

Binding

264 The Woodstock Journal.

March 14, 1861.

made for cash down—that is, three shillings currency per acre, with twenty per cent. discount for ready money. The applications for these lands were filed in 1857.

It has been a common, but not a general custom for Deputies to return surveys that were never actually made. There have been a great many paper surveys.

The blocks of 10,000 acres reserved for settlement by emigrants were not broken into by my own act. It is true I had no formal order for that purpose. On the entry into office of the present Government, in 1857, there was a discussion about the scheme of Mr. Perley; it was looked upon as impracticable, and that the lands would be treated as other Crown Lands. At the time it was notorious between the Surveyor General and myself, that they should be thrown open.

A year afterwards, there was a revision of the regulations for the sale of Crown Lands—They were altered and published with the view of recinding all previous regulations. But no means were taken to announce to the public that these reserved lands were thrown open. The public had never been aware of the Reserves, and had never been deterred from applying for 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 1853, 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 moved until last year.

I had no interest in lands applied for in Montevale, except 700 or 800 acres, until last summer.

The applications for the land, bought by Mr. Tilley were made in February, 1857, in the name of James Johnston, John Kain, and Wm. Smith. The applications were signed by S. L. Tilley, as Agent for these people. The applications were prepared by me. The lands were purchased in the name of James Johnston. The sales were made in May and July 1857. There was then a transfer to Mr. Tilley made by me, on 28th July, a few days after the sale and the Grants passed in due course. [The transfer from James Johnston was afterwards produced by Mr. Inches].

It was the custom before the making of the regulations of 1858, for parties to make applications in their children's names, under the Labor Act, without any intention of improving the land, but only to get the timber, and the effects resulting, produced in three months rule. There is now in this Province from 60,000 to 70,000 acres, locked up under the two year rule, and although the 9 months rule is now again in force, its action is not retrospective. Under the three months rule enforced by Mr. Wilmot, if the parties failed to improve, the lands were instantly thrown open again to new applicants.

The Hon. W. H. Stevens made an application for land under the Labor Act. A person making applications for land 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 positions. 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.

These papers were returned to me with the schedule from the Executive Council. I endorse the order in Council upon the papers in each case. In some cases, I sent them to the Attorney General, when he could be found in his office. They were put off, and put off, and finally, they were put on the deal file. If I sent them to him by the messenger, they would be returned to me open, with a message that there was no hurry. The practice now is to allow them to lie in my office. In all cases, I have spoken to him about them. To illustrate this I will mention a case.

[Before giving his illustration, Mr. Inches spoke of the promptness of Messrs. Gray and Allen when they were Attorney and Solicitor General, and mentioned a petition of Matthew Ryan, referred to them 27th Feb. 1857, reported upon by them, and finally disposed of by 6th April following.]

With reference to the present Attorney General, he found the case of Jeremiah Rockwell and the Central Bank, respecting lands in Charlotte, on the application of G. Boisford, 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.

There is the case of Mr. Campbell respecting land in Charlotte, referred to Attorney General in October 1857, yet nothing has been done. He has made few reports, altogether.

There is the case of Dr. Jack, referred to the Law Officers, in 1857, and returned by the Solicitor General without any report.

There is the case of James Guin referred in Oct. 1859, and the case of Oliver Curless at Grand Falls. I swear I have repeatedly tried to get all these cases under the notice of the At-

ney General, but in almost every case without success.

Another case of Messrs. Boon was referred on 8th April, 1858, and no report yet.

There is besides an application from Sheriff Beckwith at Grand Falls, respecting four Lots applied for by Blaney, who was hanged there. This was referred to the Attorney General in June last, but as yet without any success. (Mr. Inches has read a letter from Sheriff Beckwith complaining that these lands were all locked up under the Labor Act, by reason of the neglect of the Law Officers.)

Another case, is that of James Vance, who complains of a Grant of land being issued to a wrong party, referred to the Attorney General in September, 1859, in which nothing has been done.

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

MONDAY, March 4th

The Committee met again this morning, and Mr. Inches made some corrections in his evidence of Saturday, and then went on with his narrative.

ABOUT MONTEVALE:

"I had no purchases in Montevale until about two years after, or in any other Reserved Tracts, for a very considerable period after. [The matter, from what your reporter could gather, refers to the time Montevale was laid out.]

"The first application for land in this block, was about a year and a half after it was laid out. The application was from Richard Hutchison, Mr. McLeod has one hundred acres in this block; he bought it in his own name, and paid for it, in cash, and did not know, nor did I, until afterwards, that it was in Montevale.

"I sold 2,000 acres to Chandler & Moore; it was in Salisbury, and about two or three miles from the Railway. I doubled my money on it. It was purchased in 1854 or 1855, and granted to P. R. Inches; it has been alluded to in print as a choice block. The above I sold to Chandler & Moore—the remainder I owned one or two years previously. The 100 acres owned by Mr. McLeod were applied for in the name of his son, and is about six miles from the Railway.

[Mr. Inches here read and handed in a memorandum to the effect that he was grateful to the Committee for hearing him thus far, and stated his intention not to advert to any new facts. There was one thing he wished to allude to—it was the fact that the Atty. Gen. had advised him repeatedly, before this investigation took place, not to say too much, and to be careful not to commit himself. The Atty. Gen. had taken great pains to impress this upon his mind, and he presumed that the Atty. Gen. knew if the disclosure came out, the Atty. Gen. and Govt. were implicated quite as much as himself.]

W. proceeded in the language of the witness:—

"I did not consent, nor did the Surveyor General, to Deputy Whitehead exceeding his order of survey on Nackawick, and I wish to put the question to the Surveyor General, whether I did or not tell him at the time, Deputy Whitehead would be paid for it, which was done, and also whether the conduct of the Atty. Gen. with regard to this affair, was not an improper interference with the Surveyor General's department, and whether it did not cause great delay and additional expense? [This question, the Committee decided, could not be put then, but would be afterwards. The Surveyor General intimated his readiness to answer it at any time.]

"With regard to Mr. Stevens' case, it might be asked, why did I not send in writing to the Atty. Gen., calling his attention to it. I have already stated, that many of these cases required explanation, which could best be given by me at the time, and for this reason, they were returned to me, and when a party fails in numerous cases, he grows weary of making continual applications; when things are continually being deferred, it becomes useless to call attention to them. I will now as an illustration of this, mention Mr. Stevens' case, which may yet come before the House in another way. I hold here a letter written by him, dated at Woodstock, in connection with his application for a mining license on certain lands in that Town. The order in Council was favorable to the application, and directed that the license should issue. Mr. Stevens paid the fee required by law immediately, but under the new law it was necessary to have a new form of license drawn up. The papers were sent to the Attorney General, with a letter, thereby throwing the onus pursuant to an order in Council, the matter was referred to him, stating that the legal fee had been paid, and it was signed by the Surveyor General.

Mr. Stevens wrote me again, the 17th May, 1860, to the effect, that he had written before about his mining lease, and that persons were on their way then from England to look into his proposed operations; that in case the License was not furnished before their arrival, it would be a serious loss to him. The Attorney General handed back the papers, with a draft of lease, which was very long and illegible, having been written apparently by a schoolboy. I suggested the impropriety of using this, and proposed to draw up one which I now hold in my hand, very similar to the form of timber License. The Attorney

General approved of this verbally, but the Committee may be surprised when I tell them, that were it now asked who authorized this form, there is not the slightest record to show, nor has it ever been approved by the Surveyor General. It would indeed be difficult to show how it has been authorized.

These have been issued without any sanction or order of Council. Having got a pattern, I prepared one under the old, and one under the new form, for Mr. Stevens. I showed them to the Attorney General, and told him that this was the last of the old ones, and therefore, the new ones would be used. There was another letter from Mr. Stevens about the matter, asking with still greater importunity for the issue of his license, dated 26th May, 1860, another, the 8th Dec. last, about the same subject, and asking why his license was not made. I answered all in his letters I got ashamed of making excuses. Another letter came, dated Feb. 19th 1861, stating that Mr. S. had received a letter from England about it, which he could not answer until he got his license. I answered this to the effect—that the license and papers had been sent to the Attorney General. I at last recd. him to the office of the Provincial Secretary. I was tired of his importunity, as I could give him no satisfaction.

The Attorney General in some cases, made reports, but very few of them. If a list could be taken it would show how few comparatively. Of the few reported upon, a number will be found written by me, and approved by the Attorney General. A question was here put by Committee:—

"What do you know about trespass in the Anderson matter?" Mr. Inches replied:—An extensive trespass was committed by the Lumber Party of Thomas Murray, on about 12 lots, say 10, of land on Nackawick, which were leased to Anderson and others under Crown Act, for actual settlement, and specially reserved from license. The lumber was seized by order of Government.

Mr. Murray verbally agreed with the Surveyor General, that he would pay the stampage at 5s. per M. I told the Surveyor General that I did not think he would get it, and reproached him for letting Mr. Murray take away the lumber upon a verbal promise. I was sorry to see the lumber go. The Surveyor General supposed it would be settled in good faith. I think the Andersons, being interested in the proceeds, repeatedly asked if the amount had been received; they complained that they could not go on, till some arrangement was made, as the land were stripped by trespassers. The Surveyor General in consequence of their complaints, brought the subject up before the Government, and got an order that Attorney General should proceed against Murray; this order was given a year ago, or more, as by this time the Surveyor General said my fears were correct.

I told the Surveyor General, that he could not get the Attorney General to proceed against Murray. I thought this, because I have seen an unwillingness on his part to act, and he now says the papers are lost. If they are really lost, the action is gone; the papers with Davidson's report, and order of Government on back of it, the Surveyor General declares he gave to Attorney General. They are not, however, in Crown Land Office.

I desire the Surveyor General may be asked as to the accuracy of the above, as I am confident he will confirm what I have said. I repeatedly told the Surveyor General that Attorney General thought, and do still think, no matter what he may say, would not proceed against Murray, on political grounds. This is the only reason that can be assigned, I think, and the thing now remains in that condition. The lands are claimed by Anderson's still, other parties have applied, and I can hardly tell what position they are in now.

The Surveyor General ordered that other applications should be stayed on account of the justness of the Anderson's claims. There has been no official order entered on the books, and in case the Surveyor General or myself should go out of office, there is no record of this claim.

Deputy Whitehead has without instruction surveyed the same lands again. This trespass damaged occasioned by it were liable to be liquidated on account of the lands not having been surveyed all around; not less than \$700 might be the proceeds of this seizure, which would go to the credit of Anderson on those lands, but no grant would issue until the settling duties were performed.

I wish to state that the Attorney General acted promptly and successfully, in the recovery from Mr. Morrison of stampage on lumber cut upon Crown Lands at Buetouche, under trespass.

I recollect of trespasses having been committed on the River St. Croix, part in Charlotte, and part in York, and the Surveyor General was very successful in collecting the stampage. He acted in these cases, through his deputies; some of the trespasses were on land of the St. Andrews Railway.

Mr. Jack and Mr. Campbell were discharged as Seizing Officers, not from any charge or neglect or incompetence, that I know of; they were active in making seizures along the railroad land, between York and Charlotte. The grounds upon which they were discharged I never exactly heard their offices were very lucrative. Jack always complained; to my knowledge Campbell never did. Since Mr. Campbell's discharge, the revenue from that quarter is much less than formerly, but a large quantity of lands have been granted

to the Railway Company. Mr. Campbell was discharged some three or four years ago, and Curran appointed in his place.

The reason which induced Deputy Whitehead, to exceed his order of survey was the encouragement he received from Attorney General, as I shall allude to.

The Nackawick excess of survey differs only a little in degree, as regards quantity, to Knolls-ville, but in Knolls-ville I only partly surveyed to survey the 15,000. In Nackawick only 70,000 acres were ordered, and Deputy Whitehead was by me verbally warned against surveying any more, without an order.

The idea of extending the regulations, under the Labor Act to cash sales, was in consequence of the representations of Mr. C. Connell, on behalf of a large number of applicants about ten days ago. This was the first I knew of anything of the kind.

The practice of using fictitious names first prevailed about twenty-five years ago; in fact almost since the commencement of the auction system, about 1835 or 1837, and has continued ever since. Nearly all lands of any extent have been applied for under fictitious names. I do not know whether Mr. Tilley had any thing to do with applications for Studholm lands to my knowledge. Under Bailie I first learned to purchase lands, and no member of Executive Council ever discontinued the practice.

I wished the Committee to infer from political atmosphere, I alluded to Messrs. Attorney General and Stevens, and a very little of it sticks to the skirts of Mr. Tilley. I except Mr. Albert Smith.

In Mr. Tilley's case, I call attention to circumstances of buying land to some extent, and not directly in his own name. Mr. Tilley does not say his land was purchased by instalments.

I do not include Mr. Gray in any way, directly or indirectly. I mentioned his name to show that a strictly honorable man could see no wrong in purchasing lands advertised under fictitious names, the same as Mr. Tilley. The fictitious applications were not signed by Mr. Gray; he purchased the lands openly, in his own name.

No Surveyor General has had anything to do with the purchase of Crown Lands since Mr. Bailie's time, to my knowledge.

The "political atmosphere" seems to have been slightly tainted some time ago.

I have had sufficient reasons to know, that paper surveys have been sent in, that I have not been made to the extent represented; but I do not know to what extent.

Will alluded, in this respect, to Deputies Stiles, Wilmot, Arnold and Kerr, as men I have lost confidence in, in this respect. [These answers were drawn out by questions put by committee, and are the chief cases.]

I wish you to infer, that these Deputies do not charge the Government, as those surveys are made at expense of applicants, and they charge more than we seem to me just, for the work done. Putting down little stakes is the most common imposition, and when I see too many, I become suspicious.

I am not aware that any Deputies have been discharged upon political grounds, who have performed their duties well, except the reduction of Deputy Jack's district, in Charlotte, the lucrative part of which was taken from him.

I am aware that Local Deputies have been continued in office, when notoriously incompetent: Burpee is an instance; Carruthers was an instance; but he has been lately discharged. Arnold is another of whom the Surveyor General has always complained. He is one of the judges, who used red ink and stakes, in their surveys, and make them best on paper. Deputy Wilmot is open to the same charge, which has been proved by return of a Deputy, in whom the Office has the utmost confidence. In the case of Wilmot, I have found him in all other respects a very untheoretical and reliable Deputy.

Stiles has been dismissed upon political grounds, and not from inefficiency, except from an unfortunate tendency to use stakes and red ink, of which we have become aware, and are not consequently deceived by it; he has a claim against the Government for a survey made of £30, which the Government never was satisfied due to him. It was based upon a survey made 25 years ago.

The certificates he sent under the Labor Act were distrusted in the office; but I do not know any other ground except that his political feelings warped his judgement. I have never known an instance where this was clearly shown, but I can give no other reasons why these certificates were not recognized.

In my intercourse with the public I think the people generally understood that they could purchase a larger quantity than 100 acres, under the auction system. I kept a letter book in the office, but it lasts us a very long time. All applications by letter received are replied to generally and promptly. These replies are not entered in a letter book, I believe, that the Surveyor General in most cases which are answered by him, keeps a copy of his answers in his own files.

In all cases, I do not acknowledge the receipt of applications, in urgent cases only. I immediately do what seems to be necessary. I always attend to the business, but in all cases I do not acknowledge the receipt.

I can name some members of the Legislature who have purchased land within the last 3 or 4 years; in some cases I think Mr. McLeod in a very small degree. He did not use fictitious names, and Mr. Connell, not to any large extent; his applications were made in his own

name; the most of the purchases were made for ready money, and had been made.

Mr. McLeod had purchased land in the way of having been made in I have reason to say that he is so now, and land under the Lib York Court, he has begun to refer to him, he knows more about it.

I have not had anything to do with cases; with reference to my mention of he has purchased a for money down, fictitious names; he and paid in money, by me and sized by collect Mr. McLeod lands to each the s impeded the settlement between Mr. Mc there was not any more than one lot, spoke directly of this, evade the law on this.

I have mentioned among others who bought in the vicinity of Perley of less than business.

There were some River; they were timber to Messrs. Co gax obligations for the seizures were made. This was four or five get the matter on some extent, and Mr. ble.

I have understood he believed the paper attorney General; so, rities were recovered very claims never were of very frequent con Gen. and myself. I the claim was in the office. Mr. Connell has always told th see a six pages of it, terminated point.

In the case of M ed upon to settle cert had given, he wrote in reasons for the dicta being aware of it. I had no recollection exists, why the Govern I am of opinion th would have been paid. The Deputy claims hi thought not of the ground that he has b Government. I do n Attorney General, if for this. I think th able to explain.

I leave this subject I have forgotten the cause, I told the Surve I considered it a mit nothing to do with it, pains to collect it; but of other seizures on Ch head, there are no ch

I wish to remind t pointments as a Depu ago. I had two ag special purposes; and capacity since. Dr. ed on the same day, w considered a Deputy.

I would like to kn are, I consider, incom Cutler. Still is not competent from ag ment on for the same Woodscock, as inco

There are no st of or General to dete complains of a trespa seizing officer direct complainant's expense, most cases, the parties own remedy under the cense.

They often depa pounding the matter, party to this, except to an instance where t on lands under licen upon an *ex parte* statem payment of a small fu

I do know of a late ing made at request ber afterwards release ment of trespasser.

to Attorney General to of the Surveyor Gene was 22 sticks; upon th was cut during the in of a previous license, and so upon unlicens the issuing of new licen hard one for a party, w paid for the ground 22 the Surveyor General