

me they had talked to him about it. I was since come up, and an order given to let them have 7,000 acres, if they wanted it, and 3,000 out of this block to make up the 10,000, though I am inclined to think they are looking below for a tract down this way, and won't take that.

"My mind was, to accommodate Whitehead if I could consistently with the public interest. I told him not to go beyond 10,000 acres till I saw the Surveyor General, and gave him no authority or encouragement to go beyond that quantity.

"When I came to Fredericton and saw Mr. Inches, I mentioned this to him, he complained of delay, and said, 'Let Whitehead make his return of these 10,000 acres before he gets another order.' He also said, 'then if the land is wanted, we can make another order.' I mentioned; this to the Surveyor General when he returned; he was away when I spoke to Mr. Inches; I communicated to Whitehead as follows:—

12th Oct., 1860.

"DEAR SIR.—I spoke to the Surveyor General about the Survey. He says that he wants his present Survey done, and returned with the application, thereupon before he orders any more; when he purposes to add to the untaken enough to make 10,000 acres.

(Signed) C. FISHER.

To Deputy Whitehead. "Whitehead knew, from what I told him in Woodstock, that I had no authority to enable him to exceed his order. The Surveyor General has spoken about my remarks as to Whitehead's delay. Last year there was great difficulty in the Crown Land Offices, arising from Timber Licenses getting mixed with surveys. I told the Surveyor General we had better devise some means to avoid all this. I was up the river in July, stopped at Whitehead's all night; he was sick. He mentioned to me, that there was a notice requiring the returns to be in a specific time, and there was a number of persons for whom he had made surveys, but the papers for these could not be got in before the Land Sales, and this would make difficulty. I told him the object of the rule was to have them in long before the sale, to allow them to distinguish what lands to sell, and what not. I promised to see the Surveyor General, and arrange it thus. I did so, and the Surveyor General agreed with me. These must have been the times I assured him I had nothing to do with the delay.

"I don't think Whitehead could have gathered from me, that he might extend his surveys beyond his order. The conversation could not have related to anything of this kind. I think Whitehead's delay grew out of this conversation. "The Committee concluded that the Attorney General had better go on until he got through, whether they understood him or not, which several members said, they had failed to do. "In all cases it has been the invariable practice, when work has been done by parties, to pay them for it, and I do not know whether the Surveyor General did or did not dispose the payment of Deputy Whitehead for his excess of survey. He was paid. The survey was done at two pence per acre. I don't know that this has the effect of making Deputies make larger surveys than ordered. "I don't know of a case where an order was given for 5,000 acres and 30,000 surveyed. I will not state what took place in Council about Deputy Whitehead's excess. I will answer any question which affects myself, or character, but nothing outside of that, which occurred in Council. I will not say whether the Surveyor General opposed this payment. "A question was here put to the Attorney General by Mr. Wilmot, as follows:— "If a Deputy Surveyor exceeds positive orders of survey, and when he applies for payment, the Surveyor General opposes it, but the Council orders it—would not such a course have the effect of causing insubordination to the orders of the Department, and incur unauthorized expense? "ANSWER.—"I don't think there is any positive rule; it would depend entirely upon the circumstance of each case." "In cases of this kind I think it best to reprimand the parties and pay them as after all it is only a question of time—the work will all have to be done eventually. "It is necessary that the Surveyor General should have a knowledge of the surveys, in order to know what lands could be disposed of. "Question by Mr. Wilmot.—"If local Deputies could extend their surveys indefinitely contrary to the orders of the head of the department, and yet the payment is made by the Government, would it not have the effect of throwing the whole department into confusion? "Answer by Attorney General; If they do do it, it would with respect to timber licenses." "I know of no other block of 10,000 acres being thrown open in this way, without conditions of settlement attached under the present association system. On the return of Deputy Whitehead, he represented them all as good lands, as Mr. Inches, when the Methodists made their application, said that they were not as good as might be got. There never was any complaint by lumberers on account of these lands being closed up. "A man by the name of Young, came to me and complained that Perley had overlapped him. I went to the Crown Land office, and found his case without remedy. I don't know that Mr. McPherson complained, I heard his remarks in

the House, but do not consider them a complaint. I think he said something to me afterwards about it.

Mr. Inches intimates that I have not attended to my duty as a Crown Officer, with regard to trespassers. I never bring an action for the Crown, if I can avoid it. All the trespasses that have come into my hands, was a case in Kent, against Morrison, at Bostouche, and then, another of the Gilberts. Then two cases in which Murray was concerned on the Nackawick. With regard to Gilbert's case, there had been some agreement with the Deputy. I was directed to prosecute him, unless it was paid. I wrote him, and he paid the money. There is no analogy between Murray's case and Morrison's. One party had cut a large quantity of lumber on Crown Lands; the Deputy warned them but they persisted in spite of him. When the timber came out in the Spring, the Deputy seized it. There was a great deal of correspondence, telegraphing and excitement. The men were resisting the officer in all directions, they were sawing up the lumber. The Government put the matter into my hands. I directed the parties and Deputy, as I found it difficult to see Morrison himself, to put men enough on to look after it, and protect it; but in the face of all that, they were gradually taking the lumber away. I told them through the Deputy, or direct, I would enforce the law to its fullest extent, although I thought it would be difficult to do so. I spoke to Morrison, and it was understood that Julius Inches should look after it. I saw the lumber was going away all the time, but did not know how to prevent it. I saw Julius Inches; he said that Morrison said, I had treated him dogmatically—that I had not met him rationally, and was unwilling to discuss it; I said to come with me some day and we would talk it over. Inches was acting for Morrison, we agreed to take a certain sum, which we got. "The Surveyor General here offered this explanation. That he found that the Committee and Attorney General were a good deal perplexed about a matter he could explain. He had stated that the Attorney General and himself met on two separate occasions, and the Attorney General assured him on both occasions, that he had no hand in the matter of Deputy Whitehead's delay in making return of his survey. The Attorney General said in reference to that, it must have been in reference to this matter, that as it must have been in reference to the licenses and survey for separate lots of land. The reference which the Attorney General made to these regulations was perfectly correct, and he called in the Crown Land Office, and we had a long conversation upon that subject, and I assured him a warrant of Survey was returned previous to any sale. "True, the land so surveyed would be excepted out of the license; this subject and this conversation had nothing to do with Deputy Whitehead's Survey at all. "Attorney General resumed:—"I would not let political matters affect the discharge of my duty; this has been imputed to me in Thomas Murray's cases. There were two of them. I do not remember whether I had ever the papers in either case; but think I never had, I have not got the papers, and if they were given to me they would not have been lost. I wrote to Murray in both cases. I thought the Anderson's were connected in both. Understood one was arranged. Long had something to do with this one. I have talked with Mr. Inches about it, and he said, the Deputy was "an old woman!" "I was in reference to all these cases. "If the Deputy had done his duty, and held on to the Lumber, the difficulties would not have occurred. The officer has power to protect property when seized. "I think 'twas through the carelessness of Deputy Davidson this claim was not recovered. If ever there was a valid claim against Murray, it was not lost. There "might have come a great freshet and carried it away." "There was quite a discussion here between the Chairman, and the Committee, and the witness, as to whether his statements were at all relevant to the matter. The witness asserting his right to be heard at full length, and the Chairman his desire that he should be more brief. "I wrote Murray several times and spoke to him. I came to the conclusion that no action on his promise to the Surveyor General would lie. I felt satisfied that the Crown could exercise all the remedies, except replevying, that any subject could do. I thought nothing but an action of trover would lie, and was the only remedy perhaps. I assume the timber was cut by men who were supplied by Murray, and was sold to him. I felt it was desirable, if possible, to get it settled without that, for this reason: I have always found, in all these cases a great difficulty in fixing the parties, and therefore wished to get it settled. I saw Murray just before the House sat, and asked him to go with me to the Surveyor General, and see if we could not get it settled in some way. As Murray was a good man, and the remedy was as good then, and is now, as at any time, I wished to exhaust every other means before adopting legal proceedings. "The Law handed up to you the other day does not apply to this action of trover or to this case at all. "Next was C. Connell's note. I called upon him several times to pay it. The reason of Murray's case lying so long, is the distraction caused by the visit of the Prince of Wales.

"Connell's note was for £90 or upwards. The reason he declined paying it was because he said he had a set off.

"The way he put it there would be very little difference. My impression is when a seizure is made they generally compound the matter.

"I do not know that seizing officers are in the habit of taking securities in their own name, in compounding trespasses.

"I think the Deputies are authorized to take these notes by their commission. I don't remember that Connell's note ever was in my hands. He always contended that there was nothing due. I urged Connell several times to pay the amount. It has been handed over to the Solicitor General.

"I never heard that there was a considerable amount of money withheld by persons in Fredericton, belonging to the Government, collected by Deputy Davidson, till this should be paid which occurred in the Murray matter.

"I never knew how the note came out of Davidson's hands. I never had the note in my possession at all, and the Sur. Gen. now corroborates me in this particular.

"I will now take up the cases referred to me as AWY General. First, the Stevens' case. I remember the facts of this case substantially, and my supposition is, if there was any delay, it was Mr. Inches' own fault.

"When this matter was referred to me, I took the papers and examined them carefully; came to a conclusion in the matter, and handed them back to Mr. Inches. I think I told him just what was required.

"Some difficulty arose, with regard to some claims on this property, with Mr. C. Connell; he had some old mortgages, or something or other. It was at length decided, that a lease should be given. I directed Inches to tell Mr. Stevens what facts he must verify, in order to establish his claim. The next that came up was a lease. I drew a form; it was copied by a young man in my office—Finemore Morton by name. Inches looked at it, when I gave it to him, and said, "you have an extraordinary faculty of polishing up rude blocks of wood!" I said, when that young man came to my office, and told me his history, I could have cried. I talked about the lease with Mr. Inches, and left him supposing I had got a pretty simple one, though I think the one used was simpler. Mr. Stevens had got it into his head that Connell was interfering in some way. My brother wrote me about it, which I felt very keenly, as I thought it had gone long before. I went to Inches and told him about it. Inches said, that he was very quaint on these subjects. I said I was very sorry, and said we had better send to him at once; he was poor, and it was giving him a great deal of anxiety and trouble.

"I left Mr. Inches with the impression that the License would immediately issue.

"I remember Rockwell's case; after looking into it, I told Mr. Inches I was not disposed to alter the Order in Council already made. It was a case where the Central Bank had got under an execution the rights of a party eight or nine years ago, and he had kept on improving ever since. The order in Council was, that the Bank should have the title, upon paying Rockwell for his improvements since its acquisition. It was in June or July, 1860, I think.

"Next is Deputy Jack's case, referred to Attorney General and returned in 1857, without any report. I had nothing to do with this. Charles Carble's case I never had before me. In the Secretary's Office the course is to send all cases to me, and I enter them in a book if they are not disposed of. I know at once upon looking at this book how the business stands. If Mr. Inches had taken this course, no difficulty would have occurred.

"The next case is Sheriff Beckwith's. This I am confident was never sent to me. As Inches says truly, I have often gone down to his office and wrote reports there. Beckwith I think, said something to me about it, in Court, it appears to me last fall, but I do not remember this distinctly.

"Next the case of James Vance in 1859. This case I do not remember, but must have gone through it, and found some difficulties, when we have endorsed on it, to wait till Dr. Gordon and Mr. Rice should come. I then forgot it, but Mr. Inches should have sent it to me.

"In the case of Thomas E. Perley. Now this case shows the mind of Mr. Inches. I think Perley spoke to me once about this case; he did, and it with him. The case was: Perley bought a large quantity of land, compounding with the Government, and the land was given up for settlement. In 1853 he made his claim; but as he died, no report was made.

"This was the last case. "I never before was aware there were so many cases as Mr. Inches now says to be referred to me.

"My falling into the habit of calling, occasionally, perhaps, his habit of not sending papers to me. The course pointed out by Mr. Inches, has not always been pursued since I entered into the Office. In the early part of my holding office, the papers used to be sent to me. The custom of not sending them has grown up gradually. I don't think I ever said to Mr. Inches, that he had better keep the papers in the Office, and I would refer to them when convenient.

"In disputed cases of bridges, I think Mr. Stevens used to bring the papers, and we would go into them together. Most all these papers fall into the Secretary's schedule, and all these were referred to me in that way.

"The Treasurer generally communicates through the Secretary, but sometimes direct to me. No rule can be laid down with regard to this. Sometimes the Deputies themselves write to me.

"Allusion was made to the advertisements, it appeared something occurred about two years ago. The Surveyor General often complained that the advertising amounted to too much. It was a difficult thing to know how they should be distributed; I thought 'twas better to go into an inquiry, and see if they could not be better arranged. It was argued in Council, that I should aid the Surveyor General, and see Inches, to see if some better arrangement could not be made. We finally agreed I think in what I proposed. This is the interference; it was done by the wish of all hands, that I should do so.

"About the 22 tons of timber Downey talked to me, and I also saw Mr. Tibbitts himself, in Quebec, while the question of this license was under discussion, we looked at the law; he was anxious to get a license for a longer time than a year, if he could, to see what could be done, and we came to the conclusion, that the Government could sell him a License for a term of years at public auction. The inclination of my mind was, to do it, as I thought he had a hard case. When I came down home I saw Inches about it; he thought it could not be done without introducing all the difficulties of the old reserves. I understood at the time there was no practical difficulty in the way. He had already got the licenses renewed, and the whole difficulty was over, and it could stand thus till Mr. Tibbitts came in the winter.

"When I went to the Court in Victoria, in the Fall, two men by the name of Downey came to me, and stated they had cut down some 22 tons of rotten timber on Tibbitts license, which had been seized. I did not think it of much consequence. I had done a good deal of business for Mr. Tibbitts, and took considerable interest in his affairs, I did not see the necessity for making a great row about it. They said they were poor and offered 2s. 6d. per ton of stumpage, I did not settle it or pretend to, but intimated that I thought Mr. T. would be satisfied. I saw the Seizing Officer and asked him; he said 'twas enough. I fortnight after that I came to Fredericton, when I got a letter from Tibbitts complaining that I had been settled by my recommendation. I was annoyed, because I did not interfere at all. I went to the Crown Land Office, and said to Mr. Inches that I was not aware of having said anything about it. He said I had not but the Surveyor General had settled it himself, and 'twas all right."

Committee adjourned. (Continued on fourth page.)

THE ATTORNEY GENERAL'S DISMISSAL FROM THE EXECUTIVE.

We have received the "Message communicated to the House," with regard to the non-acceptance of the resignation of the eight members of the Executive Council, and the removal of the Attorney General from his seat in the Council, but are unable to publish from want of space any portion but the following memoranda, which really contain the whole matter.

(Copy) To His Excellency the Honorable J. H. T. Manners-Sutton, Lt. Governor, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY.

The House of Assembly on the 26th ult. appointed a Select Committee to investigate matters connected with the Crown Land Department. During the enquiry of the Committee, facts have been elicited which show that the Attorney General, since he has held office, has applied for and obtained Crown Lands in violation of the well known regulations and conditions of the Department.

We feel ourselves unable to justify or defend such a proceeding, and have so informed the Attorney General, and have communicated to His Excellency our unwillingness to continue to act with him in the Council Board.

As the Attorney General has intimated to us that he does not intend to tender his resignation, we feel it to be due to ourselves, as well as Your Excellency, to request to be relieved from the offices which we hold, and our position at the Executive Council Board.

We are of opinion, that if the Attorney General had thought fit to tender his resignation to Your Excellency, the business of the Session could have been carried through by the remaining Members of the Government, had Your Excellency been pleased to commit it to their charge.

(Signed) JAMES BROWN, S. L. TILLEY, W. H. STEEVES, P. MITCHELL, A. J. SMITH, CHARLES WATTERS, DAVID WARR, JAMES STEADMAN.

March 13th, 1861.

Memorandum of the Executive Council.

To His Excellency the Honorable Manners-Sutton, Lt. Governor, &c., &c., &c. May it please Your Excellency.

We have had under consideration the Memorandum of the Attorney General to the effect of this day's date, and for the purpose of this day's date, and for the purpose of this day's date, we advise Your Excellency with the services of the Attorney General as a Member of the Executive Council.

(Signed) S. L. TILLEY, W. H. STEEVES, P. MITCHELL, A. J. SMITH, CHARLES WATTERS, DAVID WARR, JAMES STEADMAN.

Monday, March 18th, 1 o'clock.

Memorandum for the Executive Council.

His Excellency the Lieutenant Governor has under consideration the Memorandum of the Attorney General to the effect of this day's date, and for the purpose of this day's date, we advise Your Excellency with the services of the Attorney General as a Member of the Executive Council.

(Signed) J. H. T. MANNERS-SUTTON, Lt. Governor, &c., &c., &c. March 18th, 1861, half-past 1 p.m.

Memorandum for the Attorney General.

His Excellency the Lieutenant Governor has under consideration the Memorandum signed by the members of the Executive Council, in relation to the removal of the Attorney General, as a member of the Executive Council.

His Excellency, in accordance with the advice tendered to him, dispenses with the services of the Attorney General, as a member of the Executive Council. The removal of the Attorney General from the office of Executive Council, will be formally notified to him by the Secretary.

(Signed) J. H. T. MANNERS-SUTTON, Lt. Governor, &c., &c., &c. March 18th, 1861, half-past 1 p.m.

THE PRICE OF LOYALTY.—We congratulate the people of New Brunswick on the distinguished loyalty of their gentlemen who will leave their business for a few days to testify their loyal love towards their Queen.

To be sure, their passages were given to them free; but this matter to notice.

Assembly.

Botsford, B. £10 0 0 M-Mills, Chandler, J. W. 10 0 0 M-Clel, End, W. (?) 0 0 M-Phel, Ferris, J. 5 0 0 M-Leo, Gilmor, A. H. 10 0 0 Perley, Gray, J. H. 5 0 0 Read, Hannington, D. 10 0 0 Scovil, Johnston, J. M. 11 10 0 Tapley, Lewis, J. 10 0 0 Vail, E. Lawrence, J. W. 5 0 0 Montgomery, 20 13 3

Council.

Botsford, A. £10 0 0 Rice, Chandler, E. B. 10 0 0 Ryan, Davidson, J. 11 10 0 Robb, Gordon, R. 13 0 0 Seale, Hamilton, W. 20 13 3 Todd, Hazen, R. L. 5 0 0 Earl, Harrison, C. 5 0 0 Kinnear, W. B. 5 0 0

—Freeman.

Why have the Smashers paid in the service of their masters everything they did? The rail in his evidence gave some of it.

All the printing and advertising with the department was included but he would give the amounts for advertising (exclusive of zette) from the year 1855 to 1859 was follows:

1855 £1856 1857 1858 1859

Freeman.

The President has appointed Maine, a brother of Hannibal, under the Reciprocity Bill. Our Southern readers to know that he is just as his brother, the Vice-President.