

Hon. Mr. Eberts—*Continued.*

Q.—Don't you recall a conversation that took place between yourself and Mr. Dunsmuir on that subject? A.—I do.

Q.—I mean to say, before the 18th of March? A.—Yes, I do.

Q.—Now, I will put some questions to you, Mr. Eberts; you may give your own statement with regard to them afterwards, if you don't mind. First, I ask you if this is correct: Did Mr. Dunsmuir come to you and tell you that these grants would not be delivered? A.—I don't remember that.

Q.—And you asked him why, and he answered, "You know the reason; go and ask Mr. Wells"? Or did a conversation something to that effect take place between you and Mr. Dunsmuir some time before the 18th of March? A.—No; I was never referred to Mr. Wells on the subject.

Q.—Well, did Mr. Dunsmuir say to you that you knew the reason? A.—No, he did not.

Q.—He did not say anything of that sort. Well, do you mean, Mr. Eberts, that your recollection does not enable you to speak positively about it, or do you say that that did not occur? A.—My recollection leads me to speak very positively about it.

Q.—That it did not occur? A.—It did not occur in that way.

Q.—Well, did this happen; did Mr. Dunsmuir meet you with Mr. Brown and tell you that he had been informed that Mr. Wells had been approached by Mr. Taylor in the manner generally in which the thing has been mentioned here—? A.—No.

Q.—and that you and Mr. Brown were in it? A.—It did not come about that way at all.

Q.—Just tell us, then. A.—Mr. Brown was not there when Mr. Dunsmuir spoke about it. He told me about some stories going about.

Q.—Mr. Dunsmuir did? A.—Yes.

Q.—Where did the conversation occur? A.—Well, I think in the Government Buildings.

Q.—Can you remember where it was? A.—I think it was probably in my own office.

Q.—And what occurred between you and Mr. Dunsmuir then, on that occasion? A.—Well, I tried to find out from Mr. Dunsmuir what those stories were.

Q.—Did he say to you that there were stories going about? A.—He told me he had been told something.

Q.—And you asked him what it was? A.—And I asked him what it was; I asked him who had told him, and he refrained from telling me. And he eventually did tell me.

Q.—At the same interview? A.—No, I don't think so; I think the following day.

Q.—That was before the 18th of March? A.—Because I asked him again, I wanted to know what it was.

Q.—Yes, you pressed him? A.—And when Mr. Dunsmuir came over to the Government Buildings he usually came to my office, because he had not got an office of his own in the building. And Mr. Brown was there too. And I asked Mr. Dunsmuir of this story and he told it again, with reference to Mr. Taylor having made some proposal to him in—

Q. (Interrupting)—That Mr. Wells had stated? A.—Well, Mr. Wells having made some proposal to Mr. Taylor in Montreal. And I turned around to McL. Brown—

Q.—Mr. Brown was there? A.—Mr. Brown was there on that second occasion; and I said, "Mr. Brown, you tell Mr. Dunsmuir if there is the slightest truth in that from beginning to end," and Mr. Brown told Mr. Dunsmuir, "I can assure you, Mr. Dunsmuir, there is not one word of truth in it."

Q.—Now, this was before the 18th? A.—Before the 18th.

Q.—How could Mr. Brown give an assurance on the subject of what had occurred between Mr. Wells and Mr. Taylor?

A.—I don't know that he could, don't you see; I don't know that he could. He was told there was not a word of truth in it.

Q.—Wasn't this the point that Mr. Brown brought his attention to; did Mr. Dunsmuir say to you and Mr. Brown that you and Mr. Brown were in it too, and wasn't that the point on which you turned to Mr. Brown for confirmation? A.—I never understood it in that way.

Q.—You did not hear that? A.—I never understood it in that way at all. You know what happened after that?

Q.—Just a moment before you go on. Had you discussed this matter with Mr. Taylor at all? A.—With reference to this story?

Q.—Yes. A.—I did not.

Hon. Mr. Eberts—*Continued.*

Q.—After the first occasion on which Mr. Dunsmuir mentioned the matter to you, did you go to Mr. Taylor? A.—No, I did not.

Q.—Did you go to Mr. Brown? A.—Mr. Brown was in my office and I brought the matter up.

Q.—No; but after the first occasion, I mean? A.—No, I don't think I did.

Q.—Had you mentioned the matter to Mr. Brown before the second interview? A.—Had I mentioned the matter to Mr. Brown?

Q.—Yes, or had Mr. Brown mentioned the matter to you? A.—No, he had not. I got it from Mr. Dunsmuir.

Q.—I quite understand that; but what I understood you to say was you had an interview, in which he said there were stories floating about, but he would not tell you what they were or who they came from? A.—No, he did not tell me.

Q.—Did he tell you where they came from on the first interview? A.—He did not.

Q.—What did you want to know about the stories, if they did not refer to you? A.—I wanted to know what the stories were.

Q.—Did he intimate in his manner that they reflected on you in some manner? A.—Yes, he did.

Q.—And it was a mere accident that Mr. Brown happened to be in your office on the second occasion? A.—I don't know what brought him there.

Q.—How was it, if you did not know anything about what it was, that you opened a discussion about a matter of that kind in the presence of Mr. Brown? A.—Because Mr. Dunsmuir had told me before that.

Q.—I understood you to say that he did not give you the subject-matter of the rumours, or anything about them? A.—Oh, yes, he had before that; but not the first time he spoke of it.

Q.—You had had more than two interviews? A.—I don't know interviews.

Q.—Conversations? A.—I am trying to give you my best recollection.

Q.—I am trying to get as nearly as possible what happened. Before that occasion on which Mr. Brown was present, you knew the subject-matter of these rumours, you think? A.—I did.

Q.—Well, had you then, before that interview, spoken to Mr. Brown on the subject? A.—I don't think I had.

Q.—You think that, although you knew the subject-matter of the rumours, you had not discussed the question with Mr. Brown at all? A.—I think I finally got it from Mr. Dunsmuir—it was all then and there—I think I got it from Mr. Dunsmuir the same day that I saw Mr. Brown, or the afternoon before.

Q.—Had you referred to Mr. Taylor in the meantime? A.—No, I had not.

Q.—You had not referred it to Mr. Taylor. And then your recollection of the last interview, however, is that Mr. Dunsmuir did not implicate you and Mr. Brown in the matter at all? A.—I had not the slightest idea it would implicate me; and I tell you just exactly how the matter was; Mr. Dunsmuir never—

Q. (Interrupting)—I don't mean to say that he implicated you personally, but did he say that the story implicated you in any way? A.—I never understood the story implicated me.

Q.—You never understood the story implicated you at all, or Mr. Brown either; it was entirely a matter between Mr. Wells and Mr. Taylor? A.—So I understood.

Q.—Did you go then to Mr. Taylor about it, or did you see Mr. Taylor about it? A.—Not then.

Q.—Did you see him before the rescinding Order was passed? A.—No, I did not.

Q.—Wasn't he in town? A.—He was in town, but I did not speak to him about this.

Q.—Wasn't that rather— A.—Well, I don't remember—

Q.—Was there any reason for that? A.—I don't remember; I spoke to him as quickly as I could after the rescinding Order; I will tell you that.

Q.—But, Mr. Eberts, I just put this to you; you had a very serious reflection made upon the conduct of public matters, arising out of an interview between Mr. Wells, who was your colleague, and Mr. Taylor, your partner, and the charge was that Mr. Taylor had approached Mr. Wells in an improper way, with a view of influencing him in a public matter; can you explain why—? A.—I told Mr. Dunsmuir that I could not possibly believe that there was the slightest truth in it.

Hon. Mr. Eberts—*Continued.*

Q.—In other words, you were so absolutely convinced that the thing was untrue that you did not think it necessary to go and make inquiries of Mr. Taylor as to what happened? A.—And I thought Mr. Dunsmuir was too.

Q.—And you thought Mr. Dunsmuir was too. Now, did Mr. Dunsmuir indicate, either by his words or his manner, or in any way, at that interview, that he intended to take public action? A.—I never understood.

Q.—That he intended by reason of this? A.—I never understood so.

Q.—Now, I specifically ask you whether he told you on that occasion, or any other occasion before the 18th of March, that his determination was that the grants should not be delivered? A.—I never understood that from him.

Q.—You never understood it that way. I suppose that if he had told you, in any one of these interviews in which he discussed this statement of Mr. Wells', that he intended to take action, that would have been an explanation that would have impressed itself on your memory? A.—It certainly would.

Q.—And your present recollection of the matter is that Mr. Dunsmuir gave you to understand that he took as little stock in it as you did? A.—At that time, yes. You are speaking about—I am trying to give you, as closely as possible, days and hours and minutes.

Q.—I know the difficulty, and everybody appreciates that. I don't expect you to remember exact language; although an interview of that kind would be apt to impress itself on your mind? A.—Very seriously, yes.

Q.—Now, how long afterwards, just as nearly as you can give it, was the rescinding Order? How long before the 18th of March was this interview? A.—I think it was the day before.

Q.—You think it was the day before? A.—I think so.

Q.—And, of course, the matter was discussed by the Executive? A.—What was?

Q.—I mean the whole subject, before the rescinding Order was passed? A.—Well, I don't know what was discussed by the members of the Executive.

Q.—Were you not present? A.—I was there for a very short time.

Q.—Were you not present when the decision was arrived at to pass the rescinding Order? A.—I was there at that time; but I was not there when the members of the Government came together; and I was not asked to be there.

Q.—Oh; it was done— A.—I was not invited to be there.

Q.—You were not invited. Where was the meeting held? A.—In Mr. Wells' office.

Q.—You know who were present, I suppose? A.—I do.

Q.—Mr. Dunsmuir, Col. Prior, Mr. Wells? A.—Mr. Wells.

Q.—And Mr. Prentice? A.—Mr. Prentice.

Q.—And it was held in Mr. Wells' office and you were not asked to be there? A.—It was held in Mr. Wells' office and I was not asked to be there.

Q.—And you happened to be there accidentally? A.—I went down to Mr. Wells' office with a view of seeing him about some matter. Mr. McNeill told me that the members of the Government were in there and I had better go in, and I went in. And I wasn't in there a minute, or half a minute, when Mr. Dunsmuir said to Mr. Wells, "Now, tell Mr. Eberts what you have told me." And Mr. Wells stuttered and stammered—

Mr. Helmcken: This is an Executive meeting; if you are going to tell us one Executive meeting, are you going to tell us all others? I do not take the objection, of course.

Mr. McPhillips: Mr. Eberts takes the point, apparently, that, not having been invited, it could not be said to be an Executive meeting.

Mr. Duff: It has come out that this matter was discussed; and it is practically in evidence already that the Order in Council was passed upon this statement.

Mr. McPhillips: And there are no reasons stated in the Order in Council.

Mr. Duff: No.

Mr. Helmcken: We are not objecting to his telling.

Mr. Duff: I should think it is more fair and satisfactory all around that what did happen should come out.

Mr. McPhillips: I think the point might well be taken that, while the Executive presumed to act, if the Attorney-General had never been advised to come there it could well be said that the Attorney-General could tell what took place, because it was not an Executive in the proper sense of the word.

Hon. Mr. Eberts—*Continued.*

Mr. Duff: Will you go on, Mr. Eberts, then?

The Chairman: I think it ought to be understood whether this was an Executive meeting or not; nothing has been disclosed that occurred at an Executive meeting.

Mr. McPhillips: The late Premier, Mr. Dunsmuir, has spoken of these things.

The Chairman: Not what occurred at an Executive meeting.

Mr. Duff: He said that this action was taken on account of this.

Mr. McPhillips: The late Premier has given a reason; I don't see why the Attorney-General should not be entitled as well.

Mr. Duff: Mr. Dunsmuir has stated that the reasons that the Executive acted on at that time were disclosed.

The Chairman: I quite agree with Mr. Helmcken that, if what occurred at this Executive meeting is going to be disclosed, I do not see any reason why anything should be kept back on the ground that it occurred in an Executive meeting.

Mr. Helmcken: That is right.

Mr. Duff: There is, logically, no question about that.

The Witness: Well, I can say this, then, that an Order in Council was passed.

Mr. Helmcken: You have said so much, Mr. Attorney, a few minutes ago; you might as well complete your whole story.

Mr. McPhillips: If I were asked to put a construction on the oath that has been produced here, I think that every Minister has a discretion under it, as to what he can say. When something has been said, in justice to all concerned the whole matter should be told.

Mr. Duff: I would ask Mr. Eberts to go on.

Mr. Green: There has been so much said about it that it is better to get it all.

The Witness: Oh, I don't want to tell anything that has not been told here. I don't want to spread scandal.

Mr. McPhillips: Mr. Chairman, I think, in the first place, in the public interest, it would be well if we could get all these facts; secondly, it is a question whether this oath can be submitted to a Minister; it is true they may have taken it; you do not find it in the Constitution Act; members of the Legislature are only bound to take an oath of allegiance; we have all done that.

Mr. Helmcken: It not being in the Constitution Act would not make it less binding on the man that took it.

Mr. McPhillips: If an oath is submitted to a person unlawfully and he takes it, a lawful tribunal can compel the disclosures of matters that he has sworn not to disclose. That is clear; that is English law. As a matter of fact, who is entitled to refuse—?

The Chairman: I am not going into a point of law like that with you, Mr. McPhillips.

Mr. McPhillips: I am raising this point in this way: that Mr. Eberts is here as a witness; certain facts have been stated bearing on these matters that are in the public interest; it is difficult to find whether these conversations took place in or out of Council. Now, the question is whether that was an Executive meeting. Mr. Eberts was proceeding to say what took place. But even assuming, for the sake of argument, that this oath is binding, I see these words at the conclusion of it: "All which matters and things you will faithfully observe and keep as a good Councillor ought to do, to the utmost of your power, will and discretion." I consider that every Minister can use his discretion under this oath as to what he will and what he will not say. Mr. Eberts can use his discretion when a question is asked him; he has a right to speak, using his discretion as to that—that is, assuming that the oath is binding in law.

Mr. Helmcken: That oath has been in existence here ever since we were a Crown Colony.

Mr. Green: I think the matter has gone on so far that it is very much better to get the whole of it than a portion of it. I think Mr. Wells told us what took place at this meeting.

Mr. Helmcken: No.

The Chairman: I have no objection to have everything disclosed that occurred; but I want it established whether we will have the right afterwards to ask what took place at other Executive meetings.

Mr. McPhillips: I think it is a matter of conscience for the Minister himself. One Minister might refuse to tell anything, and another Minister might tell all.

The Chairman: I think the Minister has a right to refuse. It is left, of course, to Mr. Eberts whether he will disclose it or not. But, in my opinion, that would put an end to the real meaning of an Executive Council. Everyone understands that that oath is an oath of

Hon. Mr. Eberts—*Continued.*

secrecy, that they will not divulge anything that took place in Council. It is to be left to Mr. Eberts' discretion—or any Minister appearing before this Committee—to say whether he discloses anything that took place in Executive or not. Personally, I have not the slightest objection.

The Witness: Well, I think the principle is probably a bad one.

Mr. Helmcken: I might point out that Mr. Eberts on certain occasions has protected himself by his oath of office, and here is an instance where he was not going to do that.

The Witness: It was only a short matter that I was going to say. I thought it came out in the evidence; but I have looked at it and I find that I think it has not come out in the evidence.

Mr. Duff: The statement has been made repeatedly that the ground upon which the Executive acted was Mr. Wells' statement of what occurred in Montreal between Mr. Taylor and himself. If Mr. Eberts wanted to contradict that, I do not know of any mode by which he could deal with it except by saying what did happen in Executive.

The Chairman: That point has not come up yet.

Mr. Duff: Mr. Eberts has not said that he wished to contradict that.

The Chairman: Mr. Eberts, will you go on.

The Witness: In consequence of that meeting, an Order in Council was ordered to be passed.

Mr. Duff: Do I understand the Committee have decided that Mr. Eberts is left to his discretion.

The Chairman: I am not deciding anything; but I believe the Committee have decided it will be left to the discretion of the Minister whether he will divulge.

Mr. Helmcken: I want to make my position clear; if it is divulged on one occasion it must be on all others.

The Chairman: It is not fair to the other Ministers, if Mr. Eberts divulges what occurred, to have their mouths closed.

The Witness: That is true; I don't think it is fair.

Mr. McPhillips: I think there is a discretion in a Minister, under that oath, assuming that it is a binding oath. It may bind his conscience, and I have no doubt that it does bind his conscience to the extent that it goes with his discretion. But there is another question as to whether or not we could not compel the Minister to disclose,—unless that oath is a binding oath in law. But my view of it is that if a Minister comes here he may, within his discretion, disclose matters that took place in Executive. But I do not consider that we could compel a Minister as against his conscience, unless we see that that oath is not binding in law. So that the difficulty of carrying out Mr. Helmcken's suggestion is this, that a Minister might, according to his discretion, disclose things within his knowledge, and another Minister might come here as a witness and he might refuse at the outset to tell anything; and I do not see, if this oath is binding, how we could compel him. We could only compel him if this oath is not binding.

The Chairman: You hold in law this oath is not binding?

Mr. McPhillips: I speak tentatively; I don't know where it came from.

Mr. Helmcken: It has been in existence here since colonial days.

The Chairman: My opinion is, if this oath is not absolutely binding, it is a farce. I think it is absolutely binding.

The Witness: I might as well settle the matter very quickly. I may say, whether it is binding or not in law, I do not propose saying anything more about what took place there, except that an Order in Council was ordered to be drawn up cancelling the Order in Council for the issuance of the grants.

Mr. Duff: Of course, we have that Order already. Now, Mr. Eberts, at all events, after that meeting, you were aware of the nature of the statement made by Mr. Wells to Mr. Duns-muir? A.—I was.

Q.—Implicating Mr. Taylor. Did you see Mr. Taylor about it? A.—I did.

Q.—Did you make any statement to him? A.—I did.

Q.—Now, what occurred between you and Mr. Taylor with regard to it?

Mr. McCaul: The intention of this question is to find out what Mr. Taylor told Mr. Eberts as to what took place in Montreal; we are again getting back to the question of hearsay

Hon. Mr. Eberts—*Continued.*

evidence. Mr. Taylor has given his evidence of what took place; we have his version of it; so that what he told Mr. Eberts cannot be given; and what Mr. Eberts told Mr. Taylor is not evidence.

Mr. Duff: My question is what occurred between Mr. Eberts and Mr. Taylor, after the meeting of the 18th of March; and I quite concede that if it were a question between Mr. Taylor and Mr. Wells in Court, and applying strict rules of evidence for the purpose of ascertaining what did take place in Montreal, it would not be admissible. But I think it is material here, for it is not Mr. Taylor's conduct alone that we are considering, or Mr. Wells' conduct, it is the conduct of everybody in connection with this thing.

The Chairman: I think you can ask the question, Mr. Duff.

Mr. Duff: Mr. Eberts, would you mind stating what occurred between you and Mr. Taylor? A.—I told him the story; and he was very angry about it, very indignant about it.

Q.—What did you tell him? A.—If I tell you what I told Mr. Taylor, I will be telling my impression of what was in an Executive.

Mr. Helmcken: If you told Mr. Taylor that, so much the greater reason why you should tell us as a Committee.

Mr. McPhillips: That just proves there must be discretion in all these things.

The Chairman: You do not mean to state, Mr. Eberts, that you disclosed to Mr. Taylor what occurred in Executive? I did not understand Mr. Eberts to say that he disclosed to Mr. Taylor what occurred in Executive.

Mr. Helmcken: We want to know what he told Mr. Taylor.

Mr. Duff: Would you mind proceeding, Mr. Eberts? A.—Well, I don't know how far I can proceed.

Q.—I don't quite understand, Mr. Eberts. A.—Because, if I have to tell you what I told Mr. Taylor, I would have to tell you probably what was said in the Executive against him.

Q.—Yes, I assume that that would be the effect of it. But what occurs to me, Mr. Eberts, telling Mr. Taylor would be as much a breach of the convention as telling the Committee would be? A.—No, it was not. I had liberty to do it.

Q.—Oh, well, if that be the case, I think we ought to be entitled to get it here.

The Chairman: I understand you had leave from the other members of the Executive? A.—I said that I would tell him.

Mr. Helmcken: Is that what you call leave?

Mr. Duff: Was there any demur taken to that? A.—No, there was not.

Mr. Duff: I think, Mr. Eberts, that under these circumstances, the Committee are entitled to know. It seems to me it gives you discretion in that case.

Mr. Helmcken: It is something which took place out of Executive, and there you are.

The Chairman: You are certainly entitled to ask the question, but whether Mr. Eberts will answer it or not—I don't know whether the Committee have power to force an answer; I don't think they have.

Mr. Duff: What I suggest is that the Committee may express the view that that is a question that ought to be answered; because the permission to speak to Mr. Taylor about it necessarily involves the waiver of the obligation under oath. And there is no partial obligation in regard to the matter at all. It necessarily means that that communication was dealt with as a communication that took place outside of the Executive.

Hon. Mr. Wells: Mr. Chairman, perhaps I can relieve this discussion a little. When that discussion took place in Executive, Mr. Eberts turned to me and asked me if he had my leave to tell Mr. Taylor, and I said "Certainly; by all means you can tell him the whole discussion."

Mr. Helmcken: Are you the whole Executive?

Hon. Mr. Wells: No.

Mr. Duff: Really, the fair construction of that is that that conversation is regarded as not being among the members of the Executive as an Executive, and when they were discussing that question they were doing so as individuals; I mean as to that personal question between Mr. Wells and Mr. Taylor.

Mr. McPhillips: It might be this way, that it was considered that it was an act done and ended, as far as the Executive was acting at the time, and Mr. Eberts made this statement that he would speak to Mr. Taylor in this way, telling him those things that Mr. Wells said.

Hon. Mr. Eberts—*Concluded.*

Mr. Duff: Mr. Wells' statement just made now was made while the members were in Executive session; but surely it could not be said that that was made by him as a member of the Government to another member of the Government.

Mr. Helmcken: Mr. Wells has just stated that you asked permission to tell Mr. Taylor what Mr. Wells stated. A.—It did not come in that way at all. I said I was going to tell Mr. Taylor; I did not ask Mr. Wells if I could tell Mr. Taylor.

Q.—What were you going to tell Mr. Taylor? A.—All this story.

Mr. McPhillips: As far as my view is of any benefit to this Committee, it seems to me that the oath does not go a bit further than this, that it is an oath as between Councillors of His Majesty, and what is not to be disclosed is this, practically, that no one Minister is to be entitled to go abroad and say it is true a certain matter was done by the Government, but I was a dissenting party. That is about the crux of the whole oath. That a Minister is disentitled to mention some extraneous matter that has been brought into the Council and of which the Council is advised, is nothing less than absurdity, to my mind. It is not in the public interest to withhold that. If that is not the correct view, then it might even be that crimes or some treason might be proposed in Executive Council, and the oath would prevent its being divulged. Such a construction of the oath as that would be preposterous. The purpose of the oath is well illustrated by what Lord Melbourne said on the corn tax, "Remember what we decide here we all decide." And it would not be permitted for any Minister to go outside and say "I was not an agreeing party."

The Chairman: There is another oath in connection with it, the oath of allegiance.

Mr. Duff: Suppose some member of the Executive commits assault on another in the Executive. It would be absurd to say he could not give evidence of it. Perhaps this might be allowed to lie over just now, and I can go on; and the members of the Executive might consider how far they are going to disclose what occurred at the Executive.

The Committee here adjourned until to-morrow, May 15th, at 10 A. M.

FRIDAY, May 15th, 1903.

The Committee met at 10 a. m., pursuant to adjournment from yesterday. Present, the full Committee.

The minutes of the sessions of yesterday were read and adopted.

Mr. Duff: Before Mr. Eberts' examination is proceeded with any further, there is a statement which I think, in justice to Mr. Eberts, ought to be made to the Committee. The Committee will remember that yesterday certain memoranda which were attached to the Order in Council of the 10th of August were produced—and, of course, we have been trying to trace the original source of these documents, and it was suggested during the examination, the fact that there was an impression of Mr. Eberts' signature on the back of one of the sheets, which seemed to indicate that it had in some way or other passed through the office of somebody who was copying his letters for him at the time the Order in Council was drawn, or about that time. After the Committee rose yesterday, Mr. Eberts mentioned the matter to me and said that he had been thinking about it all along as the examination had progressed, and he had found a press copy of the document among the papers he had with him in his manuscript case, and he was satisfied that he understood the explanation. I, with some of the gentlemen of the press, and some other gentlemen, Mr. George Powell was one of them, and there were one or two others, I don't remember—remained here until Mr. Bass was sent for. Mr. Bass came, and on the letter press copy being shown him he recalled the circumstances, that some little time ago the Order in Council of the 10th of August and the rescinding Order of the 18th of March, being in the Attorney-General's office for some purpose, he was asked by Mr. Eberts to make a copy of it, and instead of making a type-written copy he made a letter-press copy in the Attorney-General's office; and, of course, under the circumstances, it was quite easy to understand how the impression of Mr. Eberts' signature on the cloths in the copying vat might be transferred upon the back of the sheet. Now, I want to say that, as the matter came up in the course of my cross-examination and was pressed by me, that I was perfectly satisfied with the completeness of that explanation; and that the fact of that impression being on the back of the document does not in any way indicate any sort of relation between Mr.

Eberts and the document at the time when the transactions occurred. The only two of the Orders in Council which have been brought before the Committee which have been press-copied are these very two Orders in Council; copies of them are taken together in this document that Mr. Eberts has; and it is quite evident that the copy must have been made after the 18th of March, that is after the rescision Order. I see that Mr. Bass is here; I do not particularly care to examine him, but if any member desires to do so he is here for that purpose.

OSCAR C. BASS, recalled, testifies as follows:—

Mr. Helmcken: When was the copy made? A.—Within a short time ago, Mr. Helmcken; since this Committee, I think, commenced.

Q.—Tell me when? A.—I could not really say; it was since the discussion of this matter came up.

Q.—Did you get an order from the Chairman of the Committee to get copies? A.—Oh, no; I got these from the Provincial Secretary's office, and made a copy for Mr. Eberts.

Q.—When? A.—Within two or three weeks, probably.

Q.—Since they have been in my custody? A.—Oh, no; long before that.

Q.—That is not within four weeks, then? A.—Within the time that the discussion came up, the discussion of this matter.

Q.—What I want to get at is, when was it? A.—I cannot really place the exact time, but it is within some weeks, anyhow, Mr. Helmcken.

Q.—Because I have had charge of these documents since the 8th of April, 1903? A.—Oh, I returned them to the Provincial Secretary myself, and got back our receipt.

Q.—When was that?

Hon. Mr. Eberts: Get the receipt.

A.—Oh, it was a little bit of paper like that (indicating) that I gave them; every time we get an Order in Council out of the Provincial Secretary's office we give a receipt for it, a sort of I. O. U.

Mr. Helmcken: But about what time was that? A.—Well, it was about the time the discussion came up in the House.

The Chairman: Is that explanation satisfactory to the Committee?

Mr. Smith: It is to me.

Mr. Helmcken: I understand this is all right enough, but I want to know when the copies were made.

Hon. Mr. Eberts: It was before this Committee was appointed at all.

Mr. Duff: If you look at that (indicating) you will see that the recommendation of the 16th of March is there, as well as the one of the 10th of August; it is all in the same collection.

Mr. Helmcken: I understand that all right enough.

Hon. Mr. Eberts: They were all made on these sheets, Mr. Helmcken (showing letter-press copy in sheets).

Mr. Duff: Mr. Eberts asked us to wait, yesterday, while he sent for Mr. Bass, so that there could be no suspicion of collusion between himself and Mr. Bass, so that it would be clear that Mr. Bass came without any knowledge of the fact of this question being raised. And I think, in justice to Mr. Eberts, he was entitled to that, and I therefore remained with Mr. Eberts all the time, and Mr. Bass was sent for, came over and made the explanation, substantially as was given by Mr. Eberts. I did not closely examine him with regard to the time that the copy was made. But, so far as I was concerned, and so far as Mr. Oliver was concerned,—I have stated as counsel that from the examination I made then I was quite satisfied of the fact that that impression being there did not indicate any association between Mr. Eberts and those documents at the time that the Order in Council was passed.

Hon. Mr. Eberts: I did not remember it at the time I was asked yesterday, but before I got away I remembered the circumstances. And then I sent for Mr. Bass. If you want to look at these sheets you can verify it. I gave it to Mr. Bass to make a copy, and instead of copying it he press-copied it this way; and I never looked at it afterwards.

The Chairman: The explanation is satisfactory to the Committee and all concerned.

Hon. Mr. Eberts: Mr. Chairman, I want to know whether, under parliamentary practice, it is usual or within the province of a committee to allow evidence given before it to the public before the report is put in. I believe your honourable body has concluded that evidence may be published; but I don't know whether your honourable body has said that in publishing that

Mr. Bass—*Concluded.*

evidence they are entitled to bring out those flaring headings. I find in the "Colonist" newspaper this morning: "Mr. Eberts examined. Under examination all yesterday before the C. & W. Committee. Contradictions and retractions with respect to Bill 87." Now, I was not cross-examined with reference to Bill 87; Bill 87 did come into consideration, but I don't think I have been cross-examined with Bill 87 to any extent, except with reference to the preamble. Now, the rule with respect to that is clearly laid down in parliamentary practice. There are flaring headlines, commenting upon the evidence of witnesses, and headlines that are not true.

Mr. Smith: Members of the press have been cautioned once or twice before.

Hon. Mr. Eberts: I am standing before a jury here; and I am to be convicted by the newspaper, am I? That is what I want to know.

The Chairman: This came up before the Committee before, and the press were warned that comments should not be made on the evidence; and special attention was called to flaring headlines. Now, it seems to me that that is unfair, these flaring headlines; and I think the press should take it into consideration and be very careful how they put in headlines and not make comments.

Hon. Mr. Eberts: You cannot retract these papers. They go out; and these headlines are all that a lot of people read.

The Chairman: I don't see how we can do it except to exclude the press altogether, or leave it to their honour not to make these flaring headlines and comments on the evidence.

Mr. McPhillips: There is one way the press could report proceedings that would not do damage to anybody, leaving out the headlines, and that is to have a stenographic report of it, and if there is any immaterial part of the evidence they could drop it out.

Hon. Mr. Eberts: That is the only way that evidence should be put in; there are inaccuracies in every paper that has published evidence.

The Chairman: If we gave the press power to mete out part of the evidence it would be unfair even there; you have to take the whole of the evidence.

Mr. McPhillips: We have no great cause to complain except, it seems to me, in political matters that the press become so petty that they will colour even evidence to follow out their political convictions, and I say that is vouched for and proved by the "Colonist" especially; the "Colonist" shows it.

Mr. Smith: I think for my part there is very little difference between the two papers; they both show it.

The Chairman: I don't think the evidence is read very carefully in the papers, but the headlines are read. That is what attracts attention, flaring headlines.

Mr. Green: The reports to my mind are fairly correct, outside of the headlines; and the press should be a little more careful in regard to that matter, knowing that it is distasteful to the Committee to have it that way.

HON. MR. EBERTS, resuming the witness-box, further examined by Mr. Duff:—

Q.—When the Committee rose, I think I had asked you to state what report you gave to Mr. Taylor of the statement Mr. Wells had made with regard to the interview in Montreal?
A.—Your question is, what did I tell Mr. Taylor?

Q.—Yes; what you told Mr. Taylor about that.

Mr. McPhillips cites Bagehot as supporting his contention that the purpose of the oath of members of the Executive is to prevent any member from saying that he dissented from a decision of the Executive.

Mr. Duff: We have in evidence already a note of the meeting of the 2nd of August, an official note. A.—I may say, with reference to that, before I gave evidence of that, I asked the Premier if I could put that in, in order to try and straighten up the matter.

Q.—Now, I proceed, Mr. Eberts, to ask you about the communication with Mr. Taylor. That, certainly, would not come within the rule. A.—Well, I have no desire to say anything that takes place in the Executive; and I do not see very well, in saying what took place with Mr. Taylor—what I said to Mr. Taylor—really, indirectly, you would get at the same thing.

Q.—I know. But I submit that, as that communication was made by you to Mr. Taylor, with the consent of the others, not given afterwards, but given at the time, it seems to me it must be taken from the occurrence that took place, the statement made by Mr. Wells was not

Hon. Mr. Eberts—*Continued.*

made by Mr. Wells as a member of the Executive, and was not a confidential communication within the rule. Otherwise, the statement to Mr. Taylor would be—— A.—a breach of the rule.

Q.—Could not be justified at all. It was evidently considered that that was a proper thing at the time. And if the statement is made to Mr. Taylor, I submit that the Committee is entitled to that. I submit that Mr. Eberts ought to be asked by the Committee to state that.

Mr. Green: I think he ought to be asked what he said to Mr. Taylor after the meeting.

Mr. Helmcken: After the meeting of the 18th of March, 1902.

The Chairman: I don't think that has anything to do with the oath of the Executive members. I think you ought to answer that.

Mr. Helmcken: I agree with you, Mr. Chairman.

The Chairman: I think it is quite a legitimate question to ask.

The Witness: I told Mr. Taylor what had been told me by Mr. Wells, to the effect that Mr. Taylor had approached him in Montreal and offered him some shares or some interest in land if he would deliver up some Crown grants, or words to that effect.

Q.—Did you tell Mr. Taylor what you had said in reply? A.—I did.

Q.—Well, what was that? A.—I told Mr. Taylor that I told Mr. Wells: "Mr. Wells, do you think for one moment that I am guilty of a thing of that kind; do you think I am implicated in a matter of that kind?" And I told him Mr. Wells said "Certainly not." And I told him, "As far as Mr. Taylor is concerned, I don't believe that with reference to him either, and I shall tell him."

Q.—Did you tell him any comment that was made at the time by any other person? A.—No, I did not.

Q.—You did not mention anything at that time? A.—No, I did not.

Q.—That was not the end of your conversation with Mr. Taylor? A.—No, it was not the whole of my conversation with him; he spoke back to me. He was very indignant about the thing, and he said it was a lie.

Mr. McCaul: Just one second—he was very indignant and denied it. I submit that what Mr. Taylor told Mr. Eberts on this occasion as to what occurred in Montreal cannot be given in evidence; it is purely hearsay. Mr. Taylor cannot make evidence for himself—that is what it comes to practically—by making a statement to Mr. Eberts; and Mr. Taylor has already been before the Committee and given his version of what took place in Montreal. It has been suggested in regard to some other matters that the Committee might bring out hearsay evidence; but in this instance there can be no object in doing so, because we already have the best evidence.

The Witness: Probably I should not have gone so far, so far as the evidence is concerned, because it is hearsay evidence.

Mr. Helmcken: I think the question ought to be answered.

Mr. Duff: I press for an answer; we have had Mr. Taylor's version, it is true. But Mr. Taylor made subsequent statements to Mr. Eberts, and we want to see what they were.

Mr. McCaul: I submit that it would not be fair to my client, and I would like a ruling on the matter.

Mr. McPhillips: I look upon it in this way, that the Ministers are practically principals in this inquiry; that being so, it is like a statement made to a plaintiff or a defendant in an action, and, therefore, would be relevant, and would always be allowed to be introduced. And I think also that we are not confined to such rules of law as that. I think that this evidence should be rightly introduced.

Mr. Smith: Could that evidence be given before a Court?

Mr. McPhillips: I think it could, in a case where Mr. Eberts is either a plaintiff or a defendant.

Mr. Smith: He is neither here.

Mr. Duff: Mr. Taylor is implicated in the matter; if we are investigating any charge against Mr. Taylor, he is in the same position as a party to an action. Mr. McCaul puts it as if Mr. Wells were bearing the whole brunt of the inquiry.

Mr. McCaul: Not at all.

Mr. Smith: As I understand it, there are no charges made against anyone in this action.

Hon. Mr. Eberts—*Continued.*

The Chairman: We want to get from Mr. Eberts what reply Mr. Taylor made to him when Mr. Eberts stated the conversation that occurred at that interview.

Mr. Duff: Yes.

The Chairman: Why not go to headquarters and get Mr. Taylor to say what he said?

Mr. Duff: I want Mr. Eberts' recollection of what Mr. Taylor said at the time. I cross-examined Mr. Taylor on that point.

Mr. McCaul: That would not be evidence in a Court of law.

Mr. Duff: It is utterly impossible to apply the rules of evidence to this inquiry; the circumstances are entirely different.

The Chairman: As one of the Committee, I do not think that question should be asked; but I shall be ruled by a majority of the Committee.

Mr. Green: I think Mr. Eberts has a right to answer that question.

Mr. McPhillips: So do I.

Mr. Helmcken: No question about it; the question is entirely unobjectionable, Mr. Chairman.

Mr. Smith: I dissent, Mr. Chairman; I think he has no right to answer the question.

The Chairman: The majority says that you have to answer that question. You are in charge of the Committee.

Mr. Duff: Well, the question is, what reply did Mr. Taylor make? A.—Well, I said Mr. Taylor was very indignant. He said it was untrue, and he wanted to know if he could not go before the Executive.

Q.—Did he make any further statements as to what had occurred in Montreal? A.—No, he did not.

Q.—He did not tell you, then, that Mr. Wells had approached him, or made any improper suggestions to him in regard to this matter? A.—Well, at that time?

Q.—At that time? A.—Well, I just forget whether he did at that time or not. But I know I had a very short talk with him.

Q.—Did you make it a confidential communication? A.—Well, he wanted to know whether he could take advantage of it, and I told him no, he could not.

Q.—On that ground? A.—On that ground, yes.

Q.—Do you mean to say on the ground that it was a communication that had been made in Executive? A.—That I had come from the Executive that day, because I said that I would tell him, and I would have nothing more to say about it.

Q.—With regard to that, you had already had the substance of that stated to you by Mr. Dunsmuir, hadn't you, before the Executive meeting? A.—Yes, I had.

Q.—Yes; I believe you told us yesterday that that was the case. Did you tell Mr. Taylor about that? A.—No; I have not said that I did tell Mr. Taylor about that.

Q.—I don't think you quite said that; what you said was that you did not make any communication with Mr. Taylor at all until after the Executive meeting. A.—I don't remember of making any communication to Mr. Taylor about what Mr. Dunsmuir told me. What Mr. Dunsmuir told me, I think, was the day before, you know.

Mr. Dunsmuir: You told me before that, after the first time I told you, you told me you told Mr. Taylor. A.—Well, Mr. Dunsmuir—

Mr. Helmcken (Interrupting): You will have to be recalled on that point, Mr. Dunsmuir.

Mr. Duff: I call your attention that Mr. Taylor, when giving evidence here, stated that he did not approach Mr. Wells or Mr. Dunsmuir,—or rather, that he took no steps to contradict this matter, one of the reasons being that the communication made to him was confidential. Now, was there any reason why that communication made by Mr. Dunsmuir to you previous to the Executive meeting should be regarded as confidential? Can you recall anything, Mr. Eberts, with regard to that that would throw any light upon it? A.—What Mr. Dunsmuir made to me before?

Q.—No, Mr. Taylor stated that one reason why he had not taken steps to contradict the statement was that he regarded the communication to him as confidential. A.—I never knew at that time who had told Mr. Dunsmuir.

Q.—You think that Mr. Dunsmuir did not tell you that Mr. Wells had made the statement to him? A.—No, he did not.

Q.—He did not tell you that at that time? A.—In fact, Mr. Wells afterwards told me that he did not make the statement to Mr. Dunsmuir.

Hon. Mr. Eberts—*Continued.*

Q.—When was that, Mr. Eberts? A.—Oh, that was a long time after.

Q.—About what time? A.—Well, I cannot remember.

Q.—I mean, could you place it in any way at all, with reference to any other event? Was it while Mr. Dunsmuir was absent in England? A.—No, it was not. I was in England with Mr. Dunsmuir.

Q.—Can you fix it in any way, Mr. Eberts? A.—(Looking at memo. book) Yes, I think it was near the end of March.

Q.—That would be while the House was in Session? A.—The House was in Session.

Q.—Do you recall the circumstances of the conversation, where it was, and so on? A.—I don't just remember; I cannot call the circumstances in connection with it, but I know it was about the time I mentioned.

Q.—Was it in the House? A.—No, I don't think it was in the House.

Q.—And, as far as you remember, you cannot remember anybody else being present, I think you said? A.—No, there was no person present, I am certain.

Q.—Can you remember what the occasion of it was, what called forth that remark from Mr. Wells? A.—No, I don't remember the occasion that brought forth the remark just at this moment.

Q.—Can you remember what you said, what subject you were discussing, or anything about the conversation at all, excepting that remark? A.—No, I don't remember generally now, just at this moment; I do not.

Q.—Was Mr. Dunsmuir here at that time? A.—March 29th, I think he was.

Q.—Did you go to him about it then; did you mention it to him? A.—No, this was after the—

Q. (Interrupting)—I understand that on the 29th of March, Mr. Wells stated to you that he did not make the statement to Mr. Dunsmuir? A.—That it was not he who had made the statement to Mr. Dunsmuir.

Q.—Now, did he say who had made the statement? A.—Yes.

Q.—Who was it? A.—He told me Mr. Prentice had.

Q.—Now, do you recall an interview between Mr. Brown and members of the Executive some time after the 16th of March, in which the question of the rescision of the Crown grants was discussed? A.—Yes, I do.

Q.—Mr. Brown complained about the rescision at that interview, I understand, Mr. Eberts? A.—He did.

Q.—And was any explanation given to him of the reasons for the cancellation? A.—Well, from memory I don't think there were.

Q.—Was any statement made to him at all about any reason for cancellation, so far as you recollect? A.—As far as I recollect, I don't remember.

Q.—Do you remember anything about the discussion at all? A.—Rather stormy meeting, as far as Mr. Brown was concerned.

Q.—On the one hand he was very vigorously protesting against this decision? A.—Very vigorously protesting, yes.

Q.—Did the members of the Executive defend the action in any way? A.—I don't think they did.

Q.—Was there anything said about this Montreal incident? A.—Nothing was said about it

Q.—That was not mentioned at all? A.—It was not.

Q.—Well, were you present at any interview between members of the Executive and Mr. Brown at which any statement was made by any of them exonerating Mr. Brown and the C. P. R. from any complicity in this matter? Do you remember that being stated by anybody? A.—Well, I think words to that effect were stated at this meeting.

Q.—Then this Montreal incident must have been mentioned? A.—I don't think it was.

Q.—Then I must say I don't understand your answers, Mr. Eberts. On the one hand you state that words to the effect of exonerating Mr. Brown and Sir Thomas Shaughnessy and the C. P. R. from any complicity in the matter were used, and then, on the other hand, you do not think that the incident was mentioned? A.—Oh, I didn't understand your question in that way.

Q.—What do you say about that? A.—I think one of the principal things that I remember—I think, if I remember rightly, Mr. Brown read a telegram from Sir Thomas Shaughnessy.

Hon. Mr. Eberts—*Continued.*

Q.—On that subject? A.—On the subject of the disallowance.

Q.—On the subject of the recision. And do you remember the substance of it? A.—It was something to the effect that people in public life could do what they would not be allowed to do in private life with reference to contracts; or something to that effect; I don't remember exactly.

Q.—But with regard to this Montreal incident, I mean, with regard to the interview between Mr. Wells and Mr. Taylor, what was said about that? A.—Well, I don't remember what was said at that time; I don't remember what was said. It was not a very long discussion, and I think most of the time was taken up by Mr. Brown. It must have come to his ears that there was a story of this kind; and I think he spoke to every one of the Ministers, mentioning them by name—Do you, Mr. So-and-so, and you, Mr. So-and-so.

Q.—Do you do what? A.—Do you believe Mr. Shaughnessy is implicated in a matter of that kind—or words to that effect.

Q.—That is what I wanted to get at, at that meeting of the members of the Ministry, with regard to that point; was anything said by the members of the Ministry as to whether they did or did not exonerate Sir Thomas Shaughnessy from any implication in that matter—I mean to say, Sir Thomas Shaughnessy and the Canadian Pacific Railway Company? A.—Well, I think, when he asked each member, if my memory serves me right, they said no, they did not implicate him, if my memory serves me right; they either did that or they said nothing.

Q.—They either said that or said nothing. Did any Minister at that time directly say to Mr. Brown, or say anything which would imply that he regarded the Canadian Pacific Railway Company or Sir Thomas Shaughnessy as implicated in any transaction of that sort? A.—I don't remember that any Minister said that.

Q.—Well, did you ever hear any such charge as that made? A.—That Sir Thomas Shaughnessy was—

Q.—That either Sir Thomas Shaughnessy or the C. P. R. I mean by that, made by any Minister of the Crown? A.—No, I did not.

Q.—And I suppose you would have been very likely to recollect it if you had heard it? A.—Well, I might or might not, Mr. Duff. That is a long time ago, and we were in the midst of a Session, and I am sure you cannot expect me to remember every—

Q.—(Interrupting). No, I don't ask you to remember exactly what happened at every conversation that occurred; I only want to get what your present actual recollection is with regard to these matters. And you cannot recall, then, Mr. Eberts, that anything was said by any of the members of the Government at that time justifying the recision of these grants? A.—I don't remember.

Q.—Was anything said at that time with regard to the introduction of a Bill of the character of Bill 87? A.—I don't think so. If it was, I don't remember it.

Q.—Did you hear it suggested by any of the Ministers, particularly by Mr. Wells, at about that time, that the recision would be remedied by the introduction of a Bill which would enable the Canadian Pacific Railway Company to get the grants under it? A.—No, I did not.

Q.—You have seen that letter of Mr. Brown's, written on the 22nd of March, in which a statement is made by him that Mr. Wells promised him that the two blocks 4,593 and 4,594 might go to the Company as part of the subsidy for section four?

Mr. McCaul: I don't think Mr. Eberts has seen that correspondence.

Q.—Have you seen that correspondence in March between Mr. Brown and Mr. Wells? A.—I don't think I have. I think, probably, when I was examined before that correspondence was here and referred to.

Mr. Helmcken: No; just one letter; the other correspondence was brought in after.

Q.—This is the statement I refer to, "particularly in view of your assurances to me, also of the 19th inst., that you would see that these two blocks, for which grants have already issued but not delivered, would go to the Company in settlement of the subsidy in respect of the fourth section." A.—I never saw that letter before, except, I think, it was produced on my examination.

Q.—I don't think so, Mr. Eberts. A.—Well, I would just like to see if it was not.

Q.—I am quite sure it has not been before you; because it was not produced, I think, until after Mr. Wells' examination was pretty nearly concluded.

Mr. Helmcken: Last Saturday, I think it was.

Hon. Mr. Eberts—*Continued.*

A.—Well, perhaps that is when I heard of it ; I heard about the examination here. But I never saw it nor knew anything about the contents of it until the sitting of this Committee.

Q.—The question I ask you is whether you recollect anything having occurred which would justify a statement of that kind ? A.—No, I did not.

Q.—Then, if any arrangement of that sort was made at that time, it was not within your knowledge ? A.—It was not within my knowledge. Is it the 19th ?

Q.—No, that was the 22nd, the date of that letter. A.—Well, that is after the rescision Order ; the rescision Order was the 18th of March.

Q.—Yes, after the rescision ; the effect of it being that, notwithstanding the rescision, a Bill would be introduced under which the Columbia and Western might get those grants under a fourth section subsidy. A.—I don't know anything of that.

Q.—You never heard of that before ? A.—No.

Q.—Now, this question of the rescision of the grants came up about what time ? A.—To my knowledge ?

Q.—Yes, to your knowledge. A.—It came up on the 18th of March.

Q.—Yes ; but had it not been suggested before that ? Let me recall to your attention one or two things. If you recollect, some time in the early part of the Session—I am not asking you to recollect the date, but you can refresh your memory by referring to the Sessional Papers—that on the 3rd of March there was an Order made that the House be granted a Return showing all correspondence, etc., with respect to 4,593 and 4,594, on the application of Mr. E. C. Smith ? A.—That appears in the Votes and Proceedings.

Q.—So that the members of the Government must have been aware, as early as the 3rd of March, that inquiries were being made in the House with regard to this matter ; or rather, that this matter was going to be inquired into ; that is clear, isn't it ? A.—I think so.

Q.—Now, Mr. Wells made a statement here that he at one time said to you that if these grants were delivered the Government might as well go out of power. Do you remember discussing the matter with Mr. Wells in that way ? A.—What date was that ?

Q.—He has not given any date, Mr. Eberts ; but on his examination here a day or two ago he said that a conversation of that kind occurred between you and him ; he said that you were pressing for the delivery of the grants and he was opposing the delivery of the grants, and the position taken by him was that if the grants were delivered the Government might as well go, and that your answer was "Let us go." Now, what I want you to try and furbish your recollection about is as to about the time when that controversy took place. Well, in the first place, there is no doubt in the world about it that you, from the time Mr. Brown spoke to you, were pressing for the delivery of the grants ; you told us that yesterday ? A.—Yes ; that was some time after the Session commenced.

Q.—Yes ; the Session commenced on the 20th of February. A.—Yes.

Q.—You were pressing for the delivery of these grants ? A.—Yes. I was not here, you know, until about two days before the 20th of February. In the month of January and the previous part of February I was not here.

Q.—And you say that did not occur until after the 20th of February ? A.—Yes.

Q.—It is also clear that Mr. Wells was opposed to the delivery of the grants, or rather, he was not acceding to the request of the Company to have the grants delivered up ? A.—Well, he did not accede to their request.

Q.—And it is also the case that you knew from Mr. Dunsmuir that he was pressing Mr. Wells to deliver the grants ? A.—So he told me.

Q.—So that you knew that Mr. Dunsmuir thought he was pressing Mr. Wells to deliver the grants. And on the 3rd of March we have the application made for the Return ; and we have the return Order. Now, when did this conversation occur among the different members of the Government as to the political jeopardy that the Government would be placed in if the grants were delivered, or if they were not cancelled ? A.—I don't remember a particular meeting of the Government on that subject.

Q.—I am not asking you about any particular meeting. Isn't it a fact, Mr. Eberts, that at that time, not at any Executive meetings, but among the members of the Government, that that question was discussed ? A.—As to the effect of that ?

Q.—As to the effect, the political effect upon the Government if the facts were disclosed with regard to those grants ? A.—Well, if my memory serves me right, I think it was spoken about.

Hon. Mr. Eberts—*Continued.*

Q.—You think it was spoken about; and the position taken by Mr. Wells was that if the grants were delivered and the facts became known the result would be that the Government would have to go? A.—I cannot remember that.

Q.—I won't put it so strongly as that; but at all events it would be a serious matter for the Government? A.—You have only got to look at the motions in the House tending towards that.

Q.—It was perfectly plain to the Government at that time that the members were pressing for information, and the Government, at the same time, did not want the information as to the then existing state of things to go out; at least, they were afraid of the political effect of it; is that not so? A.—Well, I don't know that they attempted to keep back the political effect.

Q.—I don't suggest that; but I think it is a fact that this matter was asked to stand over from time to time, wasn't it? I refer you to the Votes and Proceedings, Mr. Eberts; you will see that while notice was given on the 3rd to be answered on the 5th of March, the Order was not actually made until the 19th of March? Mr. Oliver reminds me that debate on the address was on during that time, which might account for some of the delay; but this motion was disposed of, and the material was ordered the day after the rescinding Order was made? A.—So it appears by the Order there.

Q.—Now, during this time this question was discussed, undoubtedly,—the question of the position of these grants? A.—I cannot say positively; it might be.

Q.—Well, Mr. Eberts, your recollection will enable you to say this, will it not, that discussion took place before the rescision, at all events, with regard to the subject. I am not referring particularly to this Montreal story at all, but quite independently of that. Pressure was being brought on Mr. Wells which was not being acted upon; isn't that so? A.—Well, I understood that Mr. Dunsmuir had asked him to hand the grants over.

Q.—And there were no reasons given by anybody? Was this given as a reason, that the condition annexed to the delivery of the grants was the building of a road to Spence's bridge? A.—Never.

Q.—Did you ever hear that given as a reason? A.—Never.

Q.—When did you first hear of this story as to what occurred in Montreal? I think you said a day or two before the 16th of March? A.—Before the 18th of March.

Q.—Before the 18th of March? A.—When Mr. Dunsmuir told me.

Q.—Was there no other reason suggested then for the delay, Mr. Eberts? A.—Delay in what?

Q.—Well, for the inaction, I will say, rather, of Mr. Wells? A.—The inaction of Mr. Wells in not doing what?

Q.—In not delivering the grants? A.—I never heard any reason then.

Q.—As a matter of fact, Mr. Eberts, is it not a fact that those grants were not delivered because of the political pressure by reason of this application to the House—the resolution? A.—Well, I could not tell you that, either. It evidently has been put off from the 3rd to the 19th of March, but I don't know at whose request. I cannot tell you at whose request.

Q.—And in the meantime, on the 18th of March, the grants were cancelled? A.—The grants were cancelled. The man who had that resolution down for Wednesday could have moved at that date if he so desired.

Q.—And you cannot recall the circumstances, that it was put off from time to time at the request of the Government? A.—Well, I cannot recall that circumstance.

Q.—Now, as a matter of fact, Mr. Eberts, was not the cancellation of those grants resolved upon some time before the 18th of March? A.—Not that I know of.

Q.—Well, did you never hear it suggested before that date? A.—I don't think I did.

Q.—Well, had not the Government, at least, arrived at this position before the 18th of March, that the grants would not be delivered? A.—Well, I could not answer that.

Q.—Didn't you know that Mr. Wells was taking that position, then, before the 18th of March? A.—I think Mr. Wells was.

Q.—And wasn't he taking the position on that ground, that it would put the Government in jeopardy if the grants were delivered and the facts became known? A.—I don't think so; I don't know; that was not communicated to me by Mr. Dunsmuir.

Q.—Well, did you not discuss the matter with Mr. Wells himself? A.—I don't think I did. I have not a very vivid recollection, just before this Order, of what did exactly take

Hon. Mr. Eberts—*Continued.*

place with reference to the delivery up of these grants; all I can remember was that the agent of the Company was here asking for the grants; and I had spoken to Mr. Dunsmuir and Mr. Dunsmuir had spoken to me, and he said he had spoken to Mr. Wells on the subject.

Q.—Yes. A.—But there was never any talk that they were not delivered up on account of something to be performed by the railway.

Q.—It never was suggested that there had been a condition imposed before Mr. Wells' departure for the East? A.—At that time? No, there was not.

Q.—It was always spoken of as a matter which there was nothing to prevent the completion of, until this question came with regard to that conversation in Montreal? A.—It was always that way. The question of the completion of the railway to Spence's Bridge was an independent matter altogether.

Q.—Independent altogether. What I want to get at is this: What excuse was there, or was any excuse given, for the inaction of Mr. Wells at that time? The occurrences, the circumstances, seem to be suggestive; the notice of motion of the 3rd of March, the pressure for the delivery of the grants, and the delay until the 18th. A.—Well, there was delay; I don't know who made the application for delay.

Q.—I am referring now to the delay with regard to the delivery? A.—Oh, I thought you spoke about the delay with reference to the resolution.

Q.—No; delay with regard to the delivery; and the cancellation on the 18th. A.—That there was no what?

Q.—I suggest to you that the circumstances are very suggestive; the occurrences, circumstances, are suggestive. A.—Well, I give you no evidence as to what caused that delay; you can draw your own inferences.

Q.—But, Mr. Eberts, why were those grants cancelled? A.—Why do I think they were cancelled?

Q.—Yes; at the time. What was your view at the time as to why that cancellation took place? A.—Because Mr. Dunsmuir believed this story.

Q.—Do you think so? A.—Well, he said so.

Q.—Yes. A.—That was on account of that story.

Q.—That would account for Mr. Dunsmuir's action. What about the action of the others? A.—Well, there was not much—I don't remember of the action with reference to the others.

Q.—But you did not believe the story, so far as Mr. Wells was concerned? A.—I certainly did not.

Q.—Well, that could not have actuated him, then? A.—Could not have actuated whom?

Q.—Mr. Wells. His belief in that story could not have actuated him; because you did not believe him? A.—Mr. Wells did not believe what?

Q.—You could not, in your own mind, have accounted for Mr. Wells' action by this story, because you did not believe it had happened; and, of course, if it had not happened, Mr. Wells must have known it was not true? A.—Mr. Wells has given his statement of the story.

Q.—Yes, I understand that; but what I am trying to get at is, what was your belief at the time as to the reason why these grants were cancelled? A.—Well, I thought Mr. Dunsmuir made the—Mr. Dunsmuir thought that there was something wrong, or something funny about the thing, and that is the reason why he said the grants would be cancelled, and he was not going to have anything funny about it.

Q.—But, you see, here was the position with regard to that, apparently. On the one hand, the members of the Government had exonerated the C. P. R. from any complicity in anything wrong? A.—I thought so.

Q.—On the other hand, no charge was made against you; in fact, they certainly exonerated you, you said that? A.—Well, I never thought they did believe I was implicated.

Q.—They never said they believed you were implicated. Mr. Wells said at the time that he did not believe you were implicated? A.—Certainly.

Q.—And it never occurred to you that any of the others believed that you were implicated in any corrupt transaction? A.—Certainly not. Nor do I believe they believe so now.

Q.—No; I did not mean to put it perhaps in that way; I did not mean it in that way. Did there seem to be any reason then why, on account of something which had occurred between Mr. Wells and Mr. Taylor, in which the C. P. R. was not implicated, and in which the Government was not implicated, that these grants should be cancelled? A.—Well, there was the bare fact they were cancelled.

Hon. Mr. Eberts—*Continued.*

Q.—I know they were cancelled. But what I want to find out, Mr. Eberts, is, after all, was not your view at that time this, that these grants were cancelled by reason of the political pressure, on account of these proceedings of Mr. Smith? That evidently was Mr. Wells' view, if his evidence is correct. A.—Well, I did not take my view of the cancellation of the grants from that. Because that question of the cancellation of the grants had not come to my knowledge; the first knowledge I got of the cancellation of the grants was that meeting of the 18th of March.

Q.—Well, I will put it this way, then, the non-delivery of the grants. A.—That what?

Q.—Was not your view at the time this, that the failure of Mr. Wells to deliver the grants was simply the political pressure that was being put upon the Government in the House with regard to this transaction? A.—Well, there are many things that are done, you know, in political life, many things talked of, and I am not in a position to give you a history of anything in connection with that resolution at all, except what I see before me there. I was taking a very active interest in the affairs of the House, and I was supporting my party as strenuously as possible.

Q.—But when you say you are not in a position to give a history, do you say that you have no recollection of the circumstances that enable you to give a history, or that you do not want to divulge confidential matters? A.—Well, I do not know that I am to be placed on the rack with reference to what occurs with the political matters discussed with the Government.

Q.—No, I don't want to do that, Mr. Eberts; but what I want to point out is this; I just call your attention to this fact: that the ground on which that cancellation occurred, the real, actual ground for the cancellation, is a very material circumstance in this investigation. A.—Well, I know what Mr. Dunsmuir said his reason was.

Q.—Are you prepared to say absolutely, Mr. Eberts, that that is all you know about it? A.—Well, I don't know that there is anything else I know about it, particularly.

Q.—I beg your pardon? A.—I don't know that there is anything else I will say further in regard to the matter.

Q.—Well, what can you say? A.—Well, you are asking me generally, and you are taking me back a long time, and you want me to specifically state an answer to a very general question you ask me.

Q.—The question I want you to answer, Mr. Eberts, is as to what your view at that time was, from the facts before you then, as to the real reason why these grants were being withheld and not delivered? A.—I told you what Mr. Dunsmuir, the Premier's, idea was as to the cancellation.

Q.—I have left the cancellation. That did not occur until the day before the 18th of March,—you got that information from Mr. Dunsmuir on the 17th of March, that would be fourteen days after this notice? A.—No, I did not.

Q.—Well, you said the day before, or perhaps two days before, the cancellation? A.—That I got this information with reference to this story?

Q.—That is what I mean. A.—But I did not get that information with reference to the cancellation of the grants.

Q.—No. That is the only reason that Mr. Dunsmuir mentioned to you for the cancellation of the grants? A.—It was.

Q.—And I understand that your recollection is, Mr. Dunsmuir did not tell you at the time that he was going to cancel the grants—that is your recollection you told us yesterday? A.—Yes.

Q.—Then, so far as the withholding of the grants was concerned, there was no explanation to you prior to the 17th of March? A.—No.

Q.—And it was never stated at any time that the grants had been withheld because of some condition that had not been performed, such as the building of a road to Spence's Bridge? A.—It was never suggested to me, as a matter of fact.

Q.—Well, you never heard of it? A.—I never heard of it.

Q.—Now, what did you believe at the time about the ground on which these grants were being withheld? A.—I could not say the grounds; I don't know.

Q.—You cannot give any explanation of that at all? A.—I cannot.

Q.—Are you prepared, Mr. Eberts, to say that it was not on account of the pressure for information from the Government with regard to that transaction? A.—I am not prepared to say.

Hon. Mr. Eberts—*Continued.*

Q.—You are not prepared to say to that? A.—I am going to try and say what I believe, that I can substantiate.

Q.—Now, you were present in the House, Mr. Eberts; I just call your attention to some questions which were answered on the 8th of April. In the answer which was made to the question as to whether Crown grants had been prepared but not issued, it was said there were no additional Crown grants prepared. Did these questions come before the Government as a whole? Or, perhaps, I may ask, had you anything to do with it, or who prepared the answers to those questions? A.—I don't know who prepared the answer.

Q.—Well, you mean that you had nothing to do with the preparation of the answer? A.—I had not.

Q.—Would the usual course be for the Minister of the Department to prepare an answer to that question and not bring it before the Executive? A.—Sometimes they do and sometimes they do not. Sometimes there is a meeting of the Ministers before the House comes together, and they go over the questions and consider the answers. This is a direct question to the Commissioner of Lands and Works. Sometimes they ask the Ministry, and sometimes they ask the particular Minister. If they ask the Ministry, then the Minister in whose Department it is is deputed to answer the question.

Q.—Now, the first question here is, "For how many acres have Crown grants been issued to the Columbia and Western Railway Company?" Answer, "722,020." Second, "For how many acres have Crown grants been prepared but not yet issued?" Answer, "There are no additional Crown grants prepared." Now, there is no doubt that answer is a misstatement? A.—Which is that?

Q.—The answer to the second question. A.—Well, perhaps the Minister who made that might have concluded that, after the 18th of March, Crown grants were not Crown grants.

Q.—I am not asking you about that exactly. A.—I cannot answer that; I did not see that question.

Q.—You had nothing to do with the preparation of it? A.—I had not.

Q.—Were you present in the House when the answer was given? A.—I think probably I was. I cannot just say from memory.

Q.—Now, didn't it occur to you, Mr. Eberts, when you heard that, that the answer was not really giving the information called for by the question? A.—Did it occur to me?

Q.—Yes, that the answer did not really convey the information called for by the question? A.—I think you should ask the person who answered those questions. I don't know what was in his mind.

Q.—I am not asking that, Mr. Eberts. You were in the House and there was a question asked with regard to whether Crown grants had been prepared but not issued, and the answer is, "There are no additional Crown grants prepared." A.—Well, there is the question and there is the answer.

Q.—I am not asking you to construe them, but I want to know the impression made on your mind when you heard the answer? I want to know if it did not occur to you at that time that the information asked for was not being given? A.—I am not prepared to say that.

Q.—I would like you to try and recollect, Mr. Eberts. A.—You will have to ask the Minister who answered it. I don't know what was in my mind. I did not prepare it.

Q.—The answer I want is your view of it at the time? A.—Well, there are very many questions coming up,—and I would not like to say that I was in the House at the time.

Q.—You were aware of that answer? A.—I see it in the Journals.

Q.—But were you aware at the time that the answer was made? A.—I see it in the Journals; I couldn't say at the present time whether I was in the House when that answer was made or not.

Q.—But you knew at or about the time that the answer had been made, didn't you, either from hearing it or seeing it reported? A.—I must have known that.

Q.—You knew nothing about the answer until after it had been given in the House? A.—No, I did not.

Q.—You had nothing to do with the preparation of it, and was not consulted about it? A.—I don't remember of having seen the answer at all before it was prepared.

Q.—No; I see. A.—And I don't know who prepared it.

Q.—But it came to your knowledge that that answer was made; there is no doubt about that? A.—It must have come to my knowledge, the answer.

Hon. Mr. Eberts—*Continued.*

Q.—Now, did it not occur to you at that time that the information asked for was not given, but was being withheld? A.—Well, I think you might look at it that way, and then you might look at it another way.

Q.—I am asking you what your view was at the time? A.—I am not prepared to say what my impression was at the time.

Q.—Now, Mr. Eberts, isn't it a fact that the answer was framed in that way for the purpose of withholding this information, which was regarded as dangerous information politically, to be given out at that time by Mr. Wells? A.—Well, I don't know that it was. I couldn't answer that.

Q.—You couldn't answer that at all? At all events, you did not hear any protest made by anybody present with regard to those answers,—by any member of the Government? A.—I don't remember that I did.

Q.—Did you make any protest yourself? A.—Did I make any protest about those answers? I think I did at one time.

Q.—When? A.—I think shortly after that.

Q.—To whom? A.—I think I did to Mr. Dunsmuir.

Q.—What was it? A.—It was something to the effect that that answer was not very clear.

Q.—That is, that it did not give the information asked for; is that your meaning? A.—Well, I said to him that I thought it was a very cloudy answer, I think, or something to that effect.

Q.—What did Mr. Dunsmuir say to you about it? A.—I don't think there was anything more said about it.

Q.—Well, did you follow it up at all, Mr. Eberts? A.—No, I did not.

Q.—Then there is no doubt in the world of the impression made on your mind at the time, that it was not really an answer to the question? There can be no question about that. A.—I thought the answers were, as I say, rather indistinct, and I drew attention to it.

Q.—Well, what was your impression at the time, as to the reason why these answers were not given more fully? A.—Well, I could not give you that.

Q.—I think you told us with regard to that Bill 87, introduced in 1902, that you had nothing to do with the preparation of it? A.—I had not.

Q.—Mr. Wells stated that he consulted you with regard to the effect of the Bill; do you remember that? A.—Well, he spoke to me the other day about it.

Q.—No, but I mean at the time? A.—I don't think he did.

Q.—You don't remember that you gave any opinion at all? A.—With reference to that?

Q.—Yes. A.—Well, I know the question of a Bill of that kind came up before—I think came up before the Government, and I think came up before the members of the House.

Q.—It came up before the members of the House? A.—On the Government side.

Q.—But I mean, was the actual Bill itself before the members at the time? A.—I don't think it was.

Mr. Helmcken: That is Bill 87? A.—Yes.

Mr. Duff: The actual Bill itself you don't think was before the members? A.—The general tenor of the Legislation was talked over, although the specific Bill was not.

Q.—And what was the general tenor of the Bill that was agreed upon? A.—With reference to giving the lands to the Columbia and Western for section four of the road.

Q.—That is, reinstating their subsidy? A.—That is reinstating their subsidy.

Q.—They having failed to build sections five and six? A.—I think, if my memory is correct, and my memory is very clear on the fact, I was asked by the Premier to explain the thing to the members of our party, and I got up and gave them a history of what I knew of the matter, and that was the whole thing.

Q.—Was that before or after the Bill had been drawn? A.—That was before the Bill had been drawn.

Q.—And the matter was settled in that way; that a Bill was to be introduced of that kind? A.—A Bill was to be introduced of that kind, to reinstate the Columbia and Western—not reinstate them, but to give them the lands for section four of the railway, from Robson to Midway, which they had built and earned.

Q.—I suppose you have not any doubt, Mr. Eberts, that under the terms of that Bill these two blocks could have been given to the Company by the Government? A.—I am perfectly satisfied that under that Bill they never would have been given.

Hon. Mr. Eberts—*Continued.*

Q.—Not by the then existing Government? A.—Well, any other Government—a Government that would have followed this Government would have probably followed in the line of the Government that preceded it; I don't know.

Q.—Why do you say that? A.—Because an Order in Council had been passed saying that—

Q. (Interrupting)—But, as far as one can gather from what you say, there did not seem to be any reason for that Order in Council? A.—I gave my explanation of that before.

Q.—But that Order in Council did not appear to have been passed in pursuance of any settled line of policy at all, but appears to have cropped up on this story that occurred at Montreal? A.—In other words, you say that if this Bill had passed, would the then Government have given them these two blocks of land?

Q.—No, I am not asking you that; because I don't suppose they would stultify themselves in that way.

Mr. McPhillips: I do not think they would have needed to have stultified themselves.

Q.—But that is not the point I am on. I am not on the question as to whether the Government of which Mr. Dunsmuir was the head, composed of the members who rescinded the grants on the 18th of March, would have given these lands. But what I mean is, you have no doubt that under that Bill the lands could have been given? A.—The lands could have been given.

Q.—There is absolutely nothing in Bill 87, is there, either in the locality or the method of selecting the lands, to show that the policy of the Legislature was opposed to the giving of these lands? A.—Well, Bill 87 shows for itself. If the Bill 87 had passed those lands could have been given, if the Government desired to give them.

Q.—I am not asking you for a legal opinion in regard to the matter. Not only could the lands have been given, but the policy of the Legislature, as expressed in the Bill, was that the Company had the right to select lands anywhere in Yale and Kootenay Districts; isn't that a fact? A.—Yes.

Q.—The Company had the right to select. A.—Yes; in so far as the Districts are concerned, that conforms with the Bill of 1896.

Q.—Yes; except that the Bill of 1896 conferred the right of selection on the Government. A.—Conferred the right of selection on the Government, which virtually means the selection by the parties themselves.

Q.—Do you say there is no difference between a Bill drawn so that the right of selection is expressly given to the Government, and another Bill drawn so that the right of selection is expressly given to the Company? A.—Well, there is a difference, yes.

Q.—And that difference would amount to this, wouldn't it—at all events, this would be the effect of it—that if the Company did select lands in Yale and Kootenay, including these lands in question, they would have been entitled to go to the Government and say, "We have, in the exercise of our right to selection, selected these lands, and we demand a grant"; and the Government would either have to give the grant or say, "We assume the right of departing from the provisions of the Statute." A.—Yes.

Q.—I am not referring to any legal right of the Company at all, Mr. Eberts. Do you think that you would have been a party, as a public man, apart from this transaction that occurred on the 18th of March,—do you think that you would be a party to a refusal in a case like that, to give the Company the lands if the Company had selected them in compliance with the conditions of the Act giving them the right? A.—According to the Bill as introduced there—of course, the Bill had not passed the House.

Q.—I quite understand that it was subject to modification; but I am only referring to the Bill as introduced. A.—Well, the Bill as introduced—I don't want to give a legal opinion with regard to it—you would suggest that if the railway had selected certain lands, that the Government could have given them.

Q.—And not only that, but it would be the duty of the Government to give them to them, in a public sense. A.—Probably would be, because it is a direction of the Legislature.

Q.—Not only direction, it is the command of the Legislature to do it. A.—It is the command of the Legislature to do it.

Q.—And if the Government refused to give them the lands selected, it would amount substantially to a refusal of the Government to carry out the terms of the Bill? A.—I don't

Hon. Mr. Eberts—*Continued.*

know whether it would, because there might be some peculiar circumstances connected with certain portions of land in Kootenay, which they would not give them.

Q.—What, now, for example? A.—And there would be another reason why if the Government did, because they would have this other position, that if the Act had got on the Statute book by reason of some misrepresentation of some kind—

Q.—I quite understand that in circumstances of that kind the Government would have some justification to refuse, if a fraud had been perpetrated on the Legislature. But supposing the Bill had passed into law as introduced, on what ground could the Government properly refuse to give to the Company any lands selected by the Company in Yale and Kootenay Districts? A.—I cannot tell you what grounds. But you will remember the British Columbia Southern Railway has been built a number of years, and they have been trying for a number of years to get from the Government the lands due them under their Subsidy Act, and never succeeded in getting the matter finally settled until 1902. That shows you what you have to contend with when you come to a Government to get lands under a Railway Subsidy Act.

Q.—But the condition was not the same as under this Bill? A.—I think it is pretty well defined where they are to select, and that virtually means by a concurrence of mind on the part of both sides.

Q.—Well, is that what this Bill says, that there is to be a concurrence of mind? A.—You can rest assured that with any Government there would have to be a concurrence of mind before they could get it.

Q.—But I am asking you whether you, as a public man, assuming that Bill became law and the Company selected lands in Yale and Kootenay, would you feel that you were justified in refusing to give them the lands selected? A.—I think, as a member of the Government, in view of what took place before, I would not be justified in giving them lands in Kootenay wherever they might want to select.

Q.—How would you justify that? A.—Because the Government had—

Q. (Interrupting)—I am leaving out that occurrence of the 18th of March. A.—Well, that must have been in the minds of the Government at the time.

Q.—But it was not in the minds of the Legislature, because the Legislature had not the facts, had they? A.—Certainly they had not.

Q.—Do you mean, then, that the Government, in dealing with a Subsidy Act of that kind, that they should construe it with reference to the mind of the Government in introducing it, but not as to the mind of the Legislature? A.—But Acts do not always go through as introduced.

Q.—But assuming that this had gone through as introduced by the Government, do you think that the Government would have been justified in construing that Act by reference to transactions which had occurred in the Executive of which the Legislature had no knowledge, and cutting down the language in the Act by reason of transactions of that sort? A.—I don't think, Mr. Duff, I am going into a discussion of that kind. I am just telling you what would happen under the Act.

Q.—You mean that is what would have happened if the Dunsmuir Government had continued in power with the same personnel that it had at that time? A.—Yes; and if the Act had passed, why the whole matter would have been—section 4 would have been squared up by the Dunsmuir Government after the House rose.

Mr. McPhillips: That is, they would have had the power to do it, but they would not have done it? A.—I don't know why they would not have done it; they had the power to do it, and probably they would do it, because they were being pressed all the time to conclude this matter and get it into shape.

Mr. Duff: Section four would have been squared up by the Dunsmuir Government, perhaps? A.—I suppose it would.

Q.—And suppose that the Company had selected some coal lands in Similkameen, would the Dunsmuir Government, under the terms of this Bill, have assumed the right to the selection of the lands for the Company? A.—I don't know about the coal lands in Similkameen.

Q.—Well, anywhere outside of these two blocks mentioned. Would that have been a policy you would have concurred in, cutting down the terms of that Act by assuming the right of the Government to control the selection? A.—Well, I think the feeling of the Government

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was at the time that they were to give them the lands for section four; and I think the policy of the Government was to give them lands under the general tenor of the Act of 1896.

Q.—Under the general tenor of the Act of 1896; and you think that the Government would have pursued that policy notwithstanding the fact that the provisions of Bill 87 did not embody that policy? A.—Well, I think probably they would have done so.

Q.—They would have carried out their policy independent of the provisions of an Act of the Legislature; in spite of that? A.—Because the people asking for the Bill knew exactly the views of the Government; they knew at that time the views of the Government with reference to those two particular sections.

Q.—Yes, I understand; they knew the views of the Government. A.—There is another portion of the Bill, too, that I have heard argued,—the words “it shall be granted,” and “it shall be lawful to grant,” which are, to my mind, almost synonymous terms.

Q.—Do you mean by that that you think the term “it shall be granted” leaves it entirely discretionary with the Government whether they shall grant or not, or, on the other hand, do you think that the term “it shall be lawful to grant” makes it imperative upon the Government to make the grant? A.—I think the term “it shall be lawful to grant” is to a certain extent mandatory, although the parties asking cannot get redress under it only under certain conditions. And if you will remember, Mr. Duff, that Bill is drawn,—the words “there shall be granted” in this Bill probably are introduced there from the fact that the land had been earned; in contradistinction of the Bill of 1896 which said, “it shall be lawful to grant,” when that was only anticipating that the railway was going to be built.

Q.—Quite so; I can quite understand that; I quite understand why that would be a very good reason for it, giving them the right of selection; the Company might have conceived that a reason for giving them the right of selection. But is that any ground for saying that, having given the Company the right of selection, the Government would clip that out and assume the right of selection themselves? A.—Well, the Bill never became law.

Q.—We will leave that now. That Bill was withdrawn at that Session, wasn't it. A.—I think it was, towards the—I forget at what time.

Q.—Why was it withdrawn? A.—Well, I don't know whether you were over to the Legislature very much,—I think the members were very anxious to get away about that time.

Q.—Do you think that was the reason for it? A.—I think that was one of the reasons for it. They had been sitting there nearly four months.

Q.—Now, here is a copy of the Votes and Proceedings of the 18th of June (handing same to witness); do you see a notice of motion which was placed upon the paper by Mr. Oliver there, setting out the facts in connection with this matter? A.—Yes.

Q.—Now, as a matter of fact, Mr. Eberts, was the Bill withdrawn on account of that notice? A.—I don't think it was.

Q.—You think it was not? Was any effort made by the Government at that time to ascertain whether or not its supporters would support the Bill? A.—The fact of the matter, as far as that notice is concerned,—that was moved in the Committee of the Whole. What is the question?

Q.—Was any attempt made by the Government to see whether the Bill would receive the support of its supporters? A.—I know the general tenor of the Bill was brought up before the supporters of the Government.

Q.—You mean at the time it was introduced? A.—I think so.

Q.—Are you referring now to the conference which took place that you have already mentioned? A.—Yes.

Q.—I mean to say, was there any inquiry made, in consequence of which the Bill was withdrawn, as to whether the Bill would carry through the House? A.—What date is that notice?

Q.—The notice is dated the 18th of June, and the Bill is withdrawn on the 19th. A.—And the House rose on the 20th of June, I think.

Mr. Helmcken? 21st of June it was.

Mr. Duff: The Bill was introduced on the 22nd of May, Mr. Eberts. A.—The House was prorogued on the 21st; that was only prorogation; the last business done in the House was on the 20th of June. The members had been in session since the 19th of February, or 20th of February, and there was, I think, about two months of the time taken up with resolutions and desultory arguments in the House, and obstruction; and the members were

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very anxious to get home. And this Bill coming forward at this time, I don't know whether or not a resolution of that kind would not have some effect on it; I don't know. But I know the Bill was withdrawn and the House rose on the 21st.

Q.—The Bill was introduced on the 22nd of May; when was it that the sense of the Government supporters was taken with regard to this Bill? A.—Oh, before that time.

Q.—Was the sense of the Government supporters taken in any way with regard to the Bill after the Bill came down in completed form? A.—I don't remember that it came up again before then.

Q.—I am not asking whether it came up before caucus or not. A.—If my memory is right, that Bill was put on the Order paper and read a first time, or when it went into Committee, I forget which.

Mr. Helmcken: It never got out of Committee. A.—Well, when it was in Committee, I think Mr. Oliver spoke against it, and there was a good deal of talk on the question; and eventually it was suggested, in order to better understand this Bill,—Mr. Oliver, I think, moved for a Committee of the House to examine certain people, I think, and they examined Mr. Carter-Cotton—I think that is right, Mr. Oliver,—and everything remained over then in order—I think, because I made a statement then that I would write a letter to the Chief Commissioner on the subject, as to what my view as to the rightness of the Bill was,—the rightness of giving them any lands for section four; and the matter then went on from time to time. And it took some time before that Committee was got together and Mr. Cotton was got down here, and we had a meeting of the Committee one evening and examined Mr. Cotton until nine o'clock or half-past eight. Mr. Cotton was examined, and the Committee went back to the House a day or two after that, just reporting the evidence to the House. And there was not much time to go into the matter at the time, because there wasn't time at that time to cross-examine and attend on the Committee, because the report had to go to the House.

Q.—That report was made on the 11th of June, wasn't it? A.—Well, I don't remember. (Book handed witness.) Yes, that report was evidently made on the 11th of June; and presented to the House, I don't know what time, some day later.

Q.—Why would it be presented to the House later? A.—It was dated then; I don't know whether it was presented on that day. (Looking at record.) Yes, it was presented on that day, the 11th of June.

Q.—It was presented on the 11th of June, and in the meantime, I think, your letter had been written on the 9th of June? A.—I think probably it shows the date of it.

Q.—Your letter was written on the 9th of June; the report was presented on the 11th of June. A.—Yes.

Q.—What was there to delay any further? A.—Well, there was a very great deal of Government work in the House at the time.

Q.—Well, was not this a Government measure? A.—It was a Government measure, certainly.

Q.—And there had been a pledge given by the Premier to bring in this Bill? A.—There had been a letter written by the Premier to bring in this Bill.

Q.—And there had been a pledge given by Mr. Wells on the 21st of March to bring in this matter (handing letter to witness). A.—Yes, if that is the letter—I suppose that is a copy of a letter of Mr. Wells.

Q.—Yes, it was produced by Mr. Wells. A.—In that he says that there is a deficiency in the subsidy of section three of 896,000 acres; that had to be got somewhere, and could not be got—if that subsidy of 896,000 acres had been taken along the line of the Columbia and Western there would be no lands left, and you would have to go somewhere in the Districts of Yale and Kootenay for the subsidy for section four.

Q.—Can't you answer my questions instead of digressing. This letter of the 21st of March contains a pledge by Mr. Wells to bring in a Bill? A.—Yes.

Q.—And the Bill was brought in, as you say, after being caucussed, or after the sense of the Government supporters had been taken on it? A.—Yes.

Q.—Now, I have asked you for a reason for the withdrawal of the Bill; and the only reason you have suggested is that you were pressed with Government work towards the end of the Session. A.—Well, I have only got—

Q. (Interrupting)—Do you wish me to take it, Mr. Eberts, that that was the only reason you knew of for the withdrawal of that Bill at that time? A.—Well, if I remember rightly,

Hon. Mr. Eberts—*Continued.*

I think it was suggested that in order to get through with the work quickly, that Bill had better be withdrawn; because I did not think at the time, and I believe it was thought at the time, that there was not a sufficient number of members who would vote for that Bill.

Q.—Yes, I see. There was not a sufficient number of members to vote for that Bill.

Mr. Green: It took a long time, but it came out at last. A.—Well, there was some talk about the Bill; I don't know whether, if the Government had pressed the matter—I imagine the Bill would have passed through.

Mr. Duff: If the Government had pressed, but they discharged the Bill. Would they have done that if it was not necessary? A.—The fact was, there was a tremendous amount of Government work there that had to be finished; and the Government side of the House was hampered very much by the Opposition then, who had resolution after resolution on the Order paper, want of confidence motions, a half a dozen standing on the Order paper; at that time even, on the 11th day of June, up to the 14th of June, up to the 16th June, the Committee of Supply was still sitting and several very important Bills—the Fisheries Bill, the Coal Mines Act, Railway from Midway to Vernon, the Committee with reference to the construction of a road from Midway to Vernon, the Committee on the Kitimaat road to Hazelton, and consideration of the Committee of Supply, Municipal Clauses Act—had not even been read on the 16th of June; and there was a very large amount—Vancouver and Coast-Kootenay Railway Company—there was a very large amount of Government work.

Q.—But this, Mr. Eberts, was a Bill which was introduced pursuant, first, to the pledge of Mr. Dunsmuir, then of Mr. Wells, and to carry out what you have told us, in the course of your evidence here, was a binding obligation of the Province to arrange the subsidy with regard to section four. Do you think, Mr. Eberts, there was anything of such extreme importance—any other measures which were then before the House—which would have allowed the Government to withdraw this Bill in the violation of its pledges, simply on the ground of difficulty in getting time, if it could have got support for its Bill? Now, do you seriously suggest that, Mr. Eberts? A.—I think we probably entered into a consideration of the withdrawal of the Bill during that Session.

Q.—Isn't it a fact that the determining reason was that the Government found out that the Bill would not be carried through? A.—I think there was some talk to the effect that—

Q. (Interrupting)—Was not that the determining reason that led to the withdrawal of that Bill, Mr. Eberts? A.—Well, it was concluded to withdraw the Bill; I will tell you that.

Q.—Wasn't it on that ground? A.—Well, I don't know that I am going to answer you with reference to that.

Q.—I press for an answer, Mr. Eberts. If you say you cannot answer or won't answer, you might do that. But I am entitled to that. A.—I cannot tell you all the facts with reference to all the Bills I had in my hands at that time.

Q.—I am not asking you that. As a matter of fact, you were really especially acquainted with the history of this; you were asked by the Premier to explain the circumstances to the Government members, and, as a matter of fact, you knew more about the circumstances than any other member in the House. A.—I think I did, because I was the only member in the Government who had been in the preceding Government.

Q.—I do not mean in any other way except as in your public capacity, and, being a member of the previous Government, you were familiar with it. A.—Yes.

Q.—And the pledge was a pledge made by a Government of which you were the only remaining member? A.—Yes.

Q.—And you had more than a passing interest in this Bill? A.—There was another member of the Government, but he was Speaker, I think; Mr. Pooley.

Q.—Well, I mean of the existing Government. Now, do you mean to say, Mr. Eberts, that you do not know the reason this Bill was withdrawn? A.—I do not know the exact reason why the Bill was withdrawn.

Q.—I don't think it is right to qualify it in that way and speak of the "exact" reason. The Government did not withdraw this Bill on account of any trivial reason, did it? A.—I don't know that they did.

Q.—Well, you know they did not, don't you? You know there was a substantial reason for the withdrawal of this Bill at the time; you were acting Premier at the time, weren't you? A.—I believe I was.

Hon. Mr. Eberts—*Continued.*

Q.—Now, there was a substantial reason for the withdrawal of that Bill, wasn't there, Mr. Eberts? A.—I think, Mr. Duff, that there was dissatisfaction with reference to the Bill, and that there would be a good deal of difficulty with the Bill, and the Bill was, to my mind, at that time withdrawn on account of several reasons; first, there was some difficulty with reference to the Bill, that is, to get—

Q.—To get support for the Bill? A.—To get support for the Bill; and another reason was, as I say, there was a tremendous amount of Government work on; and the members were anxious to get away.

Q.—And you won't say that the reason which actuated and determined the Government in withdrawing it, or you, as Premier, in withdrawing it, was the difficulty in getting support? A.—I cannot say that altogether.

Q.—You won't say that? A.—I think probably the Government were advised they better withdraw the Bill.

Q.—In that way for that reason. Now, what steps did you take to ascertain the status of the members? A.—I think the members would speak to me with reference to the matter. The members were very—at that time the House was in a very petulant state; they had been kept there a very long time; and except for matters in connection actually with the Government of the country, they would have been quite willing to withdraw all Bills. Because there was a great deal of business in the House undone at the time the House rose. The Order paper was not cleared up; the Votes and Proceedings paper was full of resolutions of all kinds, and changes to be made; and, as I say, when the House rose the Order paper was not cleared off then.

Q.—Now, when did you come to a determination to withdraw this Bill? A.—Well, I cannot say; I cannot say the particular time. What day was it withdrawn?

Q.—Who was acting Government whip at that time? A.—Mr. Price Ellison, I think, was.

Q.—Had Mr. Ellison refused to act at the time you withdrew this Bill? A.—Well, I don't remember that he had.

Q.—You cannot remember anything about that. Can you remember who it was? Did no particular member of the Government or particular member of the House make it his business to ascertain the feeling of the Government members on this Bill? A.—I couldn't tell you that.

Q.—Didn't the Government make a careful inquiry as to their position with regard to it? A.—I don't think they had a caucus on this Bill.

Q.—Now, Mr. Eberts, did you ever give Mr. Brown an explanation of why this Bill was withdrawn? A.—As leader of the Government at the time?

Q.—No, I don't mean that; in any way at all, at any time, personally, as leader of the Government, or otherwise? A.—I don't know that I did. I don't remember that I did.

Q.—Did Mr. Brown understand the reason at the time, do you know? You must have talked to him about it, didn't you? A.—Well, I think probably I did talk to him; because he was about there all the time.

Q.—He was here as the Executive Agent of the C. P. R., representing this Company, asking the Government to carry out the pledges they had given, and the arrangement they had made, and you were officially Acting Premier, and the member of the Government who was acquainted with the circumstances. I think he would naturally come to you.

The Committee here adjourned until 2:30 P.M. to-day (May 15th, 1903).

FRIDAY, May 15th, 1903.

The Committee met at 2:30 P.M., pursuant to adjournment.

Hon. Mr. EBERTS in the witness-box; further examined by Mr. Duff:—

Q.—Did you, Mr. Eberts, give any explanation to Mr. Brown of the withdrawal of Bill No. 87? A.—I most probably spoke to him about it.

Q.—What explanation did you give him? A.—I cannot remember specifically; I probably told him the Bill could not be carried.

Hon. Mr. Eberts—*Continued.*

Q.—You probably told him the Bill could not be carried. Did you give him any reason why the Bill could not be carried? A.—I may have done so; I don't remember specifically.

Q.—You cannot remember. A.—I cannot remember specifically that I did.

Q.—Can you remember at all, then? When you say you remember specifically, I don't quite understand your answer. A.—What time?

Q.—At any time. A.—I cannot answer it, because I don't know specifically.

Q.—Well, do you know generally? A.—I think I most probably told him that we would have to withdraw the Bill.

Q.—On what grounds? A.—On grounds that I have mentioned in my evidence here before; amongst other grounds, the lateness of the Session, and the discussion that would ensue upon it.

Q.—And that you could not get support for the Bill? A.—That we might not get sufficient support for the Bill.

Q.—Did you mention your reason for supposing that you could not get support for the Bill? Well, I suppose that would be—you would hear that from the members.

Q.—What? A.—You would hear that from the members.

Q.—Who? A.—The members, not in particular the members of the Government.

Q.—I ask you if you told Mr. Brown; you naturally discussed with Mr. Brown the question of support? A.—As to who would support it?

Q.—Yes. A.—Well, no, I did not.

Q.—That Bill was introduced as a Government measure, pursuant to a pledge given by the Premier, wasn't it? A.—It was introduced as a Government measure, and, I think, upon a letter given by the Premier a year before.

Q.—And a further pledge given by the Chief Commissioner of Lands and Works on the 21st of March of the same year? A.—As appears by that letter there.

Q.—And to carry out an obligation which you say had been entered into by a previous Government in 1898? A.—Yes.

Q.—As part of the Government policy? A.—Government policy?

Q.—Yes; wasn't it? A.—Well, I don't know whether you would call it a policy of the Government; because when you talk about a policy of the Government—it was the policy of the Government to settle with the Columbia and Western Railway as to section four.

Q.—But that Bill expressed the Government policy in that, as announced to the House? I will put it this way, the Bill represented the Government proposals on that subject as announced to the House? A.—Well, the Bill will show for itself.

Q.—Then that is a fact? A.—Then why ask me?

Q.—I ask you if it is not a fact that that Bill expressed the Government proposals upon the subject that it dealt with, as announced to the House? The Bill was brought down by Message, wasn't it? A.—I think it was. All Bills of that kind have got to be brought down by Messages.

Q.—Therefore, it expressed a Government proposal to the House? A.—It could not convey lands except by Message.

Q.—Therefore, it expressed a Government proposal to the House? A.—I suppose it did.

Q.—It was not a light thing that a Government proposal of that kind, made pursuant to pledges of the kind you have mentioned, should be withdrawn, was it? A.—Well, I have seen most important Government Bills, more important than that, withdrawn.

Q.—Perhaps so, but this was not a light thing, was it, the Government having committed itself to that proposal to the House, it was not a light thing to withdraw it? A.—I think the Government's intention was to give to the Railway Company their lands earned for the building of section four.

Q.—Undoubtedly; and the Government proposed that to the House, didn't they, by that Bill? A.—I suppose they did.

Q.—And then they withdrew it, notwithstanding they had pledged themselves to bring it forward, to the C. P. R.; that is correct, isn't it? A.—The Bill was withdrawn.

Q.—I ask you, as a public man, whether that was a light thing to do? A.—Whether it was a light thing to do?

Q.—Yes; it was a serious thing, wasn't it? A.—I don't know whether it was a very serious thing; it did not complicate the Government very much.

Hon. Mr. Eberts—*Continued*

Q.—That might depend upon circumstances whether it would complicate the Government or not. But would you regard it, as a public man of large experience, as a light thing that a Government should bring down a matter of that kind, by a Message from the Governor, containing definite proposals given in pursuance of pledges by the Government, and afterwards withdraw it? A.—I think things like that have occurred before.

Q.—Is that the best evidence you can give? A.—I think things like that have appeared in this Legislature before.

Q.—I think they have. A.—And I think a similar proposition of that kind was withdrawn in the Session before, if I remember correctly.

Q.—But, Mr. Eberts, it was not a light thing to withdraw it on the ground that the Government could not get support for it, after having given their pledges? A.—I cannot tell about that. The Government have to depend on supporters to carry out Bills.

Q.—I know; but when the Government finds its supporters decline to carry out its proposals which it makes in the way of legislation, that is not a thing to be passed by lightly, is it? A.—Well, when a promise is made to carry down a matter of that kind, it is inferentially supposed that your supporters will help you through with it.

Q.—And, in this case, the Bill was withdrawn on account of a doubt as to whether the supporters would carry out the pledge? A.—Partly so.

Q.—Did you not, that being the case, canvass carefully the position of the proposal in the House in reference to the support it would get? A.—That Bill, after it came into the House?

Q.—Yes. A.—I don't think I did.

Q.—You think you did not take care to inform yourself as to whether or not, after all, the Bill could be carried through? A.—I thought that the Bill met with the views of our supporters.

Q.—When you introduced it? A.—I did not introduce the Bill.

Q.—I mean to say when the Chief Commissioner introduced it. A.—I don't know at that time; I never asked them at that time.

Q.—When did you think it met with the view of the supporters? A.—When I explained it.

Q.—But you did not think it met with the views of your supporters when you withdrew it? A.—I have said that I did not think it met with the views of all our supporters; I think it met with some; it was not universally condemned, I don't think.

Q.—I am not suggesting that it was universally condemned; what I am pointing out is that it could not be regarded as a light matter that a Government proposal in a matter of that kind should be withdrawn because they could not get support for it; and the question I am asking is whether, under such circumstances, the measure was withdrawn without carefully considering the question of whether there were enough supporters in the House to support it? A.—I cannot tell you that; I did not canvass the members.

Q.—Who did? A.—I cannot tell you that.

Q.—The regular Government whip did not, did he? A.—I cannot tell you that.

Q.—Well, do you know where you got your information from, then, upon which the Bill was withdrawn? A.—I don't know; you can hear things in the House in relation to matters of that kind from—

Q.—But there is no doubt about it, in this particular instance, that you would take care to find out exactly what the support was? A.—The Government gets information directly and information indirectly.

Q.—I point out to you, Mr. Eberts, this, that here was a matter that had been pending since 1898— A.—Not pending with this Government since 1898.

Q.—I am not saying that; but pending since 1898; it originated in a promise which was given by you, in common with other members of the Turner Government; various Bills had been brought down at various times; and you were the individual of the Government who understood the question and who explained it to the Government supporters, and who most strongly supported it. Do you think, in view of all those circumstances, that Bill would have been withdrawn with your consent, especially when you were acting Premier, without your making perfectly certain as to the position you stood in with regard to support? A.—Well, I was informed, I don't know from what direction, that the Bill would receive a good deal of opposition.

Hon. Mr. Eberts—*Continued.*

Q.—Opposition? A.—Opposition; and a very strong opposition from the Opposition in the House.

Q.—Mr. Joseph Martin was supporting it, wasn't he; you recollect that, don't you? A.—I think that Mr. Martin did speak in favour of giving them—I don't know whether he spoke in favour of the Bill itself, but he spoke in favour of the rights of the Columbia and Western to get the lands for section four.

Q.—The only way in which that question came up was under this Bill, wasn't it, or under the Message? A.—I suppose that would be the way it would come up.

Q.—And Mr. Martin was here and said that he did speak in favour of the Bill; although he now explains he did not understand the meaning of its provisions. But, at all events, it was being supported in that way. Now, where did you get your information from with regard to that? You say you did not canvass the supporters yourself. Who did? A.—Well, I don't know. You would hear that spoken among different members of the Government.

Q.—And that is as far as you can go with regard to it? A.—That is as far as I can tell; as far as I could give you any information with reference to it.

Q.—Now, did you ever tell Mr. Brown, or say anything from which Mr. Brown could imply that that Bill was being opposed by any members of the House on the ground that they were not getting what they expected, namely, some consideration for supporting it? A.—I did not.

Q.—Did you ever hear that any member made it a condition of his support that he should get some consideration for it? A.—Did I ever hear that any member—no, I did not.

Q.—Did you ever hear it stated in any way whatever that members declined support because there was nothing in it for them? A.—No, I never heard it that way.

Q.—Did you ever hear any rumours at all of any ground of that kind affecting the fate of the Bill? A.—Oh, I have heard rumours of that kind with lots of Bills.

Q.—But I am asking you with regard to this particular Bill. A.—I don't know that I did. I cannot charge in my memory that I did.

Q.—Well, will you say that you did not? A.—I am telling you; I say, charging my memory, I did not. You hear a great many reports that go in at one ear and out of the other.

Q.—Did you ever hear anything of that sort from Mr. Brown? A.—No, I did not.

Q.—Did you ever hear any suggestion made by any member of the Government on that subject? A.—I don't know that I did.

Q.—I would like it more explicit than that. A.—What do you want?

Q.—This is a matter that seems to me, as counsel here representing Mr. Oliver, as something which should be cleared up. There have been statements made here as to reasons which Mr. Brown gave for the withdrawal of this Bill, and I think it is a matter that ought to be cleared up. It has been suggested in various places that rumours were current at that time, and that statements, and very specific statements, were made, that the difficulty about getting support for the Bill was that some members thought there should be something in it for them. Now, in a matter of that kind, I do not propose to tie myself down to any specific notes. But first, Mr. Eberts, I should like you to say whether you ever heard any rumour of that sort, with reference to this Bill? A.—I don't remember whether I did or not. And if I did I took no stock in it whatever; because I had no personal knowledge of anything of that kind at all.

Q.—I am not suggesting that you had any personal knowledge of it at all. Did Mr. Brown ever intimate to you anything of that sort? A.—He did not.

Q.—Did you ever hear from him that anything of that kind had been intimated to him by anybody else? A.—I did not.

Q.—Did you ever hear anything of that sort intimated by any member of the Government at any time? A.—That members of the Government side were actuated by what?

Q.—No, I am not referring to members of the Government side; I don't know who the supporters of this Bill were to be. A.—Members in the House.

Q.—That one difficulty in getting support for the Bill was that certain individuals who were members of the House expected that if the Bill passed there should be something in it for them. A.—I did not understand that.

Q.—I mean to say, did you ever hear that suggested by any member of the Government, or anything like that, Mr. Eberts? A.—I don't remember that I did.

Hon. Mr. Eberts—*Continued.*

Q.—Well, will you say that you did not? A.—Well, when I say I don't remember I did, that means I don't think I did.

Q.—Don't you think you would recollect if that were the case? That is the kind of thing that would impress itself upon your memory, isn't it? A.—Well, it might, if I thought there was the slightest truth in it.

Q.—Rather independently of that, wouldn't it, if you heard a suggestion of that kind made,—don't you think it would impress itself upon your memory? A.—Without your examining me minutely with reference to matters of this kind, let me explain the position of matters in the House at that time. You will remember that the Government side of the House were very strongly opposed by the Opposition side of the House. In fact, we never could be called safe, on account of the opposition there was. There were a large number of Government Bills on the Orders of the Day; we could not get on with the Government Bills, nor with the resolutions; it was a matter of the strongest kind of opposition from the Opposition side of the House. So far as our members were concerned, they commenced to grow very discontented indeed; in fact, towards the end of the Session they thought it was just as well, maybe, to let the whole thing go to smash as to remain here all summer. Some of the members said they were losing a great deal of money in having to remain down here away from their business, and they said that the Session had to be brought to a close as quickly as possible.

Q.—I understand that; you mentioned that this morning. But, at the same time, the point I am asking you is apart from that altogether. I want to know whether you heard any suggestion of the kind I have mentioned; from any member of the Government, in the first place? A.—I most assuredly will tell you nothing that occurred between me and any member of the Government in reference to the policy of the Government on any Bill.

Q.—That is not an answer to my question. A.—I think it is.

Q.—I don't think it is. I ask you if you remember ever hearing any suggestion of the kind I mentioned, from any member of the Government? A.—I did not.

Q.—Did you hear any suggestion of the kind that I mentioned, from anybody? A.—I don't think I did.

Q.—Any member of the House? A.—With reference to this particular Bill?

Q.—Yes. A.—I have often heard rumour passed around the House at different Sessions; in this Session too.

Q.—I mean with reference to this particular ——. A.—With reference to members having a particular bias in a particular direction?

Q.—I have not asked you that; I am confining myself to a fairly specific suggestion, with regard to a specific Bill, at a specific time. A.—I cannot charge my memory with it.

Q.—Well, will you say that you did not? A.—I have told you that I cannot charge my memory with it.

Q.—You say that you did not, Mr. Eberts? A.—I don't think I did, Mr. Duff.

Q.—That is as far as you can go, is it? A.—Well, that is as far as I can go. I think that is as far as anybody can go. A recollection extending back a year, without keeping notes of affairs that are going on.

Q.—You really think that with regard to a matter of this kind? A.—I do.

Q.—Do you think that if you had heard it seriously suggested to you that the lack of support for this Bill was due to a desire on the part of members of the House to receive some pecuniary or other personal compensation for support, that you would have forgotten it so soon? A.—I think if the matter had come into my ear as Acting Premier, and names mentioned to me, and that thing occurring, I would go and find out the true state of things.

Q.—And you think it would not likely be more than gossip? A.—I should not think it would be likely more than gossip.

Q.—And you are confident nothing of the kind did come to your ear? A.—I don't think it did.

Q.—Why do you qualify it by saying you don't think it did? A.—Because there are so many rumours going about the House during the Session.

Q.—Not rumours of that kind, surely, Mr. Eberts? A.—With reference to what?

Q.—I mean to say, corrupt influences affecting the members of the House. A.—Well, I have heard scandal of that kind going around in the House.

Q.—Probably you have. A.—And I have heard scandal on the outside of the House.

Hon. Mr. Eberts—*Continued.*

Q.—Very likely; but that is not a usual sort of thing? A.—No; I don't think it is a usual thing.

Q.—And not so usual that you forget about it, just the same? A.—Oh, there is a good deal of that scandal passes around, though.

Q.—In the House? A.—What do you mean—in the House when it is sitting?

Q.—No; I mean among the members of the House. A.—No; I don't think you will find very much among the members of the House.

Q.—Then, surely, if something of that kind happened with reference to this Bill, you would remember? A.—I have nothing to charge my memory with that being the reason.

Q.—Pardon me for putting it in that way, but it is difficult for me to understand how if anything of that kind did occur you should forget it; and I think you ought to be able to state specifically whether anything of the kind did come to your attention or not. A.—I cannot state specifically.

Q.—You cannot say whether such a thing came to your attention at that time? A.—I am quite sure I cannot.

Q.—You are quite sure you cannot say anything about that. Now, Mr. Eberts, there was one matter which I examined you upon before luncheon, and there is one thing I neglected to call your attention to, and I want to mention the matter. It was on the 18th of March that the cancellation of the Crown grants took place. I call your attention to the fact that Mr. Curtis had on the Order paper of the 18th of March, the very same day, certain questions with regard to the Columbia and Western subsidy and the grants that had been issued for it. I will just give you the record (handing same to witness). A.—Yes; that appears on the 18th of March.

Q.—Now, notice of these questions would have been given some time before that? A.—Two days, I suppose; this is Tuesday, the 18th.

Q.—Notice would have to be given on the 14th or 15th to ask these questions, would it not? A.—Why?

Q.—Sunday would intervene? A.—They could give notice on Monday for the next day; that is called two days' notice, isn't it?

Mr. Helmcken: No. A.—Two clear days. It would have to be given on Saturday to be good notice.

Q.—I understood you to say that the first notice you had of this suggestion with regard to the Montreal interview was on the day before the 18th. A.—I think it was, from my memory.

Q.—Now, on Saturday notice had been given of these questions, one of which is, "Have the Crown grants for the whole or part of this acreage been prepared?"—that is, the acreage to which the Columbia and Western are entitled. "Have these Crown grants been completed and issued? and if not, why not?" "Why has the reserve not been removed from the alternate blocks adjacent to the blocks selected for subsidy to the Railway Company?" Would you mind looking at those questions.

Mr. Helmcken: Are they asked the Attorney-General or Chief Commissioner? A.—Chief Commissioner?

Q.—Now, those questions could not have been answered, Mr. Eberts, without disclosing the fact that Crown grants for 4,593 and 4,594 had been issued and were still in the hands of the Chief Commissioner, could they? Could they have been truthfully answered at the time the notice was given? A.—The notice, you say, was on the 15th?

Q.—I don't say that, but I suggest that you would assume that it would not be on the Order paper on the 18th unless it was given at the latest on the 15th, Sunday intervening. If that question had been answered on the day on which notice had been given, could you have refrained from dealing with 4,593 and 4,594 without deceiving the House? A.—I don't know. This notice could have been put on the notice of Votes and Proceedings on Saturday and not be seen until Monday.

Q.—I am not asking you that question, Mr. Eberts; I don't know when the notice was put up; it may have been put up days before that, or on Saturday, the 15th. It is a fact, is it not, reading those questions, they could not have been truly answered without revealing the position of the Crown grants of these two blocks? A.—Well, have you got the Votes and Proceedings there where they were answered? Let me see that—the Journals of the House.

Hon. Mr. Eberts—*Continued.*

Q.—They were answered on the 21st (showing Journal to witness). A.—Answered on the 21st of March, seemingly, by the Journals of the House.

Q.—Here is one question and one answer: "Have the Crown grants for the whole or a part of this acreage been prepared?" Answer, "Yes, for a part." Now, that clearly would not have been the answer if that question had been answered on the 15th, when notice was given. A.—Why?

Q.—Because is it not a fact that Crown grants for the whole of the Columbia and Western Subsidy had not only been prepared but issued at that time? A.—Certainly not.

Q.—No? Is that not so, Mr. Eberts? A.—What I say is perfectly true. Crown grants for the Columbia and Western had not all been issued.

Q.—How much had not been? A.—For about 900,000 acres of land between Christina Lake and Midway.

Q.—You mean for the fourth section? A.—Certainly.

Q.—To which they were not entitled at that time, because, under the Act, which at that time had not been amended, they were not entitled to that acreage until sections five and six had been built. A.—You did not use the word "entitled"; you said grants of the Columbia and Western.

Q.—I am referring to these questions here,—“How many acres of land is the Columbia and Western Railway Company entitled to have issued to it?” Now, they were not entitled at that time to have the acreage issued to them for the fourth section? A.—Apparently not, until they got the Act amended. I have not made this computation.

Q.—I don't mean that at all. But the first question asked, "For how many acres are they entitled to have Crown grants issued?"—now, they were entitled at that time to have Crown grants issued for the third section. The computation is made there? A.—For the first section and the third section.

Q.—First and third sections. Now, assuming that computation to be correct, had that question been asked on the 15th the answer would have been that the Crown grants for the whole of the acreage had been issued? A.—I think the Minister answering this concluded on the 21st of March that they were entitled to their acreage for the fourth section, because he does answer that here.

Q.—Really, Mr. Eberts, I am not concerned about that. A.—Well, but I am.

Q.—You may explain later with regard to that; but it is not really germane to my question at all. As a matter of fact, they were not entitled to the acreage for the fourth section at that time? A.—Well, morally they were.

Q.—Oh, well, you say they were morally; the House evidently decided they were not morally, because they refused to pass the Act. A.—They had not refused to pass the Act on the 21st of March.

Q.—They subsequently did refuse to pass it? A.—That is another thing.

Q.—Up to this present moment they have not passed it? A.—Up to this present moment they have not passed it.

Q.—And up to this present moment the Columbia and Western Railway Company is not entitled, until its charter and under its Subsidy Act, to get the subsidy for the fourth section. So that it was a little difficult to say that on the 21st of March, 1902, the Columbia and Western were entitled to the subsidy for the fourth section? A.—Well, I suppose the Minister thought they were entitled to it. They had received a promise from the Government in 1901 that those lands would be given to them.

Mr. Helmcken: No.

A.—Wasn't the letter of the Premier in 1901? (Letter handed to witness).

Mr. Helmcken: I don't want to interrupt Mr. Duff's examination, but would you explain to the Committee what you mean by saying morally they were entitled to the lands? A.—What I meant by that is that, under the Statute itself, Mr. Helmcken, they were not to get the lands for the fourth section until the fifth section was built; and you know my construction of what I said with reference to the line between Midway and Penticton and the agreement made with Mackenzie & Mann; the solemn agreement made at that time that they were not to be deprived of their lands for as much of the line as they would build; which was up to Midway. And having built the line up to Midway they were entitled to the lands; and I expect the Minister looked at it in that light when he made that answer. Because in 1901 the Premier of the country, by letter, I see here on the 15th of May, 1901: "I am authorised

Hon. Mr. Eberts—*Continued.*

to say that the Government will introduce, at the next Session of the Legislature, an Act authorising the Lieutenant-Governor in Council to grant the lands in respect of the fourth section of the railway (Christina Lake to Midway) which has been completed."

Mr. Duff: And that is the Bill which the Legislature declined to pass, notwithstanding the Government made that proposal? A.—That was the Bill which was withdrawn in the month of June, 1902.

Q.—Because you believed that the Legislature would not pass it? A.—Among other reasons.

Q.—Is that the Bill that you withdrew on the pressure of public business, notwithstanding the Company were entitled to it? A.—I said that was one of the reasons.

Q.—Now, at the time these questions were asked, Mr. Eberts, it is a fact, isn't it, that the Crown grants for all the acreage to which the Columbia and Western were entitled had actually been issued, on the 15th of March? A.—Not that they were entitled to.

Q.—That they were entitled to under the Subsidy Act? A.—Oh, the Crown grants had been drawn out for all the lands at that time that the Government could give to the Company under the Acts before that.

Q.—I am using the language of Mr. Curtis; the Crown grants had been issued for all the acreage with respect to which the Company was entitled to have Crown grants issued to it at that time. Isn't that so? A.—Well, I don't know how the Minister looked at it.

Q.—I am not concerned about that, Mr. Eberts, I am asking you. As a matter of fact, the Company certainly was not entitled to have Crown grants issued to them for section four?

Mr. McCaul: There may be a point of law as to what is meant—

Mr. Duff: I don't want the cross-examination interrupted; I think Mr. Eberts is quite able to take care of himself, with regard to a point of law or anything else. As a matter of fact, they were not entitled to have Crown grants issued; that is clear; the Government could not legally have issued Crown grants for section four? A.—I suppose, if they had issued Crown grants for section four, some person might have attacked the title, unless the Act had been amended.

Q.—Certainly. Therefore, the Company was entitled only to have Crown grants issued to it in respect of sections one and three. A.—That just depends on what the word "entitled" means, you see.

Q.—I say entitled under the Subsidy Act. A.—You are introducing the words there.

Q.—I am introducing the words "under the Subsidy Act." A.—I don't think those words occur in these questions.

Q.—I don't say they do. But under the Subsidy Act of 1896, which had not been amended up to this time. A.—Well, that is a question that did not arise.

Q.—Well, that is so, isn't it, Mr. Eberts? A.—If it is a fact, why do you ask me; there it is before you; you have the Subsidy Act of 1896; and you know the fifth and sixth sections were not built; you know what has been said with reference to section four.

Q.—And the result of sections five and six not being built, under the Subsidy Act as it stood, they were not entitled to Crown grants for section four? A.—If Crown grants had been issued to them they would not have been in conformity with section—now wait a minute—

Q.—(Interrupting)—Many times during your examination you have stated that during the Session of 1902, on the 21st of March, before Bill 87 was introduced, that the Columbia and Western Railway Company were not legally entitled to have Crown grants issued to them with respect to section four. A.—You know perfectly well, Mr. Duff, you have the Act before you.

Q.—And why not admit it at once? A.—There is no admitting about it.

Q.—It is a fact? A.—You say it is a fact; it is a Statute; you have the Statute.

Q.—It is a fact? A.—You have got the Statute before you.

Q.—You know it is a fact; haven't you said it was a fact several times since your examination began? A.—I have said that, without aid of an Act of the Legislature, the Company could not make the Government give them the lands for section four; I tried to lead you to believe that.

Q.—You mean that the Government could have given them lands for section four without the authority of an Act? A.—I don't think so.

Q.—No, I think not. So that they were entitled to have Crown grants issued only, then, with respect to sections one and three; under the Subsidy Act, mind you. A.—I think the

Hon. Mr. Eberts—*Continued.*

Subsidy Act reads that when section one is finished they are entitled to their subsidy under it, and when section three is finished they are entitled to their subsidy under it, and that for section two they are entitled to no subsidy.

Q.—But when this question was asked Crown grants had been prepared and had issued for both sections one and three? Isn't that the case? A.—Let me see the Journal.

Q.—When those questions were asked, Crown grants had issued for sections one and three? A.—I think Crown grants had been prepared for one and three.

Q.—Had been prepared, yes, for one and three? A.—Although I could not say that of my own knowledge, because I never saw the Crown grants.

Q.—You knew they had been prepared, though? A.—Well, I was told they had been prepared; but I never saw the Crown grants, Mr. Duff.

Q.—But, after all, Mr. Eberts, has not a great deal of political history for the last year just centred around those Crown grants? A.—I think it has.

Q.—As a matter of fact, have not a great many actions been based upon the fact that those Crown grants were prepared and issued to the extent of the Chief Commissioner having them in his pocket and taking them to Montreal? A.—So the Government has been informed.

Q.—And the Government has acted upon them, hasn't it? A.—Acted upon what?

Q.—Here was a Bill introduced by the Government, at all events, Mr. Eberts. A.—Yes, and became law, after being amended.

Q.—Became law after being amended; and your recollection does not enable you to say whether the amendment affects the main point of the Bill? A.—I have not a copy of the Bill here.

Q.—I will leave that point and come back to it when we have got the Bill. However, I think you have stated, Mr. Eberts, that you were favourable not only to the construction of the Act which made it possible for the Government to issue grants to 4,593 and 4,594, but you were also favourable to the policy of issuing those grants at the time when Mr. Wells left for Montreal in October, 1901? A.—They were issued then, I believe.

Q.—But, isn't it a fact that your view was that, under the proper construction of the Act, not only the grants could issue, but you were favourable to the policy of issuing them and delivering to the Company? A.—On the 24th of March, you say?

Q.—No, in October, 1901; when Mr. Wells left for Montreal with the grants in his pocket? A.—I don't think the question was discussed as to whether I was favourable or not.

Q.—I will let you think about that for a moment; because, really, I think you have stated that several times? A.—Well, I don't think I have.

Q.—Haven't you? A.—I think not.

Q.—There is no doubt in the world about it that you told us that you advised that, under your construction of the Act, those grants could issue? A.—I was asked and said I did believe the Government had the power.

Q.—Exactly. And there is no doubt also, Mr. Eberts, whether you recollect it or not—did you state yesterday that you agreed that, as a matter of policy, the grants should issue? A.—I don't think I said that.

Q.—Well, what do you say now? A.—Well, ask me the question?

Q.—I say were you favourable to the policy of issuing the grants? A.—I was one of the Executive at the time when the Order in Council was passed for the issuance of the grants.

Q.—Exactly. Then, did you, after that, change your opinion on the subject of that policy? A.—Did I change my opinion?

Q.—Yes. A.—I had no reason to change my opinion.

Q.—Well, did you? A.—No, I did not.

Q.—You did not, and you had no reason to change it. And when Mr. Wells left for Montreal you thought he was going to deliver the grants? A.—I thought he was.

Q.—Yes, without any conditions? A.—May I have the liberty here of making a correction?

Q.—Yes, certainly. A.—In the "Colonist" newspaper of this morning I am made to say this:—"The construction of the Spence's Bridge line was a matter of special import, since it was a rock on which the Cabinet threatened to split. It was on this subject that several men in the House who had previously supported the Government had voted against it. 'Several honourable gentlemen,' corrected Mr. Helmcken." Now, I never said that. The question of the line to Spence's Bridge did not come up in the House.

Hon. Mr. Eberts—*Continued.*

Q.—It was the V. V. & E? A.—The question in the House was in reference—the split occurred, the first split occurred when in Committee a motion was put, I think by Capt. Tatlow, to the effect that the line should be a competitive line, and in no event be given to the Canadian Pacific Railway. There was a split in the Committee at that time.

Mr. Helmcken: It was not quite that, if I may interrupt you; but that preference should be given to a competitive line. A.—If the Committee want the exact words, I will get the resolution that was up before the House.

Mr. McPhillips: It did not exclude the C. P. R. A.—I mean to say that it did exclude the C. P. R.

Mr. McPhillips: I don't think so. A.—It is a matter of difference between the member of the Committee and myself. I would like to go and get the resolution myself. I have got the exact paper that was put before the Committee.

Q.—We have it here. A.—No, I don't think you will find it there; you will find it in the Journals, when the report of that thing came down, because they put that same thing in that, but they left out those words there. But in the Committee in the House the words do appear; and I think Mr. A. W. Smith, a member of the Committee here, was present in the Committee of the House. The Journals of the House would not show it.

Mr. McPhillips: If it was moved on report. A.—The motion on report was not the same motion that was made in Committee of the Whole House.

Mr. McPhillips: I am dealing with the motion that was made on report. A.—I am dealing with the motion that was made in Committee of the House. Because I took the original motion myself, and I have got it in my possession now. Preference should be given to a competitive line, but in no case the Canadian Pacific Railway—or words to that effect. And that is the first difference that arose in the House.

Mr. Duff: I don't think you said anything about a split in the Cabinet yesterday at all.

Mr. McPhillips: I would like to see that paper. A.—I can get it in a few minutes.

Mr. McPhillips: You can get it later.

Mr. Duff: And it was not until after the commencement of the Session, after Mr. Wells had returned, that you learned that that programme had not been carried out? A.—Which programme?

Q.—I am referring to the idea that Mr. Wells was to deliver the grants without condition when he went to Montreal. A.—Yes.

Q.—That is correct? A.—I will just explain here. Mr. Dunsmuir and myself left here in the month of January, 1901—

Q.—And got back only a day or two before the Session opened? A.—And we arrived here, I think, about the 17th of February.

Q.—Three days before the Session opened, or a few days; I understand that. But when you got back, a few days after the Session opened, you learned that these grants had not been delivered? A.—I cannot state the exact time, but I said some time after the Session opened.

Mr. Helmcken: Wasn't that in 1901 that you went to Ottawa? A.—Yes.

Q.—You are dealing now with 1902? A.—No; 1901 was the time Mr. Wells went,—Mr. Dunsmuir and I went to Ottawa in 1901.

Q.—Yes, in the beginning; somewhere in January, 1901? A.—Yes.

Mr. Duff: The only thing I am concerned about particularly is the date of the Session.

Mr. Helmcken: 20th of February, 1902. Substitute 1902 for 1901.

Mr. Duff: That would be correct that it was sometime after the 20th of February, after the Session began, that you first learned from Mr. Brown that the Crown grants had not been delivered? A.—Yes; I made an error in that date.

Q.—Yes. And your own view of the policy of the Government still continued unchanged, and you pressed for the issue of these grants? A.—I spoke about the issuance of the grants, yes.

Q.—And spoke favourably; you thought that they should be issued? A.—I thought that the matter had been effected and that they should be issued.

Q.—And then came the cancellation Order of the 18th of March, which, as you told us this morning, there seemed to be no reason for, excepting the statement of the then Premier with regard to the incident in Montreal; that is correct, isn't it? Now, after that, Mr. Eberts, did any controversy arise between the Government and the Canadian Pacific Railway on that subject,—perhaps I should say the Columbia and Western Railway? A.—On what subject?

Hon. Mr. Eberts—*Continued.*

Q.—On the subject of the cancellation of these grants? A.—I don't know what action they took with reference to that; I don't remember.

Q.—Subsequently, at all events, you remember this, don't you, that an application was made by the Canadian Pacific Railway, by the solicitors for the Company,—or at least a suggestion was made to the Government that the Government should intervene in certain actions which had been brought by the Railway Company? A.—I remember that, but that is only lately.

Q.—How long since? A.—Well, I think the letters are here. I think, if I remember rightly, Hon. Mr. McInnes put the letters in in reference to it.

Q.—Yes (producing letter); this is a letter dated the 10th of March, 1902, from Davis, Marshall & Macneill to the Provincial Secretary, suggesting intervention. A.—Some few days before this letter, Mr. D. G. Marshall interviewed me and told me that the Company had issued, or were about to issue, I don't know which, certain writs against parties who had come upon some of these lots; and he requested the Government to intervene; and I informed him I would not take up the matter. I remember I spoke to the Premier at the time and told him about Mr. Marshall having come to me. And I told Mr. Marshall that the proper way for him to take up the matter would be to write out the facts in connection with the matter, and address it to the Provincial Secretary, and in due form and due course it would come up before the Executive.

Q.—The suggestion was that the Government should intervene in reference to the whole question between the Company and the Government, in order that it should be settled in these actions? A.—Should be settled in these actions.

Q.—Now, what action was taken on that application? A.—Well, there was another side of the question also.

Q.—Yes. A.—In the month of December, 1902, leave had been given to certain parties to locate upon one of these sections, and having been served with a writ he wrote down to the Chief Commissioner asking the protection of the Government.

Q.—Who was this person? A.—I think it was a person by the name of Rogers.

Q.—Do you know him? A.—I do not.

Mr. Helmcken: We have not got that letter here; we ought to have it.

Mr. Duff: That request had been made in the December previous? A.—No, that request had not been made in the December previous; that request had been made just about—I cannot tell you the date of the letter.

Q.—I understood you to say previous to December? A.—No, not the previous December—in this letter it was set out that he had got leave.

Mr. Helmcken: December, 1902? A.—December, 1902.

Q.—Was that request received by the Government before or after the request from Messrs. Davis, Marshall & Macneill? A.—It was received before this one.

Q.—Received before that. I see; there were two sides, then, each asking you to help them. What action did you take? A.—The matter came up before the Executive.

Q.—When did the Session begin this year? A.—On the 2nd day of April.

Q.—Was the matter finally determined by the Government before the commencement of the Session? A.—I could not say that.

Q.—Was there any answer given to the letter from Messrs. Davis, Marshall & Macneill? A.—Not through me.

Q.—Well, do you know of any answer? A.—I don't know whether any answer was given. If any answer was given it would come from the Provincial Secretary.

Mr. Helmcken: Here is the answer. It came through Mr. McInnes.

Mr. Duff: I see some correspondence here of the 12th of March, an acknowledgment of Mr. McInnes; and further, on the 28th is a letter from Messrs. Davis, Marshall & Macneill. (Witness reads the two letters of the 12th and 28th, referred to.) As a matter of fact, then, the thing had not been disposed of by the Government when the Session began? A.—Well, I suppose it had not, from the tenor of that. This is the 28th of March, and the 2nd of April—I don't know whether it was disposed of between those dates.

Q.—Now, ultimately it was decided to introduce this Bill No. 16, Mr. Eberts? A.—It was; yes.

Q.—Now, was your own view favourable to intervention by the Government for the purpose of testing that question, or unfavourable? A.—Am I bound to answer that question?

Hon. Mr. Eberts—*Continued.*

Q.—Surely you are ; it is a fair question, I think ? A.—I thought it was a proper course to pursue.

Q.—There must have been some discussion about that. Was the matter brought before the members of the House, Mr. Eberts ; I mean the supporters of the Government ? A.—I think it was.

Q.—Did you, as Attorney-General, advise either the Government or the Government supporters as to the probable outcome of intervention on the facts before you ? A.—As to the probable outcome of intervention ?

Q.—Yes ; I mean to say as to whether the Province or the Company would win ? A.—I could not do so.

Q.—Why ? A.—It was a legal proposition ; how could I tell which would win ?

Q.—I mean to say, as to which, in your view, had the stronger position in law. Did you give an opinion on the legal situation, either to the members of the House or the Government ? A.—I was not asked to give an opinion to the Government.

Q.—I did not say you were. Did you give an opinion ? A.—Did I give an opinion ?

Q.—Yes. A.—As to who would succeed eventually ?

Q.—No ; I do not put it in that way. A.—As to who had the strongest case ?

Q.—An opinion on the legal situation ? A.—As to whether it was right to intervene ?

Q.—No ; I understood you to say you thought it should be intervened and tested in the Courts. Did you give any opinion as to what the legal situation was, as between the Province and the Company, in your view ? A.—Well, I don't know what you mean. Did I give a legal opinion as to whether or not, in those actions, if the Government intervened, which would eventually win, do you mean ?

Q.—I thought you said you did not do that ? A.—How could I have ?

Q.—Well, did you ? Did you express any opinion as to who was likely to win in the event of the thing going to the Courts ? A.—No, I did not.

Q.—To anybody ? A.—I could not do that.

Q.—Well, you did not ? A.—No, I did not.

Q.—Are you quite sure ? A.—That I expressed an opinion to some person, who would win ?

Q.—Yes. A.—No, I did not ; I could not express an opinion who would win.

Q.—Did you give any opinion as to whether, in your view, under the circumstances, any title had been carried to the Company under the grant ? A.—I might have expressed an opinion if the grants had been delivered to the Company that the title was good in the Company.

Q.—I mean to say, on the facts before the Government ? A.—I don't know ; I couldn't give an opinion, because I don't know yet what took place between Mr. Wells and Sir Thomas Shaughnessy ; that might have some effect on the question.

Q.—You have Mr. Wells' report on that. A.—As to what took place between Sir Thomas Shaughnessy and Mr. Wells ?

Q.—Yes. A.—Mr. Wells, I think, said he had not delivered the grants.

Q.—You had Mr. Wells' report, hadn't you—I mean before you introduced this Bill declaring that no title passed, and all that sort of thing,—you had Mr. Wells' statement of what occurred in Montreal ? A.—I think so.

Q.—Now, what I want to know is, did you give an opinion as to whether, on the facts before the Government, or before the supporters of the Government, a title had or had not passed ? A.—I don't think I did.

Q.—Did Mr. Maclean give an opinion ? A.—I don't think he did.

Q.—Was he asked for an opinion ? A.—I think Mr. Wells asked him for an opinion.

Q.—I see. That was the occasion for the presence of the Order in Council in the Attorney-General's office at the time the copy was made ? A.—I think that was when it went in there, yes.

Q.—You think it was there about that time for that purpose ? A.—Yes.

Q.—Did Mr. Maclean give an opinion, do you know ? A.—I don't think he did.

Q.—You don't think he did ? A.—I don't know ; I don't think he gave a written opinion ; he might have given an opinion to the Minister.

Q.—Did you know what Mr. Maclean's opinion was ? Did you consult with him ? A.—I did, yes.