

Institute Bx 142

March 7.

The Woodstock Journal.

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

VOLUME 7.

WOODSTOCK, N. B., THURSDAY, MARCH 14 1861.

NUMBER 36.

EVIDENCE OF MR. INCHES ON "LAND-JOBING."

Continued from last week.

"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 these 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 Monteaule. 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 then alluded to Block 14, South of the Anagnance. Yet no attempt was ever made to avert these results. I have always noticed that when these matters were brought under the consideration of the present Government, they were always treated with the greatest apathy and indifference.

"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 Pro. Sec.) would purchase were he not connected with the Government, and advised him (Mr. W.) to buy it. I produce this letter to show that the Provincial Secretary knew these lands were every day falling into the hands of speculators. [The original letter was handed to the Chairman of the Committee and filed.]

"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 Anagnance. At his request, I entered applications for the land in fictitious names. This land is two or three miles directly South of the Petitcodiac Station. The Attorney General had much conversation with me about it. I thought it was poor land but in a good situation, and for that reason desirable. I issued an order for its survey, which was executed, and then had the usual advertisement published, of all which he was aware, as I acquainted him with the facts, and told him it would be necessary to instruct the Local Deputy as to the purchase. 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. I could not explain to the Attorney General how I stood in the matter. 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 considerably more, if necessary. The quantity of land was 550 acres, and it was knocked down to Hugh Smyth. [Mr. Inches being asked who was Hugh Smyth, replied that it was a name like the rest.] Wilmot of Salisbury was the Local Deputy that sold the land. He acted under my instructions, in this way. I wrote him two letters—one for the Attorney General, and the other for myself and partners,—we got the land.

"The Executive Council was sitting when the return of sale was received by me. As I did not wish to speak personally with the Attorney General on the subject, I sent him in a note, saying the land had been sold at an advance, and there that matter dropped.

"In his 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. They are, Christian Stoves, John M. Stiles, Charles McCully, and John Thibodeau, for 100 acres, and John Sirois for 75 acres. The first instalment on these lots was paid in by me; the Attorney General furnished me with the money. I wrote out transfers for these parties to sign, leaving the name of the party to whom assigned in blank, and these transfers I handed to the Attorney General with the receipts of the Local Deputy for the first instalment on each lot. I put all these papers in one envelope and handed them to the Attorney General, who I have no doubt has them now. On payment of the remaining instalments, and production of the transfers, the Grants would issue to whoseever's name appeared in the transfer. The instalments are payable annually, in one, two, and three years after the sale. The sale of these five lots took place on the 4th of May, 1858, but no second instalment has ever been paid.

"The transfers were procured by me for the Attorney General to save him the trouble of getting them. These transfers are usually signed

in blank, and the signature must be witnessed by some person who is known. Sheriff Beckwith at Grand Falls sent me blank transfers, I think those signed by Thibodeau and Sirois. I wrote to Sheriff B. to send me some blank transfers, which he did. It may be asked, what had the Attorney General to do with this affair? His name does not appear. The answer is, he paid the money.

"I furnished Deputy Wilmot with the names of three parties who had signed transfers before the sale. I think the other two, Stoves 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. Four of the lots are in the Shearman Settlement (East of Blackwood) in Albert County. The transfers were signed by Patrick Farrell, Michael Dugan, Patrick Lilly, and Neil Coyle. The purchase was made in their names, on the 31 of April, 1860, and the Attorney General himself, furnished me these names. He was anxious to get these lots, and there is not the slightest doubt he wanted the land for 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 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. We usually give a months credit after the sale at Crown Land Office. It was struck off in three lots to William Mann, Thomas Mann, and Finemore Morton, the latter, I believe, Student in the Attorney General's office.

"I received instructions from the Attorney General to bid these lots in for him, which I did, at the upset price. I did not know that the Attorney General had any thing to do with these lots, as a speculator, until after the Local Deputy (Whitehead) made his return of survey, although I suspected it, before the Attorney General avowed his interest, and requested me to bid for him.

"A Tract of Twenty-one Thousand 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 locked up. The Attorney General contended that it ought to be done, as the quantity had been applied for a year before the survey of this Tract had been ordered. The Surveyor General told me he was opposed to this 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 until the very last moment, 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 the lumbering 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, desirously, that he would be paid? My reasons were, that I knew from experience, a little impertunity by the Deputy would procure him his pay. When the deputy brought in his return of survey, he gave the Attorney General as his authority for exceeding his orders. This is but an instance of the way in which the Surveyor General has been interfered with by other members of the Government.

"When Deputy Whitehead's claim for the survey was presented, the amount was found to be very large; he also claimed compensation for exploring a Road; and he pleaded, as his authority, a note written by me, under the direction of the Attorney General as to the route. In a word, he said he had been in continual communication with the Attorney General, and acted under his directions.

"The Surveyor General then directed that if such a thing should be again attempted, I should not act without his special directions.

"I wish to give another instance of this kind of interference. It is in relation to changing advertisements from one newspaper to another. I now allude to changing the land advertisement from the Westmorland Times to the Sackville Borderer, by direction of the Hon. Albert Smith. [The latter gentleman here interferred, and it was explained, that he wished the lands advertised for sale in the part of the County near Sackville, to

be advertised there, which Mr. Inches thought only reasonable and proper. No additional expense would be incurred, but the Surveyor General took offence, and the advertising was restored to the Westmorland Times.]

"This is the only instance in which I ever knew Mr. Smith to interfere.

"The distribution of advertisements was made by the Attorney General, without consulting the Surveyor General, until about two years ago, when the matter was 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 advertisements should be given. Latterly, 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 Schedules ten or fifteen years ago, the Executive would ask if the transfers were right, and pass them. In Mr. Baillie's time they were settled in the Office, without reference to the Executive.

"Applications would come from Northumberland for licences 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. I mention this to show that while Petitions come addressed to the Lieut. Governor, by all his titles, and with the utmost formality, yet very often no person sees them except myself. I say without at all wishing to disparage the Surveyor General, that he has not that aptitude for the disposal of business that encourages a reference to him about anything that can be avoided. Mr. R. D. Wilmot possessed a much higher business capacity, and when he held the office of Surveyor General, there was no necessity for the subordinate officer assuming nearly so much responsibility, as at the present time. I never saw a man work harder than Mr. Wilmot did while in the Crown Land office.

"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.

"There is another matter in connection with the Crown Land Office, I wish to mention. We are oftentimes at a loss to know whether in a particular district we have any deputies or not. I allude particularly to the County of Sunbury. This is all owing to indecision, and the Surveyor General not having that weight in the Council he ought to have, and it is a great drawback to the working of the Office. There is the County of Gloucester, with one Deputy removed, and no other appointed;—the Deputy removed persists in acting, because he has no successor. I may as well state frankly the reason, which is, that one member for Gloucester recommends one person, and the other opposes him, so nothing is done, and now long complaints come from parties who applied for lands long ago, and nothing can be done. The land sales in Gloucester are suspended by this inaction, and want of decision in the Executive.

"And now my land purchases. There are others far above me, whose examples I merely followed, and I contend there is no "moral guilt" in my buying land which may so appear to many. I make observations as to its propriety in an official and public point of view, and I go say, that the Chief Officers of the Govt. are connected with these transactions themselves, and knew 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 Monteaule, containing 5,330 acres, composing the best land for settlement in that District, and connected by set-

tlements on either side. [This tract is not far from the railway station at Salisbury.] I propose to reconvey this tract to the Crown on being refunded the purchase money, and the adoption by the Assembly of a Report from the 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 was three courses open to the Executive. They could, and should, make a full enquiry as to the purchases, and the details of each. They could pass an order to prevent such doings 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 this 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 Agencies. 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 question at this stage of the proceedings.

"The hour of five having arrived, and the committee having worked steadily nearly seven hours, further proceedings were adjourned until Saturday morning at nine o'clock.

SATURDAY, March 24.

"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 many 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.

"Between 1840 and 1845, I purchased from private parties about 3,000 Acres near the Aroostook, from the Crowby auction, about 260 Acres in the name of G. A. Munro, and 567 acres in my own name. Also, in 1840 I bought 200 Acres in Queen's County, in the name of G. A. Munro, and 130 Acres, same year, in Carleton. All these lands have been resold, except one small lot. A small tract was bought near Cocagne, but afterwards I allowed it to be taken by another party.

"I know of twelve Lots being sold on the road between Tobique and Grand Falls, to different individuals under the instalment system, for Mr. Armstrong of St. John. The purchase money has not been paid, and of course no grant was issued. The sale was made three years ago, and the lands are thus locked up from the public. There are numerous tracts in the same way. The lands I resold, as just mentioned, gave me a profit of about £800, and when I get the balances due me will amount to £1000. This profit is irrespective of other lands more recently bought by me.

"A grant issued to the Hon. S. L. Tilley, on 3d September, 1855, for 400 acres, 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, 1858, for 400 acres in Salisbury, Westmorland County. On the 7th April 1858, another grant for 360 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 applications made in fictitious names; but I do not think Mr. Tilley had anything to do with the applications, or knew of them. They were made by Deputy Arnold, at his request, for the Studholm lands. For the Salisbury lands, the applications were made by me, at Mr. Tilley's request, in order to bring them to sale. I know of no other lands belonging to Mr. Tilley but these; the whole quantity is 2080 acres, and the purchases were all

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