO SPECTACLES on when he signed the will, did not have any on during his sickness, when I was present. Gurney did not read the will at that time. After Gurney signed it, Harding laid Gurney down on the bread of his back. He certainly lay 18 inches from the front of the bed. I sat up with Gurney every Tuesday night, that is to say, the 22nd and 23rd Nov. and the 4th 11th, and 25th December. I never sat up with him on a Monday night.

After Gurney signed the will, I came out of the room first, Harding's boys after me, and Harding himself shortly after. I stood by the fire when I first came out. There was a lounge in the room. He called me to witness the will. Then I signed it, I stood with my face to the west, my left side to the wall. Harding stood with his back to the door of the bedroom, while the witnesses signed it. Harding stood in the same place, while all the witnesses signed it. While I was signing it, Harding put his hands on the will.

I will swear that Gurney could not have seen either of the witnesses, when they signed the will.

[Here His Honor, read the attestation of the witness, at the time when the will was proved, in which the witness stated that the Testator and witnesses, did see one another signing the will.]

Mr. Armstrong explained, that he did thus swear before the Surrogate, thinking it a mere matter of form, and not knowing that it was necessary, that all parties should sign in one another's sight. That he did at that time think that Gurney could have seen the witnesses sign, because the table was opposite the door. When I returned home from attesting the will, to satisfy myself if I had sworn to the truth or not, I went to Gurney's room, and found on more particular examination, that it was impossible, for Mr. G. to have seen the witnesses sign. I lay down on the bed in the position in which Mr. Gurney lay at the time, and found, as I say, that it was utterly impossible for him in that position to have seen us sign. I went next day to the Surrogate's, as His Honor knows, and told him all about it. I am confident Harding did not move the table, that night. It was impossible for him to do it without me seeing him. There was in the room, a chest of drawers, the table, several chairs and the lounge. I went to Gurney's from the Debating Club, with Jonathan Harding. I found there, Harding, Mrs. Gurney, and Geo. Welsh, and his wife. Harding left about ten o'clock. In about half an hour, Harding and his sons came back. Harding stopped about an hour after the will was signed. He told me the old will was not right, and that he had another, which he would have signed that night. Harding gave Gurney, wine two or three times. He did not ask me to be a witness before that night. He

went to the bedside, and said, Gurney, sign this paper. Gurney asked what paper, Harding said, this paper. Gurney said he would sign it, asked for pen and ink, and then signed it. Harding asked him to give him his finger, he put it on the seal, and told Gurney to say "This is my last will and Testament." He then laid Gurney down. Harding then sealed up the will in an Envelope.

He said to me, Armstrong, as a man, don't you say anything about what passed to night. He then went home. We never went to look for meat. The table was not moved from time Welsh went to bed, till next morning. After Harding went away, Gurney said his business was pretty much finished. I said, I know you, Gurney have made your will last night. He said: I have left my farm to my friends. Harding is to do my writing. He said Harding wanted watching, and that he had two good men to watch him. I went to Harding on the 5th Dec. and asked him how the will business had leaked out. He said, he leaked out—I said, it had. He said, to tell them, they were blabbing. I had not examined the room, when I swore to the will.

Cross examined by Mr. Street.

Did not know it was necessary for Gurney to see witnesses sign the will. I believed Gurney could see the witnesses, when I swore to before the Surrogate. I had not then as good an opportunity, to know the premises as Harding had. I know the premises now as well as anybody. I never examined the room, till after I went to prove the will. I did not know, what was in the will, till I seen it in Geo. Connell's office. Connell told me not to say anything about the will for two or three days, till it was fixed up. I would not have gone before the Surrogate, had I known, what was in the will, as I know it was not Gurney's intention.

I got on bad terms, with Harding on Sunday, going to meeting. He attacked me, and told me, that he had found one person, who had told him, that I said, his sons had sworn to a lie. I told him, that if he looked round, he might find four or five. Gurney said to me, if Harding did not do right, he had Harper and Edgar, two good persons, to watch him.

Questioned by Mr. Needham.

I should have been astonished, had I been mentioned in the will. (Repeated several times.)

Did not know, it was necessary for Gurney to see us, when signing the will.

Court adjourned half an hour for dinner.

At 29 minutes past 2: Court resumed.

George Welsh sworn.—Have lived in Jacksontown 5 or 6 years. Lived with Mr. Gurney when he died on 26th Dec. 1860. Remember the night when the will was executed. Went to bed between 10 and 11 o'clock, got up next morning between 5 and 6. Armstrong was there when I went to bed, but not Harding. There was a chest of Drawers in the West end of room; two chairs between drawers and table. The table was in the same place as usual when I went to bed. I put the refreshments on the table before I went to bed. I did not move anything. There was meat on the table; I put it on the table before I went to bed. If the table had been moved to the east, I should have noticed it. I believe it was in the same place, when I got up, as when I went to bed. I never sent an account to Harding. Harding came to me, and asked what cow I would take for having taken care of Gurney. I showed Harding notes of Gurney's, amounting to £36. The cow was worth £6.

Cross-examined by Mr. Street.

I do not think the cow to much for taking care of Gurney. It was before Gurney died I showed the notes to Harding. I went to bed between 10 and 11 that night, the will was executed. I heard Harding, go out, and in about half an hour's time he came back. I knew when he came back by the rumpus in the house. The table was in the same place, as in other nights. Harding, and Armstrong were there when I went to bed. My attention was not drawn to the table having been moved. I knew nothing about subscription to any scrip.—don't know what you mean.

Questioned by Mr. Needham.

Table stood that night in the same place as usual. There were two chairs between the table and the bureau. Gurney lay that night as usual. There was a cue in the headboard, which he always lay opposite to. (Here the witness cut out the shape of the headboard in paper.) I was with him 10 or 15 times every day.

James Grover sworn.

Examined by Mr. Needham.

I was at Gurney's on Good Friday, with others. I lay down in the bed, where Gurney lay, in the position in which the witnesses said, he lay, and looked out of the door, but I could not see within two feet of the east end of the room. I could not have seen any person at the table placed in the position where Armstrong said it was.

Cross-examined by Mr. Street.

I had to reach over the side of the bed, supporting myself with my hands on the rave, and stretching out, before I could see any person at the table in that position. It was impossible for any person to have seen the table from the bed, where Gurney was, said to have been lying. I am not a subscriber to any scrip. I gave \$10 to Newcomb to help contest the will. I did so, because I felt an interest in a friend whom I thought was wronged, and because I thought it a scandalous affair. I do not know of any other person, who has paid anything towards contesting the will. I went with Hartley to see the room. As I was lying in the bed, as Armstrong placed me in Mr. Gurney's position, I could not see the table as L. R. Harding Jr. placed it.

Court then adjourned till half past 10 A. M. on Tuesday.

On Tuesday morning the Court met.

Mr. Connell's evidence we obtain by the kindness of the Surrogate from the official Report as our Reporter did not reach Court in time.

George Connell, Esq., sworn.

I am the Attorney for Harding. I state distinctly, without any reservation that the testimony given by Armstrong, as follows:—George Connell, the attorney for Harding, in his office the day the will was proved, said to me. "As a man, don't say anything about it until after to-morrow, or next day, till we get it on record," is untrue. I never made any such statement to Armstrong.

I don't know whether Cox was in the office. I took the will from Surrogate's office and left it on my desk. Armstrong came in and without permission took it up. I told Armstrong it was improper to take a paper from my desk.

The Woodstock Journal. Thursday, April 11, 1861.

From the postmark on the envelope which contained the following we judge that it came from Fredericton. Our thanks are due to the kind friend, whoever he may be who mailed it to us.

THE SMASHER MOTTOES.

OLD SMASHER MOTTOE

TO THE VICTORS BELONG THE SPOILS.

James A. Harding.

NEW SMASHER MOTTOE.

DEVIL TAKE THE HIXOMST.

Andrew Inches.

SCENE IN THE HOUSE OF ASSEMBLY.

House during recess for dinner.

Every one absent except the Clerk, who writes at his table.

Enter, in haste, and with eyes full of mischief. Mr. Cudlip, in his hand a tall beaver hat, very dingy and antiquated, with a bain about an inch wide, looking as though manufactured before the Flood.

Mr. Cudlip first claps the hat on the head of the Clerk; and then removes the glossy and stylish official beaver of the Speaker from the little marble topped stand beside the chair, where it is wont to rest when that dignitary is out of the chair, and puts in its place the antiquated one, after polishing it with his sleeve. Exit Mr. Cudlip into the "Speaker's Room" with the Speaker's official hat.

Enter Mr. Cudlip, and takes his chair, trying in vain to repress his glee.

(To the uninitiated.—When the Speaker is in the chair of the House he invariably wears the aforesaid official beaver, and when he gets out of the chair the hat is removed and placed on the little stand aforesaid, just at the right hand of the Speaker's chair: The Speaker invariably removes the hat as he straightens himself up to leave the chair, and invariably settles it down on his head as he settles himself down into his chair. The putting on and taking off the hat at the precise moment required by official propriety is an art not to be learned without much practice.)

Enter "Honest John," his attention is called to the hat; he shakes his sides with mirth, and turning round to the gallery in which are three reporters enjoying the scene, delivers to them his solemn opinion that the hat was made in the year one.

Enter several other members; and then the Speaker. The initiated endeavor to control their mirth, expecting to see the Speaker run up the steps to the platform, settle himself down in his cushioned seat and the dingy, antiquated, half-inch brimmed hat, made in the year one, down on his restless and pugnacious head.

In order to get him into the chair as soon as possible Cudlip directs Mr. Wright, his colleague, to go into the Clerk's room to get a St. John bill the engraving of which was just finished, in order that it might be read a third time and passed.

The Speaker jerks himself this way, twitches himself that, throws his head up and then to one side, cocks his chin, flings a pun at one member and elevates his eyebrows, cracks a joke with another, and brings his eyebrows down; then advances towards the chair, to take his seat. The antediluvian beaver catches his eye; for a moment he stands perfectly aghast; then catches the offending "till" in his hand and thrusts it into the "Speaker's Room" with so much force that it flies against the opposite wall, thirty feet off. Then exit Speaker in a fearful huff, into the Speaker's room to look after the official beaver.

Mr. Cudlip perpendicularizes himself and rushes after the Speaker.

Re-enter Speaker in an agony of mirth.

Enter other members, who catch the joke as though it was infectious.

A stampede of the whole corps to the Speaker's room, in which through the door can be seen the antics of the grave senators. Tilley puts the beaver on crossways, and leers around, amid tremendous applause. Brown then assumes it, and treats the members to a Highland Fling. Next it goes to the head of Botsford, who thereupon arms himself with the long staff of the Sergeant-at-Arms, and bringing it to the charge, rushes at Hanington.

Scene closes, with a general scramble, tussle, and flourish of cacophonies.

House of Assembly.

FREDERICTON, April 4.

The Homestead bill and bill to remove property qualification for members, rejected.

Long talk about going on with discussion on Land Committee report. Tibbits, Wilmot, Fisher and others, thought it should be deferred until the evidence is all printed—importance warranted delay—only about half of it was yet done; on the other hand it was urged by Tilley, Smith and others, that members were quite competent to discuss the matter fully now; that length of time which would elapse before the rest of the evidence could be printed and the country would not justify delay. Business of country done, the House should be prorogued.

Wilmot gave notice of the following. Resolved that the Report of the Land Committee be adopted, and in opinion of the House the members of the Executive Government, as Trustees for public, are responsible for judicious management of public Domain, and by endeavoring to escape from legitimate effects, and that responsibility have not acted in conformity with the spirit of the constitution, are not entitled to the confidence of the House. Words after constitution were afterwards struck out. Agreed to go into the matter to-morrow at 12.

Wilmot's Insurance bill for the benefit of married women, agreed to.

Bill to change the appointment of Water Commissioners, postponed 3 months.

Land Tax Bill passed Council.

FREDERICTON, April 5.

Some talk about two lots of land obtained by Waters in Victoria County—money paid 5 weeks after purchase. Tibbits and others declared this a violation of the regulations. The argument as to whether the regulations required payment down when there was competition, was not conclusive.

At 5 minutes to 1 Tibbits moved the order of the day. The question was put and carried in the affirmative, and Gilbert called to take the Chair, when Tibbits rose and said he wanted to move resolution. The Speaker said he could not, he must move it in Committee. Tibbits said he wanted it discussed with the Speaker in the Chair.

Mr. Leod gave notice of motion to adopt the Report, and affirming that it is the duty of the Government to take the report into consideration, with a view to such improvement in the management of the Public Domain, &c. as the facts elicited by the investigation suggest.

House discussing points of order as to who was not before the House. Finally Gilmor moved a resolution to adopt the Report. Tibbits then moved as amendment Wilmot's resolution. Gilmor then asked to withdraw his motion. Warm words passed. Smith charged upon the Opposition trickery and chicanery.—Wilmot said, if Smith charges me with trickery, I charge him with blackguardism.

No action taken on any of resolutions.

House adjourned at 4.10 to attend Dr. Robb's funeral.

FREDERICTON, April 6.

Fisher said he had recommended striking out the words expressing want of Confidence. He did not consider resolution soon announced to want of confidence. Gilmor consented to let his motions stand. Tibbits spoke for three hours, he reviewed evidence generally. Censured conduct of Government. Reflected on Brown for being first to sign the document sealing Fisher's condemnation, while his own department was being investigated. Stated discrepancies between Tilley's statement and Gommans reference to the Arnold Land.

Tilley followed—spoke an hour—not finished—argued that amendment implied want of confidence, and referred to a resolution of Fisher's in '54 on which Government of that day was condemned. Similarly worded to amendment showing Fisher's opinion then. His speech thus far principally recapitulation of matter referred to Fisher, and explained disputed accounts printers repudiating idea that heads of Departments should have sole control of such departments which had been urged by Tibbits.

FREDERICTON, April 8.

Ends Registration Crown Land grants passed. Discussion on Land Committee Report resumed at 2.20.

Tilley spoke till 4; thought the Report would have been very different had full information been before Committee. Defended several policy of Government in matter. Contended regula-

tions of 52 and 56 were virtually those of 58. Compared different great superiority of present merely exercised constitutionally by general responsibility. Empire denied having ever had bringing lands with Fraser. There was one discrepancy between Land transactions. Fisher for hours. Charged Government ward him under influence of e of coming electbu.

Watters had been more giving having violated a positive regulation had not done, instanced a case government 1863. Lord Melville appropriation of Public Funds sign till House by speakers v. him. Reviewed Correspondence generally believed that the party, would endorse his conduct.

From 94 to 64 House been M-Clean, End. Brown, Smith tell were the speakers.

General policy of Government cussion, and evidence before gone into. The two latter went; the rest against.

Brown reiterated his intention after termination of term.

Impossible in limits to give Wright and Dr. Vail obtained They have paired off. Sel Myers' claim reports. Myer matter with Government.

Vote not taken, but will row. Debate taking wide Watters and M'Adam against M'Intosh and Gray for it. G ing at 5.40.

From the Colonial EVIDENCE BEFORE THE FOR INVESTIGATING "JOBBER" CHA

(Continued from p. 5.)

"I think one of the parties land was chosen, and building house occupied by tenant, or that would be complying with I could not tell him positively the object of the Government if the lands were improved, a person occupying it in the Regulations. This person as because he was not in a position himself, at that time.

"I do not recollect that M. ad to me, that he intended to at the instance of parties of Washademoak, whose timber up by these applications.

(Mr. Inches wished to correct mistake of Mr. Tilley, who had lands applied for, for Mr. D. Railroad, in November of 1851 not mention the month.) were Hall, and since in part conveyed for applied for in Mr. Hall's applied for in the names of Wilson. "The names are Inches. "They were signed Mr. Tilley's presence, and I ence to these, and other lots.

Mr. Tilley resumed.— "I had nothing to do with bor Act; but I think any man has a right to get land, and willing to comply with the prevention and settlement, or poverty would not effect Act.

"I think the applications from Mr. Perkins, because I some of the names there, to say the conditions would be the persons might have standing over carefully, to see ditions.

"I think that the Settlement Labor Act might be done by Question to Mr. Tilley, occur in any office in the re it the practice of the Execut the members who represent tics, as to the fitness of the ted?"

Ans. "No they are not Quos. "Are there ever made on the bare recommendation members of the county to which is made, when all, or more than on the same side of politics.

Ans. "In reference to my members opposed to the C supporting it, and the latter myself would act on the re latter, against the other th commended was fit. About in making appointments, I In a case when three are for government, I don't know of no case of the kind bers of a County disagree a pointed, it is not a principle agree, no person shall be n venment will take such p proper, according to the Office.