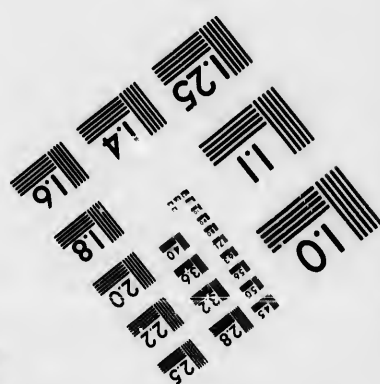
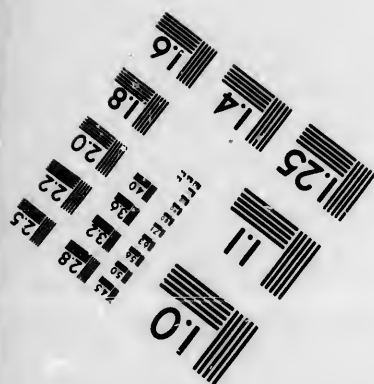
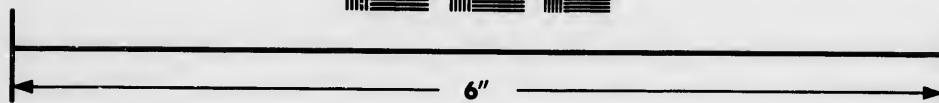
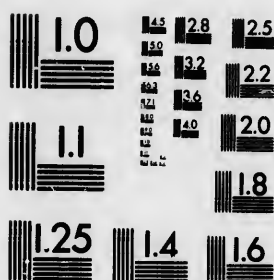


# IMAGE EVALUATION TEST TARGET (MT-3)



Photographic  
Sciences  
Corporation

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

**© 1985**

# Technical end Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

- ☐ Coloured covers/  
Couverture de couleur
- ☐ Covers damaged/  
Couverture endommagée
- ☐ Covers restored end/or laminated/  
Couverture restaurée et/ou pelliculée
- ☐ Cover title missing/  
Le titre de couverture manquant
- ☐ Coloured maps/  
Cartes géographiques en couleur
- ☐ Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- ☐ Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- ☒ Bound with other material/  
Relié avec d'autres documents
- ☐ Tight binding may cause shadows or distortion  
along interior margin/  
La reliure serrée peut causer de l'ombre ou de la  
distorsion le long de la marge intérieure
- ☐ Blank leaves added during restoration may  
appear within the text. Whenever possible, these  
have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées  
lors d'une restauration apparaissent dans le texte,  
mais, lorsque cela était possible, ces pages n'ont  
pas été filmées.
- ☐ Additional comments:/  
Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- ☒ Coloured pages/  
Pages de couleur
- ☐ Pages damaged/  
Pages endommagées
- ☐ Pages restored end/or laminated/  
Pages restaurées et/ou pelliculées
- ☒ Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- ☐ Pages detached/  
Pages détachées
- ☒ Showthrough/  
Transparence
- ☐ Quality of print varies/  
Qualité inégale de l'impression
- ☐ Includes supplementary material/  
Comprend du matériel supplémentaire
- ☐ Only edition available/  
Seule édition disponible
- ☐ Pages wholly or partially obscured by errata  
slips, tissues, etc., have been refilmed to  
ensure the best possible image/  
Les pages totalement ou partiellement  
obscurcies par un feuillet d'errata, une pelure,  
etc., ont été filmées à nouveau de façon à  
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

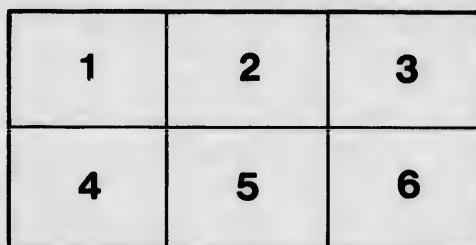
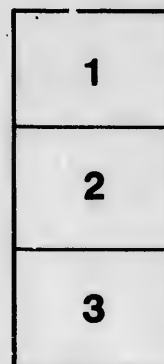
New Brunswick Museum  
Saint John

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

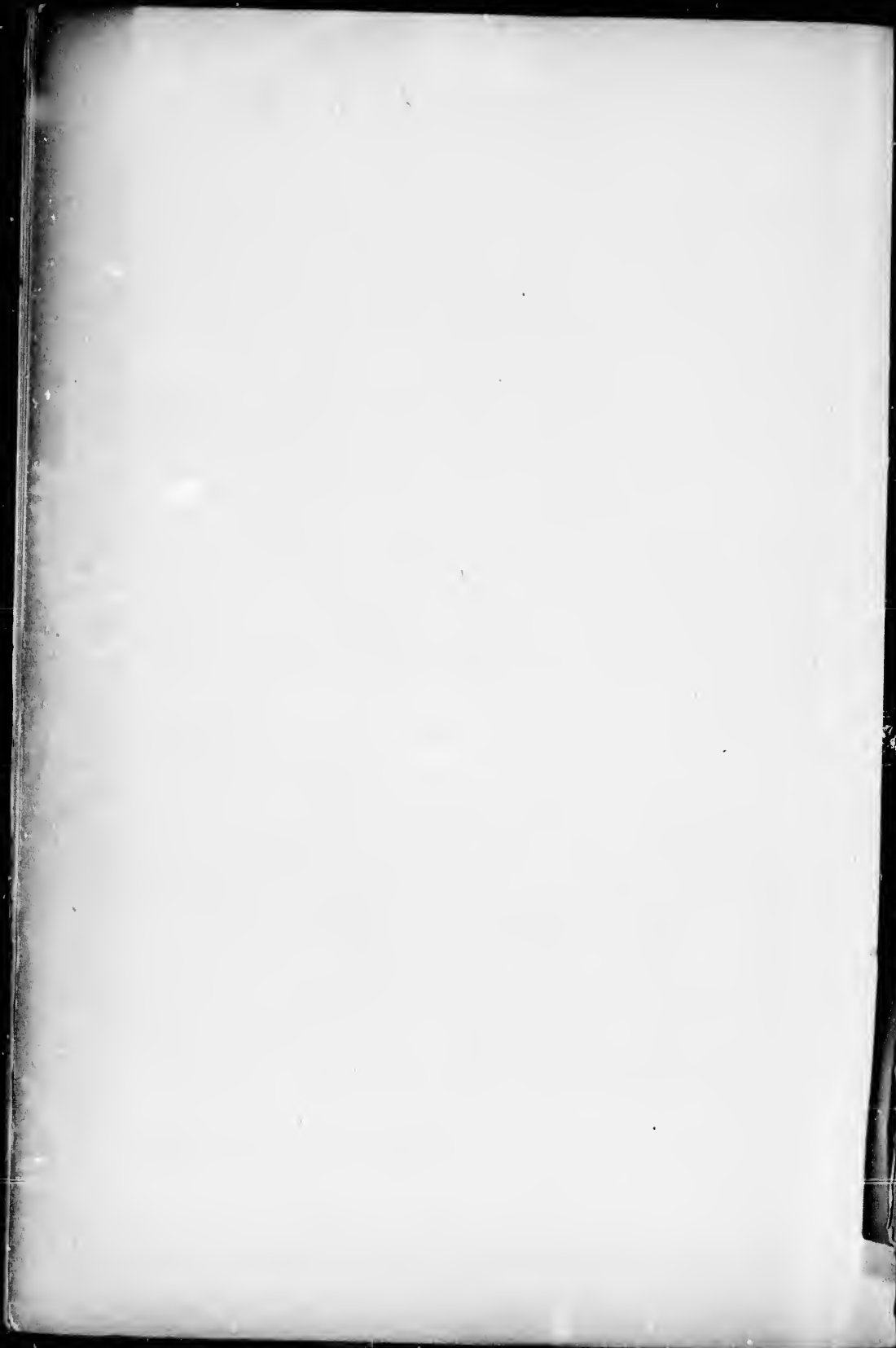
New Brunswick Museum  
Saint John

Les images suivantes ont été reproduites avec la plus grande soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaître sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.



*W. H. H. H.*  
*W. H. H. H.*  
A MEMORIAL

CLAIMS

ON THE

Government of New Brunswick,

ARISING IN THE

PROVINCIAL CIVIL SERVICE.

By JOHN WILKINSON,  
CIVIL ENGINEER AND SURVEYOR.

FREDERICTON, N. B.:  
PRINTED BY JOHN GRAHAM, "HEAD QUARTERS" OFFICE.  
1864.

MEMORIAL

# OF AIMS

Department of the Interior

PROFESSIONAL CLUB SERVICE

BY JOHN W. HARRISON

THE BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C.  
1944



**A MEMORIAL OF CLAIMS**  
ON THE  
**GOVERNMENT OF NEW BRUNSWICK,**  
Arising in the Provincial Civil Service.

The pressure, increasing with the lapse of time, of the hardship imposed by the continued suspense of claims believed by me to be strictly just, will be my apology for recording in a printed form the correspondence and papers by which they are explained.

Though this memorial will be confined to the immediate record and explanation of two definite claims, it will, I trust, not fail to be observed that the discharge of these would not wholly remove the wrong of which I have cause to complain.

The first of the claims in question is that for the service of compiling, drawing, and otherwise preparing and completing for publication a Map of the Province. Payment of a balance due for this service agreeably to an account rendered under date of 30th August, 1858, continues to be withheld.

The service for which such balance is claimed, was specially undertaken at the request of the Government, at a rate of payment agreed upon and recognised, as shewn by the accounts and papers hereinafter exhibited in relation to the work during its progress. The claim has already been incidentally before the tribunal of the Legislature, under the following circumstances.

Owing to unexpected delay in the publication of the Map, and in the absence of any statement of the expenses incurred, information on these matters was desired by the House of Assembly, and in their Journal, under date of 12th March, 1859, is the following entry:—

“On motion of Mr. McClellan,  
“Resolved, That a humble address be presented to His Excellency the Lieutenant Governor, praying that His Excellency may be pleased to cause to be laid before the House, a detailed statement of all expenses, incidental or otherwise, incurred since 1852, in the compilation and publication of a Map of this Province; said statement to shew the amount paid each person engaged in said preparation,—the particular service for which said amounts have been paid, and what portion of the expense, if any, and the items thereof, have been paid without the direct sanction of the Legislature; also full returns of all Correspondence, Minutes of Council, and other Documents relating to said Map and its publication.”

On the Journal of the 14th of the same month, at page 138, is the following entry:—

“The Honourable Mr. Tilley, by command of His Excellency, laid before the House, in pursuance of an address of the 12th March, instant,

“Copies of Correspondence and various Documents relative to the publication of a Map of the Province, and the expenses incurred thereon.

“(See Appendix.)”



On the 30th of the same month the above copies of Correspondence and Documents were referred by the House to a select committee, composed of Mr. McClellan, Mr. Kerr, and Mr. Hannington; who, on the 7th of April ensuing, submitted a Report, entered at length on the Journal of that date, from which the following are extracts:—

"According to estimates, as shewn by communications with Mr. Wyld and Mr. Wilkinson, the whole cost to the Provincial Government of the originally proposed 2,000 copies, in sheets only, without mounting, is £2,489 18 2. This sum includes all past disbursements, with £150 yet claimed by Mr. Wilkinson for his services, and the further expenses of engraving and issuing the proposed number as above. The additional sum, say of 7s. 6d. for each copy, which will be required for mounting and completing the same for school and other purposes, will add £750, making final aggregate cost of 2,000 copies, according to this estimate, £3,289 18 2. The Government, of course, retaining the copyright, plates, &c."

The Committee here quote a proposition submitted by me for progressively refunding the advances so far made by the Government, and on certain conditions assuming the further responsibility of publishing the Map, and then proceed as follows:—

"The Committee, after duly considering the matter, do not recommend the entertaining of this proposition, as it might produce further unnecessary delay in making the Map available useful without ensuring any greater economy.

"The Committee think that the expense hitherto incurred has been greater than could have been reasonably expected, and regret that the original arrangement for the service as to size, manner, or limit of time, was not more definitely made. The sample Maps already received, on a scale of eight miles to an inch, present an excellent appearance, and although the time occupied in the preparation has been greater than was expected, this delay will now enable the perfecting of the Map in accordance with the newly surveyed Boundary Line between this Province and Nova Scotia," according to a Bill before the Legislature. Mr. Wilkinson thinks that the work would have been completed three months earlier if he had not been otherwise engaged on the public service."

The Report having been twice read to the House, in due form, it was, according to the entry in the Journal, ordered to be accepted.

Though, as the result of their investigation, the Committee are of opinion that the expense has been greater than could have been reasonably expected, and regret the absence of certain limitations in "the original arrangement," yet speak in terms of commendation of the service performed. They state, at the commencement of their Report, that they have "heard the explanations of Mr. Wilkinson, and the Honourable Provincial Secretary," yet do not leave it to be inferred that they concur in the arbitrary retention of the balance of £150 yet claimed by the former for his services. On the contrary, they include that claim, in specific terms, in their statement of "the whole cost," which statement is allowed by the Government to be accepted by the House, to be recorded on the Journal, and to go to the public without dissent or observation.

On a subsequent occasion an opportunity was given to the Government to remove the misconception, if such existed, that the claim was a recognised part of the cost of the Map, virtually sanctioned by themselves in silently accepting and allowing to be accepted an estimate in which such claim was specifically included. During the session of 1860 a debate occurred relative to the Map, in the course of which, according to the authorised Report, repeated reference was made to the statement of the cost as given by the Committee of the previous session. Yet it does not appear that any member of the Government impugned the correctness of that statement, or called attention to the fact, if such were real, that it improperly included the claim under notice. (A copy of the report of the debate referred to is hereunto subjoined).

After the lapse of upwards of three years of unavailing endeavour to obtain payment of the balance adverted to, a recurrence to the whole correspondence became desirable, but on searching for the same in the "Appendix," as referred to at page 188 of the Journal of the Assembly, already quoted, it could not be found. In the absence of any known reason for the suppression of this part of the Appendix, contrary to the apparent intention of the entry in the Journal, an explanation was sought from Mr. Wetmore, the Clerk of the Assembly. He first assured himself of the fact of the omission, but could not from memory account for it. On referring, however, to the file of the correspondence and other papers in manuscript, as laid before the House, an endorsement was found upon it as follows—

"Secretary says it need not appear in Appendix."

So far, therefore, as such correspondence may elucidate the difficulty which has arisen, it has become the more expedient to reproduce it in the manner in which it will now be presented.

But as it involves also another question, already adverted to, consisting of a pending claim for salary from the 1st September, 1858, to the 31st December, 1859, inclusive, I have to request the indulgence of explaining somewhat fully the origin of the latter.

Though previously a resident of the Province during several years, I first became professionally known to the Government of New Brunswick only in the year 1836, in connection with the share which had then devolved upon me in the exploratory surveys with a view to a Railway between St. Andrews and Quebec. When, through the interference of the Government of the United States, that project became suspended, I received unsolicited and unexpected marks of confidence from His Excellency Sir Archibald Campbell, then Lieutenant Governor, and also from his immediate successor, Sir John Harvey, in both instances tending, for the first time, to incline my views to the public service. In the autumn of 1838 a proposal was made to me by the Government, through the late Honourable Thomas Baillie, at that time Commissioner of Crown Lands and Surveyor General, to undertake the duty of re-compiling from the materials of his Office, the surveys of lands granted by the Crown, and of continuing such compilation, but at a rate of salary so small as not to be an inducement to engage myself for this purpose. As the necessity of such proposed service was, however, represented to be urgent, I offered to commence and prosecute it at a certain rate per day, until a suitable person could be engaged, my preference at that time being to embark in some other employment rather than accept inadequate remuneration for professional services. This offer was declined, but the former proposal was renewed, with the additional inducement of other professional employment, which I was assured would be necessary at frequent intervals, and for which I would be allowed a certain liberal rate of remuneration, *without deduction from the fixed salary.* With this understanding the engagement was made.

In consequence, however, of my special employments becoming protracted and frequent, in order to anticipate any possible objection to the strict fulfilment of this part of the stipulation, I usually deducted, though not in justice bound to do so, the proportion of the fixed salary accruing during such periods of special service. A certificate of the original arrangement was nevertheless given to me by Mr. Baillie, dated about the latter part of April, or early part of May, in 1841, which was shewn to a member of the honourable Executive Council, in order to be submitted to that body, but was not returned, and, as I suppose, remains on their files.

Though my position in the public service was afterwards more than once a subject of reconsideration, yet so far from its appearing at any time to be the pleasure of the Government to terminate it, I was repeatedly assured by their spontaneous and written pledges to the contrary, and proofs of their unabated confidence were continued during so long a period as to confirm me in the assurance that no change, unprovoked or undesired, on my own part, was either

contemplated or would be made, inconsistently with strict honour and good faith. Amongst other reasons for this reliance a few may be mentioned. In consequence of my acquaintance, derived through the exploratory surveys for the proposed Railway in 1836, with much of the territory then in dispute between the British Government and that of the United States, and also in consequence of certain services of a confidential nature in relation to the same territory in 1838, I was, at the unsolicited recommendation of His Excellency Sir John Harvey, appointed to accompany the Commissioners sent out by Her Majesty's Government to make an *ex-parte* examination of that territory in 1839, during the temporary suspension of negotiations for the settlement of the Boundary. On that occasion, Her Majesty's Commissioners were pleased to acknowledge, in very gratifying terms, the assistance which it had been my duty to afford them, and a communication was at the same time directed by His Excellency the Lieutenant Governor to be addressed to the Commissioner of Crown Lands, of which the following is a copy :

"The Private Secretary is desired to enclose for the perusal, information, and observation of the Commissioner of Crown Lands a note which has been addressed to the Lieutenant Governor by G. W. Featherstonhaugh, Esq., one of Her Majesty's Commissioners of exploration, which His Excellency requests may be communicated to Mr. Wilkinson, and that he may be informed that by his excellent conduct upon the important service therein referred to, he has established a claim upon the favorable consideration of the Lieutenant Governor, which His Excellency will at all times be happy to acknowledge.

"It is requested that the enclosure may be returned.

"Government House, Fredericton, Nov. 27th, 1839."

From henceforward other demands upon my time permitted me to devote only short and irregular intervals of it to the particular work in the Crown Land Office, for which, in the first instance, my services had been engaged. But this departure from the original object was at the instance of the Government, who required my attention to other labour, deemed by them of more pressing interest and importance, but which was not allowed to interfere with or disturb my personal interest in the first arrangement, that of my attachment to the Crown Land Office, at a fixed salary, *when not specially employed*.

The connection of my official services with the Disputed Territory was such as to harmonise with the strong interest which, from my first acquaintance with the Province, I had felt in the question of the unsettled boundary, and both Sir John Harvey and his Council found me ready to work unremittingly in relation to this object. This I did as much as health would permit, without making conditions of personal advantage; believing that the eyes of those were upon me from whom I need expect nothing inconsistent with equity and fair dealing; and I wish here to observe that the official assurances hereafter referred to, of the continuance of the subsisting arrangement, were not, in any instance, the result of direct or indirect negotiation, or solicitation, on my part, but free and voluntary pledges given by the Government, and by me accepted in good faith, for my protection in the event of changes which must necessarily from time to time occur, in the direction of public affairs. To such pledges I claim a right to appeal as the certificates of the Government that they were justly and honorably due.

During the period of the Boundary agitation, to which I have referred, not merely all my time, but, to an inconvenient extent, my private means were devoted to research, with a view to elucidate a portion of local history which I believed to present a true solution of the difficulty which had arisen with reference to the original western limit of Nova Scotia, to which British right unquestionably extended under the Treaty of 1783.

The situation of the territory in dispute had become at this time so embarrassing, that the resumption of earnest negotiations for the settlement of the difficulty was known to be delayed only until the information expected from the recent *ex-parte* explanation were fully in the possession of the British Government.

With this prospect it seemed urgently desirable that such negotiations should not recommence before those entrusted with them on the British side were apprised of the existence of facts and arguments, heretofore apparently unregarded or lost sight of, tending, as I believed, to shew beyond doubt that the common discharge of the Rivers Androscoggin and Kennebec was the original western boundary of Nova Scotia, and thus to establish a position incompatible with the pretensions which, in a tone of implacability and menace, the Government and the Press of the United States had so long maintained, with regard to the North-West angle of that Province. Prompted by this consideration, I hurriedly prepared and printed a short memoir, elucidated by a Map which I caused to be engraved, with the view to make the same more readily available, as circumstances might require. One copy was sent to Viscount Palmerston, and another to the Lieutenant Governor, Sir John Harvey. From both I received honourable acknowledgments of my communication, and from Sir John Harvey in the following terms, in a note dated 21st October, 1840:—

"I have examined the Map and perused the Memoir which is appended to it with much interest, and it appears to me to present a view of the important question connected with the accurate establishment of the North-west angle of Nova Scotia, so striking that I shall feel it my duty to transmit these documents to the authorities to whom on this side the Atlantic is committed the conduct of the discussions connected with the Boundary Line. You have not quoted the authorities from which you have compiled the Map, and upon the credit of which you rely for its accuracy, but, I doubt not, you are prepared to do so if required. I think you would do well to withhold the publication of the Map until you hear further from me on the subject. In the meantime I thank you for the discretion which you appear to have used in this matter."

Events which occurred shortly afterwards led to the retirement of Sir John Harvey from this Government, but his successor, Sir William Colebrooke, became not less interested in the researches referred to, relative to the true Western boundary of Nova Scotia. The obstacles which stood in the way of their utility during the pending negotiations for a peaceable settlement of the question, were the concessions on the part of the British Government, which had already been made, and could not consistently with national honour be disturbed. Yet in the possible event of the failure of the two governments to bring the dispute to a pacific termination, and that it should become unavoidable to leave it to the arbitrament of war; in such case the contingency of success to the British arms would give renewed interest and value to well authenticated facts and just conclusions tending to identify and establish, according to its original merits, the boundary in dispute. After due consideration, it seemed expedient to regard the inquiry chiefly in relation to the possible failure of the negotiations; for though the direct introduction of matter challenging the discussion of points already regarded as settled, had, for the reason stated, become precluded; yet a knowledge of the existence of such matter might exert a favourable influence in moderating unreasonable demands on one side and in restraining further undue concessions on the other. It was, therefore, suggested and recommended by His Excellency, Sir William Colebrooke, that simultaneously with the conduct of the negotiations, I should publish in a weekly newspaper, then issued in Fredericton, a memoir in as rapid and regular instalments as might be practicable, comprising the materials I had acquired, tending as I believed, to identify the true boundary in dispute, and that such newspaper should be regularly transmitted to persons in high official stations whose addresses he gave me, and to any others I might desire.

It was thus at the invitation and with the encouragement and sanction of His Excellency Sir William Colebrooke, accorded as I believe with the knowledge and full concurrence of his Council, that I proceeded to devote my time to the preparation of materials already in my possession, as well as to acquire such others as might be desirable and could be obtained without too much delay. On



the 16th October, 1841, the first of the proposed communications appeared in the newspaper alluded to, and was succeeded by others almost without interruption, weekly, until the 19th March, 1842, when they were brought to a close more abruptly than intended, through inability to sustain the labour necessary to their regular continuance. For much careful research and preparation were necessary with a view, as much as possible, to exclude whatever might be untenable. It was also at the time intended to re-publish them collectively, including references to the authors cited, but, through interference of other engagements, such intention became indefinitely postponed.

The foregoing is an outline of the employments by which the greater portion of my time was occupied for several years, say from 1839 to 1843, part inclusive, and is given to shew that it had become well understood by the Government, that it was not with reference to any specific duty in the Crown Land Office that my fixed salary in connection with that office was paid, for it was paid, with the usual exceptions, during all this time, but that it was intended to be regarded by me as a retaining allowance, in consideration of which I was expected to perform either the duty of compiling draftsman, or whatever other duty consistent with my engagement the public interest might render it expedient at their discretion to confide to me, when not specially employed in a professional way.

It was, in fact, and, as before asserted, was intended to be, a pledge of the continuity of my connection with the public service, without which I should not have been willing to spend the best years of my life, exposed to the uncertainty of administrative and other changes from year to year.

After the terms of the Treaty of Washington, dated 9th August, 1842, had become publicly known in this Province, and in consequence of some manifestation of border jealousy on the subject, I was desired by the Government to proceed to the new North-western Boundary therein defined, in order to identify certain features which seemed to be ambiguously described, and of which no survey whatever existed in the Provincial archives; and further, to ascertain generally the probable effect of the new boundary on the territorial rights of the Province as heretofore claimed. This service was performed and fully reported to the satisfaction of the Government, and copies of the Reports and of the plans accompanying the same were transmitted by His Excellency Sir William Colebrooke to the Secretary for the Colonies.

When the British Commission for the survey of the Boundary under the new Treaty was appointed, early in the following year, 1843, it was the pleasure of the Earl of Aberdeen, Her Majesty's principal Secretary for Foreign Affairs, at the recommendation, as I believe, of Sir William Colebrooke, to instruct the British Commissioner, Lieut. Colonel Estcourt, to engage my services as one of the officers to be attached to that commission.

Though likely to be of two or three years' duration, this engagement was unreservedly sanctioned by the Provincial Government, without prejudice to my situation in the Crown Land Office, as shewn by an official communication to me to that effect, through the Surveyor General, under date of June 10th, 1843.

My services were retained by the British Commissioner until plans of the survey were completed at Washington, and until other duties connected with same were brought to a close at the end of the year 1846. Before his return to England, in the autumn of that year, I received from him a letter, of which a copy is given below. I do not affect to conceal that it was more than gratifying to me to receive this spontaneous testimonial, and others like it, but they have been so far privately treasured, rather as grateful remembrances of the author, than in the anticipation of an occasion, such as the present, of even indirectly referring to them:—

Boston, August 16, 1846.

Sir,—The Commission having drawn nearly to a close, and with it, as a necessary consequence, our immediate connection, I am anxious that you should be in possession of my acknowledgments for the services you have rendered.

I am sure you know, that I have from a very early moment reposed perfect confidence in you; and I will now say, that I have, in so doing, not been mistaken or disappointed. Many of your duties have required energy and perseverance and patience, besides professional acquirements and readiness of resource; in all these points you have shown an efficiency and a willing spirit, for which now I beg to offer my best acknowledgments and thanks.

I have the honor to be, &c.,  
(Signed) J. B. BUCKNALL ESTCOURT,

Lieut. Colonel.

J. Wilkinson, Esq.

A letter of similar purport appears to have been shortly afterwards addressed by Lieut. Colonel Estcourt to Sir William Colebrooke, of which I received the following intimation:—

SECRETARY'S OFFICE, 3d September, 1846.

SIR,—I am directed by His Excellency the Lieutenant Governor to inform you that he has received a letter from Colonel Estcourt, expressing his sense of your services in terms highly commendatory, and that while His Excellency regrets that he is precluded from holding out to you at present any improvement in the situation you have held in the Surveyor General's Office, he will continue to appreciate the value of your services in it when the completion of your work in connection with your recent employment may enable you to resume them.

I have the honor to be, &c.,

JOHN S. SAUNDERS,

John Wilkinson, Esq.

After I had reported to Colonel Estcourt the close of my duties under the Boundary Commission, and nearly two months after my return to the service of the Provincial Government, a further communication from him was received by Sir William Colebrooke, at whose desire a copy was sent to me by the Surveyor General, and is as follows:—

LONDON, February 3d, 1847.

SIR,—Mr. Wilkinson having been engaged for the Commission of Boundary from employment under the Provincial Government of New Brunswick, I deem it right to inform Your Excellency that the Commission having brought its operations to a close, will no longer require the services of Mr. Wilkinson, and that they were deemed to have terminated from the end of the year 1846.

In making the announcement I avail myself of the opportunity of recommending him to Your Excellency's favour and protection. His services on the Commission have been very valuable. I can scarcely speak too highly of his exertions and conduct.

He has shown himself perfectly competent in a professional point of view, and thoroughly to be relied on.

I have, &c.,

J. B. BUCKNALL ESTCOURT, Lieut. Colonel,

H. M. Commissioner of Boundary.

To His Excellency Sir Wm. M. G. Colebrooke, K. H., &c. &c. &c.

It will, I trust, be apparent that my reasonable hopes at this time, as, indeed, at any time heretofore, were not such as to constrain me to rely exclusively upon my continuance in the service of the Provincial Government. I had, however, now been so long in that service, and had imbibed so much more than a merely professional and transitory interest in some of its most important concerns, that there are probably but few minds which would not readily conceive that suddenly to turn towards a new field, and to new associations, would have been a choice not to be made without regret, and to which any slight pecuniary, or other

advantage, would have been no inducement. But the Provincial Government did not manifest any disposition to depart from the arrangement which has already been so fully stated and explained, but after a *discontinuance* of my services in connection with the Crown Land Office during three years and a half, fully recognised their subsisting pledge, and took first the occasion to reaffirm it, in a formal and official manner, as will be seen on reference to a letter addressed by the Surveyor General to Major W. Robinson, of the Royal Engineers, dated 8th June, 1847, and also, as previously communicated to me by the Provincial Secretary, in a letter dated on the 7th of the same month, conveying the consent of His Excellency the Lieut. Governor to my undertaking the employment as desired at that time by Major Robinson, adding "that it shall be done without prejudice to your station and standing as compiler in the Crown Land Office."

Also on the subsequent occasion of my appointment to survey the proposed line of Railway between St. John and Shediac, a like assurance was repeated; in a letter addressed to me by the Provincial Secretary, dated the 10th April, 1848; and the subsistence of the same assurance was several times afterwards recognised in a formal manner; and up to the present hour I am not aware of any circumstance whatever, much less of any definite official act which, consistently with honor and good faith, can be construed to absolve the Government from the force of such assurance or to deprive me of its benefit. It is not disputed that the Government have the power to disregard such assurance, as they have power to disregard any obligation resting upon their honour and good faith alone; but it is not assumed that they would voluntarily and with full consciousness of the nature of the act exercise such power.

Had I so far entertained distrust of the assurances of the Government as to consider my engagement in the public service to be without any guarantee of permanency, the course of ordinary prudence would have been to keep myself entirely free to act in conformity to that feeling. But, unfortunately, I did not entertain such distrust, and have made arrangement of my private affairs in full dependence on the sincerity of the Government, so that failure to abide by their own spontaneous act will to myself be ruinous.

It will not be deemed incumbent upon me to state or defend the reasons which the Government were pleased to consider in the first instance as sufficient to justify them in giving, and afterwards in frequently re-affirming, the assurances in question. It is, I trust, sufficient to have shewn that they were given and accepted in good faith. Were it, however, either necessary or relevant to do so, I might in some justification of the confidence heretofore placed in me, appeal to evidence that whilst the Government now deem it proper to withhold from me the claims under consideration, amounting together to the sum of £443 6s. 8d., exclusive of interest, a sum of not less than £50,000, and probably a much larger amount, has, in one instance, through the instrumentality of my services, been averted from the burthens of the Province, together with the interest which would have arisen on such addition to the public debt during the last six years. I might also for a like reason claim the privilege of vindicating the general correctness of the views which in the year 1851, it seemed my duty to submit to the Government, relative to prospective railway expenditure in this Province, through recent disregard of which about \$3,000,000 of the present Railway debt has been incurred without equivalent.

I now desire to add only the following copies of correspondence before adverted to, in which are circumstantially shewn both the claims in question and the delay and difficulty which during several years have been interposed to their settlement, though I have not ceased, on grounds of strict justice and good faith, to urge their favorable consideration.

Such observations only are interspersed with the correspondence as seemed proper either to connect or elucidate the subject.



cial Government  
ment which has  
uence of my ser-  
years and a half;  
on to reaffirm it,  
letter addressed  
Engineers, dated  
y the Provincial  
ying the consent  
employment as  
be done without  
Land Office."

y the proposed  
was repeated; in  
th April, 1848;  
terwards recog-  
aware of any  
oh, consistently  
nment from the  
t disputed that  
hey have power  
ith alone; but  
ownness of the

overnment as to  
y guarantee of  
o keep myself  
ately, I did not  
e affairs in full  
abide by their

reasons which  
s sufficient to  
the assurances  
ere given and  
levant to do so,  
me, appeal to  
hold from me  
£413 6s. 8d.,  
bably a much  
of my services,  
interest which  
last six years.  
g the general  
y to submit to  
his Province,  
Railway debt

efore adverted  
ation and the  
posed to their  
nd good faith,

ce as seemed

**CORRESPONDENCE AND PAPERS**

RELATIVE TO

**Claims on the Government of New Brunswick.**

The new Map of the Province was commenced on the 1st April, 1854, under a verbal arrangement with the Hon. R. D. Wilmot, then Surveyor General. In the autumn of that year a change of the Government occurred, under which the work proceeded as before, and the first written communication on the subject is as follows:—

(Copy.)

CROWN LAND OFFICE, Sep. 1, 1855.

JOHN WILKINSON, Esq., &c. &c.,

SIR,—I am directed by His Excellency the Lieutenant Governor in Council to request that you will report to me for His Excellency's information, the particulars of the arrangement which is made with you for preparing the Map of the Province on which you are now engaged, and the present state in which it is.

I am, &c.,

(Signed)

JAMES BROWN,

Surveyor General.

(Copy of reply.)

FREDERICTON, 7th September, 1855.

SIR,—In reply to your request with reference to the Map of the Province now in progress, I have the honor to state, first, that the particulars of the arrangement with me were substantially as follows:—

During the session of the Legislature of 1854, when some discussion had taken place relative to the want of a correct Map, I was consulted by the Hon. R. D. Wilmot, then Surveyor General, as to my inclination to undertake such a work, and as to the probable cost.

Without such a systematic re-survey of the Province as alone could afford the material of a correct Map, all that I could promise was to prepare a Map as generally correct as the existing materials would permit, and this I was ready to undertake. At that time I could give no idea of the probable cost, but named £1,000 as the smallest sum which I thought ought to be appropriated toward the expenses of preparing the manuscript and the engraving and printing of a Map on the scale of one which I had prepared about fourteen years previously, or say about eight miles to an inch.

I was desired by Mr. Wilmot to proceed with the Map on this scale, and to do the best I could with such materials as existed, with the view to its early publication without the delay or expense of any new survey.

Nothing was said at the time about my rate of payment, though I did not expect this to be less favorable than heretofore when specially employed. I commenced on the 1st April, and some time afterwards Mr. Wilmot informed me that his arrangement on the subject of the Map had been sanctioned in Council, and that he was authorised to inform me that my rate of payment would be as formerly when employed upon special service. This was a verbal

1848?  
mine is  
this  
Did he  
amplify  
the same  
map?

communication, and I have no memorandum of the date. It was in the course of the summer of last year.

I have continued to devote my whole time to the Map, with the exception of a few days' unavoidable absence. The materials I have to deal with are perplexing in the extreme, and require the most patient and unremitting application in order to make progress in reconciling and uniting them.

Regarding the present state of the Map, I beg leave to say, that I hope to have the whole within the limits of the Province, South of the River Restigouche and the Grand Falls, filled in in detail, in the course of the present month, with the exception of the lettering and some of the parish boundaries.

There will remain the country North of the Grand Falls and the River Restigouche. This I have purposely left to the last, in order that, if possible, the survey of the Northern boundary might be available by which to adjust and complete that portion of the Map.

The limits of the sheet will embrace Quebec, Halifax, and Bangor, and I propose to fill in the intervening country in a general manner from the best existing Maps.

I consider that the most perplexing and tedious part of the labour is done, but a good deal remains before the manuscript can be ready for the engraver.

I have the honor to be, &c.,

J. WILKINSON.

The Hon. James Brown, Surveyor General.

A further report of the progress of the Map was made to the Surveyor General, under date of 3rd January, 1856, accompanied by an account from the commencement of the work on the 1st April, 1854, down to 31st December, 1855, shewing a balance due at the latter date of £273 9s. 8d.

The progress of the work was again reported to the Surveyor General under date of 20th May, 1856.

In June of the same year another change of the Government occurred, and in July following I was requested by the Provincial Secretary to suspend for a time the work of the Map, in order to undertake certain duties more urgently required by the Board of Works; and afterwards to undertake the necessary preliminary surveys for a line of Railway from Fredericton towards Woodstock with a view to its construction, conformably to the law passed in the preceding session of the Legislature.

Whilst this work was in progress, a communication was received from the Surveyor General, of which the following is a copy:—

CROWN LAND OFFICE, September 8th, 1856.

JOHN WILKINSON, Esq.,

SIR,—I am directed by His Excellency the Lieutenant Governor in Council to request that steps may be taken to have the Map of the Province, upon which you have been engaged, engraved as soon as possible, and that 2,000 copies be struck off.

I am, &c.,

(Signed)

J. MONTGOMERY,

Surveyor General.

Absence on the services mentioned delayed a reply, of which the following is a copy:—

FREDERICTON, 23rd September, 1856.

SIR,—I have received your instructions of the 8th inst., on the subject of the Map of the Province, and regret that other services of an urgent nature required by the Government since the early part of July, have obliged me to suspend my labour on the Map, on which a considerable portion of the names of Rivers, Lakes, Settlements, &c., still remain to be inserted. The survey of the proposed line of Railway from hence to Woodstock will be a cause of further delay, but it

will be my desire and earnest endeavour to carry into full effect your directions as soon as possible.

I have the honor to be, &c.,

(Signed) J. WILKINSON.

The Hon. J. Montgomery, M. P. P., Surveyor General, &c.

During the ensuing winter the Map was sufficiently advanced to be put into the hands of the engraver, and the state of my accounts relative to this, and other services required me to address the following semi-official note to the Provincial Secretary, to which special reference is made in a subsequent part of this correspondence:—

FREDERICTON, 27th March, 1857.

MY DEAR SIR, — There was a balance due me on the 31st December, 1855, for the Province Map, as by account sent, £273 9s. 8d., to cover which I received from you in August last £300. The difference is all that I have since received in part. On making up the account to 13th inst., (the Map being ready for tracing off previously to sending to the engraver) I find the balance by the statement enclosed £365 6s. 5d. There will be some small additional expense before the Map can be sent off, which shall be as promptly as possible. In the meantime, I am sorry to say, I owe nearly the whole of the above amount at the Bank, and should be glad of £350 on account.

I enclose also, a statement of account for expenses of Railway survey incurred up to 15th instant: balance, £236 7s. 4d., with vouchers, and another account for services and expenses last summer relative to the several bridges therein mentioned, £103 6s. 9d. Besides the amount of these balances an advance of £200 will be necessary to enable me to meet current expenses of the Railway surveys commenced for the season, all of which I hope will receive the favorable consideration of the honorable Council.

I am, &c.,

(Signed) J. WILKINSON.

Hon. R. D. Wilnot, Provincial Secretary.

It had been decided, with the approbation of the Government, to commit the engraving of the Map to Mr. Wyld, of London, to whom, on the 18th of April, the manuscript was forwarded, with a request that he would advise me of the time at which the plates would be in a state to furnish proof, as it was proposed that I should then be on the spot in order to make additions and corrections and otherwise to ensure the prompt and satisfactory issue of the first copies. In a letter dated 26th November, 1857, he informed me that the plate would be ready for my inspection and additions in the course of January following. This information was communicated to the Government through the Honorable Provincial Secretary, in order that I might receive further instructions. After some conversation with the Secretary on the subject, he requested me to furnish an estimate of the whole cost, in order that it might be submitted to Council. Such estimate was given under date of 30th December, shewing the total probable cost of the 2,000 copies, in sheets, coloured, including all charger and expenses, to be £2,557 17s. 8d. Whilst waiting the decision of the Government, I continued to prepare the materials wanting in order to render the Map more perfect, and at length received a communication, of which the following is a copy:—

SECRETARY'S OFFICE, 21st January, 1858.

SIR, — Your communication relating to the Map of New Brunswick, now in course of being engraved, and suggesting the propriety of your going home to superintend its completion in England, having been under consideration of the Government, I am directed by His Excellency the Lieutenant Governor to inform you that it is not considered expedient to incur the expense of a special mission to England, but if by written information or instructions to Mr. Wyld or the

engraver you can in any way render the Map more complete, it is very desirable that such should be forwarded.

I have, &c.,

(Signed)

S. L. TILLEY.

John Wilkinson, Esq., Fredericton.

On receipt of the above I immediately wrote to Mr. Wyld to forward proof impressions of the Map, in order that the same might be examined and one returned as soon as possible with such additions and corrections as might be needful, before the 2,000 copies were printed off. Under date of 25th February Mr. Wyld informed me that the proofs required had been dispatched according to directions. But through miscarriage of the parcel it was for a time deemed to be lost, and only after much inquiry I succeeded in recovering it early in April, just in time to place an imperfect copy in the possession of the Surveyor General before the adjournment of the Legislature.

On one of the impressions such corrections were made and omissions supplied as were necessary, without further loss of time, and on the 1st May following it was returned to Mr. Wyld in order that the plates might be perfected agreeably to the same; with directions that as soon as this could be done another set of proofs should be forwarded for approval before the printing of the whole should be commenced.

It is here necessary to advert to another matter which, unexpectedly to myself had become entangled with the business of the Map. The survey and part location of the proposed line of Railway from Fredericton towards Woodstock, had been prosecuted during the year 1857 until it was suspended by the Government in August. Certain advances had been received in part of the expenses of this survey, but occupation in another part of the Province prevented my sending in the account in question to the Chairman of the Railway Board until late in December. After some lapse of time, receiving no answer, I again applied to the Chairman, who informed me that as the service to which the account related was of a date prior to his appointment, he had referred the same to the Government for their sanction and waited a reply.

I therefore applied to the Provincial Secretary in order to ascertain the cause of delay, and was informed by him that some discrepancy existed between the advances as I had stated them, and as they appeared in the minutes of Council. Upon reference to the minute I saw that this was the case, and that an advance which I had applied for and received on account of the Map, had been, through inadvertence, entered in the minute as on account of the Railway service. This will be evident on comparing the statement hereafter made with the note addressed to the Hon. R. D. Wilmot as Provincial Secretary, under date of 27th March, 1857, a copy of which is above given. I certainly did not understand the Honorable Secretary in the first instance to doubt that the inadvertence existed, but to assign as a cause of delay in authorising a settlement of the account, that a minute of Council could not be altered but by authority of Council, and that the case should be considered at the earliest opportunity.

Several successive months, however, elapsed before a more definite answer was received. I at length ascertained, upon inquiry, that at a sitting in May, 1858, the Honorable Council had, without affording me an opportunity of defence or explanation, decided against the credibility of my statement. The Honorable Secretary immediately after the adjournment of the Council left the Province and was absent for some time. In the course of this interval it seemed proper, in order to obtain a re-investigation of the case, that I should appeal to His Excellency the Lieutenant Governor, and the following correspondence ensued:

FREDERICTON, 25th June, 1858.

MAY IT PLEASE YOUR EXCELLENCY: I beg leave to state to your Excellency that the balance for expenses of the Survey for the proposed Railway from Fredericton towards Woodstock, incurred prior to 26th September last, and amounting to £423. 18s. 7d., remains unpaid.



is very desirable

L. TILLEY.

forward proof  
examined and one  
as might be  
25th February  
touched according  
a time deemed  
ring it early in  
of the Surveyor

missions supplied  
ay following it  
ected agreeably  
another set of  
the whole should  
tedly to myself  
urvey and part  
rds Woodstock,  
ed by the Gov-  
of the expenses  
prevented my  
ay Board until  
answer, I again  
s to which the  
ferred the same

tain the cause  
between the  
tes of Council.  
at an advance  
been, through  
service. This  
with the note  
er date of 27th  
ot understand  
inadvertence  
of the account,  
of Council, and

to answer was  
in May, 1858,  
of defence or  
The Honorable  
the Province  
meed proper  
appeal to His  
ence ensued:  
June, 1858  
of the  
book, incurred  
ains unpaid.

The account was sent to the Chairman of the Railway Board on 29th December last, receipt of which was acknowledged by him on the 15th January following, with the information that it had been referred to the Government. I afterwards frequently applied to the Honorable Provincial Secretary on the subject, and was not informed by him of any cause for which I was personally accountable, for delay of payment. The reason of delay assigned was, that a minute of Council in May, 1857, specified an advance by warrant of £350, on account of the Railway expenses, which I had applied for, received, and credited, on account of the Map of the Province. There is no doubt an inadvertence on this point in the minute in Council, but for which I am in no way accountable. In order to facilitate its correction I afforded whatever information was desired, and was certainly left by the Honorable Provincial Secretary to suppose that such information was satisfactory.

But after enquiry at his office, after the sitting of the honorable Executive Council in May last, I find that a minute has been made authorising the payment of £73 18s. 7d., only; that is to say, the above balance, deducting £350. My information, therefore, has been discredited by the honorable Council, without any intimation to me previous to their decision.

Under the circumstances which I have stated, I trust that I have a reasonable and just claim to the balance in question, and to interest on the same, say from 31st December last.

I crave that your Excellency will cause enquiry to be made and whatever is right to be done in this matter.

I have the honor to be, Sir,  
Your most obedient servant,  
(Signed) J. WILKINSON.  
To His Excellency the Honorable J. H. T. Manners-Sutton, Lieutenant Governor, &c. &c. &c.

After the lapse of nearly another month, I received the following letter with reference to the above:—

SECRETARY'S OFFICE, FREDERICTON, 21st July, 1858.

SIR,—Your application for balance due you on account of the Railway Survey having been under consideration of His Excellency the Lieutenant Governor in Council, I am directed to inform you that the £72 ordered to be paid at the last Council, with the £350 previously paid, settles your claim on Railway account, and that your claim for the preparation of the Map of the Province, when presented, will be immediately considered.

I have, &c.,  
(Signed) S. L. TILLEY.

John Wilkinson, Esq., C. E., Fredericton.

To this communication I replied as follows:—

FREDERICTON, 23rd July, 1858.

SIR,—I beg leave to acknowledge your communication of 21st inst., informing me that the decision of His Excellency the Lieutenant Governor in Council, relative to my application to him on the 25th ult., on the subject of the unpaid balance of £423 18s. 7d., is, "that the £72 ordered to be paid at the last Council, with the £350 previously paid, settles my claim on Railway account."

I desire to point out to His Excellency and the honorable Council, that the effect of this decision is to impugn the correctness of the account which I have rendered, and to require me to refund the sum of £350 advanced for services already performed in 1856-7, on account of the Map, and to apply the same to the payment of a balance accruing on account of the Railway Survey in 1857. This further extending the delay which has already occurred in the payment of the latter.

I believe that the late Provincial Secretary, during whose term of office the

entry was made; has already explained to His Excellency and to the members of the Council that the warrant for the sum in question was, through inadvertence, specified in the minute to be on Railway account, instead of that of the Map, for which it was by me applied for, received and credited as part of the Legislative appropriation for that purpose.

My written application was, and no doubt remains on file in your office. I did not in any manner apply for an advance of £350 at that or any subsequent date on account of the Railway Survey, or accept such an advance.

I beg leave to state, for the information of His Excellency the Lieutenant Governor, that the completion of the Map has, by means of correspondence, been urged forward with every regard to despatch consistently with the faithful and creditable execution of the work. I am, by last mail, informed by Mr. Wyld, that the corrections and additions made by me in the proof sheets returned to him early in May last, will be completed within this month.

It is therefore possible that the ensuing mail may bring the perfected proof sheets, with account of expenses so far incurred. The expenses in all materially exceed the funds with which I have been provided, and Mr. Wyld requests an advance of £500 sterling.

I have, &c.,

(Signed) J. WILKINSON.

To the Hon. S. L. Tilley, M. P. P., Provincial Secretary.

(Copy.)

SECRETARY'S OFFICE, 30th July, 1858.

SIR, — I beg to inform you that I duly laid before His Excellency the Lieutenant Governor your letter of the 23rd instant, and His Excellency was pleased to call upon me for a report on the same, which having made and submitted, I am requested by His Excellency to furnish you with a copy thereof, which I now enclose.

(Signed)

S. L. TILLEY.

John Wilkinson, Esq., Civil Engineer, &c., Fredericton.

(Copy of enclosure.)

SECRETARY'S OFFICE, FREDERICTON, July 23th, 1858.

Your Excellency having referred to me the letter of Mr. Wilkinson, under date of the 23rd inst., I beg leave to submit the following statement for your Excellency's information.

On the 27th March, 1857, your Excellency in Council had under consideration three accounts from Mr. Wilkinson:

1st. "No. 92. Expenses connected with Survey of Railway line from Fredericton to Woodstock," and with reference to which the following order was made: "Warrant to issue on Railway construction account for £350 on account. Vouchers to be sent to the Auditor General."

2nd. "No. 93. Expenses connected with Map of the Province in course of construction by him." Ordered "for Auditor General's Report."

3rd. "No. 94. For inspecting Bridges, &c." Ordered "for Auditor General's Report."

The accounts were accompanied by a note, dated March 27th, 1858, from Mr. Wilkinson to Mr. Wilmot, Provincial Secretary, in which he states there is due him on account of Map £365 6s. 5d., and asks for £350 on account. He also states there was due him on account of Railway Survey, up to 15th of March, £236 7s. 4d., and that an advance in addition of £200, will be necessary to meet the current expenses of Survey.

On the 1st April, 1857, warrant No. 155 was issued in his favor for £350 on account of Railway Survey. On the 28th May, 1857, warrant No. 211 was issued in Mr. W.'s favor on account of the Map. And on the following day,

May 29th, the Chief Commissioner of the Board of Works paid Mr. Wilkinson £103 6s. 9d., amount of his account for inspecting Bridges, &c.

The following appears to be the true state of Mr. Wilkinson's account for Map to March 13th, 1857:—

20 23-31 months services preparing Map, £38,	....	£1180	8	10
Office Rent, 24 years,	....	27	0	0
Fuel and Expenses,	....	8	0	0
		£1165	8	10

On which the following payments have been made:—

1854.	August 31st,	Cheque,	....	....	£100	0	0		
	Dec. 6th,	Warrant 489,	....	....	100	0	0		
1855.	April 3rd,	" 91,	....	....	100	0	0		
	Dec. 24th,	" 59,	....	....	200	0	0		
1856.	August 2nd,	" 344,	....	....	300	0	0		
1857.	May 28th,	" 211,	....	....	200	0	0—1000	0	0

Leaving balance claimed by Mr. Wilkinson of .... £165 8 10

#### RAILWAY ACCOUNT.

Amount of account rendered to March 15th, 1857, £836 7 4  
do do do to 26th Sept., 1857, 1123 18 7—£1960 5 11

On account of which the following payments have been made:

1856.	Nov. 25,	Warrant No. 428,	....	£200	0	0
	Dec. 18,	" No. 40,	....	400	0	0
1857.	April 1,	" No. 155,	....	350	0	0
	May 1,	" No. 173,	....	200	0	0
	July 6,	paid by Chairman Railway Board,		236	7	4
	Sept. 16,	do do do		500	0	0—1886 7 4

Balance as claimed by Mr. Wilkinson, .... £73 18 7

The Auditor General reports that he has not yet received the vouchers for charges made in account rendered for Railway Survey to September 26th, 1857.

Mr. Wilkinson states that if the £350 paid on account of the Railway, is not transferred to his debit on the Map account, it will have the effect of requiring him to refund that amount, it having been advanced for services already performed in 1856-7. This can not be the case, as it appears by Mr. Wilkinson's own shewing, admitting his claim to be correct, that notwithstanding the £350 is placed to the debit of the Railway account, the balance due on the Map is but £165 3s. 10d.

(Signed) S. L. TILLEY.

To His Excellency the Honorable J. H. T. Manners-Sutton, Lieutenant Governor, &c. &c. &c.

It may be noticed that the terms applied by the Honorable Secretary to the above balances are obviously unintentional. There was no such balance "claimed" by me in either case.

The following is a copy of my reply:—

FREDERICTON, 31st July, 1858.

SIR,—I beg leave to acknowledge the receipt of your letter of yesterday, enclosing a copy of your report to His Excellency the Lieutenant Governor, on the subject of my letter of 23rd instant.

I have to observe that the chief point in my letter is not noticed in your report. I advert to the error in the minute of Council. I have already adduced the best testimony of which the case will admit that such error exists. To this I now add, in corroboration, your own statement.

You agree with me, that on the 27th March, 1857, I submitted an account



showing a balance of expenses incurred toward the construction of the Map of £365 6s. 5d., in part of which I requested an advance of £350. That I at same time submitted another account shewing a balance of £236 7s. 4d., due on Railway Survey; and that in addition to this balance I requested an advance of £200 towards the current expenses of the season. That is to say that I requested on Railway account in all £436 7s. 4d.

But proceeding upon the minute in Council as it stands, you shew that under these circumstances I was advanced on Railway account £786 7s. 4d., or £350 more than either I requested or was due to me.

It is admissible that His Excellency the Lieutenant Governor and the honorable Council intended to grant me at that time £350 more than either I asked for or was due to me on Railway account.

I have already adduced the testimony of your predecessor, that such was not their intention, and that the £350 inadvertently entered in the minute as on Railway account, was granted; agreeably to my request for that sum, in part of the balance of £365 6s. 5d. already incurred on account of the Map.

Upon this inadvertence in the minute of Council, you still require me to refund that advance made for services already performed, and to apply it as I have already stated, to the payment of services of another kind at a long subsequent date.

It is also only now that I have learnt that the vouchers which accompanied my account, as rendered on the 29th December last, have hitherto been withheld, I am quite sure also inadvertently, from the Auditor General, and the account is consequently not yet audited.

I beg to submit the foregoing observations for the consideration of His Excellency the Lieutenant Governor and the honorable Council.

On the subject of the Map, I have not yet received the information I expected from the engraver. In the meantime, I beg leave to refer to the respective memoranda, dated 30th April last, laid before you as an abstract of my accounts, for the information of His Excellency in Council.

I have the honor to be, &c.,

(Signed)

J. WILKINSON.

The Hon. S. L. Tilley, M. P. P., Provincial Secretary, &c. &c.

#### COPIES OF THE MEMORANDA REFERRED TO.

No. 1.

FREDERICTON, 30th April, 1858.

Expenses of preparing for publication the new Map of the Province of New Brunswick.

Amount of account to March 13th, 1857, ..... £1165 6 5

1858. April 30, Estimated amount of personal liability to Mr.

Wyld, value of my own labour and miscellaneous expenses up to this date, ..... 550 0 0

Received on account:

1854. August 31, Cheque, ..... £100

Dec. 6, Warrant No. 498, ..... 100

1855. April 3, " No. 91, ..... 100

Dec. 24, " No. 59, ..... 200

1856. August 21, " No. 344, ..... 300

1857. April 1, " No. 155, ..... 350

May 28, " No. 211, ..... 200

Total, being amount of two Legislative appropriations of £700 & £650, £1350

No. 211

FREDERICTON, 30th April, 1858.

Recapitulation of account of expenses of survey for proposed Railway from Fredericton towards Woodstock:—

Amount of account rendered to 15th March, 1857, .... £836 7 4

Received as follows:—

1856. Nov. 25, Warrant No. 428, .... £200 0 0

Dec. 18, " " No. 40, .... 400 0 0

1857. July 6, Order of Chairman of Railway Board, 236 7 4

Amount of account for same service from March 16 to September 20, 1857, .... £1123 18 7

Received as follows:—

1857. May 1, Warrant No. 173, .... £200 0 0

Sep. 16, Order of Chairman of R. Board, 500 0 0 700 0 0

Balance, .... £423 18 7

J. WILKINSON.

(Copy.)

SECRETARY'S OFFICE, 3rd August, 1858.

MY DEAR SIR,— Could you make it convenient to call in to-day and see the Secretary on the subject of your accounts? There seems to be a misunderstanding, and it can be much more easily put right verbally than by a written correspondence. The Secretary would therefore be glad to see you on the subject. He returned last evening.

Yours sincerely,

(Signed) R. FULTON.

J. Wilkinson, Esq.

WILKINSON.

I immediately attended to this request, and saw the Honorable Secretary, who entered into a brief explanation and defence of his own view of the minute of Council, to the effect that it could not be an error; but disclaimed any intention to impugn my own statement that I had in good faith applied for and received the £350 on account of the Map; though it appeared to him that in granting that sum the Council intended it should be on account of the Railway Survey. But, whether this had been their intention or otherwise, the entry had been made against Railway account, and had so passed through all the Books. That to make any alteration now would involve great inconvenience, whilst by merely altering my own account so as to conform to the minute of Council, the result would be the same, and that my account for the Map should receive prompt attention as soon as presented.

Relying upon the last assurance, and rather than continue an unpleasant controversy which would leave my accounts indefinitely open, I assented to the proposition of the Honorable Secretary, and on the same day addressed to him the following note, with my accounts altered as desired:—

FREDERICTON, 3rd August, 1858.

SIR,— Since the minute of Council could not without much inconvenience be altered, even if the Government were to adopt my own conviction, on the reasons assigned, as to the intention of the advance in dispute, I have, agreeably to our understanding this morning, stated the account of the Map up to March 13th, 1857, deducting £350 from the advances on account, as in my previous statement, and transferring that sum to the debit of my account for Railway expenses, as per memorandum enclosed, leaving the pending account of expense

of the Map to the consideration of His Excellency the Lieutenant Governor as soon as it can be finally ascertained.

I have, &c.,  
(Signed)

J. WILKINSON.

To the Hon. S. L. Tilley, M. P. P., Provincial Secretary.

FREDERICTON, 1858.

The Government of New Brunswick,  
1857.

To J. WILKINSON, Dr.

December 29th, Balance of account for expenses of Railway  
Survey from Fredericton towards Woodstock, as rendered, £423 18 7

1857.

Or.

April 1st, Warrant No. 155, transferred in order to conform  
to minute of Council of 27th March, 1857, from account  
of Map of Province to Railway expenses, .... 350 0 0

£73 18 7

(Signed)

J. W.

August 2nd, 1858.

FREDERICTON, 1858.

The Government of New Brunswick,  
1857.

To J. WILKINSON, Dr.

March 13th, Amount of account for expenses of preparing for  
publication new Map of Province, as per account rendered  
to this date, .... £1165 3 10

1857.

Or.

May 28th, By amount of several advances on account to this  
date, as per account rendered, £1350; less Warrant No.  
155, April 1st, transferred to account of Railway expenses  
in order to conform to minute of Council of 27th March,  
1857, £350, .... 1000 0 0

£165 3 10

(Signed)

J. W.

August 2nd, 1858.

During the period intervening since the 18th December, 1857, I had been giving my attention to the perfecting of the Map, by making additions and corrections which, in the mass of confused materials passing through my hands, had been either necessarily deferred or incidentally overlooked, and in communicating the same either on the proof impressions or by means of tracings to the engraver. It is incumbent upon me to disclaim any voluntary delay in the dispatch of this duty. It was at length reported to be completed as follows:—

FREDERICTON, 30th August, 1858.

SIR,—By last English mail I received a final statement from Mr. Wyld, relative to the cost of the new Map of the Province, and from which he can make no deduction. I have to notice however, that his charge for engraving the additional matter, which is considerable, is only £15 sterling. A copy of his statement is annexed, amount £814 19s. 8d. sterling, which estimated at 11 per cent. exchange is equal to £1,004 17s. 6d. currency, for 2,000 perfect impressions of the Map.

At the same time I beg leave to annex a statement of my charge and expenses since March 13th, 1857; amount £261 17s. 10d.

The cost of the Map will, unavoidably, exceed such estimate as under the

circumstances it was possible to make in the first instance, but I trust will be far from exceeding its eventual usefulness and value to the Province.

The design of the Map originated with the Legislature, and in compliance with their desire, as I believe, the Government of that time, 1854, confided to me the duty of preparing for publication such a one as was needed for all purposes, including that of education.

No specific instructions were given, but in my own humble judgment it was in the first instance necessary that a complete Map should be prepared as far as the best existing materials would permit, of a character creditable to the Province, as an authentic and reliable document, fitted for the use of the public Offices, and generally as an Office and Library Map. From such an original a Map specially for the use of the Provincial Schools, could at a small expense at any time be prepared.

As far as my own labor is concerned, I have anxiously endeavoured that the confidence of the Legislature should not be misplaced, and that no expense should be incurred not strictly warranted by the faithful performance of my duty.

I have given to the work the knowledge and experience of upwards of twenty years, and whatever information of special interest I could obtain by correspondence or otherwise.

The chief portions of the materials of the Map are necessarily derived from the records of the Crown Land Office.

These have been reduced, adjusted and corrected as far as possible by the latest reliable data. The latter include whatever is material in the various exploratory and other Surveys that have been made, whether on Imperial, Provincial, or private account, during the last twenty-two years. To these I have added all that was of special interest as far as attainable without much cost, labor, and further delay, in order to shew our relationship to the adjacent Provinces of Canada and Nova Scotia, and to the State of Maine. With this object the Map is so arranged as to include within its limits and at one view the face of the whole territory intervening between Halifax and Quebec, with every material known feature that could in a trustworthy manner be represented. Thus affording a fair basis for the discussion of the route through this Province of any line of Railway or other communication by which it may be proposed to unite these extremes.

The same regard has been observed with reference to our future connection with the Railway system of the United States, which has for some time extended as far eastward as Oldtown, in Maine.

Such lines of Railway only as are already opened or under contract are delineated on the Map.

As a matter of historical interest, the originally proposed route between St. Andrews and Quebec, as explored in 1836-7, at the expense of this Province, is traced through the territory since ceded to the United States.

In order to give a clear conception at one view of the relative proximity of the Ports and Harbours of this Province to those of Great Britain and the rest of Europe, as well as to shew the geographical position we hold in relation to the remaining habitable portions of British America from the Atlantic to the Pacific, I have introduced a Chart, on a small scale, on Mercator's projection, of a sufficient portion of the Globe for these objects. The nautical distances inserted in this have been carefully computed. The probable features and points of latitude as exhibited by the latest Maps, which would be intersected by a straight line drawn from the open harbour of St. John, in this Province, to the mouth of Fraser River, in British Columbia, and the distance of that line are also shewn.

The remaining portion of the sheet is occupied with abridged tables tending to shew, as comprehensively as the space would permit, the statistical history and progress of the Province up to the present time.

In this labour I trust I have not exceeded what was worthy of the approval and consistent with the designs of the Legislature. I have also endeavoured

neither to go beyond or fall short of what would be expected in such a work by intelligent residents in the Province, or by others of the same class in any part of the world directly or remotely interested in its concerns.

In the merely trade value of Maps there is necessarily a great difference. A Map which is only a copy or patchwork from other Maps, and which may be in great demand, may be profitably sold for an insignificant price. But this is impossible with original Maps prepared in a faithful and creditable manner, unless the cost be otherwise provided for than by public sale. This would be so even if the country represented were of wide general interest, and the demand correspondingly large.

But a Map of this Province does not as yet possess the latter advantage.

In reply to an enquiry which I made of Mr. Wyld, as to the fair retail and wholesale prices which ought to be fixed upon a Map of the character of that which the Legislature of this Province has now provided, he states that such a Map sells in England for £1 11s. 6d. plain, and £1 14s. 6d. colored, in sheets by retail, and that to the trade a discount of 25 per cent. is made. I observe that for Maps of similar style and dimensions other publishers affix about the same retail price. The price of £1 14s. 6d. reduced to currency at 11 per cent. exchange would be £2 2s. 6d., and discounting 25 per cent. would be £1 11s. 10d. nearly. To the enclosed accounts is subjoined a memorandum shewing that the total absolute cost of the 2,000 copies of the Map ordered by the Government will be at the rate of £1 4s. 4d. per copy in sheets, colored, making in the aggregate a difference of \$755 currency, in favour of the course which has been adopted, assuming that it had been practicable or advisable to procure Maps of equal character from a publisher in the ordinary way.

Mr. Wyld has some time since requested a remittance. He has not been authorised to print any copies of the Map beyond five proofs ordered, but which I regret have not yet been received. The amount due for work actually performed is \$244 0s. 8d. sterling. I request a sufficient advance to enable me to purchase a Bill of Exchange for this sum to be remitted to him on that account.

From the time of receiving the order it would require two months to print and colour the 2,000 copies. But it would be desirable they should be furnished in parcels of 200, or not exceeding 250 at a time, as rapidly as completed, in order that they might be resold to a sufficient extent in the first instance to reimburse the amount already advanced, or as much of the same as His Excellency the Lieutenant Governor should deem to be advisable.

On all these points I beg to be instructed if possible in time for the ensuing mail.

I have the honor to be, &c.,  
(Signed) J. WILKINSON.

The Hon. S. L. Tilley, Provincial Secretary.



FREDERICTON, 30th August, 1858.

The Government of New Brunswick,

To J. WILKINSON, Dr.

For time and attendance devoted to the completion of the Map of New Brunswick, since March 13th, 1857, .....		£250 0 0
1857. April. Postage of MSS. of Map sent to James Wyld, Esq., Engraver, .....	£7 0 0	
Paid for hollow wooden roller to secure package of same, .....		0 11 3
1858. March 15 to April 1st. Paid sundry telegraphic messages, postages, and express expenses, for the recovery of mislaid parcel containing proof copies from Mr. Wyld, .....		1 8 10
April 30. Paid Kertson for tin case, 2s. 6d; Rutter for wooden roller, 8s. 9d., for package of parcel, .....		0 6 3
May 3. Postage of parcel containing proof with additions and corrections returned to Engraver, .....		2 3 9
Aug. 30. Sundry postages to this date, .....		0 7 9—11 17 10
		<u>£261 17 10</u>

Memorandum of Estimate of whole cost of 2,000 copies of Map of N. B.:

1858. August 30.

Amount of Mr. Wyld's account annexed, .....	sterling £814 19 8	
At 11 per cent. exchange, .....	currency £1004 17 6	
Amount of J. Wilkinson's account above, .....	£261 17 10	
do do do, to 31st March last, 1165 3 10—	1427 1 8	
Expenses of packing Maps in London, ....	sterling £9 10 0	
Insurance on £1,000 at 3 per cent. ....	30 0 0	
Freight and miscellaneous charges and expenses, .....	7 0 0	
	<u>£46 10 0</u>	
At 11 per cent. exchange, .....	57 19 0	
	<u>£2480 18 2</u>	

to Or £1 4s. 4d. per copy, nearly.

(Signed) J. W.

The presentation of this account was not, as I had hoped and as the event will show, followed by the "immediate consideration" promised in the letter of the Honorable Secretary, under date of 21st July, and reiterated at my interview with him on the 3rd August. In addition to this disappointment, a new difficulty had in the meantime arisen, and become, as it will appear, unnecessarily misunderstood and magnified.

In the course of my communications with the Honorable Secretary, and whilst the engraving of the Map was in progress, he had adverted to the propriety of securing the copyright, which he regarded to be of importance and to belong to the Government. *The subject had not heretofore been mentioned*, and I did not feel prepared to concur in the view of the Honorable Secretary without further consideration.

Upon presenting my final report and statement of account as above, the subject of the copyright was again mentioned, when the Honorable Secretary repeated his former opinion of its importance, and that it unconditionally belonged to the Government. I therefore proposed to him, whether in case his opinion should prove to be correct, and that, as he contemplated, the right should be disposed

of for the benefit of the Province, on the best terms that could be obtained from a publisher, the Government ought not at least to give me a preference on the same terms. I made this proposition chiefly because I was desirous to preserve the plates from eventual misapplication and abuse, and to add in a reliable manner new materials from time to time, but I regarded the prospective pecuniary benefit as very doubtful. The Honorable Secretary replied, in substance, that as one he should decidedly be willing to give me such preference, and therefore acceded to my suggestion that for the purpose of information I should write to Mr. Wyld requesting his opinion as to the value of the copyright, and also as to the validity of my own claim to the same. I wrote accordingly on the 6th September, 1858, on the eve of the departure of the English mail. At a subsequent interview shortly afterwards, the Honorable Secretary intimated to me that the Government might decline to accept or be responsible for any of the two thousand copies of the Map unless I should relinquish all claim to the copyright. I had already informed him that I wished to make no difficulty about the right, but merely wished to have the justice of the case properly understood. But as I could not incur personal risk under such circumstances, I immediately wrote to Mr. Wyld to suspend the printing until he should be further directed. This I supposed need not necessarily be deferred beyond the succeeding mail. The expected proofs not having arrived was also a reason for delay. In the meantime I offered to submit the adjudication of my claim entirely to His Excellency the Lieutenant Governor, who was pleased to decline the offer, but recommended me to lay a statement of the grounds of such claim before the Government. Without waiting for a reply from Mr. Wyld, I complied with His Excellency's recommendation as follows:—

FREDERICTON, 13th September, 1858.

SIR,—In order that no misunderstanding should exist relative to the copyright of the Map of New Brunswick now, as I believe, ready to be printed, I beg leave to state as follows, for the consideration of His Excellency the Lieutenant Governor:—

When the construction of the Map was undertaken by me, nothing was proposed as to the terms upon which the work should be done, save that no expense was to be incurred for new surveys or otherwise, beyond such materials as were already available. Some time afterwards, in order to relieve myself of uncertainty and to have no difficulty relative to advances as the work proceeded, I had a verbal understanding with the Surveyor General on the subject.

In September, 1855, seventeen months after the commencement of the work, I was requested by the succeeding Surveyor General to state the particulars of the arrangement, and the progress of the Map to that time.

In reply, dated 7th September, 1855, I stated that nothing was said at the time about my rate of payment, though I did not expect this to be less favorable than heretofore when specially employed. I commenced on the 1st April, 1854, and sometime afterwards Mr. Wilmot informed me that his arrangement on the subject of the Map had been sanctioned in Council and that he was authorised to inform me that my rate of payment would be as formerly when employed on special service. This was a verbal communication, and I have no memorandum of the date.

During all this period no reference was made to the contingent question of copyright, I believe, for the simple reason that neither party either thought of it at all, or deemed it likely to be of material value.

The object was to provide an authentic and convenient Map for Official and general use, for the Public Schools and for information abroad. This could not be accomplished as a private speculation alone, and I did not then, nor do I now, suppose that the Legislature in promoting it by public aid had any view to a direct profit from the same, but on the contrary, intended and expected to make a certain sacrifice in order to supply an acknowledged necessity and to secure the various indirect benefits of such a work to the interest of the Province.



Since then however, circumstances have arisen which possibly may, not immediately but within a few years, give value to the copyright; a right not limited to the present moment, or to the first issue of the Map, but extended by statute to all future issues during a period of forty-two years. This right, as I understand the same, is both by common law and by statute vested in the true author of an original Map or his assigns.

It is not disputed that the former position is that in which I am placed, and I have not assigned or agreed to assign the right in question. I have agreed to prepare the Map for publication on behalf of the Government, and which has been accomplished in such manner that any number of copies may be available for their use, at the bare cost of the same, including such advances and payments on account as I may have received.

Under date of 8th September, 1858, I was requested by the Surveyor General to have the Map engraved as soon as possible, and that 2,000 copies be struck off. I have caused the Map to be engraved and have rendered an exact account of the whole expense of these 2,000 copies. If the Government had desired 4,000, or any other number, I should have done the same. But I confess that it was not intended by me gratuitously and voluntarily to include in this account a relinquishment of the right which has been so scrupulously guarded by repeated Acts of Parliament.

I respectfully submit to His Excellency whether under the circumstances, I am either in justice or equity bound to do more than one of the two things, that is to say, either to assign such right by agreement, or to make good the advances and payments I have received. If the latter, it was clearly not intended by the Government that the value should be returned in money, but in copies of the Map. In my communication of the 30th ult., I have shewn that 2,000 Maps will be furnished at 30 per cent. below the wholesale trade price of similar Maps in London. I do not, however, contend for any claim or wish to hold any privilege which may not be entitled to the approval and good will of the Government. Justice to those dependant on me, as well as precedent in any future case seemed to require that I should not tacitly forego a possible, though remote and doubtful benefit, rightfully and honorably tendered under one of the most beneficent of laws. I hold no Public Office or appointment of profit, nor have I ever held such to excuse me for indifference in this matter, and during the last eight months have had no public employment at all, except incidentally in relation to the Map in question.

I am ready most cheerfully to comply with whatever His Excellency the Lieutenant Governor may deem right and proper in the case, so that no delay may be chargeable to me in rendering the Map available for public use.

I have, &c.,

(Signed)

J. WILKINSON.

To the Hon. S. L. Tilley, M. P. P., Provincial Secretary.

[I have only very recently for the first time learnt, as will be noticed hereafter, that the Honorable Provincial Secretary construes the last sentence but one in the above letter to be on my part a voluntary declaration that I neither held or claimed to hold any public office whatever. That this is not the grammatical construction of the sentence, or its true and legitimate meaning, is, I believe, too plain to need an observation. The meaning perhaps might have been more fully, though I think not more plainly expressed, if, after the word "such," had been inserted the words "of sufficient value."]

(Copy of reply.)

SECRETARY'S OFFICE, FREDERICTON, 27th September, 1858.

SIR,—I am directed by His Excellency the Lieutenant Governor to inform you that he has been advised to reject entirely your claim to any part of the copyright of the Map prepared by you, inasmuch as you were employed to com-

ple and prepare this Map as the agent of the Government, and you have been paid in full up to 13th March, 1857, for your services in the performance of this duty, at the rate proposed by yourself. Under such circumstances the copyright of the Map must be reserved for the exclusive benefit of the Province. I am further directed to call upon you at once to state whether you are prepared to withdraw your claim, as in the event of your declining to do so the necessary steps will be immediately taken to protect the interests of the Province.

I have, &c.,

(Signed) S. L. TILLEY.

John Wilkinson, Esq., C. E., Fredericton.

I am unaware to the present time of any provocation I had given to the tone of the above letter, or of anything I had done or was likely to do to endanger the interests of the Province.

The following is a copy of my reply: —

FREDERICTON, 28th September, 1858.

SIR, — I have received your letter of yesterday, informing me that His Excellency the Lieutenant Governor has been advised to reject entirely my claim to the copyright, and that I am precluded from the same by the terms proposed by myself. I regret that I should not entertain the same construction of these terms, and that any misunderstanding should have arisen on the subject.

I desire that His Excellency may be informed that I am prepared to withdraw my claim to the copyright.

I have the honor to be, &c.,

(Signed) J. WILKINSON.

The Hon. S. L. Tilley, M. P. P., Provincial Secretary, &c. &c.

By the first English mail in October a reply was received from Mr. Wyld to my inquiries before adverted to, addressed to him on the 6th September. Copies of both were enclosed to the Honorable Secretary, with the following note: —

FREDERICTON, 11th October, 1858.

SIR, — In consequence of a conversation with you relative to the probable value of the copyright of the Map of New Brunswick, and as to the validity of my claim to the same, I wrote, with your concurrence, to Mr. Wyld for information on these points. Copy of my letter dated 6th ult., and of his reply dated 24th, received by last mail, are enclosed herewith.

I have the honor to be, &c.,

(Signed) J. WILKINSON.

The Hon. S. L. Tilley, Provincial Secretary.

(Copy.)

FREDERICTON, 6th September, 1858.

SIR, — Since closing my letter of 4th inst., it has occurred to me to request you will state by return of Mail, if possible, what value you would attach to the copyright of the Map of New Brunswick after supplying the 2,000 copies required, or what you would be willing to give as the purchaser of the same. I ask the question indeed at the request of the Government, and should be glad if you would please give your answer as decidedly as you can.

I should also wish to avail myself of your knowledge as a publisher, whether my employment professionally by the Government to prepare the Map for publication divests me of the copyright without an agreement or previous intimation to that effect.

I am, &c.,

(Signed) J. WILKINSON.

James Wyld, Esq., M. P., Charing Cross East, London.

(Copy.)

CHARING CROSS EAST, LONDON, September 24th, 1858.

SIR, — Replying to your second letter I cannot give any opinion as to the value of the copyright of the Map of New Brunswick, after supplying the 2,000 copies.

In England the value for British sale would be very small, and the value in New Brunswick would depend upon the sale likely to be effected after the 2,000 copies were supplied. I should not be disposed to be a purchaser of the copyright, or Map in England, as the first value is exhausted by the New Brunswick supply.

Your employment by the New Brunswick Government professionally would according to English law divest you of the power of seeking compensation for any infringement of the copyright. It is held that any one professionally employed by the State (without a previous agreement to the contrary) works for every subject or citizen of that State, and every one (as he is paid out of the State revenue) has a right to use his labour, and the professional man cannot therefore acquire any beneficial interest in his work. I am afraid, therefore, unless you have an agreement to the contrary, that your employment by the Government divests you of the copyright.

Your letter of 4th September shall receive prompt attention.

Please say what price you will sell the Map for in England, and if we may sell copies after supplying your order.

I am, Sir,

Your obedient servant,

For JAMES WYLD,

(Signed)

H. W. REACH.

J. Wilkinson, Esq., Fredericton.

I regarded my special attention to the business of the Map to have closed with my communication to the Honorable Provincial Secretary under date of 30th August, 1858, though whilst the printing was in suspense I furnished from time to time to the engraver any corrections or additions that had occurred to myself or had been obligingly pointed out by others.

In the meantime my account submitted on the 30th August had not received the immediate attention which I had been led to expect upon assenting to the alteration of my accounts as already stated on the 3rd of the same month. The following is a copy of the first definite information which after repeated application during nearly five months, I received on the subject:—

SECRETARY'S OFFICE, 14th January, 1859.

SIR, — I beg to inform you that under an order of His Excellency the Lieutenant Governor in Council, a warrant has been made in your favour for one hundred pounds in full for your services in connection with the preparation of the Map of the Province, and for £17 10s. 11d. for expenses incurred by you in that service.

I have, &c.,

(Signed)

S. L. TILLEY.

John Wilkinson, Esq., Civil Engineer, Fredericton.

(Copy of reply.)

FREDERICTON, 17th January, 1859.

SIR, — I regret to have to complain of the long delay of a reply to my letter addressed to you on the 30th August last, relative to my account for the new Map of the Province.

I now beg leave to acknowledge having received your letter dated 14th inst., informing me that under an order of His Excellency the Lieutenant Governor in Council, a warrant has been issued in my favor for one hundred pounds "in full" for my services on the above account.

I respectfully decline accepting this sum "in full" as stated. After due consideration of the circumstances and the value of the service rendered, the charge made by me was £250, which I claim as a reasonable and moderate compensation.

The Government will do me the justice to say that it was not through my own desire that the Map was not completed and before the public more than eight months ago, and that a course was preferred by them which necessarily involved many months of delay.

I respectfully object to the right now assumed by the Government indefinitely to avail themselves of my time and services on their own terms. I have been detained in attendance and suspense upon this service alone, no other duty having been assigned me.

In the meantime, if so required, I have been ready to assist in the public service by resuming the situation hitherto held by me in the Crown Land Department. This I have from time to time relinquished only on special service and on leave of absence for that purpose officially communicated to me either verbally or by letter, as will be apparent by reference to official letters addressed to me of the following dates, viz:—June 10th, 1843; June 7th, 1847; April 10th, 1848; May 10th, 1850; November 2nd, 1852; August 16th, 1853\*.

I have, &c.,

(Signed)

J. WILKINSON.

The Hon. S. L. Tilley, M. P. P., Provincial Secretary, &c.

\*At the time of writing the above I was under the impression that a letter dated August 16th, 1853, as above stated, was in my possession, but which, on further search, I have been unable to find. Leave of absence at that date on the conditions specified in the previous letters had been given verbally, and I am well aware was intended to be so by letter. The circumstances are hereafter stated.

I applied from time to time both to the Honorable Secretary and to the Honorable Surveyor General, with a view to obtain a consideration by the Government of my last communication, but though favored with promises to that effect their fulfilment was continually deferred. Arrangements of a prudential nature in my private affairs, which I had made partly in 1849 and partly in 1856, believing that my position in the public service and acknowledged claims during twenty years, were not likely, except through some just provocation on my part, to be disturbed or disregarded by the Government, caused these unexpected difficulties to weigh upon me with severity at a time when I could possibly make no escape from the pressure, which continues to be aggravated by lapse of time.

During the Legislative session of 1859, the long delay in the publication of the Map led to a proceeding in the House of Assembly which has been already stated. The reference of the subject to a committee of that body seemed to afford a favourable occasion of gaining the renewed attention of the Government to my pending claim.

I was unwilling to believe that the omission of a copy of the above letter of 17th January, amongst the copies of correspondence and papers submitted to the House, was in conjunction with the previous delay, an indication of the purpose of the Government tacitly and indefinitely to postpone or evade the further consideration of such claim. Under a strong sense of the injustice thus imposed, however, I was desirous to remove the pretext, by me utterly denied, of any improper charge on my part, as a reason for withholding the balance due for my services. I believed that through the promised aid of the experience and good will of Mr. Wyld, as a publisher, afforded in the British Islands, and by a suitable and simultaneous appeal to the public spirit which on just occasions is not found wanting in this Province, a sale on either side of the Atlantic could have been promoted which would have liquidated long ago every farthing of the cost to the Government, provided that under a proper arrangement such sale had been committed to my hands as a private enterprise. It was under this feeling of confidence that I addressed,



through their chairman, a proposition to the honorable Committee of the House of Assembly, of which the following is a copy :—

FREDERICTON, 5th April, 1859.

SIR,—In the papers before the honorable Committee it is shewn that a claim for my services in preparing the Map for publication has been disallowed by His Excellency the Lieutenant Governor in Council, and that according to the letter of the Honorable Provincial Secretary, dated 14th January last, a warrant for £100 had been issued as payment "in full" of the claim of £250 made by me in my final account under date of 30th August last. I respectfully objected to this deduction in a letter addressed to the Honorable Provincial Secretary, dated 17th January, to which no reply has been received.

I now beg leave to submit for the consideration of the honorable Committee, the following proposition :—

That I should enter into a satisfactory arrangement with the Government to refund as soon as possible, say within three years from this time, by the progressive sale of the Map, the whole of the advances, amounting to £1582 14s. 9d., which have been made on account of the same, in consideration of being fully protected by the copyright in incurring on my personal account all further expense necessary to the printing, coloring, publication and sale of the Map in this Province and elsewhere.

That I should supply to the Government such number of copies of the Map as may be required for the public service, say at the fixed rate of *sterling per* copy, in sheets colored; one hundred copies as soon as possible, and any additional number after the lapse of six months from the time that the Map shall be first publicly offered for sale.

That I should in like manner supply to the Government copies of any new edition of the Map.

All of which is respectfully submitted to the honorable Committee, by, Sir,

Your most obedient servant,

(Signed)

J. WILKINSON.

To Abner R. McClellan, Esq., M. P. P., Chairman of Committee relating to Province Map.

It has been already stated that the Committee did not think proper to recommend the foregoing proposition to be entertained, yet, "after having examined the papers and having heard the explanations" of the Honorable Provincial Secretary and myself, they report as their estimate of the cost of the Map a sum specifically including the balance claimed by me for my services, which report, after having been duly read to the House, is ordered to be accepted, is recorded in the Journal and communicated to the public, with at least the tacit assent of the Government. This led me to hope that difficulty and delay would be removed in my further endeavors to obtain a settlement of this as well as of my other claim in question. But my personal applications during several months having been unavailing, I at length appealed again by letter, of which the following is a copy :—

FREDERICTON, 26th July, 1859.

SIR,—I beg leave to state to His Excellency the Lieutenant Governor and the honorable Council, that I have received no reply to my letter of 17th January last, addressed to you relative to my account submitted on the 30th August preceding, as well as to my position heretofore in the public service.

It will be observed that the honorable Committee of the House of Assembly, to whom was referred the correspondence and other documents relative to the publication of the Map of the Province, have, upon investigation, though without other expression of opinion, included the original amount of the account in their estimate of the cost.

I beg that the early and favorable consideration of His Excellency and the honorable Council may be afforded to the respective subjects of this communication. I have the honor, &c.,

(Signed)

J. WILKINSON,

To the Hon. S. L. Tilley, Provincial Secretary, &c.

(Copy of reply.)

SECRETARY'S OFFICE, 11th August, 1859.

SIR, — I duly laid before His Excellency the Lieutenant Governor in Council, your note of the 26th July last, relative to your accounts and your position in the public service, and am directed to inform you that the last payment was in full up to the date of the warrant, but any claim you may have for services subsequent to that date will be paid.

The other point has been referred to the Surveyor General.

I have, &c.,

(Signed)

S. L. TILLEY

John Wilkinson, Esq., Civil Engineer, &c., Fredericton.

In order to obtain a reconsideration of the above reply, a note dated 13th August, of which a copy is given below, was presented by me personally to the Honorable Secretary, and in a conversation on the subject, he assured me that the Government had allowed what in their opinion was the value of my services, and that no disposition existed to pay less; but recommended that I should accompany the note by a full explanation of my claim for the information of Council. In compliance with this recommendation the memorandum, a copy of which is subjoined, was submitted.

(Copy)

FREDERICTON, 13th August, 1859.

SIR, — I beg leave to acknowledge your letter dated 11th inst., in part replying to my note of 26th ult.

The unexplained refusal of the Government to discharge my account necessarily implies some well understood impropriety in the latter. I respectfully re-affirm my claim to be just and right, and feel assured that on reconsideration His Excellency the Lieutenant Governor and the honorable Council will perceive that under the circumstances I ought to receive a sufficient explanation, and that the same will not be withheld.

I have, &c.,

(Signed)

J. WILKINSON.

The Hon. S. L. Tilley, Provincial Secretary.

(Copy.)

FREDERICTON, 22nd August, 1859.

Memorandum of the undersigned to accompany his note of 13th instant, for the information of His Excellency the Lieutenant Governor and the honorable Council.

The correspondence referred to in my letter of 17th January last, will show that in confiding to me the various special services in which I have from time to time been employed, it was well understood by the Government, that they were undertaken without prejudice to my situation in the Crown Land Department, when those services should be completed.

Amongst such special services was that of the preparation of the Map of New Brunswick. In this, as in every other case, I hope it is unnecessary for me to say, my earnest endeavour was to bring the work to a close, with as much dispatch as consistent with its efficient and faithful performances. Difficulties and delays, for which I was not accountable, but the principal of which were understood and anticipated, retarded the work for a longer period than was expected.

The Government, however, did not deem it expedient that I should go to England in January 1858, as had been previously intended, with the object of facilitating the immediate and satisfactory publication of the Map. But with regard to my own time and services, they did not propose or allude to any alteration in the pending arrangement, with which both informally and by letter dated 7th September, 1855, they were already acquainted.

It will be apparent from the correspondence on the subject, that the delay of the settlement both of this business and of the accounts which became irrelevantly entangled with it, was not self-imposed, but on the contrary, that I was most anxious to remove difficulties which were neither of my own creating, or for which I was in any degree accountable, but which were nevertheless greatly to my discouragement and inconvenience.

As soon as I could with propriety report the completion of the Map, and even under some uncertainty on this point, I did so on the 30th August, 1858, with a statement of account up to that time. I hoped for an immediate settlement of the latter. But though I made during upwards of four months many personal applications on the subject, I did not receive any definite reply prior to the letter of the Honorable Provincial Secretary, dated 14th January last, by which I was informed in substance, and without explanation, that His Excellency the Lieutenant Governor in Council had deducted £150 from my account.

I was the more surprised at this information, because I might justly then have stated, and do now respectfully beg to state my full claim as follows:

Time and services at intervals to forward publication of Map, since March 13th, 1857, (the date of the last account) to December 17th following, not charged in consideration of being otherwise publicly employed. From December 18, 1857, to August 30, 1858, inclusive, say 8 13-31 months, at £38 per month, . . . . £319 18 8

No part of my time during the latter interval was, or could be, remuneratively employed on my private account. My unsettled business with the Government, and continued attendance on the same, distracted my attention for any fixed plans of a private nature, even if I had deemed it incumbent upon me immediately to rely upon such. For I had not received an official dismissal by the Government, such as its own pledges and my long services, several times honorably acknowledged, and still, as I believe, without reproach, entitled me to claim, nor have I yet received such dismissal.

During the involuntary suspense and delay which ensued, the Statistics which I had collected were condensed and arranged in the manner in which they have since been engraved and inserted in the Map. Also, the additions and corrections wanting in the manuscript as at first transmitted to the Engraver were added. A considerable portion of the new materials related to that part of Maine included in the Map. Some return of the outlay in the preparation of a good Map of New Brunswick might reasonably be expected from its sale in that State, and I am persuaded that the additions adverted to, independently of their more general interest, are calculated to ensure an increase of the sale in that State alone, much more than exceeding in net value the balance which I claim.

But I have at no time supposed that it was, in any degree whatever, a part of the view of the Legislature or the Government, to make a direct profit out of the labour of the author, but indirectly to promote the general interests of the Province, at home and abroad, by the circulation of a reliable Map. From conversations with the Honorable Provincial Secretary, I had entertained the expectation that some arrangement in my favor with reference to the residuary value of the copyright, if it should have any such value, would not be objectionable to the Government, after all the required copies were furnished to their satisfaction. I then thought and believed that such an arrangement could be made with benefit to the public interest, and that there were reasons why, in justice to myself, the proposal should have been liberally considered. I, therefore, regarded the letter



of the Honorable Provincial Secretary, under date of 27th September, 1868, as addressed to me under the influence of some unexplained, and to me still unknown, cause of offence. I might, in consequence of this letter, have requested leave to withdraw my account as rendered on the 30th August, and have amended the same as stated above. But I preferred to adopt such a course as I trusted would immediately terminate all unpleasant misunderstanding, and ensure the prompt settlement of my account as it stood. I therefore immediately replied to the Honorable Provincial Secretary, under date of 28th September, in a manner which I hoped would remove any ground of further delay. But, as already stated, it was not until upwards of three months subsequently that I received the unexpected and unfavorable reply which has led to this further appeal.

I have so far adverted to the justice of my claim on its own merits as a public service. I am desirous to add a few words as to the commercial value of that service.

I do not assume to interfere with any arrangement which the Government may think proper to make with reference to the disposal of the Map, in order to reimburse all or any portion of the expense of the same. But so far as such arrangement may be supposed to indicate the value of the Map, it should not be construed to my disadvantage. In my communication of 30th August, 1858, I shewed that according to the opinion of Mr. Wyld, a publisher of high standing, the net wholesale price of such a Map in England would be equal to 31s. 10d. currency, in sheets, coloured. Adding all expenses, this would be equal to about 32s. 6d. in this Province. The retail price which I paid for the latest edition of Greenleaf's Map of Maine, which is necessarily imperfect, and geographically inaccurate, was 35s. currency, in sheets, plain. It is smaller than the Map of New Brunswick. I believe that no fault was found with the price of 25s. currency in sheets, coloured, which Mr. Lockwood put upon his Map of New Brunswick, more than thirty years ago, when, from the necessity of the case, the work did not comprise probably one-fifth part of the labour of the modern Map, and in the absence of proper materials, was unavoidably very incomplete, and defective in its geography. I am informed by Mr. Lockwood that the price of his Map mounted on rollers, and varnished, was 40s. currency.

The net wholesale price at which the new Map is publicly announced is equal to 15s. currency, in sheets, coloured; which may be estimated at not less than 17s. 6d. below its wholesale trade value, though it is only 9s. 4d. below the actual estimated cost, including my own claim, as shewn in my letter of 30th August last. I do not complain of this, nor should I complain of any lower price. If unconnected with injustice to any individual, I might rather approve of any judicious sacrifice of this kind which the Government might deem proper. But, I trust, I may be permitted to complain that this sacrifice should voluntarily be made, whilst a claim in relation to the work itself, shewn, as I trust, to be justly and honorably due, under the circumstances which I have stated, should continue to be withheld.

Respectfully submitted to His Excellency the Lieutenant Governor and the Honourable Council.

(Signed)

J. WILKINSON.

To the Honorable Provincial Secretary.

After the lapse of more than four months without reply to the above communication, the attention of the Government to the subject was again sought by a letter addressed to the Provincial Secretary, of which the following is a copy.

FREDERICTON, 20th December, 1859.

SIR,—Pending a definite reply to my letters addressed to you, under dates of 26th July and 18th August last, including an explanatory memorandum dated 22d August, I beg leave respectfully to submit my claims for the further consideration of His Excellency the Lieutenant Governor in Council, as shewn in the respective accounts A and B, hereto annexed.

September, 1858, as  
me still unknown,  
requested leave to  
have amended: the  
as I trusted would  
secure the prompt  
ly replied to the  
in a manner which  
already stated, it  
collected the unan-  
peal. I do not  
merits as a public  
ial value of that

Government may  
Map, in order to  
ut so far as such  
it should not be  
August, 1858, I  
of high standing,  
qual to 31s. 10d.  
be equal to about  
latest edition of  
d geographically  
than the Map of  
rice of 25s. cur-  
p of New Brun-  
case, the work  
modern Map, and  
plete, and defec-  
the price of his  
nounced is equal  
at not less than  
below the actual  
of 30th August  
lower price. If  
approve of any  
proper. But,  
voluntarily be  
rust, to be justly  
should continue  
governor and the  
WILKINSON.

above commu-  
in sought by a  
g is a copy:  
ember, 1859,  
under dates of  
orandum dated  
further consid-  
is shown in the

Regarding the latter, to which I reverted after 30th August, 1858, I have been prepared for its recognition by the Government either by new instructions, or by due notice that my services were not further required, if this alternative for any reason as yet unknown to myself should be deemed proper. Upwards of four months of suspense had elapsed when I received your letter dated 14th January last, informing me of a reduction of three-fifths from my unsettled account, and containing no reference either to existing or future arrangements. In replying to the same it seemed proper that I should respectfully object to such reduction of my account, and also that I should recall the attention of the Government to my connection with the public service, as heretofore recognised during the last twenty years. I have not, after the lapse of nearly twelve months, been favored with any reply on the latter point.

I have, &c.,

(Signed)

J. WILKINSON.

The Hon. S. L. Tilley, M. P. P., Provincial Secretary.

The accounts above referred to are here omitted because again subjoined to a Memorial, which, after the unavailing delay of another whole year, I felt constrained to address to His Excellency the Lieutenant Governor, of which the following is a copy:—

To His Excellency the Honorable J. H. T. MANNERS-SUTTON, Lieutenant Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c.

The humble Memorial of John Wilkinson, of the City of Fredericton, in the said Province, Surveyor and Civil Engineer, Sheweth,

That a balance of one hundred and fifty pounds claimed by your memorialist for his services in compiling and preparing for publication a Map of the said Province, remains unpaid. That he submits such claim as just and right, and as one which he should not be required to relinquish, except upon an adverse judicial opinion founded upon a review of all the facts of the case.

That he claims for salary during the interval between the 30th August, 1858, and the 1st January last, the sum of £293 6s. 8d., as exhibited in the account hereto annexed. That such rate of fixed salary, during intervals when he might not be specially employed, was assured to your memorialist by the Provincial Government nearly twenty years ago. That the arrangement has been voluntarily re-affirmed from time to time by official assurances communicated to your memorialist by the Government, copies of some of which he begs leave to annex.

Your memorialist therefore humbly submits the foregoing claims to such consideration as justice and good faith may seem to Your Excellency to require.

And your memorialist will ever pray, &c.,

(Signed) J. WILKINSON.

Fredericton, 31st December, 1860.

Copies of the accounts referred to:—

(A)

FREDERICTON, December, 1860.

The Government of New Brunswick,

1858.

To J. WILKINSON, Dr.

August 30. Balance for services and expenses relative to Map of

New Brunswick, as per account rendered to this date, £261 17 10

Nov. 4. Additional expenses as per account rendered to this

date, ..... 5 13 1

1859. By warrant on Treasury for ..... £267 10 11

January 15. By warrant on Treasury for ..... 117 10 11

Balance still claimed, ..... £150 0 0

(B)  
The Government of New Brunswick,  
1860.

To J. WILKINSON, Dr.  
Oct. 31. Amount of salary due to him under subsisting engagement, (as recognised in letters officially addressed to him, dated June 10th, 1843; June 7th, 1847; April 10th, 1848; May 10th, 1850; November 2nd, 1852; August 16th, 1853), from 30th August, 1858, the close of the last special service, to quarter ending 31st October, 1859, 1 year and 2 months, at £220 per annum, £256 13 4  
Dec. 31. Two additional months at the same rate (being to the commencement of his engagement to the Board of Works,) 36 13 4

£293 6 8

Copies of the letters above referred to, being included in a paper, a copy of which is yet to follow, are here omitted. (P. 35-57)

An acknowledgment, of which the following is a copy, was received from His Excellency the Lieutenant Governor:—

GOVERNMENT HOUSE, FREDERICTON, January 4th, 1861.

SIR,—I am directed by His Excellency the Lieutenant Governor to acknowledge the receipt of your memorial, dated the 31st ult., and I am to inform you that His Excellency will refer the same for the consideration of the Executive Council.

I have, &c.,  
(Signed) J. M. CAMPBELL.  
John Wilkinson, Esq., Civil Engineer, &c., Fredericton.

After the lapse of nearly four months an answer was received as follows:—

PROVINCIAL SECRETARY'S OFFICE, FREDERICTON, N. B., 18th April, 1861.

SIR,—Having laid before His Excellency the Lieutenant Governor in Council your memorial setting forth your claims against the Government for arrears of salary and balance due for Province Map, I am directed to inform you that your claim on account of the Map was fully considered on a former occasion and decided. The claim for arrears of salary cannot be entertained.

I have, &c.,  
(Signed) S. L. TILLEY.  
J. Wilkinson, Esq., Fredericton.

I trust it will not have the appearance of contumacy that I should still fail to perceive more clearly than heretofore, either the justice, equity, or good faith of the decision conveyed in the last cited letter of the Honorable Secretary. After the lapse of eleven months, I was constrained to renew my application as follows:

FREDERICTON, 3rd March, 1862.

SIR,—I beg leave respectfully to submit to His Excellency the Lieutenant Governor in Council, that my unsettled claims, heretofore the subject of protracted correspondence and of the unfavorable decision of the Government, should be reconsidered.

I make this appeal because I am unconscious that the claims in question are in good faith less just and valid than any of these which, during a public service of upwards of twenty-five years, the Government have honorably acknowledged and discharged without objection or imputation.

I had incurred obligations in reliance upon the strict justice and good faith of those claims, and these obligations are now, and have been for some time, under circumstances of painful anxiety to myself and family, pressed upon me to the extreme of the law, and must be discharged at a sacrifice, however ruinous.

I am fully prepared, personally or otherwise, to afford any information or explanations in relation to my case, which His Excellency or the honorable Council may desire.

I have, &c.,  
(Signed) J. WILKINSON.

The Hon. S. L. Tilley, Provincial Secretary.

Pending the consideration of the above by the Government, one of the honorable members who had recently joined the Executive Council, to whom I had privately spoken on the subject, and who was not familiar with the grounds of my claim for salary, requested me to state the same in writing. In compliance with this request a paper was prepared, and submitted for his perusal. It was afterwards shewn to the Honorable Solicitor General, who happened to be near at the time, and who was pleased to say that he would add it to the other papers on the subject already before the Council.

The following is a copy : —

FREDERICTON, 17th March, 1862.

(Memorandum) Relating to my claim of salary from 31st August, 1858, to 31st December, 1859, I subjoin copies of the official assurances from time to time given me, and to which, in former communications with the Government, I have referred.

The offer from the Government in 1838, of an engagement in the Crown Land Office, at a small salary, was at first declined by me, and accepted only on the assurance by the Surveyor General, of such special employment from time to time, as the public service frequently required, and which it was his own disposition and that of the Government to confide to me. The arrangement was not formally made in writing, but subsequent circumstances will shew its existence, and that I had no just reason to doubt its validity and permanence.

My occasional, and sometimes protracted, absence from the Crown Land Office, especially on the Boundary service, eventually led to an objection on the part of the Surveyor General, to a continuance of my salary as a charge on his department. There was, in fact, no other department at that time to which it could be charged. Upon representing this circumstance to the Government, I was personally assured, both by His Excellency the Lieutenant Governor and by honorable members of the Executive Council, at that time, that my situation in the Crown Land Office would not be prejudiced by my absence on such professional services, not connected with the duties of that office, as the Government should from time to time require or allow. Although this was verbally well understood at the time, there was, I believe, no distinct official assurance to the same effect prior to the application for my services by the British Boundary Commissioner, under the treaty of Washington. The official notice on this occasion, which I received, and other communications of the same kind, are as follow : —

CROWN LAND OFFICE, June 10th, 1843.

Sir, — I am directed to inform you, that application having been made by Colonel Estcourt, the Commissioner for settling the Boundary Line under the Treaty of Washington, for your services to be afforded to him in the operation in which he is engaged, and Her Majesty's Government having intimated to Col. Estcourt that you might be so employed, you are therefore hereby informed that your employment on the Boundary survey is sanctioned without prejudice to your situation in this office, but your salary in this office will not of course be drawn whilst so absent.

I am, &c.,  
(Signed) THOS. BAILLIE,  
Surveyor General.

J. Wilkinson, Esq., &c.

cc;  
er  
alf  
13)

SECRETARY'S OFFICE, 7th June, 1847.

SIR, — I am directed by His Excellency the Lieutenant Governor to apprise you that Major Robinson has applied to His Excellency for permission to avail himself of your services in assisting him in his exploration and survey of the proposed line of Railway from Halifax to Quebec, and that His Excellency having considered the important nature of that service, and that the work may be otherwise delayed, has been pleased to consent to your undertaking that employment with Major Robinson and Captain Henderson, and that it shall be done without prejudice to your station and standing as compiler in the Crown Land Office.

I have, &c.,

(Signed)

JOHN SAUNDERS.

J. Wilkinson, Esq.

SECRETARY'S OFFICE, FREDERICTON, 10th April, 1848.

SIR, — Your appointment to conduct the exploration and survey of a Line of Railway from St. John to Shediac, under the Act of last session, having been officially announced in the *Royal Gazette*, I have now only to inform you that His Excellency Sir William Colebrooke in Council, was pleased to order that you should employ such assistance as may be required to enable you to execute the work expeditiously, and that the necessary authority should be given to you to undertake the same without prejudice to your situation in the Crown Land Office — to be resumed when the survey has been accomplished.

I have, &c.,

(Signed)

JOHN SAUNDERS.

John Wilkinson, Esq., Civil Engineer, Fredericton.

My services were requested by the St. John Water Company in November, 1849, and leave of absence was granted to me on the same condition as in the preceding cases. A renewal of leave was found necessary, and which I applied for in May, 1850. The following is a copy of the reply which I received: —

SECRETARY'S OFFICE, FREDERICTON, 10th May, 1850.

SIR, — I have duly laid your letter of the 6th inst. before the Lieutenant Governor, and His Excellency has been pleased to grant you leave of absence as requested therein.

I have, &c.,

(Signed)

J. R. PARTELOW.

J. Wilkinson, Civil Engineer, &c., Fredericton.

In October, 1852, my services were requested by the late James Beatty, Esq., Civil Engineer, on behalf of Messrs. Peto, Brassey & Co., on the survey of the proposed line of Railway from ~~St. John~~ to Calais. Leave was granted to me for the necessary absence by His Excellency the Lieutenant Governor through the Provincial Secretary, under date of 2nd November, 1852, and was continued until December, 1853. At this date I was associated, by the Government, with Mr. Alexander L. Light, as a commissioner for surveying the sites of several important and expensive bridges then required, and for preparing designs and estimates of the proposed works. This service chiefly occupied the short intervening time until my engagement to compile and prepare for publication the new Map of the Province, the completion of which was reported on the 30th August, 1858.

I had in the meantime received no notice of any intended change in my position in the public service, nor am I aware of any just cause for the lapse of the situation repeatedly pledged to me by the Government, at intervals when I should not be specially employed.

During the preceding fifteen years I should have preferred that an adequate salary had been permanently settled for my whole time, without reference to the Crown Land Department; and long acknowledged claims encouraged me to rely upon such an arrangement, whenever the reorganization of the Public Depart-



June, 1847.  
 Governor to appraise  
 permission to avail  
 and survey of the  
 Excellency having  
 work may be other-  
 that employment  
 be done without  
 Land Office.

SAUNDERS.

April, 1848.  
 of a Line of  
 on, having been  
 inform you that  
 ed to order that  
 you to execute  
 be given to you  
 the Crown Land

SAUNDERS.

in November,  
 dition as in the  
 which I applied  
 received:—

May, 1850.  
 Lieutenant Gov-  
 of absence as

PARTELOW.

Beatty, Esq.,  
 the survey of the  
 granted to me  
 Governor through  
 was continued  
 Government, with  
 sites of several  
 designs and  
 the short inter-  
 publication the  
 ed on the 30th

ange in my posi-  
 the lapse of the  
 when I should

at an adequate  
 reference to the  
 aged me to rely  
 Public Depart-

ments, which had been long in prospect, might be accomplished. In the mean-  
 time, however, the Government adhered to the original arrangement, the  
 subsistence of which I have alleged, the continuance of which is proved by the  
 recorded official pledges adduced, and the intention of which, if doubtful, can be  
 affirmed by the most competent living testimony.

The foregoing are the principal circumstances, under which I claim the balance  
 of my account for the service relative to the Map, as submitted on the 30th  
 August, 1858; and for my salary as heretofore, at the rate of £220 per annum,  
 subsequently to that date, until the time of my employment by the Board of  
 Works.

(Signed)

J. WILKINSON.

Upwards of fourteen months having transpired without an answer to my last  
 application, I again applied as follows:—

FREDERICTON, 20th May, 1863.

Sir,—I beg leave to recall the attention of His Excellency the Lieutenant  
 Governor and the honorable Council, to my communication dated 3rd March,  
 1862, relative to my unsettled claims on the Government.

Through the temporary forbearance of creditors, only have the consequences  
 alluded to in that communication been delayed, but in the meantime the burthen,  
 aggravated by accumulating interest, threatens the waste of the sole property in  
 which I had invested the small savings of many years. The investment was  
 made in reliance on the good faith of the Government, under the arrangement  
 then, and for many years previously, subsisting, and was unwarranted by any  
 other motive or prospect of benefit adequate to the risk.

Shortly after my communication last referred to, it was suggested to me that  
 the representation of a competent and disinterested third party might be of benefit  
 in promoting the settlement of my claims in question. Believing the Hon. John  
 S. Saunders, from his former official position, to be well qualified to afford any  
 required explanation, I availed myself of his permission to refer to him on the  
 subject if I should find it necessary or desirable, and, at his request, addressed to  
 him a letter stating the general grounds of such claims.

As presenting an epitome of my case, I beg leave, herewith, to enclose a copy  
 of that letter for the reference of His Excellency and the honorable Council.

I have the honor, &c.,

(Signed)

J. WILKINSON.

The Hon. S. L. Tilley, M. P. P., Provincial Secretary, &c.

A copy of the letter above referred to, which was dated 10th March, 1862, is  
 here omitted, being in substance nearly the same as the "memorandum," dated  
 on the 17th of the same month, a copy of which has already been given.

Nearly six months having transpired without any reply to my last communica-  
 tion, it became necessary for me to represent to the Government, through the  
 Honorable Provincial Secretary, the consequent injury by which I was threatened,  
 as follows:—

FREDERICTON, 4th November, 1863.

Sir,—The President of the Central Bank having advertised in the *Royal  
 Gazette* the sale of my property (consisting of the premises on which I reside) at  
 public auction, to satisfy a mortgage given by me to secure a debt to that insti-  
 tution, which sale was to have taken place on the 6th ult., but at my earnest  
 remonstrance, in order that, in the meantime, some satisfactory arrangement  
 might be made by which to avoid the sacrifice of the small savings of a lifetime,  
 invested in the property in question, such sale has been postponed until Tuesday,  
 the 8th December next; I trust I shall be excused for recalling the attention of  
 His Excellency the Lieutenant Governor and the honorable Executive Council, to  
 my unsettled claims on the Government still pending, the discharge of which  
 would enable me to relieve myself of the demand of the Central Bank.

It may be proper to state how the debt adverted to, has arisen.

In order to avoid frequent applications to the Government for advances on account of the different services on which I had heretofore been engaged, it had been for many years the voluntary custom of the Bank to honor my cheques during moderate intervals of time, or until I could discharge the amount by Government warrant on the Treasury.

On February 20th, 1858, the sum of £330 2s., and on May 20th, a further sum of £40, together £370 2s., were in this way standing against me; for which, after the lapse of some months, the Bank required payment or satisfactory security. In consequence of misunderstanding with the Government respecting my accounts at this time, and my other limited means having been absorbed by the property in question, I had no alternative but eventually to give the required security, under which the sacrifice of such property is now threatened. The original sum, with interest added, being partly compound interest, claimed by the Bank, amounts to upwards of £500.

I have the honor to be, &c.,

(Signed)

J. WILKINSON.

The Hon. S. L. Tilley, M. P. P., Provincial Secretary.

Whilst waiting a reply to my last communication, I was, on the 4th December following, favored by His Excellency the Lieutenant Governor with an audience on the subject of my long pending claims, on which occasion he was pleased to state, with reference to my connection with the Crown Land Office, that it would have been more satisfactory if some written evidence of a later date than any to which I had referred could be shewn, recognising the continuance of that connection, as several years had elapsed prior to the 30th August, 1858, during which no service had apparently been performed or payment made on that account, and that at the commencement of the special service of preparing the Map of the Province, no written assurance, as on some former occasions, seemed to have been given. I explained to His Excellency that this was accounted for by the unbroken succession of my special services subsequently to 1852, either for the Government or for private parties with the consent and approval of the Government; but that no notice whatever had either been given, or to my knowledge was ever intended to be given to me of the termination of the long subsisting assurances upon which I had not ceased to rely, in the expectation that a more favorable arrangement would eventually be made. That I had never, since the retirement of the former Executive from office, sought from any member of the same, an expression of his knowledge or opinion on this point, but that I very confidently believed not one of them would hesitate to say that no change to my prejudice was ever contemplated. That if it were desirable to His Excellency, I had no doubt that the Hon. R. D. Wilmot, who held the office of Surveyor General at the time he authorised me to undertake the preparation of the Map, would certify that by such arrangement it was not intended by him or by the Government to terminate my permanent connection with the public service as previously pledged.

His Excellency was pleased to say, that it would be satisfactory to him to see such a certificate.

On the same evening, therefore, I proceeded to the residence of Mr. Wilmot, whom I found at home, and explained to him my errand. He had no hesitation in stating his clear knowledge of the matter at issue, and willingly undertook to communicate the same to His Excellency in a letter, of which he permitted me to retain a copy, and which is as follows:—

BELMONT, SUNBURT, December 4th, 1863.

MAY IT PLEASE YOUR EXCELLENCY:

In consequence of a conversation with Mr. Wilkinson this evening, I beg to inform Your Excellency that when I first took office as Surveyor General, in 1851, Mr. Wilkinson was permanently connected with the Crown Land Office as compiler. I was informed by the then Lieutenant Governor, Sir Edmund Head, that

when any special service was required, that would afford Mr. Wilkinson more remunerative employment; it was intended that it should be given him, particularly as Railways were about being undertaken in the Province, it was desirable that his services as a Civil Engineer should be on hand, his being placed on the Crown Land staff being more in the light of a retaining allowance than a sufficient remuneration.

During the period I held office, he was almost constantly employed on special services, and it was well understood by myself and the Government of which I was a member, that the preparation of the new Map of the Province, was one of these special services, not to interfere with his position as compiling draftsman in the department.

It was never contemplated by me, or the Government of which I was a member, that Mr. Wilkinson's connection with the Crown Land Office should cease in consequence of his being specially employed, certainly not without due notice to that effect.

I have the honor to be,

Your Excellency's

Most obedient servant,

(Signed)

ROBT. D. WILMOT.

To His Excellency the Hon. Arthur Hamilton Gordon, C. M. G.,  
Lieutenant Governor and Commander-in-Chief, &c. &c. &c.

After the lapse of upwards of nine weeks an answer to my letter of the 4th November was received, of which the following is a copy:—

PROVINCIAL SECRETARY'S OFFICE, FREDERICTON, N. B., 12th January, 1864.

SIR, — Your claims on the Government, in your capacity as Clerk in the Crown Land Office, and as compiler of the Province Map, having been under consideration of His Excellency the Lieutenant Governor in Council, I am directed to inform you that your connection with the Crown Land Office appears to have terminated on December 31st, 1852, and that you are not therefore entitled to salary from that office beyond that date.

I am further to inform you, that if you can shew that your services in connection with the preparation of the Province Map, have not been sufficiently remunerated, you may rely upon the careful attention of the Council being given to the particulars of any claim you may put forward.

I have, &c.,

(Signed)

S. L. TILLEY.

J. Wilkinson, Esq., Board of Works, Fredericton.

(Copy of reply.)

FREDERICTON, 16th January, 1864.

SIR, — I beg leave to acknowledge having received your letter of the 12th inst., and regret that I am unable to acquiesce in the opinion therein conveyed, that the pledges of the Government relative to my position in the public service, reiterated at intervals during so many years, should have ceased to be of force after the 31st December, 1852, without any notice or intimation to that effect having been communicated to me up to the present time.

That such pledges could not have been so cancelled, will, I trust, be clear to His Excellency the Lieutenant Governor and to the honorable Council, by reference to the correspondence, copies of which are herewith enclosed. I am certainly not aware that the spirit and intention of these pledges have at any time ceased to be of force. Five years have now elapsed since it became necessary for me, in a letter addressed to you under date 17th January, 1859, to recall the attention of the Government to this point. In your reply, dated 11th August following, I was informed that it had been referred to the Surveyor General, since when I have had no intimation of his answer to such reference, unless it be the same which is stated in your last communication.

Regarding my claim of a balance due for services relative to the Provincial Map, the considerations which I should further submit to His Excellency and to the honorable Council, would not vary from those heretofore laid before them. I can scarcely hope, however, that they will be ready to review the same materials which have so inconveniently accumulated, in their present form. I therefore, propose to print once for all, those which may be pertinent to my whole case, and to submit the same with such further observations as may seem necessary.

I have, &c.,

(Signed) J. WILKINSON.

The Hon. S. L. Tilley, M. P. P., Provincial Secretary, &c.

COPIES OF CORRESPONDENCE REFERRED TO ABOVE.

No. 1.

J. Wilkinson to Provincial Secretary.

FREDERICTON, 1st November, 1852.

SIR, — I beg leave to state, for the information of his Excellency the Lieutenant Governor, that having been requested on behalf of Messrs. Jackson and associates to make a preliminary survey within as short a period as possible, of a continuation of the line of the European and North American Railway, from the Falls of the River St. John to the boundary of Maine, I am desirous, with the permission of His Excellency, and upon his being pleased to afford the necessary leave of absence, to undertake the service.

In order to accomplish the same as proposed, it is necessary to make use of as much of the small remaining portion of the present season as possible. An interval of from two to three months during the winter will occur before it would be practicable to resume the railway survey with advantage, during which my in-door duties in the Crown Land Department could be resumed.

I have, &c.,

(Signed) J. WILKINSON.

The Hon. J. R. Partelow, Provincial Secretary.

No. 2.

J. Wilkinson to Surveyor General.

C. L. O., FREDERICTON, 1st November, 1852.

SIR, — Having, with your approval, expressed my willingness to undertake, on behalf of Messrs. Jackson and associates, a preliminary survey of a continuation of the line of the European and North American Railway from St. John to the frontier of Maine, upon the necessary sanction of His Excellency the Lieutenant Governor being given, I have for that object made application through the Provincial Secretary, and beg leave to subjoin for your information a copy of my letter to him of this date.

I have, &c.,

(Signed) J. WILKINSON.

The Hon. R. D. Wilmot, Surveyor General.

No. 3.

Provincial Secretary to J. Wilkinson.

SECRETARY'S OFFICE, FREDERICTON, 2nd November, 1852.

SIR, — His Excellency the Lieutenant Governor has been pleased to grant you the leave of absence asked for in your letter of yesterday, on the understanding, however, that you are not to be considered on the Crown Land Department while engaged in the survey referred to.

I have, &c.,

(Signed) J. R. PARTELOW.

J. Wilkinson, Esq., Civil Engineer, &c., Fredericton.



Shortly after the date of my last communication, as above, I attended at Government House in obedience to a message received from His Excellency the Lieutenant Governor, who handed to me a "memorandum," dated January 6th, 1864, which had been submitted in Council by the Honorable Provincial Secretary, in answer to my claims. His Excellency requested that I would read this document, and communicate to him such observations upon it as I might have to make.

Copies of the document referred to and of my observations on the same are as follow:—

Memorandum submitted by the Provincial Secretary, in answer to claims made by Mr. Wilkinson.

#### Claim B.

The Government of New Brunswick,  
1859.

To J. WILKINSON, Dr.

Ct. 31. Amount of salary due to him under subsisting engagement (as recognised in letter of the Provincial Secretary, dated 30th June, 1843; 7th June, 1847; April 10th, 1848; May 10th, 1850; November 2nd, 1852; August 16th, 1853;) from 30th August, 1858, the close of the last special service, to quarter ending 31st October, 1859, one year and two months, £220 per annum, .... £256 13 4  
He subsequently claims, at the same rate, for the month of November and December, 1859, .... 36 13 4

In all, .... £293 6 8

In making this claim Mr. Wilkinson says that, as far back as 1838, an arrangement was made with him by the Government that he should take the position of compiler in the Crown Land Office at £220 per annum; that he was to be at liberty to accept any special services more lucrative and important whenever they might offer, such as Boundary and Railway surveys, and that on several occasions, when accepting such appointments, he did so with the written consent of the Government, and with the express understanding that such temporary absence should not deprive him of the situation he held in the Crown Land Office. He, therefore, claims that after he had completed the compilation of the Map and the survey of the proposed Railway from Fredericton to Woodstock, that he was entitled to a salary at the rate of £220 per annum from the Crown Land Department, up to the date of his appointment as Engineer in the Board of Works Department.

Admitting, for argument sake, that all Mr. Wilkinson's statements relative to his engagements are quite correct, I hold that his non-appearance at the Crown Land Office after the special services had been completed, and his not returning to the duties of the Department, was of itself a virtual surrender of his claims upon that office, and a withdrawal from that department of the public service. No public servant could expect to receive a salary when he did not attend to the duties of the department with which he claimed to be connected, much less if he regularly and systematically absented himself from the office in which the duties of the department are performed.

The Provincial Secretary submits the following reasons why, in his opinion, Mr. Wilkinson cannot have a just claim upon the Government for the amount charged. The evidence at hand would lead to the conclusion that Mr. Wilkinson himself did not suppose that such a claim existed.

1st. When the special services on the Map and Railway surveys were terminated, why did not Mr. Wilkinson return to the Crown Land Office and resume the duties of compiler in that department?

2d. Why did he not call as formerly, when entitled to receive pay, at the Crown Land Office for his salary?

3d. In a communication, under date of the 13th September, 1858, addressed



to the Provincial Secretary, claiming the copy-right of the Provincial Map, for the compilation of which he received over £1280, he, in justification of this claim, uses the following language:—

“Justice to those dependent on me, as well as precedent in any future case, seemed to require that I should not tacitly forego a possible, though remote and doubtful, benefit, rightfully and honourably tendered under one of the most beneficent laws. I hold no public office or appointment of profit, nor have I ever held such, to excuse me for indifference in this matter, and during the last eight months have had no public employment at all, except incidentally in relation to the Map in question.”

4th. When the Government deducted £150 from Mr. Wilkinson's account for correcting proof sheets, &c., of Map, he remonstrated against the action of the Government in the matter, in the following language:—

“I respectfully object to the right now assumed by the Government indefinitely to avail themselves of my time and services on their own terms. I have been detained in attendance and suspense upon this service alone, no other duty having been assigned to me.”

And now, for the first time, several months after his special services had been closed, makes any reference to the department in which he was formerly employed.

5th. In the returns forwarded to office of Provincial Secretary by the Surveyor General, Mr. Wilmot, in 1853, shewing the persons employed in that department in 1852—this information being desired for the preparation of the Blue Book for 1852—the following statement appears:—

“Mr. Wilkinson and Mr. Grant being both employed upon duties unconnected with this department, they are to be discontinued after the 31st December, 1852, as officers of the indoor establishment of the Crown Land Office.”

From a report on file in the Executive Council, it appears that Mr. Wilkinson and Mr. Grant occupied positions in the Crown Land Office every way similar, except that the former received £20 a year more than the latter. I do not know what notice was given these gentlemen, if any, at the time their services were dispensed with, but I do not find their names on the lists in the Crown Land Office since December 1852, and no money has been paid either of them for services rendered in that office subsequent to that date. It is worthy of remark that no letter can be found written by any member of the Government since December 1852, informing Mr. Wilkinson, as formerly, when undertaking special services, that his absence was not to prejudice his position in the Crown Land Department.

It appears that in 1854 Mr. Grant applied to the Government for employment, and an order was made in Council, dated 6th July, 1854, of which the following is a copy:—

“Ordered that Mr. Keffer be employed on the improvement of the harbour of Richibucto, that Mr. Grant have the offer of being employed under Mr. Keffer's instructions, at 20s. per day, with travelling expenses, in the examination of that and other harbours, until the 30th October, but no pledge to be given him as to employment through the winter.”

From the foregoing evidence it appears to me quite clear that Mr. Wilkinson's and Mr. Grant's connections with the Crown Land Office ceased on the 31st December, 1852, and that he has no claim whatever upon the Government for services from 30th August, 1852, to 31st December, 1852. Mr. Wilkinson was allowed £120 for services, correcting proof of Map, and some £17 expenses paid by him. If he can shew that the services rendered were worth more than he received, the committee of Council will, no doubt, recommend an advance upon the amount already paid. To enable the Council to judge fairly in this matter, I would suggest that Mr. Wilkinson furnish an account in detail of the service rendered, and the time occupied therewith.

When the material was prepared for the Engraver, Mr. Wilkinson offered to

provincial Map, for  
tion of this claim,

any future case,  
ough remote and  
of the most bene-  
r have I ever held  
g the last eight  
in relation to the

son's account for  
the action of the

overnment indefi-  
n terms. I have  
e, no other duty

services had been  
ormerly employed.

by the Surveyor  
that department  
the Blue Book for

ties unconnected  
December, 1852,

at Mr. Wilkinson  
ery way similar,  
I do not know  
air services were  
the Crown Land  
of them for ser-  
y of remark that  
t since December  
special services,  
and Department.  
for employment,  
ch the following

f the harbour of  
der Mr. Keffer's  
examination of  
to be given him

Mr. Wilkinson's  
sed on the 31st  
Government for  
Wilkinson was  
7 expenses paid  
more than he  
an advance upon  
y in this matter,  
il of the service  
inson offered to

go to London and superintend the engraving of the Map for £250, paying his own expenses. The Government declined the offer, but Mr. Wilkinson now charges a like sum for correcting the proofs in New Brunswick.

(Signed) S. L. TILLEY.

January 6, 1864.

(Copy)

J. Wilkinson to His Excellency the Lieut. Governor.

FREDERICTON, 4th February, 1864.

MAY IT PLEASE YOUR EXCELLENCY :

I have the honour to submit the following observations in reply to a Memorandum, dated on the 6th ult., by the Honourable Provincial Secretary, in answer to my pending claims on the Government.

The Memorandum appears to be the basis of the letter which he addressed to me, dated on the 12th ult., to which, on the 16th, I had the honour to return an answer.

He correctly states my claim on account of salary, amounting to £293 6s. 8d., and proceeds to cite what I have stated in making this claim, but without conveying the literal import of such statement. It will appear on reference to a memorandum, relative to my claims, which he appears to have in view, dated 17th March, 1862, that the meaning is not simply, "that I was at liberty to accept any special services, &c." The words are as follow :—"The offer of the Government in 1838 of an engagement in the Crown Land Office, at a small salary, was at first declined by me, and accepted only on the assurance by the Surveyor General of such special employment from time to time as the public service frequently required, and which it was his own disposition, and that of the Government, to confide to me."

Without this assurance I should not have accepted the situation. It was given and intended in good faith, and was afterwards so fulfilled as to leave no cause of complaint on my part until the present misunderstanding. The engagement in the first instance was, indeed, only verbal, but it will be noticed that in the year 1843, and repeatedly afterwards, the Government at their own discretion gave me written assurance that my permanent salary should not lapse in consequence of my special employment. There were reasons for which they were pleased to regard me as honourably entitled to this guarantee, and I refer to it as their certificate of my just claim to the benefit intended.

Under this arrangement my special employment became the rule, and my reversion to the salary in connection with the Crown Land Office the exception. On the termination of each of my special duties, if any lapse of time intervened, the claim by which I was thus permanently retained in the public service was uniformly recognised; but it will hereafter be shewn that from the 1st of November, 1852, to the 30th August, 1858, such special employments were uninterrupted.

It is not disputed by the Honourable Secretary that on the 30th August, 1858, I reported to him the termination of my special service in relation to the new Map of the Province. This had been my usual course; and if the Government should have no other special employment to offer immediately, or within a short period, I held myself ready, as I did on this occasion, to perform such other service, in connection with the Crown Land Office or otherwise, as might be consistent with my engagement. I had on such occasions attended to duties having little or no relation to the business of that office, as equivalent to my resuming the compilation.

It will be seen that during the period between the 30th August, 1858, and the 14th January, 1859, and also afterwards, a correspondence was going on, on the subject of the Map, and that I continued to attend to certain corrections and additions to the same, for which I made no charge, not distrusting the continued subsistence of the arrangement under consideration, in which I intended to merge any claim for such casual service. In the meantime, I was not respon-

sible for the delay of upwards of four months, during which I had endeavoured in vain to elicit, by many interviews, both with the Honourable Secretary and the Honourable Surveyor General, any explanation of the real intention of the Government towards me. But having at length received the letter addressed to me by the Honourable Secretary, dated on the 14th January, 1859, I replied on the 17th, complaining of the long delay of the Government in attending to my account, remonstrating against the injustice of withholding the sum of £150 in part of the same, and fully referring them to former pledges in relation to my position in the public service. I afterwards sought at frequent intervals during the ensuing six months, to obtain a reconsideration of both the matters adverted to, but without success. At length I made a further appeal by letter, dated on the 26th July, 1859, and on the 11th August following received a reply, informing me that with relation to my claim for the Map, the last payment was in full up to the day of the warrant; but that the other point, relating to my position in the public service, was referred to the Surveyor General.

With this explanation it is incumbent upon me to disclaim entirely the imputations of voluntary absence, and regular and systematic non-attendance upon duty, as conveyed in the language of the Honourable Secretary. The tacit and persistent refusal of the Government during so long a period, with a full knowledge of my claims, to recognise my pledged connection with the public service, left me no alternative but to comprehend that I was in this unusual and extraordinary manner to be suspended or dismissed without notice, without charge, and without explanation.

The Honourable Secretary proceeds to enumerate certain reasons why, in his opinion, I cannot have a just claim upon the Government for the amount charged, and why he assumes that I did not myself suppose that such a claim existed.

To the two first reasons, put in the form of questions, I submit what is above stated as my answer.

The third reason is sought for in a quotation from a letter addressed to the Honourable Secretary, dated the 13th September, 1858. This letter was written at the suggestion and recommendation of the immediate predecessor of your Excellency, to whom I had desired to refer the adjudication of such claim as I might appear to have to the residuary value, if such value had existence, of the copyright of the Map, after all the copies desired by the Government should be supplied. His Excellency declined my proposal, but wished me to state in detail, in the form of a communication to the Honourable Provincial Secretary, the grounds upon which I considered my claim to rest, in order that the matter might be laid before Council. At the close of that communication I submitted, in addition to other grounds of claim, that which the Honourable Secretary has now quoted. I deemed it to be at the time pertinent to the subject of the letter, and I am not aware that it has any other purport or admits of any other construction. I confess myself unable to see any covert significance in the words which the Honourable Secretary has underlined. My own meaning is amply stated in a memorandum prepared by me, at his suggestion, dated on the 22d August, 1859, in order that it might be laid before Council, with my letter addressed to him on the 13th of the same month, to both of which documents I beg leave to refer.

I am unable to perceive in the fourth reason assigned by the Honourable Secretary any validity to which sufficient objection has not already been submitted. I was not responsible for the lapse of four months before I was most reluctantly constrained in a written and formal manner to claim the fulfilment of the long existing pledges of the Government.

The fifth reason assigned by the Honourable Secretary is that, after the lapse of five years, he has succeeded in finding in the returns to his office, made by the Surveyor General, Mr. Wilmot, in 1853, a statement that I was "discontinued" after the 31st December, 1852, as an officer of the in-door establishment of the Crown Land Office. This is my first knowledge of such a statement, officially or

otherwise, and I must beg leave to disagree with the Honourable Secretary in my construction of its purport. It is simply inadmissible that the Surveyor General, either in the exercise of his own power as the head of a department, or on behalf of the Government, could with the least regard to honour or good faith, in this manner, without notice or intimation of any kind, direct or indirect, really intend to cancel the voluntary pledges in which he knew I was at the time confiding, and for the withdrawal of which I was not conscious of having given any provocation whatever, but the contrary. Such a construction would be the more inconsistent because it would appear that the confidence both of the Government and of private parties had never been more shewn towards me than at the time under notice. It will be seen by the correspondence, copies of which were enclosed with my letter, addressed to the Honourable Secretary on the 16th ult., that at the date of the return in question, I was absent on special service under leave from His Excellency the Lieutenant Governor, communicated by the Provincial Secretary, under date of 2d November, 1852, with the undoubted knowledge of the Surveyor General. It was quite possible, indeed, that such absence might be of some duration, and that so far I was virtually, and at my own request "discontinued" as an officer of the in-door establishment of the Crown Land Office; but this does not mean "dismissed." The purport of the return quoted by the Honourable Secretary is perfectly consistent and substantially the same with the condition of my written leave of absence, as already referred to, under date of 2d November, 1852. I was not aware of the existence of any report such as is referred to by the Honourable Secretary with reference to my position in the Crown Land Office; but that such position was "in every way similar," with the exception of the amount of salary, to that of Mr. Grant, I am now for the first time informed. The citation by the Honourable Secretary of the minute of Council, dated 6th July, 1854, shews, however, that even in the case of Mr. Grant, the Government held themselves under an implied pledge not to dispense with his services, even temporarily, without notice.

The Honourable Secretary confesses that he does not know what notice, or whether any was given to me, at the time my services were "dispensed" with. I now beg leave to repeat my assurance that no notice was given, for the very obvious reason that my services were not "dispensed" with, except temporarily by leave, and at my own request.

The Honourable Secretary states that he does not find my name on the lists in the Crown Land Office since December 1852; that no money has been paid me for services rendered subsequently to that date, and he considers it worthy of remark that no letter can be found written by any member of the Government since 31st December 1852, informing me, as formerly, when undertaking special services that my absence was not to prejudice my position in the Crown Land Department.

In reply to this it will appear, as already mentioned, that my special services were of unbroken continuance from the 1st November 1852 to 30th August 1858, and the Honourable Secretary acknowledges that he cannot discover during all that time any trace of notice given to me of the repudiation of the written pledges of the Government with respect to my position in the public service. That the assurance of the Government with respect to my special employment was during the time honorably fulfilled, will be shewn by the following statement.

Under the leave of absence dated 2nd November 1852, I proceeded to perform my engagement to Messrs. Jackson & Co. Whilst this service was in progress I received from the Provincial Secretary a letter dated 17th December 1852 informing me that His Excellency the Lieutenant Governor in Council had been pleased to appoint me Engineer, under the Act, "to examine and report upon the Suspension Bridge at St. John." I did not receive this letter until the 27th, and in a short time afterwards was prostrated by sickness from which I felt it improbable that I should recover so as to be able to attend to the duty for a long time. I therefore by a note dated 19th January 1853, informed the Provincial Secretary of the probable delay, in order that His Excellency might adopt such



other arrangement as he might deem the public interest to require. Mr. Light was consequently appointed to this duty on the 21st of the same month. Late in February I was able to resume active attention to the survey I had undertaken for Messrs. Jackson & Co., and continued the same until a change of their arrangements in May, when the field work under my direction was discontinued, but the necessary Office work was not closed until the middle of July. In the meantime I was informed of my appointment by His Excellency the Lieutenant Governor, under date of 27th June, as one of the three Commissioners for the contemplated Grimross Neck Canal. At the same time Mr. Giles, the Chief Engineer on behalf of Messrs. Jackson & Co., in this Province, had requested my assistance in his duties. I first, however, gave my whole attention to the Canal in co-operation with the Commissioners with whom I had been associated. The necessary survey, drawings and specifications were prepared, and tenders for the work invited by advertisement, and only when it appeared certain that no contract could at that time be made, I entered into an engagement with Mr. Giles having previously had the verbal approval and consent of the Government for that purpose, for which, I also applied by letter to the Surveyor General, dated 16th August, 1853. I think this was written at the suggestion of the Lieutenant Governor, but I left Fredericton shortly afterwards, and have no recollection of receiving a written answer. I appeal to the evidence of this letter however, that no idea existed on my part of any repudiation of the pledges of the Government relative to my position in the public service, and no mention of, or allusion to such a fact was made to me by any one. I had indeed in a communication to the Provincial Secretary dated 24th May 1852, made an appeal to the Government for an increased rate of remuneration for my professional services, but though no written assurance on this point was given, I had reason to believe that the justice of the appeal was not denied, and that eventually it would be acknowledged by a more satisfactory arrangement. This may in part account for my verbal leave of absence having not been followed by a written reply to my letter of 16th August, assuming that the omission were intentional, for nothing whatever had occurred to suggest that by such omission any thing was intended to my prejudice. Before the close of my engagement with Mr. Giles, I was personally informed by a member of the Executive Council that I had been associated with Mr. Light as a Commissioner to examine and report upon several Bridges which required to be rebuilt. This service and labour connected with it, besides that of preparing other drawings relative to the Grimross Canal, and reporting upon the same, occupied me until March. At this time supposing that my further services relative to the Bridges would be required, I was making preparations with this view, when I was informed by the Honorable R. D. Wilmot, then Surveyor General, that the Government had it in contemplation to provide a new Map of the Province, in order to remove the frequent complaints of the want of such a document both in the Legislature and elsewhere, and that he wished to know whether I were disposed to undertake the work. It may be scarcely necessary here to remark that the object proposed was not to obtain a repetition of Maps of the same kind, with which the Province was already more than abundantly supplied, but one embodying the most desirable information in a geographically correct and trustworthy manner, as far as existing materials would permit upon the scale intended.

I am persuaded that in selecting me for the duty of preparing such a Map, the Government did me the honor to believe that for special reasons I was the only person upon whom they could in all respects rely for its satisfactory fulfilment. Besides their personal knowledge, the highest testimonials, claiming their full confidence, had been for many years before them in my favour, and I feel assured that it was very remote from their intention or desire that any engagement on their part should be fulfilled in an ungenerous or illiberal, much less in an unjust or oppressive manner.

The result of my conference with Mr. Wilmot was an understanding agreeably



ire. Mr. Light  
 e month. Late  
 I had undertaken  
 change of their  
 as discontinued,  
 of July. In the  
 the Lieutenant  
 sessions for the  
 Giles, the Chief  
 had requested my  
 on to the Canal  
 associated. The  
 tenders for the  
 in that no con-  
 with Mr. Giles  
 Government for  
 General, dated  
 of the Lieutenant  
 recollection of  
 er however, that  
 the Government  
 or allusion to  
 communication to  
 to the Govern-  
 al services, but  
 n to believe that  
 ould be acknow-  
 account for my  
 ly to my letter  
 nothing what-  
 as intended to  
 Giles, I was  
 had been asso-  
 ct upon several  
 nected with it,  
 oss Canal, and  
 supposing that  
 I was making  
 onorable R. D.  
 contemplation to  
 ent complaints  
 here, and that  
 work. It may  
 not to obtain  
 e was already  
 ble information  
 sting materials  
 g such a Map,  
 sons I was the  
 isfactory fulfil-  
 claiming their  
 ur, and I feel  
 at any engage-  
 l, much less in  
 ding agreeably

to which I commenced this service on the 1st April, 1854. The continuance of my special employment on this and other services from that date to the 30th August, 1858, is sufficiently shewn by the contemporaneous correspondence, and precludes the argument that my name ought, of necessity, to be found in some way connected with the duties of the Crown Land Office during that period, had my relationship to such office been regarded as still subsisting.

Relative to my claims for the balance of £150 on account of the Map, the Honorable Secretary says that I "was allowed £100 for services correcting proofs of Map," and requires me to shew that such services were worth more. Now the labour was much more than the mere correction of proofs. A considerable portion of the materials was still to be added, and I did not agree or propose to accept for my services in thus completing the Map, whatever the Government might at their discretion be pleased to allow. My agreement was still subsisting, with the knowledge of the Government, that my payment was at the rate of £33 per month whilst I was so employed. They did not propose or allude to the termination of this agreement, when by letter dated 21st January 1858 the Hon. Secretary authorised the Map to be completed "by written information or instructions to Mr. Wyld." It was simply impossible to complete it in this manner in a shorter time than that to which the service extended. I grant that my time was not fully occupied, but it was not by my own preference or desire that I was kept in suspense exclusively upon this work. I had suggested in December 1857 that in order to secure the prompt completion and issue of the Map in a trustworthy and creditable manner, I ought, as had been previously intended, to be on the spot in order to perfect with dispatch the additions and corrections required. Upon this suggestion the Government requested me to submit an estimate of the whole expense. In this estimate I included the probable sum of £250 for my own time and expenses. The Honorable Secretary is in error in supposing that I offered to perform the mission for this sum, though it was my opinion that the amount would not be exceeded, and I still believe that from the advantage of being on the spot, I could have succeeded as I intended, in obtaining complete copies of the Map and returning to New Brunswick before the close of the ensuing session of the Legislature. The Government preferred a different course to that suggested, and the consequent delay became inevitable. That the delay was not regarded by the Legislature as a matter of indifference, was subsequently shewn in the House of Assembly, in the session of 1859, when, in consequence of such delay, an address was moved for all accounts, correspondence and papers connected with the subject. The required documents were communicated by message and laid before the House by the Honorable Secretary. They were referred to a Committee, before whom I appeared and afforded whatever explanations were desired. I found that the Committee had nothing before them to shew that I had still a claim for £150, as a balance due for my services on account of the Map, and by their permission submitted a copy of my letter addressed to the Honorable Provincial Secretary, dated 17th January, 1859. On the 7th of April the Committee submitted to the House a Report, in which they stated that they had examined the papers and "heard the explanations of Mr. Wilkinson and the Honorable Provincial Secretary," and proceeded to shew the estimated cost of the proposed 2,000 copies of the Map, without mounting, to be £2,489 18s. 2d. "This sum," they say, "includes all past disbursements, with £150 yet claimed by Mr. Wilkinson for his services, and the further expenses of engraving and issuing the proposed number as above."

They also refer to a proposition submitted by me progressively to reimburse to the Government the whole expense of the Map, but after considering the same do not recommend it to be entertained.

The Report was duly read before the House and ordered to be accepted. It does not appear that the Honorable Secretary, or any member of the Government, objected to the correctness or propriety of the above estimate, which specifically included the claim for which I have so long contended. If such claim were

clearly unjust, and such as ought not to be allowed, why was it in this manner permitted to be recorded? It is quite obvious that even after hearing the explanations of the Honorable Secretary, the Committee did not feel justified in omitting my claim from their estimate.

That such estimate was accepted by the House as the understood cost of the Map is further evident by frequent reference to it in a debate which occurred on the 20th February, in the ensuing session of 1860. Also, with regard to the value of the Map, it was, according to the report of the same debate, stated by an honorable member, that "he had seen the copies sold in England at three guineas each."

In the memorandum before referred to, dated 22nd August, 1859, and submitted by me through the Honorable Provincial Secretary, I have discussed, I trust in a fair and proper manner, the commercial value of the result of my labour. With the following extract from that paper, I beg leave to close my present reply to that part of the memorandum of the Honorable Secretary which relates to my claim on account of the Map:—

"I do not assume to interfere with any arrangement which the Government may think proper to make with reference to the disposal of the Map, in order to reimburse all or any portion of the expense of the same. But so far as such arrangement may be supposed to indicate the value of the Map, it should not be construed to my disadvantage. In my communication of 30th August, 1858, I shewed that according to the opinion of Mr. Wyld, a publisher of high standing, the net wholesale price of such a Map in England would be equal to 31s. 10d. currency, in *sheets coloured*. Adding all expenses this would be equal to about 32s. 6d. in this Province. The retail price which I paid for the latest edition of Greenleaf's Map of Maine, which is necessarily imperfect and geographically inaccurate, was 35s. currency, in *sheets, plain*, and it is smaller than the Map of New Brunswick. I believe that no fault was found with the price of 25s. currency, in *sheets, coloured*, which Mr. Lockwood put upon his Map of New Brunswick more than thirty years ago, when, from the necessity of the case, the work did not comprise probably one-fifth part of the labour of the modern Map, and in the absence of proper materials was unavoidably very incomplete and defective in its geography. I am informed by Mr. Lockwood that the price of his Map, mounted on rollers and varnished, was 40s. currency.

"The net wholesale price at which the new Map is publicly announced is equal to 15s. currency, in *sheets, coloured*; which may be estimated at not less than 17s. 6d. below its fair wholesale trade value, though it is only 9s. 4d. below the actual estimated cost, including my own claim, as shewn in my letter of 30th August last. I do not complain of this, nor should I complain of any lower price. If unconnected with injustice to any individual, I might rather approve of any judicious sacrifice of this kind which the Government might deem proper. But I trust I may be permitted to complain that this sacrifice should voluntarily be made, whilst a claim in relation to the work itself, shewn, as I trust, to be justly and honorably due, under the circumstances which I have stated, should be continued to be withheld."

All of which is respectfully submitted.

J. WILKINSON.

To His Excellency the Honorable Arthur Hamilton Gordon, C. M. G.,  
Lieutenant Governor, &c. &c. &c.

At an interview subsequently to the above communication, His Excellency expressed himself not wholly satisfied with my observations relative to the Blue Book return, which had been cited by the Honorable Provincial Secretary, I therefore sought to obtain from Mr. Wilmot his own explanation of the intended effect of the return which had been officially authenticated by his signature. Some weeks elapsed before I had a favorable opportunity of receiving such expla-

nation, which was then readily afforded by Mr. Wilmot, and which I made known to His Excellency as follows:—

FREDERICTON, 8th March, 1864.

MAY IT PLEASE YOUR EXCELLENCY:

Since the audience with which you recently favored me, relative to my pending claims on the Government, I have not till Saturday last had an opportunity of communicating with the Honorable R. D. Wilmot, who was Surveyor General in the year 1852, at the time of the return made for the Blue Book, to which Your Excellency directed my attention, and which now, for the first time, comes to my knowledge.

Mr. Wilmot had no recollection of such a return intended to have the effect of my dismissal, but applied at the Secretary's Office in order to see the original document, and inspected the same in my presence.

He disclaims, and indeed derides, such a mode of dismissal, which he affirms could only be by authority of the Lieutenant Governor in Council, and not by a Blue Book entry. His object in the latter was to suppress a false appearance of expense in the Department under his charge, which would be shewn by continuing in the return salaries which for the time being were neither paid or claimed.

He regards the leave of absence addressed to me by the Provincial Secretary, under date of 2nd November, 1852, and which was not expected to expire for a considerable period, as a sufficient answer to any misconception of the entry in question.

He promised, at an early opportunity, to see Your Excellency on the subject.

I have the honor to be, &c.,

(Signed) J. WILKINSON.

To His Excellency the Honorable Arthur Hamilton Gordon, C. M. G.,  
Lieutenant Governor, &c. &c. &c.

In the meantime the Central Bank has declined further to refrain from the realisation of the security which I have been under the necessity of giving for the debt due by me to that institution, and the entire sacrifice of my small property is suspended on the momentary forbearance of creditors.

As a duty which I owe to others, I have endeavoured faithfully and, as I trust, irreproachably to transfer the foregoing details from the detached and less available condition of accumulating papers ~~in~~ <sup>in</sup> manuscript to the more accessible and convenient form of this Memorial.

Fredericton, 14th March, 1864.

J. WILKINSON.

J. WILKINSON.

tion, His Excellency relative to the Blue Provincial Secretary, I nation of the intended ed by his signature. receiving such expla-

