

Institute Box 162

March 14

The Woodstock Journal.

Whatsoever thy hand findeth to do, do it with thy Might.

VOLUME 7.

WOODSTOCK, N. B., THURSDAY, MARCH 21, 1861.

NUMBER 37.



St. John Marble Works,

South side King Square, St. John, N. B.

Proprietors of this Establishment thankful for past patronage, have added largely to their stock of MARBLES, etc. and are prepared to execute with dispatch orders for Head Stones, Monuments, Tombs, Vault, Fonts, Mantle Pieces, Table Tops, etc. of all designs and patterns, and all kinds of cut stone buildings.

JAMES MILLIGAN, Proprietor.

Agents.—James Jordan, Woodstock; B. Beveridge, Tobique; Daniel Raymond, Grand Falls; Messrs. H. and Tomkins, Richmond; George Hat, Fredericton.

References.—Rev. John Hunter, Richmond; Rev. T. G. Johnston, do.; Rev. S. Jones Hanford, Tobique; Rev. Mr. Glas, Prince William; Rev. Mr. Smith Harvey; Hugh McLean, Woodstock.

Domestic Manufacture.

The Subscriber has on hand at his warehouse on the east side of the Bridge a large and varied assortment of ploughs, manufactured at his Foundry. He has nine different patterns of PLOUGHS including those approved for NEWBRUNSWICK USE. He also keeps on hand a large assortment of COGS and BOX STOVES. Farmer's Boilers &c. All kinds of IRON and BRASS CASTINGS made to order at short notice.

W. A. HAY, Proprietor.

Woodstock, May 5th, 1860.

More Innishowen Whiskey.

One Hhd. Mehan's.

WATERSIDE DISTILLERY, Londonderry.

Celebrated Irish Malt Whiskey, John Bradley's Importation.

South Side Bridge.

MAY 31.

Alcohol, Molasses, Sugar, &c.

2 hhd. fine flavored American Alcohol, 1 hhd. Bright Sugar, 2 hhd. Molasses. Will be sold low for cash.

OWEN KELLY, Proprietor.

OWEN KELLY.

Importer and Dealer.

General Groceries.

WINES, LIQUORS, &c.

South Side, Mehan's Bridge.

GILT MOULDINGS.

Miller's Book Store.

The subscriber is prepared to frame any description of Pictures, at very low prices. He has a great variety of Gilt and Rosewood Mouldings of various sizes, to suit any size picture. Also sizes of patterns of Olive Mouldings, some very rich patterns, which he will sell low during the winter.

S. R. MILLER, Proprietor.

Fredricton December 14, 1860.

Wool! Wool!! Wool!!!

St John Manufacturing Company's Office.

Robinson's Brick Building, West and Union Street.

SAINT JOHN, N. B. MAY 26, 1860.

This Company will require 50 Tons WOOL, for which the highest price will be paid, in Cash, or Cloth given in exchange for Wool.

N. B.—Country Merchants and Traders will find it their advantage to cultivate the Wool trade, as they will always find a Market for this article at the above office.

WM. L. AVERY, President.

St. John Manufacturing Company.

Engines for Sale.

3 8 horse power, portable, with Boilers complete.

1 10 horse do do do do do do do do do do.

1 12 do do do do do do do do do do.

1 10 do do on Wooden frame, do do do do do do do do do do.

1 Pony, with 3 throw pumps (Barden's Patent) do do do do do do do do do do.

The above are for sale on easy terms. Apply to T. T. VERNON SMITH, Custom House Buildings, St. John, N. B.

Wanted.

1000.

BUSH Potatoes, for which the Highest Prices will be given in goods at Low Rates at

Davis's Cheap Store.

GOLDEN FLEECE.

RECEIVED per late arrivals 72 packages containing a general assortment of seasonable goods.

JOHN McDONALD, Proprietor.

Oct. 860.

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

Continued from last week.

TUESDAY, March 5th.

Corrections of yesterday's testimony by Mr. Inches.

"With regard to Mr. Gray, what I said yesterday about him might be misunderstood, if not explained. I wish to state distinctly, that Mr. Gray signed none of the applications for the land he afterwards bought. Mr. Hart signed applications for the land; and this not even by Mr. Gray's direction, but by mine. It was done in the ordinary way, but Mr. Gray knew nothing about it. In Mr. Tilley's case he signed them himself. In Mr. Gray's case, he directed me to apply for certain lands on the Cocaigne River, and I did so in the ordinary way, by using fictitious names.

"With regard to the case of twenty-two sticks of timber released, which I mentioned yesterday, I recollect now, that Downey, who was the trespasser in that case, gave us to understand, that he had seen the Attorney-General about the matter. I did not understand the point of the question put to me yesterday about this, as at that time it did not occur to me.

By Mr. McClellan's suggestions, Mr. Inches stated his words thus:—“neither Messrs. McClellan or McLeod have at any time ever asked me to do any thing contrary to the regulations of the office, or dishonorable or unfair.”

"Deputy Whitehead is one of the Deputy Surveyors. A number of grants were delivered to Deputy Whitehead the 13th May, 1859, but I have no reason to think he was personally interested.

"Mr. Murchie resides at St. Stephen; his purchases were made by applications in fictitious names, and bid off in his own name.

"Zachariah Chipman has two grants; these lands were purchased under similar circumstances.

"The lands of Murchie, Chipman, and McAdam, are situated on the head waters of the Magalloway and St. Croix. I mean those in the County of York. There is one grant of two blocks to Chipman on Clarence Brook, lower down.—They were all bought at auction as before mentioned. Chipman's lands were bought in, sometimes in his own name, sometimes in that of Bolton, his partner.—All the last grants were obtained in this way. Grants of land were issued to Andrew McAdam, for 175; John McAdam Jr., 300; Hugh McAdam 300; Andrew McAdam 335; on the 31 April 1860, these were all bought in the usual way. John McAdam got 200 acres, 8th May, 1859; John Bolton, 335 acres 13th July 1860, all the same way.

"George Morrow's name is mentioned as grantee of 300 acres, delivered to A. Inches. I had no interest in these. George Morrow again, 375, no interest in these either. John McAdam again, 2,075 acres, 27th July 1860. John Bolton, 440 acres, 27th July 1860, same way. D. Gilmer, 400 acres, 9th Aug. 1860, same way. H. F. Eaton, 100 acres, same way. Thos. Berry, 687 acres, same way. Isaac Bradbury 240 acres, same way. Robert Watson, 200 acres, same way.

"Mr. Inches was here directed to prepare a schedule of all lands granted since 1845, or sold in lots of 200 acres and upwards, and to include in it, where cases occur that parties have in the same year, purchased 200 acres and upwards, in separate parcels, the schedule to contain an aggregate of them. This schedule to include all lands up to date, sold, but not granted.

"Mr. Inches resumed:—“As to the extent of my knowledge, in reference to lands acquired by Mr. McAdam, under the Labor Act—about 42,000 acres of land have been sold under the Labor Act, along and near the Woodstock road, and in the vicinity of the Railway Reserve, partly within this Reserve.—These lands have been partly paid for by Labor, but are not granted, and cannot be, until all the settlement conditions are fulfilled on each lot. I have repeatedly had reason to suspect, that a few individuals in Charlotte County, had acquired some interest in these lands. On one occasion I was told that a considerable extent had been transferred, by the original parties, to I think Messrs. Freeman, Todd and Buchanan; I have never been able to ascertain exactly. On the few occasions when I heard it mentioned, I reminded the parties they would never get grants until each lot was settled, and that any timber cut on them would be seized.

"I am not aware however, that any efficient steps have been taken to prevent such cutting of timber. It was within the last ten days I perceived that Mr. John McAdam had an interest in some of these lands; but to what extent or upon what conditions, I do not know, as I put no ques-

tions. I have already referred to the Surveyor General, whose knowledge amounts to about the same as my own.

"The applications for these lands were forwarded by Deputy Curran, about three years ago, and were received in good faith by the Department. Had the practice of requiring an attestation by the applicants been then in force, it would have prevented this.

"From what I have heard, I now think, from the first, much of these lands were for lumbering purposes. I mean chiefly the lands with which McAdam, Todd, and Buchanan, are now said to be connected.

"I invite reference to Surveyor General in these cases also. I suspect that Mr. McAdam is connected with about 1000 acres; he alluded to a number of lots as his amounting, I should think, to that number of acres.

"I do not know that Mr. McAdam ever recommended to the Executive, the displacement of Mr. Campbell, or the restriction of Mr. Jack's district. I never could tell the reason of these changes. I am under the impression that parties complained very much at the time of the active part Jack took in politics; and insisted upon his entire discharge. I mean Mr. McAdam and others. Jack was then restricted to the Eastern District. I am not aware of any charge against him, for unfitness, or incompetence.

"I am not aware that Mr. Curran was appointed there, at recommendation of Mr. McAdam. But he always highly recommended Mr. Curran as a proper person to be appointed, and likely to make an active and zealous officer. Mr. Curran is now a Seizing officer and Local Deputy, Deputy Surveyor, and Commissioner under Labor Act. Since his appointment the revenue has decreased from that quarter on account of seizures, though, since that time, a large quantity of the lands had fallen into the hands of the Railway Co., and others. This, I think, was really the cause of diminution. The Deputy Surveyors we have no official knowledge of, or connection with; but with local Deputies we have.

"Mr. Wilmot suggested the summoning of Deputy Edward Jack of St. George, the late Deputy Campbell of St. Stephen, and Deputy Curran, his successor, which was immediately ordered; but your Reporter subsequently understood, that the Committee rescinded this order.

"Mr. Inches resumed:—“Mr. John McAdam remarked to me the other day, while in the office looking over some plans, that he had secured these lands, in a manner as though I knew it, which I did not.

"There are no documents in the office to show that any transfer of these lands have taken place, nor would any thing of the kind be recognized. I believe these lands were applied for from the beginning for lumbering purposes, for the reason, that the lands were previously believed to be of indifferent quality, and not well suited for settlement.

"Improvements to a very small extent only, have been made by one family alone, on those lands, to my knowledge.

"I apply this remark to the whole of these lands, and include Todd, Buchanan, and McAdam. No inspection nor steps have been taken this year to guard against the possibility of trespass. Seizing officers' reports upon lands are only made when lumber is seized, and other reports, when no seizures have been made, have fallen into disuse.

"I believe that the labor in payment has been well performed on the roads passing through these lands. With regard to these lots, I have been told this by Mr. McAdam, and I think, the Surveyor General. It is the custom generally to expend the labor for lands on Bye roads through them, but in this case, it was not necessary.—There is a block, I know not to what extent, on each side of the Railway. I know nothing about the labor for this. The Order in Council preventing the location of land along the line of Railway has never been rescinded, but from the long delays in building the Railway, the Government gradually fell into the custom of selling the lands, under the power reserved to them by Law.

"The directions for inspections and seizing timber which were strict in 1856, have fallen into entire disuse. All the arrangements in reference to seizures, established by Mr. Wilmot, when Surveyor General, whereby the Government was to incur no expense, are still in force, but appear to be very little acted upon by the Deputies and Seizing officers, they are only made, when some interested party complains. I cannot say why these regulations have fallen into disuse. This remark applies to the whole Province. And I fear that the want of vigilance on the part of the Seizing Officers has in the Counties of Gloucester and Restigouche encouraged the practice of Lumbering, without applying for licenses to any extent. I never knew of a sale by the Government of timber seized. I never knew of the law being enforced. I never knew a case prosecuted to con-

demnation. I speak under the present law; and in fact, we now avoid attempting it.

"It is unfortunately the case that if parties detected in trespassing, are never fined a greater sum than they would have been obliged to pay, had they applied for licenses. The timber so cut is released on payment of a very moderate stumpage, no matter how glaring the circumstances; and in no case does the Deputy hand over any part of the proceeds to the party who suffers.

"This system is very bad and encourages trespasses on the Crown Lands to a very great extent. The Law supposed to be passed for the protection of the license has never been enforced to my knowledge, and parties suffering seem afraid to attempt to enforce it: the result is that between this and the action of the Government, I know of no remedy to a party, or licensee, who is trespassed upon, unless he succeeds in inducing the trespasser to make him some compensation by private arrangement, or the threat of a seizure by the Crown, which, however, will afford the complainant no compensation, and which is not very alarming, he will only have to pay a moderate stumpage, and I have often remonstrated to my superiors against this state of things, which has existed for a long time past; ever since Mr. Baillie's time, in fact. In the case of trespass to wild meadows, the Government has lately seized the hay, and sold it at an expense for twenty times the amount for which the grass sold, and which was never paid. This has never been done but in one instance lately.

"I cannot say what is the amount received for these wild meadows. Oftentimes the licensee gets the privilege of cutting all the wild grass growing on the banks of a stream, for a few shillings.

"The seizure alluded to just now was the first I think ever made. The amount of it was about 40 tons; it was seized by the Crown, and sold at auction to the party authorized in the first instance to cut it—but he never paid for it.

"The lands granted to Robert Shives were purchased by auction in the way already mentioned; these purchases were made before he was appointed Emigrant Agent.

THE HON. MR. BROWN'S TESTIMONY.

Mr. Brown wished before proceeding, to make a few observations. The aim and end of the Crown Land Office was to survey the land, sell it, license it to cut Lumber upon, and to grant it. "I am," said the Surveyor General, pleased that this investigation has taken place. I have nine sons but never bought an acre of land. The people here seem to have got it into their heads that I am an honest old man, but not competent. I wish to be examined particularly upon this point, so that it found incompetent, or to have in any way failed in my duty. I may be discharged. I desire that Mr. Cowan may be examined here also, upon the topics under the attention of the Committee. Mr. Inches has been examined at great length, and furnished, as well he might, a vast deal of correct information. The question of my competency has been made so prominent, that I desire the fullest enquiry into it.

"I have travelled 26,000 miles in this Province, with my eyes open. I have surveyed and planned. I would be the last man to parade my qualifications before this committee, but it has been brought out so prominently, that I now need no apology. I have studied a little mathematics, Navigation and Algebra, among other things, and should not be afraid to enter into a comparison with any of my predecessors with regard to my qualification, nor even with my head draftsman himself, to try a problem in Surveying, and if he beats me—why; I would think I was a bold fellow any way for making the proposition to him.

"The Surveyor General then resumed his testimony:—

"The delay by not getting the Attorney General's report on cases referred to him, was well known by me, and the subject of numerous conversations between Mr. Inches and myself.

"I cannot say how far the Attorney General interfered in reference to Deputy Whitehead's survey of more lands than ordered on Nackawick, but Deputy Jack, told me the Attorney General had advised Deputy Whitehead to survey a great deal more; I never had any conversation with the Attorney General about it, in any way.

"I used to have frequent conversations with Mr. Inches when I came back from the Council, but I cannot answer whether I had great difficulty in getting my schedule through the Council, as I wished, for the reason that it would be contrary to my oath, as an Executive Councillor.

under the Labor Act. He also stated that Mr. Murray's men had entered and cut all the timber off them.

"When Mr. Murray got his license previous to that, these lots were excepted out of it, and deducted from the mileage. We wrote to Mr. Murray and he came to the office. He denied at first, that the Anderson's had any right there; and stated that he had a license for the whole, but on being reminded of the transaction by Mr. Inches, he acknowledged that their lands were excepted out of his license and acknowledged that some lumber had been cut off these lots. We told him if he would pay a reasonable stumpage, we would let him take the lumber, and he said he would. We sent the Deputy to count the stumps within the lots, and he made an estimate of the quantity of lumber. I don't remember the quantity. Mr. Inches told me he never would pay the stumpage; he just laughed at me. I thought he would pay at that time as I had collected large amounts of stumpage in Charlotte that way. He did not pay, and we sent Deputy Davidson who made a seizure of the lumber. It floated off however, in the freshet, and we could not keep it. I brought the case before the Executive Council and they directed me to call on Mr. Murray for the money. He did not pay any attention to that call. I again brought it up before the Council and they directed the Attorney General to proceed against Mr. Murray for recovery of the money. I heard Mr. Inches say the papers were lost; he thought I had given them to the Attorney General, but I did not. The schedules of papers are left in the Council-room, on a file, and they never come to my hands. They are then handed back to the Crown Land Office by the Clerk of the Executive Council. This is all I know about the transaction. The order of Council to proceed was made 12th Oct. 1859—no action has been taken by Attorney General since that time. I never applied to Attorney General to find out what progress he was making in the matter; when papers fall into hands of Attorney General, I do not look or enquire after them. The papers are in a file in the Executive Council, tied in a bundle; when decisions are made by Government upon any matter, the papers are carried back to the Crown Land Office. Mr. Inches should see these papers are brought before the Council. I have reason to believe these papers have all been well attended to by Mr. Inches at that way.

"When I found these papers were lost, I had a conversation with my colleagues, but cannot tell it on account of my oath. If an obligation had been taken from Mr. Murray at the time he promised to pay, I dare say he would have paid. He told me he would pay, and I thought his word obligation enough. I am in the habit of taking people's words, and never got deceived but in this instance. I do not know as this is a business way but we never had any difficulty before.

"I think if the Attorney General would have gone on, and prosecuted him, we would have got the money doubtless. I cannot say in what time an action should be brought. The Anderson's frequently complained to me since, and I always told them we would get the money, and three-fourths should go to the payment of their land; but the money has not yet been paid. Under the Labor Act their claims expired, and the land was surveyed by Deputy Whitehead, but I would let no person have it. I consider the Government bound to make good the amount lost by its own negligence. I do think, in the absence of these papers, that in equity at least, Mr. Murray ought to be made to pay the money, and if I was brought into the Court of Law, I would try to compel him to do so. When the timber was in the stream, Mr. Davidson had charge of it.

"I cannot tell the reason why the Attorney Gen. has not proceeded against Mr. Murray. I do not know the quantity, but it was very considerable. I think Mr. Inches' statement about it perfectly correct.

"As to the course pursued about the seizure on Eel River, with regard to Mr. Connell.—He gave an obligation, or note for £20 odd; he said he would pay the money as soon as the lumber went to St. John. His obligations we still hold, but it has not been paid; but I cannot tell the reason why he has not been compelled to pay it, because I am an Executive Councillor. It was lately handed over to the Collector General to proceed and collect it against Mr. Connell. This was not more than five or six weeks ago. That note has been in my possession thus handed over.—Mr. Connell has pleaded an offset; he made his plea some time during last Autumn. It is but a short time since I sent a letter calling upon him to pay it. He said that he had a set-off. I never received any money at any time from Mr. Connell upon this note. I think Mr. Connell was applied to before last Autumn, but not by me. The note was in my possession two or three years. Deputy Davidson had it before that, and I think asked for payment. It is not customary for the Department to give