
REPORT OF SELECT COMMITTEE RE KITIMAAT LANDS.

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To the Speaker of the Legislative Assembly of the Province of British Columbia :—

SIR,—We, your Special Committee appointed to inquire into all matters pertaining to the issues of Crown Grants Nos. $\frac{1915}{155}$, $\frac{1917}{155}$, $\frac{1788}{147}$, $\frac{1916}{155}$, $\frac{1843}{155}$, $\frac{1919}{155}$, $\frac{1951}{163}$, $\frac{1844}{155}$, and also all matters in reference to pending applications, beg leave to report :

(1.) We have examined witnesses, correspondence and all documents.

(2.) The time at the disposal of the Committee has not been sufficient to enable them to prepare findings, but we submit the evidence and the documents used before the Committee, and recommend that the same be printed and embodied in the Sessional Papers.

Dated April 8th, 1905.

A. H. B. MACGOWAN (*Chairman*),

J. R. BROWN (*Secretary*),

T. GIFFORD,

W. J. BOWSER,

JOHN OLIVER.

PROCEEDINGS AND EVIDENCE.

—:O:—

APRIL 4TH, 1905.

Hon. MR. GREEN, duly sworn, gave evidence as follows :—

I don't know that I have very much to say in the matter. I may say that the first time that anything in connection with this came to my attention was when an application was made by Mr. Munro, I think, of the Victoria Book & Stationery Company, asking for an extension of time in which to complete his survey. I then inquired into it and found that my predecessor in this Government, the present Premier, who was then Chief Commissioner of Lands and Works, had given consideration to applications, that he had allowed them to complete surveys, and that Munro's was one of them. I think the other was that of Chief Justice Hunter. They had found that it was necessary for them to have further time to complete their surveys. This extension was given them, and as far as my recollection goes at present, I have heard nothing further in connection with any of these lands until about the time of the House opening, when I was informed that Crown grants were being issued. I immediately sent instructions out to the Department to stop anything further being done, and to submit to me all the papers in connection with the matter. This took some little time, and although the papers have been submitted I did not have time at the moment to go into it, and anything further that has come to my notice has been in connection with this matter practically raised by Mr. Oliver. I have nothing further to say, unless there are any questions to be asked.

Mr. Oliver : Was the Chief Commissioner aware whether or not these applications had been dealt with by a previous Government? A.—Which applications?

Q.—Applications from Munro and Hunter. I understand that these are the only applications which came to your special notice? A.—They are the only ones.

Q.—Were you aware whether these applications had been dealt with? A.—They had not been dealt with by our own Government.

Q.—These applications or others? A.—These two.

Q.—By the previous Commissioner who do you mean? A.—The present Premier.

Q.—Were you aware, Mr. Green, that these applications were for land covered by the reserve? A.—I presume that I must have been.

Q.—Since you gave instructions to stop any further proceedings in regard to these lands, has anything further been done? A.—There has been no action, except the gathering of material necessary for investigating the matter.

Q.—Previous to these matters being drawn to your attention, did the application of M. E. Oliver come before you personally? A.—No.

Q.—Did the application of A. I. Church come before you? A.—I may say, to save you specifying, that none of these applications came to my personal attention except the two first mentioned, and that was by way of an application for extension of time to complete a survey.

Q.—In that way only? A.—That and that only.

Mr. Bowser: Were any of the Crown grants mentioned in this return issued before the matter was brought to your attention? A.—They were all issued; the only ones that came to my attention were those of Messrs. Hunter and Munro.

Q.—Which was issued first? A.—I presume that Mr. Munro's was issued first. I don't know anything about the issuing of these Crown grants.

Q.—What is the practice in your Department in the issuance of Crown grants? A.—When everything is in order, the Chief Commissioner never sees or hears of the Crown grants, unless it is called to his attention, as is often done, by someone asking him to hurry the matter up.

Q.—What course do they take? A.—The application comes in and goes through the regular channels, and if in order goes to the draughting room; goes to the clerk who fills out Crown grants; and is sent, when complete, to the Provincial Secretary's Department, and then to the Lieutenant-Governor, and back to the Department.

Q.—What clerk do you mean? A.—The Chief Clerk.

Q.—Does it go to the Chief Commissioner? A.—No.

Q.—Who signs the Crown grants in your Department? A.—Mr. Gore; Mr. John initials the plan on the Crown grant.

Q.—It goes from Mr. John to Mr. Gore? A.—Yes.

Q.—After Mr. Gore signs it, where does it go? A.—To the Provincial Secretary.

Q.—Who signs it? A.—The Provincial Secretary himself.

Q.—This matter came to your attention from an outside source? A.—As far as any possibility of any irregularity, it came to my attention from outside source.

Q.—What did you do? A.—I immediately issued instructions that nothing further should be done and asked that the whole matter be laid before me; everything in the way of correspondence, letters, memoranda and everything that would be necessary to look into the matter.

Q.—What did you propose doing? A.—I certainly proposed investigating it when I had the matter before me to do it with. In fact, Mr. Gore may be able to tell you. I have talked with him on several occasions, and I told him that I wanted to look into the matter.

Q.—Were you successful in stopping any? A.—One, I believe. The rest were delivered.

Q.—When was this reserve first put on the Kitimaat? A.—I cannot give you the date. (Reference to records showed the date of reserve 27th December, 1899.)

Q.—The reserve has been lifted? A.—No, I believe not.

Q.—How could the Crown grants be issued? A.—They were issued in this way, and, as I understand it, other Governments before ours dealt with the matter in the same way, and as you know perfectly well, it is not only customary but fair that sometimes rights acquired previous to the placing of a reserve should be allowed to fill. It seems strange to me, and I think you will notice that this investigation deals only with Crown grants issued by the Government at present in office, showing plainly the bias there is. A great number of other Crown grants issued—

Q.—I understand that your Government have been issuing grants on this reserve? A.—Yes. What I started to tell you in answer to your previous question. These matters were taken up by the Chief Commissioner and investigated, and where it was found that people

had in good faith complied with the conditions necessary to acquire land, prior to its being placed on reserve, they had been allowed to complete and Crown grants issued to them, notwithstanding the fact that a reserve was placed on the land. I may say that this, I presume, was the ground upon which the two grants which I first mentioned were dealt with, and from what I know of the files of the Department, they were the grounds under which previous Governments issued grants in this particular reserve.

Q.—Since you have been Chief Commissioner you have only issued two within the reserve? A.—I think that all those grants have been issued since I was, but I may say that the only knowledge I have is of those two.

Q.—Who was Chief Commissioner before you? A.—Mr. McBride.

Q.—Who was Chief Commissioner before Mr. McBride? A.—Mr. Wells.

Q.—How many did he deal with? A.—I do not know. Mr. Gore can tell you.

Q.—Who was Chief Commissioner before Mr. Wells? A.—Mr. Cotton.

Q.—Before Mr. Cotton? A.—Mr. G. B. Martin, I think.

Mr. Brown: When an application to purchase land is received by the Department, is it referred to you for approval? A.—No.

Q.—Does not the Act require you to say whether land shall be sold or not? A.—Possibly it does, theoretically, but it is quite apparent that the Chief Commissioner cannot be consulted on everything. The matter is only referred to him when there is any doubt, or when a question or dispute arises, then it has always been the understanding and custom of the Department to refer it to the Chief Commissioner. If everything is in order, these matters never come to his notice.

Q.—In a majority of cases applications are received and approved and grants issued without your having any knowledge? A.—If the conditions are complied with?

Q.—Were the conditions complied with? A.—I presume you refer to the Crown grants referred to in this investigation?

Q.—Yes? A.—The parties in this instance all complied with the requirements of the Act. I have not had an opportunity of looking into them; when issued they were in order, so I have been told.

Q.—Those are the two you dealt with? A.—Yes.

Q.—Are you satisfied yourself that they all complied with the conditions? A.—Yes.

Q.—They had advertised thirty days? A.—I satisfied myself to this extent; my clerk was satisfied and I was prepared to take his judgment.

Q.—You simply dealt with the extension of time for survey? A.—Yes, in connection with these two particular Crown grants, that is all I did with them personally.

Q.—All you actually did yourself was to extend the time for survey. A.—Yes.

Mr. Oliver: Mr. Green, are you aware whether those two particular applications of Hunter and Munro had been dealt with by your previous Chief Commissioner, say in 1898? Are you aware that they had been refused? A.—I presume that it was so. I am not positive that I was aware, although I may have been. They were not dealt with any more than the others; they were all turned down. I believe that applications turned down by previous Governments have been re-considered by subsequent Governments, such as these applications, with the result that Crown grants have been issued. I presume that all other grants have been considered on their individual merits.

Q.—So that you cannot say whether you knew these applications had been dealt with when you were dealing with them? A.—I cannot say that, but if there is any point in that I am willing to take the responsibility of knowing it.

Q.—What date did you take the office of Chief Commissioner? A.—I cannot carry dates in my head. We took office on the 4th June; I went into the Commissioner's office after the elections.

(It was found that Mr. Green took office on the 15th November, 1903.)

Q.—Do you think that you were within the statute law in issuing Crown grants or allowing these applications in spite of the fact that these lands were reserved? A.—I certainly consider I was, if the people had acquired rights before that. I was satisfied, naturally, or I would not have granted them the extension of time.

Mr. Brown: I suppose it is an unusual thing to issue Crown grants on reserved lands? A.—Yes. It is only done under special circumstances. So far as I know, it is only done when circumstances warrant it.

Mr. Oliver: Mr. Green, would you mind telling the Commission what circumstances you would consider warranted the issuance of Crown grants on reserved lands? A.—Such circumstances as these—that people had acquired rights but had not completed them.

Q.—We may take it for granted that you were satisfied the conditions justified it? A.—So far as I am concerned, yes.

Q.—You are quite satisfied that the applications of M. E. Oliver and A. I. Church were not brought to your attention? A.—I am satisfied, yes.

MR. GORE, duly sworn, gave evidence as follows:—

Mr. Oliver: What papers have you produced? A.—My clerks will give me papers as soon as possible. I have copies of some of the correspondence.

Q.—Would you mind giving a list of what you have? A.—Letter from Fell & Gregory, dated October 12th, 1898, with reply attached; marked "A." Letter from Ernest Temple, 3rd November, 1898, with reply attached; marked "B." Letter from Ernest Temple, November 12th, 1898, and reply attached; marked "C." Letter from Fell & Gregory, 19th November, 1900, and reply; marked "D." Letter from Fell & Gregory, 30th November, 1900, with acknowledgment attached, and Memorandum of Agreement, 24th August, 1898, signed by John A. Carthew; marked "E." Letter from Fell & Gregory, 5th January, 1901, with memorandum of agreement, dated 5th January, between J. A. Carthew and C. W. D. Clifford; copy reply to Fell & Gregory attached; marked "F." Letter from Fell & Gregory, 7th January, 1902; marked "G." Letter from Fell & Gregory, 25th April, 1902, with reply attached; marked "H." Letter from Ernest Temple, 6th August, 1902, with reply attached; marked "I." Copy of letter from Gordon Hunter, 26th June, 1903, with memorandum from Chief Clerk attached; marked "J."

Q.—You have seen the Resolution of the House, have you? A.—Yes.

Q.—Have you any statement to make to the Commission in regard to these matters? I may say, by way of saving time, if you would make a general statement? A.—Since the Commission was called for I have looked into the matter, and with respect to these eight grants that are mentioned, I take them in the order that they are in on the Return made to the House.

F. M. Raley, Lot 305: His notice of intention to apply to purchase was published when the land was not reserved.

H. G. Hall, Lot 309: Notice published when land was not reserved.

Geo. Robinson, Lot 101: I find notice was published after the cancellation of reserve, but before the three months had expired.

Q.—Was not that the same with regard to the advertisement of M. H. Raley? A.—No, there was no reserve on that side of the inlet at that time at all.

Gordon Hunter, Lot 186.

Q.—I don't want to interrupt you, but I think you are mistaken about Lot 305? A.—I will explain that to you if you wish. The first reservation was put on there by Gazette notice which appeared on the 10th March, 1898, having reference to the land on the west side of Kitimaat Inlet, not on the east side. That Lot 305 is on the east side.

(On reference to the Gazette mentioned it was found that Mr. Gore's statement was correct.)

Gordon Hunter, Lot 186: Notice was published when the land was not reserved.

Q.—Where is this lot situated, 186? A.—It is situate inland above the head of the inlet. I have this map prepared for the convenience of the Committee, with all the names. (Map handed to Mr. Oliver.)

A. K. Munro, Lot 187: Notice was published when the land was not reserved.

G. H. Raley, Lot 307: Notice in this case was published very shortly after the establishment of the reservation. There is every reason to believe, however, that the party had staked out the land and complied with the preliminary requirements of the Act, and it was want of postal facilities that brought their notice after the reservation was lifted.

Kate Robinson, Lot 308: Notice published when land was not reserved.

M. E. Oliver, Lot 310: Notice was published on the same date that the reserve appeared in the Gazette.

I have only to say this, that there were five cases out of the eight in which the land was not reserved when notice of intention to apply to purchase was published. In one case, that of Geo. Robinson, notice was published after the cancellation of the reserve, but before the three months had expired.

Mr. Bowser : What do you mean by three months? A.—The notice of cancellation of reserve does not become effective until the expiration of three months.

Mr. Bowser : I think that is all.

Mr. Brown : After notice of intention to purchase was made, the Act requires 60 days' publication in the Gazette? A.—Yes.

Q.—Of these five men that you mention, all had their notice of intention to apply to purchase advertised in the Gazette for 60 days before the reserve was placed? A.—No, I don't think they had, and I don't think that would affect the matter. Parties giving notice of intention to apply to purchase would have no knowledge of what the Government would do subsequently. It does not follow that they must publish their notice for two months before we give them land.

Q.—You claim that if the notice had been published the day before the reserve had been placed, it would give them the right? A.—It would give them claim to favourable consideration; they had taken steps when the land was open to be applied for.

Q.—In the case of this man Hall, you say that he gave notice of intention to purchase? A.—Yes.

Q.—Did he give the notice personally, or was it sent by solicitor or agent? A.—I can only remark that Magneson was the original applicant.

Mr. Oliver : On what date was that application published? A.—That application was published on the 10th February, 1898.

Q.—Will you take the Gazette and turn up that application, please? A.—I don't see the name of W. Matheson.

Q.—There is M. A. and M. Theodore Matheson. I think you will find the advertisement if you look up page 423. A.—I will have the original application, with notice attached, here in a few minutes.

Q.—I think you will find it is under the name of W. Matheson. A.—There is one in the name of W. A. Matheson. It is possible that it is a mistake; I cannot speak of my own knowledge; you will have the original application here, of course.

Q.—Now, Mr. Gore, what is the law in the matter? I understand that these matters come especially under your supervision, do they not? A.—Generally.

Q.—What is the law with regard to receiving and publishing notice, receiving application and issuing purchase, &c.? A.—At the time these applications were made, in 1898, the law required the applicant to publish a notice of his intention to apply to purchase for two months in the Gazette, and to make application within three months after publication of notice. The Act has been changed so often I have to refer to the text. And he must make deposit of 25 per cent. of the purchase money.

Q.—Does not the law also require that he shall make an application after the notice has been published two months? A.—That is the intention.

Q.—And also require him to make his survey and complete his purchase within six months? A.—Yes, unless for good and sufficient reasons the Chief Commissioner extends the time, or whatever the wording of the Act is.

Q.—Without that special extension all rights cease and determine on the expiration of six months? A.—Ordinarily, yes. With respect to the applications under consideration, there were extraordinary circumstances. The applications had been refused by the Government that came into power at the time the applications were made. Mr. Semlin's Government was sworn in 15th August, 1898, and the policy of that Government was to refuse to sell lands generally, and among other cases they declined to allow the purchase of these lands in the Kitimaat to be proceeded with.

Q.—In fact, they refused all the applications pending, did they not? A.—Yes. When a change of Government took place the applicants interested in these lands asked the following Government to re-consider them.

Q.—After the Semlin-Cotton Government went out? A.—Yes.

Q.—When would that be, approximately? A.—1900, was it not?

Mr. Bowser : Who was the new Chief Commissioner? A.—The new Chief Commissioner was Mr. Wells. In numerous instances has it occurred that Governments did reconsider applications and allowed the parties to complete, and during the regime of the present Government there were two cases, Gordon Hunter and Munro, allowed to complete their purchase. That, I take it, was a very strong precedent for the office of the Department to act upon.

Mr. Oliver : Can you refer this Committee to any statutory authority or to any authority whatever to take up and reconsider applications which had been refused? A.—I cannot refer you to any statutory authority. The Chief Commissioner can, no doubt. I think it is quite within the power of the Government to reverse the decision of a former Government, if they think it right.

Q.—You think, then, that the Government can override the statutory authority? A.—I don't say they can override statute authority. They can use their discretion in reversing decisions.

Q.—When the time allowed by law had expired? A.—The peculiar circumstances of the cases in question was a reason for that. Many of the parties would have done everything that the law required them to do, but that it was well known generally that the Government of that time, the Semlin-Cotton Government, would not receive their applications and that to do anything was useless. I do not know it for a fact, but I have no doubt that applications were tendered over the counter of the Lands Office and refused.

Q.—What are the peculiar circumstances to which you refer? A.—The circumstances that I have just tried to explain, of the Semlin-Cotton Government refusing to receive these applications, or rather to make these grants, to sell these lands, which acted as a barrier to their completing their applications at the time.

Q.—Do you consider that that was a peculiar circumstance? A.—Yes.

Q.—Is it not a fact that that happens in a great many cases throughout the Province? A.—I may say that it has always been the practice of the Lands and Works Department (I have been there 30 years) to deal with all applications in which there was any conflict in a broad and liberal manner; if there were no interests of other parties injured, the lapse of a few weeks or so was no bar to a man being allowed to complete. That is the way in which I was brought up in the office.

Q.—To go back to the first application of G. M. H. Raley, you will notice that the date is stated as February 20th, 1904, is it not? A.—Yes.

Q.—Have you any explanation? A.—There is a letter from Mr. Raley to the Chief Commissioner attached to his application, I think, which will explain that, and that letter bears out what I have said, that it was in consequence of the refusal of the Government.

Q.—Is this not one of the peculiar circumstances that an application over six years would be considered over six years after the time allowed by law had expired. Is not that a peculiar circumstance? A.—Yes, it is.

Q.—You have no explanation to give to the Commission in regard to that? A.—I think the letter attached to the application is the only explanation.

Q.—That is the letter to the Chief Commissioner? A.—Yes.

Q.—Was that letter ever submitted to the Chief Commissioner? A.—I cannot say positively.

Q.—As it appears that Crown grant was issued, someone must have taken the responsibility of acting upon that letter and application. A.—I was under the impression that all the applications referred to had been submitted. I might tell the Committee that when the matter was revived, by that I mean when the applications were renewed, that I instructed the Chief Clerk, Mr. John, who had charge of the applications to purchase, to submit that application to the Chief Commissioner, explaining the circumstances of their having been turned down by the previous Government. Mr. Wells was Chief Commissioner, I think.

Q. We are dealing now particularly with — A.—I was telling the Committee what was the general procedure in these cases. I have no reason to doubt that my instructions were carried out, that he did submit the applications to the Chief Commissioner.

Q.—We are dealing now with this one in particular. A.—Mr. John had charge of that; he can answer the question; I cannot.

Q.—You don't know really what action you took with regard to this particular application? A.—The later ones did not come before me personally.

Q.—Did I understand you to say that the application dated February 20th, 1904, did not come before you personally? A.—I saw it, most certainly; I remember that there was an endorsement on it for favourable consideration from Mr. Clifford, member for the district.

Q.—Is it usual for applications to have these endorsements? A.—No; I think it was rather Mr. Raley's letter, not the application; I won't speak positively.

Q.—You cannot say what action you took with this particular application? A.—I suppose that that application would be treated as the others have been.

Q.—Well, this is a very important matter, and I would like you to try and refresh your memory if you can. Of course, we don't want to in any way strain your memory. A.—I am not trying to conceal anything.

Q.—I do not for a moment suppose such a thing, Mr. Gore. Of course, we all understand perfectly well that a man cannot carry facts for a great time. A.—I remember meeting this reverend gentleman; he probably brought his letter to me and very likely I took him round to the Chief Clerk's office where the business was done.

Q.—Would not this be a very peculiar thing, to recognise the application over six years after? A.—It would be under ordinary circumstances, but as I have said, the application was refused and then revived and we are virtually dealing with a case in which an application had not been made. The gentleman could claim that he could not make an application, because the application would not have been received.

Q.—If you follow that line of conduct to a logical conclusion, a person might claim that they had been debarred from advertising and make application on account of failure or notice? A.—I cannot agree with you. These gentlemen took the initial steps required by law when the land was open to be acquired, and were only debarred from carrying it to a conclusion by the action of the Government. The succeeding Government reversed that action.

Q.—In this particular case, the advertisement was dated 12th May, 1898. That would be at a period when there was a reserve on the land? A.—There was no reserve on that side of the Inlet.

Q.—Then, consequently, your man was not debarred from making an application? A.—Under the policy of the Government of that time, they refused all applications.

Q.—You say now that this lot was not reserved? A.—I did.

Q.—Then there was absolutely nothing to prevent his following up his application by advertisement? A.—Except the action taken by the Government; that was the reason he was debarred.

Q.—Let me draw your attention to this fact. This advertisement was inserted on the 12th May, 1898. The Semlin Government did not come into office, according to your evidence, until the 15th August, 1898, so that, as a matter of fact, the policy of that Government could not possibly have debarred this man from making his application within the time allowed? A.—I quite recognise that.

Q.—So that the claim that he was debarred on account of the policy of the Government was not true, was it? A.—He should have followed up his notice by making application within 90 days. He did not do so, and the reason he did not was a matter known to himself, which he sets out in his letter.

Q.—The Government with the plain law before them recognized his application and granted the land. Is that correct? A.—Yes.

Q.—With regard to the H. G. Hall case, that land was first applied for, was it not, by W. A. Matheson; notice of advertisement was given by Matheson? A.—Possibly; it says Matheson here.

Q.—Will you take the Gazette and look if there is any application from Matheson? A.—There is not.

Q.—Consequently, there must be an error in regard to that? A.—A clerical error, I suppose.

Q.—Now, this Return says that that application was dated 14th July, 1904; have you any explanation to give? A.—I have no explanation to offer.

Q.—You don't know whether there was anything accompanying that letter? A.—I don't.

Q.—You don't know whether that application was endorsed by any Member of Parliament? A.—I don't.

Q.—In fact, Mr. Gore, do you know whether there was an application at all in any person's name for that lot? A.—Well, I don't think I have seen the application; I don't remember having seen it, but I have no doubt that there was an application.

Q.—Have you any explanation to offer that this advertisement was in Matheson's or Matheson's name and the deed issued to Mr. Hall? A.—I presume that Matheson, or whoever it was, made an assignment of any interest he had to Hall.

Q.—Could you explain to the Committee any possible right or interest which Matheson or Matheson could have in this land? A.—He had any rights which might have been conferred on him by his having taken steps to acquire the land when it was not in reserve.

Q.—According to this Return, he did not make an application within the time allowed by law? A.—He gave notice of his intention.

Q.—Did he follow it up by application? A.—Apparently not until 1904.

Q.—Not having made an application according to the law, what right could he have to transfer? A.—I don't know on what date the transfer took place; it was shortly after notice was published.

Q.—Even if you take that for a basis, what right would a person have to know his right was transferred? A.—That is part of the whole thing; it all goes together; the original applications being refused, their being revived subsequently and the decision being re-considered by the new Government.

Q.—I don't want you to get away from the question. In this case there was no application to re-consider? A.—There was an application that did come, even if it was late.

Q.—Am I to understand that a man can make application for unreserved Crown lands, and get a deed of reserved Crown land from your Department? A.—The reserve could not have been operative against any right that a person may have acquired before the establishment of such a reserve.

Q.—In this case, what right was acquired before the establishment of that reserve? A.—Notice of intention to apply to purchase land.

Q.—What right did that give? A.—By following it up you get a deed in due course.

Q.—If he did not follow up his advertisement within the time allowed by law, what is his position? A.—In ordinary cases he would be refused.

Q.—Then this is also an extraordinary case? A.—I think they all are.

Q.—I think we can all agree with you in that respect. Is it a practice in the Department to allow any person to come in and make application by virtue of some other person's advertisement and issue the grant to that applicant? A.—The right of a person to assign any interest that he may have in any application is one that is recognised by the Department. If everything is in order, the right acquired by a man who has published notice can be assigned to someone.

Mr. Brown: Would not the assignment be subject to the approval of the Chief Commissioner? If the assignment were allowed would not that defeat the object of the Act providing that one man can only get one pre-emption or purchase one block of land; if an assignment were allowed, a man could acquire several? A.—No, the very fact that he had secured one would be a barrier.

Mr. Oliver: Is that provision given effect in your Department, that before he can make a second application he shall have a certificate of improvement? A.—It is.

Q.—In this Return you will find that on February 10th, 1898, Geo. Robinson applied to purchase, and the lot he has got is lot 99. If you will look up the Return further up, you will find that Geo. Robinson, in company with two others, was applicant for Lot 94. That application is dated the 3rd February. Was it right to have recognised both these? A.—I don't know that it is the same man.

Q.—You don't know that it is not; would it surprise you to be informed that it is? Did he get a Crown grant? A.—Apparently, from this Return. I can merely report that it is the invariable practice of the Department to decline to give a man a second piece of land until he has improved the first as required by law. Mr. John can explain that matter better than I can.

Q.—As I understand from your evidence, it has been the habit of your Department to recognise transfer of right, has it not? A.—Yes.

Q.—Had you any authority for doing so. A.—Practice.

Q.—Well, I draw your attention to the certificate of purchase here; does not that state that it is not transferable? A.—Yes.

Q.—Is it not also stated that the Crown grants are issued in the name of the original purchaser? A.—Yes.

Q.—So that in practice you set aside the safeguards provided in this matter? A.—I don't know that there is any statutory authority for that.

Q.—Is it not a fact that the law provides that the Lieutenant-Governor may make rules and regulations? A.—Yes.

Q.—So that while these certificates state on the face that they are not transferable and the grant will be issued to the original man, it is set aside? A.—As a guide to the applicant, we prefer that it should be so, but under some circumstances it is transferable.

Q.—Then we are to understand that in these particular cases, in regard to the transfer, there are extraordinary circumstances in this matter also. I am now referring to the second

lot on the list, grant issued to H. G. Hall. Are we to understand that this is extraordinary? A.—I don't understand it so.

Q.—You are not aware whether there was any transfer in this case? A.—I don't remember having seen it at this moment.

Q.—Take the case of Geo. Robinson, under date of September 16th, 1903. Was Geo. Robinson in possession of a certificate of improvement on account of his Crown grant of Lot 99? A.—I cannot answer the question.

Q.—Are Geo. Robinson, W. G. Averly and G. Hall in possession of certificate of improvement for Lot 94? A.—Not that I know of.

Q.—In regard to Lot 101, who applied for that originally? A.—Well, I would have to refer to the original application for it. I don't know the number of it. Perhaps you will find it here. I find that this application was made in the name of J. I. Church, and by letter dated July 14th, 1903, he requested that his Crown grant be issued in favour of Geo. Robinson.

Q.—You were not aware, before you issued that Crown grant to Geo. Robinson, whether he had a certificate of improvement to the other two lots or not? A.—I cannot say.

Q.—Now, you will notice in the Return that notice in the name of Kate Robinson was advertised February 3rd, 1898. You will also find, about the middle of the Return, Kate Robinson's advertisement of March 10th. Crown grants appear to have been issued in both these cases? A.—Yes.

Q.—You will notice that in the case mentioned in the middle of the Return, Crown grant was issued 23rd July, 1902, and in the other case grant was issued on August 12th, 1904? A.—So I see.

Q.—Now, it is practically impossible that Kate Robinson could have a certificate of improvement for the lot applied for on 3rd February, 1898, when she applied for the other on the 10th March, 1898? A.—I don't know whether she had any certificate of improvement or not.

Q.—Did you take any steps to ascertain? A.—I did not know that it was the same person.

Q.—You signed the Crown grant? A.—Yes.

Q.—Did you take any steps to satisfy yourself? A.—The applications for Crown grants are all carefully scrutinised by the Chief Clerk and the Conveyancing Clerk—I might call him, perhaps—who writes up the Crown grants. After they are written up the Chief Clerk and Conveyancing Clerk prepare the grants and initial them. Then they are sent to me and I look them over and sign them. You can't expect me to bear in mind that Kate Robinson got a Crown grant two years ago when she is getting one to-day. That is a moral impossibility. If a person publishes a notice of intention to apply for a piece of land, he is not eligible to publish another notice of intention to apply for another until he shall have received a certificate of improvement in respect to the first piece applied for. I also said that it would be quite impossible for a man signing a Crown grant to recognise the fact that, as in this instance, Kate Robinson had obtained a Crown grant two years previously.

Q.—I want to draw your attention to this fact, that one of these lots of land granted to Kate Robinson was applied for on February 3rd, 1898, and the other lot granted to Kate Robinson applied for on March 10th, 1898. Would it not strike you that one of these applications was directly contrary to statute? A.—If both the applications were before me at once, decidedly.

Q.—Consequently, it is apparent by this return that a fraud has been perpetrated on the Department, is it not? A.—I am not prepared to state such.

Q.—I presume that this case of Kate Robinson in connection with these two lots is not evidence that a fraud has been perpetrated on the Department? A.—I don't think I am qualified to express an opinion.

Q.—What steps do you take, Mr. Gore, to prevent frauds being perpetrated on the Department in this connection? A.—I don't know how we are to guard against it after a long lapse of time.

Q.—In actual practice, what do you do to see that the law has been complied with? A.—We look up the notice of intention to apply to purchase and see that it is followed by application and deposit and that survey has been made and gazetted.

Q.—You don't take any precautions, then, to see that the Act has been complied with in this particular matter? A.—As far as we have knowledge we can do so.

Q.—Tell us, then, what it is that you do. Would it not be possible for you to look up the records of the Department and ascertain whether these persons were not disqualified from receiving a further grant? A.—Yes, I think so, and I think that probably that is done. I said that the Chief Clerk and Conveyancing Clerk examine all these applications carefully when they come in, and that is a matter he would naturally take into consideration. Mr. John can explain this better.

Q.—If this is done, how do you account for it that such a state of affairs is possible? A.—I have no explanation. This appears anomalous. I said before that I have had little or no personal dealings with these particular applications.

Q.—If you will take the last application on the list, you will notice that that advertisement was inserted on March 10th, 1898? A.—Yes.

Q.—Was that in the reserved area at that time? A.—The reserve appears to have been gazetted on the 10th March and this appears on the 10th March; they are both of the same date.

Mr. Brown: I suppose there was a meeting of the Executive before the reserve was gazetted? A.—Yes; and as a matter of fact, the reservation was dated 3rd March, although it did not appear in the Gazette until the 10th. That was the first intimation that the public had of the establishment of the reserve.

Mr. Oliver: This appears to have been one of those cases where the notice of intention to apply to purchase was not followed up by an application in the time allowed? A.—Yes.

Q.—It also appears that in this case a Crown grant was prepared? A.—Yes, not issued.

Q.—In the case of application dated 15th November, 1904, was there any letter of explanation accompanying the application? A.—I will look. I cannot tell you from memory. Have got it here—no.

Q.—Have you any explanation to offer why this application, coming in six years after the expiration of time limit, should be recognised? A.—No.

Mr. Bowser: In this particular case of the application of M. E. Oliver, you say that the order to cancel was passed on the 3rd March? A.—Yes, I said that was the date of the notice, but it did not appear in the Gazette until the 10th. Possibly the 3rd fell on a Thursday and was too late.

Q.—You would yourself draft that Order in Council? A.—Yes

Q.—Then you would know about it before it was actually passed? A.—Yes.

Q.—Who else in your Department would have that knowledge? A.—No one except my typewriter.

Q.—Was there any other official in your Department who would know the reserve was coming in? A.—I don't think so.

Q.—Would you give any intimation to your Chief Clerk that there was likely to be a reserve? A.—It is possible.

Q.—How long has your Chief Clerk been with you? A.—Going on twenty years, I think.

Q.—You have a good many applications, of course, every month for the purchase of Crown lands? A.—Yes, we have a number.

Q.—Where there is no reserve and no special circumstance, the matter is taken up by your Draughtsman and Chief Clerk first? A.—Yes.

Q.—And then it is O. K'd. up to you, so that once having passed him you are not very particular. You rely on your Department? A.—Most decidedly; unless there are some particular circumstances which would require it to go before the Chief Commissioner, it is a matter of routine office work.

Q.—You sign the Crown grants? A.—Yes.

Q.—The Chief Commissioner, in ordinary cases, never hears of it? A.—Yes.

Q.—You send it from your Department up to the Provincial Secretary? A.—Yes.

Q.—After the Governor signs it, it is brought back to your Department and you deliver it? A.—Yes.

Q.—The Chief Commissioner, in most cases, never handles it at all? A.—No.

Q.—But where there are any special circumstances, such as reserve or dispute, it is referred to the Chief Commissioner? A.—Those are my instructions.

Q.—And the Chief Commissioner takes it up in Executive? A.—The important ones only; the Chief Commissioner decides it himself, and in some cases takes it up to the Executive.

Q.—That is in cases of policy, I suppose, in selling certain lands? A.—Yes; it is a matter to be determined by the circumstances of the case.

Q.—Now, there were several applications for the purchase of lands in the Kitimaat, both prior to and after the reserve had been put on, and in all those cases those applications were always treated by the Chief Commissioner? A.—That was my understanding in the matter.

Q.—In fact, when the Semlin Government was in they decided not to sell the lands?

A.—Yes.

Q.—That was a matter of policy? A.—Yes.

Q.—There was no reserve at that time? A.—No.

Q.—Who was the Chief Commissioner to follow Mr. Cotton? A.—Mr. Wells. No, I have forgotten Mr. Yates, who was Chief Commissioner for a few weeks.

Q.—In Mr. Wells' time all these applications for purchase of lands in the Kitimaat were sent up to Mr. Wells? A.—Those were my instructions. I believe they were.

Q.—They were dealt with by him, and in all cases did you allow Crown grants? A.—Yes, in all cases that went before him, I believe.

Q.—How many do you think Mr. Wells allowed? A.—I have a memo. here *re* lands at Kitimaat granted during Mr. Wells' tenure of office as Chief Commissioner. (Memorandum taken and marked "K.")

Q.—Some of the cases referred to in this memorandum are applied to the lots in dispute? A.—There are none of them referred to in the resolution upon which this Committee is based.

Q.—When the Hunter and Munro applications came up you referred those to the Chief Commissioner. How was it that the rest of the applications were not referred to the Chief Commissioner? A.—You had better ask Mr. John this question.

Q.—If Mr. John followed out the ordinary instructions in the Department, all these grants now in dispute would have gone before the Chief Commissioner? A.—I understood they had gone to him.

Q.—Don't you know, Mr. Gore, that six months elapsed from the time Crown grants were issued before the Chief Commissioner knew of their issuance? A.—I did not give that a thought.

Q.—When did Mr. Green first speak to you about issuing these grants? A.—A few weeks ago.

Q.—Did Mr. Green tell you that this was the first intimation he had had of the issuance of these grants? A.—Probably he did.

Q.—Did he not ask for an explanation? A.—Yes, he was asking for an explanation with respect to the issuing of certain Crown grants.

Q.—Did he not tell you further that he proposed to probe the matter thoroughly, and that it would be serious for the one responsible? A.—Yes.

Q.—And you, of course, at the time thought that these Crown grants would have gone before him? A.—Told him so.

Q.—And were surprised to find that they had not? A.—Yes.

Q.—When these particular grants came to you for signature they came from the Chief Clerk? A.—Yes.

Q.—You signed them from him? A.—Quite so. I most certainly would not have signed them if I had not been fully convinced that they had been approved by the Chief Commissioner.

Q.—Was there any conversation between you and the Chief Clerk to the effect that they had been approved? A.—Not that I am aware of at the moment.

Q.—There was no suggestion to you that there was anything extraordinary about these Crown grants? A.—No, I thought they were all the same as the other twenty.

Q.—When were they issued? A.—In Mr. Wells' time. It occurs to me that the view I had in my mind was that all those applications were very similar, and that a precedent had been established during Mr. Wells' time, when the decision of the former Government was reversed, which applied to all of them.

Q.—You did not take into consideration the particular application pointed out to you by Mr. Oliver, which was before you after the location? A.—No, I did not take that into consideration particularly.

Q.—As a matter of fact, these individual applications were not brought to your attention by the Chief Clerk? A.—I don't know whether they were or not, but if they were, there was nothing particular in connection with them pointed out to me.

Q.—If they had been, and this particular one in which six years had lapsed had been pointed out to you, what would you have done? A.—I should have said you must get the authority of the Chief Commissioner; I won't take the responsibility.

Q.—So, as a matter of fact, you signed the Crown grants without knowing there was any special connected with them? A.—Yes, relying on my general knowledge of what had been done heretofore, that they were all in a piece.

Q.—You will see from the letter from Mr. Hunter, dated June 26th, 1903, to the Hon. Mr. Wells that he states that he has seen Mr. Wells a short time and was assured by him that he could complete his purchase. Do you remember anything about that? A.—Yes.

Q.—You remember that Mr. Hunter had applied to Mr. Wells, and Mr. Wells had assured him that his would go through? A.—I understood so from the correspondence.

Q.—And then Mr. McBride took it up and followed it along those lines? A.—Yes.

Q.—And then Mr. Green followed Mr. McBride? A.—Yes, it was delayed in consequence of survey.

Q.—But Mr. Hunter's case was one in which he had rights before the reserve? A.—Yes, I think so.

Q.—Also Munro's? A.—Yes, Hunter's and Munro's were both published when the land was not reserved.

Mr. Brown: You stated that you expected that all these applications for Crown grants issued within the last year at Kitimaat had been referred to the Chief Commissioner? A.—Yes, I did.

Q.—Now, would you not expect to see some mark on the Crown grant, some "O. K." or other approval when the grants were returned to you? A.—The Crown grants did not go to the Chief Commissioner at all.

Q.—Well, then, the Crown grants are prepared by the draughtsman? A.—No, by the clerk whose duty it is to prepare them.

Q.—They are prepared by the Conveyancing Clerk? A.—Yes.

Q.—I will reverse the order, if I may. Mr. John scrutinizes the applications and when he finds them in order hands them to the Conveyancing Clerk to do the clerical work, then Mr. John refers them to you? A.—After the Crown grants are prepared and initialed they are passed to me to sign them, then they go to the Provincial Secretary for signature, and then they go to the Lieutenant-Governor.

Q.—Before the Crown grants are executed they never go to the Chief Commissioner at all? A.—No.

Q.—Then in these extraordinary cases it is the applications that go to the Chief Commissioner? A.—Yes.

Q.—If you depend entirely upon the Chief Clerk, he might as well sign the grants himself? A.—I sign the Crown grants as Deputy to the Minister in such cases. By reference to the "Interpretation Act" you will see that I have authority to do this.

Mr. Bowser: Does Mr. John actually put his own initials on the Crown grants? A.—Yes, as well as the Conveyancing Clerk, so that I can see that they are properly checked. I depend on that. I cannot read over every document in connection with applications.

Q.—You have a great many? A.—Yes.

Q.—When the Chief Commissioner brought this matter to your attention you were surprised that it had gone through without his knowledge? A.—Certainly.

Q.—Did you ask your Chief Clerk for any explanation? A.—Yes.

Q.—What was his answer? A.—I gathered from him that in such cases he consulted the Chief Commissioner.

Q.—In any of these cases? A.—I understood him to say so.

Q.—Did he mention any particular one in which he had consulted the Chief Commissioner? A.—I don't remember the name.

Q.—Were there any in which he admitted he had not consulted the Chief Commissioner? A.—I gathered from him that, having consulted the Chief Commissioner so much, he took it there was no occasion to go to him any longer; they were all right.

Q.—Did he point out to you this particular case where six years had lapsed? A.—I did not know it till I saw the Return. In the correspondence to be laid before the Committee you will see there is a letter in which it is stated that the Chief Commissioner had re-considered the matter and would allow the Crown grants.

Q.—What Chief Commissioner? A.—Mr. Wells.

Mr. Gore: Before closing my evidence I would like to say a few words about the Chief Clerk, as his responsibility has come before the Commission. I have been in constant touch

with him for a great many years and have found him most capable and most reliable, and have never had any occasion to doubt his accuracy or reliability in any of these dealings. He is a most competent clerk.

List of further documents submitted :—

Application, M. E. Oliver,	marked "L."
" J. E. Church,	" "M."
" R. M. H. Raley,	" "N."
" Alfred Magneson,	" "O."
" Gordon Hunter,	" "P."
" Munro,	" "Q."
" G. H. Raley,	" "R."
" Carthew,	" "S."
Pending applications, Ada I. Church,	" "T."
" Theodore M. Magneson,	" "U."
" M. C. Kendall,	" "V."
" C. W. D. Clifford,	" "W."

APRIL 5TH, 1905.

MR. GORE re-examined :—

Mr. Oliver: Whose duty is it to compare the notice of application with the application and see that everything is correct? A.—Mr. John's.

Q.—What are your duties in regard to these applications? A.—Well, it depends upon circumstances. In special occasions I am consulted with respect to them.

Q.—Any other duties except consultation and signing the Crown grants? A.—Well, it is rather hard to answer that question; my duties are general.

Q.—Have you general supervision over the work of the Department? A.—Yes.

Q.—You would not care to specify any other duties beyond that? A.—My duties are general supervision; that covers the whole thing.

Q.—You say you would be referred to in special circumstances? A.—Yes.

Q.—Was the matter of F. M. H. Raley's application of April 20th, 1904, referred to you? A.—I cannot say definitely whether that particular one was or not. I can say in general terms that my directions in connection with those applications were that they were to be referred to the Chief Commissioner; the whole lot.

Q.—Can you give any explanation of the circumstances that the lot deeded to G. H. Raley, October 12th, 1904, and being stated in this Return as having been applied for on 31st March, 1898, is actually dated April 20th, 1904? A.—The application was really made on the 20th April, 1904. The date is a clerical error.

Q.—Can you give any explanation of the fact that the land as shown on A. Magneson's application, on this occasion, is not within one and a-half miles of the land applied for by notice? A.—I believe the reason for that is that the staking out of the land was not done by actual survey, but by pacing out the distances, but when they came to survey there was not sufficient ground to take them in.

Q.—I want to draw your attention to this; the notice reads as follows: "Commencing at J. Carthew's south-east stake; thence 40 chains south; thence 40 chains west; thence 40 chains north; thence 40 chains east to stake of commencement." This notice shows that the point of commencement was J. Carthew's stake, and that there are apparently three other lots between Carthew's lot and the lot granted? A.—I have no other explanation than the one I have mentioned.

Q.—Do you think that is a sufficient explanation? A.—It is a matter that I did not consider very much.

Q.—Are you aware that the application for this grant, purporting to be signed by A. Magneson, is per Geo. Robinson? A.—I may have seen it.

Q.—And endorsed by Mr. Clifford? A.—I do not remember it.

Q.—Well, that is so, is it not, Mr. Gore? A.—This is Magneson.

Q.—You will see from the letter inside? A.—A. Magneson; yes.

Q.—Per Geo. Robinson, or G. R.? A.—That is his agent, I suppose.

Q.—It purports to be endorsed by Mr. Clifford? A.—Yes.

Q.—Can you give any explanation of the fact that the deed for that was issued to Mr. H. G. Hall? A.—I presume there was an assignment to Mr. Hall.

Q.—I would like to have that authority produced; it is not here. I understand you were asked regarding certificates of improvement before a second grant was made to same person. Are you aware that there is a letter from Mr. Geo. Robinson asking to have this particular lot that was issued to Hall, and two other lots, issued to him? A.—He asked to have the grants issued. He did not say to him.

Q.—That is the purport of his letter? A.—No; I don't take it to be so at all. I would take it to ask that the grants be issued to the persons who were the applicants.

Q.—The grants should be issued to the applicants? A.—Or their assigns.

Q.—This application of Magneson appears to have come to your notice. A copy of letter signed by you acknowledges the application and tells that a Crown grant will be issued if no valid reason appears to the contrary? A.—That is the stereotype reply to those questions.

Q.—Does that mean that it did not necessarily come to you personally? A.—That is my signature, certainly.

Q.—In that case it was brought to your notice? A.—Undoubtedly. This letter was not written by me, and when I signed it I would take it to mean that it had received the favourable consideration of the Chief Commissioner.

Q.—Evidently it was favourably considered, as Crown grant was issued? A.—I presume so.

Q.—In a case like this, would you take the responsibility of issuing a Crown grant without instructions from the Chief Commissioner? A.—Yes, if the papers in connection with any application had been approved, and I presume they all were.

Mr. Brown: How did you satisfy yourself whether papers had been approved by the Chief Commissioner or not? A.—I had given directions that in these particular cases the papers were to be referred to the Chief Commissioner, and I had no reason to doubt that it had been done.

Q.—Is it not usual for the Chief Commissioner or other officer to mark his approval in some way? A.—It has not been the practice. I admit it would be a very good practice.

Mr. McGowan: In connection with applications, what system have you of checking improvements? A.—We have an index book (explains method of making entries in this book). The duties of the Lands and Works officers are very intricate, in consequence of our having to administer unsurveyed lands, and possibly there is no other place in the world where this is done, and anyone can recognise the vast difficulties to contend with in this matter.

Mr. Oliver: In regard to certificates of improvements, a person could, by using fictitious names in his application to purchase, avoid the regulations of the Statute in regard to obtaining more than one lot of land before receiving certificate of improvement, could he not? A.—There is nothing in the Statute to prevent a man acquiring lands in the name of his friends as well as himself, if they lend their names to him.

Q.—The object of the Statute evidently was to prevent a man from obtaining more than one lot until he had made improvements? A.—Certainly.

Q.—And in this letter from Robinson, asking for Crown grants to be issued for three different lots, it must have been evident that if he made use of names of friends he could avoid that? A.—Well, the last answer, I fancy, covers that.

Mr. Brown: Would not that letter from Mr. Robinson call your attention and lead you to enquire as to whether Mr. Robinson had improved lands? A.—I would take that application to be from an agent of three parties.

Q.—What did you do at the time? A.—Oh, I cannot remember what I did then. I did not give much personal attention to the matter of these Kitimaat lands, simply from the fact that I considered it was a matter for the Government to deal with and for the Chief Commissioner.

Q.—Did you draw the attention of the Chief Commissioner to those applications? A.—No; my Chief Clerk was told to do it.

Mr. Oliver: I want to draw your attention to the application of A. K. Munro. That application shows the land applied for to be situate on Kitimaat Inlet, having a frontage on the inlet and south of J. Murphy's claim? A.—Yes.

Q.—How do you account for the fact that the lands shown on the map produced by you are at least a mile north of the inlet altogether and north of the claim of J. S. Murray? A.—I have no explanation to offer.

Q.—Is it not quite evident that the land granted is not that applied for? A.—Apparently so.

Q.—Would it not be the duty of the Department to see that it was the land applied for that was obtained? A.—Under ordinary circumstances, yes.

Q.—In other words, you would not consider that a man would stake a claim one or five miles away from the land that he actually wished to get? A.—No.

Q.—I want to draw your attention to Mr. Hunter's application, which is identical with that of Munro, so far as location is concerned? A.—Yes.

Q.—This is shown as being situate on Kitimaat Inlet? A.—The sketches are very vague things.

Q.—But surely when a man shows lands with a frontage on the inlet, it ought to be more definite than half a mile clear of the water altogether? A.—You would think so.

Q.—Did the application of M. E. Oliver, dated 15th November, 1904, come before you personally? A.—No, I don't think so.

Q.—Can you tell me whose hand-writing this is on the face of the application, "These were submitted to C. C. and approved, 7/11/04"? A.—Mr. John's writing.

Q.—You will notice an endorsement on this also, A. I. Church's. A.—That is the same writing.

Q.—Mr. John's? A.—I believe so.

Q.—I want to refer back to Mr. Hunter's application and to draw your attention to this fact. Do you know that hand-writing? A.—Well, I believe that is Mr. Green's writing.

Q.—Is it not rather the writing of Mr. McBride? A.—I do not know whose it is; it may be Mr. McNeil's, who was private secretary to Mr. Wells.

Q.—What is this writing dated 15th May, 1903? A.—It is a memorandum for the information of the Chief Commissioner.

Q.—Who was Chief Commissioner at that time? A.—Mr. Wells.

Mr. Bowser: Take Carthew's application; notice change of date—whose writing is that? A.—Well, that is the writing of the book-keeper in the office, Mr. Wooldridge.

Q.—The filling in 29th January, 1898? A.—I suppose that was the person making the application.

Q.—What does it mean; it is changed from 29th January, 1898, to 30th September, 1904. When was the deposit received? A.—I presume this is the date on which it was received?

Q.—Why would he write that out and put in another date six years later? A.—I cannot tell you; you had better ask him.

Q.—What is the book-keeper's name? A.—Wooldridge.

Q.—You say in connection with this application that you wrote a letter saying the matter was being re-considered and Crown grants would be issued. You did not draft that letter yourself? A.—They were drafted by the Chief Clerk; I signed them.

Q.—How did you come to sign them if you had not seen the Chief? A.—Took it for granted that they were all right.

Q.—From whom did you take it for granted? A.—From general instructions that these matters should be referred to the Chief Commissioner and was quite satisfied that they had been considered.

Q.—The Chief Clerk would not put them before you if not? A.—I know he would not do it unless he was perfectly satisfied. It would apply to all of them, also to the Burax and Daly case of October 4th, 1904.

Q.—In the case of Hunter and Munro the money was deposited with the Government all the time, was it not?

Mr. Oliver: I think we had better make an order for the production of all letters outward in connection with these applications. I believe there are other letters.

Q.—As a matter of fact, in some of these Crown grants the money had been returned to them in 1898, and they had brought it back in 1904? A.—In some instances they refused to accept the money.

Q.—In some cases the money had actually been refunded in 1898? A.—I cannot speak positively on the matter.

Q.—You will see by Mr. Church's letter, March 6th, 1899, that he got his money back?
A.—Church writes and asks for his money.

Q.—Is there nothing to show that he got it? He apparently got that money in 1900?
A.—I presume he did since he asked for it.

Q.—And brought it back in 1904? A.—In July, 1903, he writes and requests that a Crown grant be issued, and says that Mr. Geo. Robinson will pay all dues.

Q.—How would he know, after keeping money five years, that a Crown grant was going to issue? A.—There is no paper. I presume it was because it was generally known that these applications were favourably considered by the Government in 1902.

Q.—You might take all these and just tell us in which cases the money was not brought in until 1904? A.—If you will ask Mr. John that question he will be able to tell you better than I can. I am in professed ignorance of this matter, not having given it my attention at all.

HON. MR. GREEN, re-examined:

Mr. Oliver: Whose duty is it to consider applications to purchase land? A.—Generally, when applications come in over the counter in the Lands and Works Department they are taken to the Chief Commissioner's office and are opened by him and handed to the Deputy, and he passes on those relating to applications to the Chief Clerk, who, either himself or in connection with the other clerks in the office, examines them, and if it is necessary refers them back to Mr. Gore, and from there to myself. That is the routine of the office, as I understand it.

Q.—That is, any application out of the ordinary would be referred to Mr. Gore, and if he thought necessary he would refer it to yourself? A.—Unless, of course, and naturally I suppose there are times when Mr. Gore is not at hand and the matter would come direct to me from the Chief Clerk, but the ordinary course is that it is referred to Mr. Gore and never comes to me unless it is some matter that Mr. Gore and Mr. John decide that it is necessary for me to know.

Q.—You will notice that on the application of M. E. Oliver there is a memorandum that the application was submitted to you, and approved? A.—I have no recollection of it.

Mr. Brown: You would not like to swear? A.—I would not like to swear that that or any other paper in the Department had not been before me. You will readily understand that where a large number of papers may have been submitted to me, and where there is nothing special about them to call them to my attention, I cannot remember them. I have no recollection of having seen the document before, and it certainly was never impressed on my mind. As I told the Committee yesterday, I had no recollection of these until they were called to my attention about the time the Session opened.

Q.—Application of A. I. Church? A.—The same answer would apply to that.

Mr. Bowser: How is it that you remember the Hunter and Munro cases? A.—Because I took direct action myself in those matters. I was under the impression that I had written to Mr. Munro granting him an extension of time; I am not sure yet that I did not write to him, but I remember perfectly well that Mr. Munro waited upon me and I think that the interview was followed by a letter.

Q.—The peculiar circumstances of that case brought it to your attention? A.—I thought there was something out of the ordinary in this, in that they were asking for an extension of time. They had been granted six months by Mr. McBride, then they came to me. I remember there was considerable discussion, and I recollect perfectly that I had given them the extension.

Q.—Did you know at that time they were within the reserved lands? A.—I cannot say that I did, although I presume that I did.

Q.—In the case of the Church application and Oliver, you would remember, would you, the peculiar circumstances of their being in the reserve, if brought to your attention? A.—I certainly think that I would.

Q.—When the matter was first brought to your attention on the opening of the Session, had you any recollection of the matter having been dealt with? A.—Absolutely none.

Mr. Brown: You knew that these Kitimaat lands were under reserve? A.—I presume so.

Q.—The application would show on its face where the land was situated? A.—Well, Mr. Brown, no doubt the application would show, but you must recollect this, that when applica-

tions come in they are usually dealt with in the Department, unless there is something in particular to bring to the attention of the Chief Commissioner—it may be in the matter of reserved lands—the money not being paid in on time—the application was not made close enough to date of insertion. Unless it was some such particular circumstance brought to my attention, I would not remember one application from another.

Mr. Oliver: I would like to draw your attention to the location of those lands. Take the Hunter application; if you will look at the application you will find that the land applied for is on the Kitimaat Inlet, and will notice from the official map that they are not; the nearest one is fully a mile away, and not situate on the Inlet at all. Is it not quite conclusive evidence that the land granted is not the land applied for? A.—It certainly is not the land, so far as the description goes.

Q.—If you will read the description of the land, will the advertised description of the land fit? A.—The description may be made to fit much better than the—

Q.—You will notice, Mr. Green, that the application is for land lying south of Mr. Murray's, and the land granted is north? A.—In looking at the application and looking at this I would take it in connection with its contiguity to the inlet. The description does not tally, so far as the map is concerned.

Q.—You will notice the description in this advertisement of Magneson's; it commences at Carthew's south-east stake, and the land granted is one and a half miles away. I suppose you can give an explanation of those things? A.—Absolutely none; know nothing about it.

Mr. B. H. JOHN, duly sworn, gives evidence:

Mr. Oliver: What position do you occupy? A.—Chief Clerk.

Q.—What are your duties? A.—General supervision of the work of the Department under the Deputy Minister.

Q.—Whose duty is it to examine the applications and to see that the requirements of the law have been complied with? A.—I assume that duty.

Q.—In Lot 308, Crown grant was issued to Kate Robinson. Application apparently was made and advertisement given in the name of G. A. Kirk. Is it the usual practice in the Department to issue deeds to other than the applicant? A.—Yes.

Q.—What authority is there for doing that? A.—It has been the practice since I have been in the Department. There is no statute to prohibit it.

Q.—On your certificates of purchase, they state on the face that Crown grants are to be issued to the original applicants? A.—I believe they do.

Q.—And also that it is not transferable? A.—That is in so far as it relates to pre-emption claims.

Q.—The same has regard to purchase? A.—It is not the practice.

Q.—Well, the certificate states it is not transferable? A.—That is because the same form is used for pre-emption claims.

Q.—Would not that indicate that the deed should be issued to the original applicant? A.—Not necessarily.

Q.—What was the authority for issuing Crown grant of Lot 308, applied for by G. A. Kirk, to Kate Robinson? A.—A letter to the Department from Mr. Kirk, the original applicant. I think I made a memo. of that.

Q.—Will you look at the sketch on the back of that application and say as to whether the land granted fits in with that sketch? A.—It does not.

Q.—In other words, it is a case where one lot is applied for and another granted? A.—I think not. You will observe that the sketch you have, it is true, shows the land to be on the west side of the inlet, but what is known as the Kitimaat townsite is on the east side. It is a palpable error. The position of the land can be determined without any doubt whatever.

Q.—How do you account for this application being mutilated and re-written? A.—The applications were originally received on the 29th March, 1898. All applications for land in the fall of 1898 were considered by the Government and refused, and the money refunded. This is one of those cases.

Q.—They were actually refused and the money refunded? A.—The money was refunded; the date is not on, but I know that it was.

Q.—Is there any statutory authority, after an application has been refused, for taking it up again? A.—I cannot say that, but all applications were considered by the Government in 1902 in similar conditions and allowed.

Q.—Is not that contrary to the Statute? A.—I don't know that there is anything in the Statute bearing on the case.

Q.—Does not the Statute say that after a thing has been advertised for two months the application must be made within one month thereafter, or within three months from the time of staking? A.—I believe that is the law at present.

Q.—And does it not say that the transaction must be completed in six months? A.—I believe so.

Q.—More than six months having expired, on what authority could you again take up the application? A.—It was taken up under the authority of the decision rendered by the Government in 1902.

Q.—Have you evidence of that authority? A.—There is a copy of a letter which I think was sent in here.

Q.—Authorising the Department to issue these Crown grants? A.—It is expressed in a letter to Fell & Gregory, who were acting for a number of applicants, stating that the applications were being considered and that they would be allowed to complete and obtain grants.

Q.—In the face of the Statute law, and in the absence of explicit instructions from the Chief Commissioner, did you prepare Crown grants? A.—I had Crown grants prepared in a number of instances.

Q.—Without express instructions? A.—I don't receive express instructions in each case.

Q.—In any particular case do you receive express instructions? A.—No, I don't. It is not customary for me to receive express instructions when grants are issued.

Q.—We have evidence here that the circumstances were very extraordinary, and I want to know under whose authority these grants were issued. This is the object of this inquiry? A.—In this particular instance, which may cover all cases, an application was made to have the applications renewed and it was favourably considered by the Department. After that was favourably considered, and the law being complied with in other respects, the Crown grants would issue as a matter of course.

Q.—There was a renewed application. Can you produce that renewed application? A.—I think so; is it not attached to letter 691/98? I fancy it is attached to the counterfoil of the grant.

Q.—The Department reconsidered the applications and decided that the Crown grants would issue. Who do you mean by the Department? A.—The letter in this instance is addressed to the Chief Commissioner or the Deputy Minister. Matters of that kind are dealt with by Mr. Gore and myself. I drafted the reply to this letter in consequence of the fact that previous applications had been made under similar circumstances and Crown grants had been issued.

Q.—Your authority in this case was on account of what had taken place previously? A.—Yes.

Q.—What was the original authority on which you based this action? A.—The precedent was based on the letter of 1902, and the applications of Messrs. Munro and Hunter.

Q.—In the case of Munro and Hunter did you get specific instructions? A.—Nothing more than the fact that the applications were considered by the Chief Commissioner.

Q.—The applications of Munro and Hunter were considered by the Chief Commissioner? What Chief Commissioner? A.—Mr. McBride was Commissioner.

Q.—And Mr. McBride allowed the applications of Munro and Hunter? A.—Yes.

Q.—Did he give any specific instructions or did you gather his intention from correspondence? A.—I gathered it from the fact that he allowed the applications.

Q.—I see; then Mr. McBride took the responsibility of issuing the grants in spite of the reservation? A.—I had nothing more to do with the matter. I think that is quite ample.

Q.—Following the precedent set by Mr. McBride, you went on and prepared Crown grants for applications? A.—I did.

Q.—Lot 305, F. M. H. Raley. This advertisement was dated 24th March, 1898; it is given there as being advertised on May 12th; that is the date it appeared in the Gazette. In this case was there anything to prevent the application being made in due process as required by the Statute, or within three months from the staking of the land? A.—Not that I am aware of, unless reasons are stated in the letter attached.

Q.—I don't think that is expressed there? A.—Yes, it is expressed there.

Q.—As a matter of fact, it was not in the reserve of 1898? A.—No,

Q.—Therefore, no application having been made within the time allowed by law, there really was no application in 1898? A.—Beyond the application published in the Gazette.

Q.—Beyond the notice. The notice itself does not constitute an application, does it? A.—No.

Q.—How do you account for the fact that this application is an application to purchase reserve lands, and how do you account for the fact that Crown grant was issued? A.—It was in consequence of the conditions surrounding the application and the explanation made in the letter and its being supported by the Member for the District.

Q.—I see; Mr. Clifford's endorsement of the claim had considerable to do with it? A.—I have no doubt that it carried weight in the matter of consideration.

Q.—And in consequence of surrounding circumstances and Mr. Clifford's endorsement Crown grant was issued? A.—Crown grant has been issued.

Q.—Lot 307, the other Raley; this application appears in the Gazette on the 31st March, 1898, does it not? A.—Yes, that is the date.

Q.—Was this in the reserve at that time? A.—Yes, that parcel of land was in the reserve.

Q.—Would this application have any effect when it was an application for reserved lands? A.—It should not have had.

Q.—In fact, there was no application made at that time? A.—Not until 1904.

Q.—Or six years after. I suppose that the same explanation you gave in regard to the previous one holds good in regard to this? A.—Yes, the same explanation.

Q.—Lot 309; this was an application dated 14th July, 1904. Does the same explanation apply to this as to the others? A.—The same explanation, except that this was outside the reserve. It was made before the establishment of the reserve.

Q.—Was this application also endorsed by Mr. Clifford? A.—Yes.

Q.—So you have here clearly three cases outside the Statute law in which Crown grants have been issued and are endorsed by Mr. Clifford. Is not that a fact? A.—The applications were not made within the proper time.

Q.—And these improper applications are endorsed by Mr. Clifford, the Member for the District? A.—The applications that were made are endorsed by him.

Q.—And the same explanation given in the two preceding cases holds good? A.—With the exception that this claim was staked before the establishment of the reserve.

Mr. Brown: Was it advertised for 60 days before the establishment of the reserve? A.—No.

Q.—Would it have any status before that reserve was placed upon the land? A.—I think that it would.

Mr. Oliver: You think that would give it some status?

Q.—Lot 310, application made 8th October, 1904, M. E. Oliver. What explanation have you to offer in that case? A.—The application was equal to the applications of Raley and Magneson, which had been favourably considered.

Q.—The same explanation goes with regard to that? A.—Except that this is not approved by Mr. Clifford.

Q.—I want to draw your attention to that marginal note on that application; is that your hand-writing? A.—Yes.

Q.—What does that indicate? A.—That I took that application before my Chief for approval.

Q.—Would you put that endorsement on unless you had taken it to your Chief and had it approved? A.—I would not.

Q.—You are prepared to swear that it was approved? A.—I took it to the Chief Commissioner.

Q.—You are quite positive about that? A.—I remember the matter. There was no report made to him that would place it on his mind.

Q.—You are positive that you took it to him? A.—I mentioned the matter to him; yes.

Q.—A. I. Church; you will see that this is similarly endorsed? A.—Yes.

Q.—The same date? A.—Same date.

Q.—Would you say that you took those applications together? A.—I mentioned the two matters at the same time.

Q.—Coming back to the standing that these applications would have, I understand that you took the view that the advertisement having been made would give the parties applying some standing? A.—That is my impression.

Q.—Are you aware that the law states that no right or title can be acquired to any such land until after the land shall have been surveyed, &c.? And then further on it says, nor shall the application nor deposit of 25 % confer any right, &c. In view of that statute, would you still hold that they had any standing? A.—There are peculiar circumstances surrounding these applications. If it was ordinary land unreserved, I should say the applications would be refused.

Q.—Is it not a matter of fact that the applications made within the terms of the statute were refused? A.—The first applications? Yes, they were refused.

Q.—And these applications which have come in since the reserve was put on have been granted, despite the fact that the land was reserved? A.—Application to purchase was made before the establishment of the reserve in most cases.

Q.—Does that give them any standing, that they advertised intention to apply and never followed it up? A.—The following up had been done in 1902, when application was completed.

Q.—The law said distinctly that application was to be made within three months of staking? A.—True.

Q.—In the face of that express provision, how do you account for it that these applications have been accepted and the land granted, although not made in accordance with law? A.—They were accepted in consequence of the three applications of the Raleys and Magneson having been approved.

Q.—Is it not a fact, Mr. John, that these Crown Grants have been issued in defiance of the statute law? A.—There may be some irregularity in connection with the applications not coming in time, and that would, of course, bear upon the Crown Grants.

Q.—Have they not been issued in contravention of the law? A.—I am not capable of answering that question.

Q.—Whose duty is it, Mr. John, to see that the land granted is the land applied for? A.—That is a matter that is always gone into in the draughting department.

Q.—Take the case of Hunter and Munro; the lands applied for there are situate on Kitimaat Inlet? A.—They are described to be on Kitimaat Inlet.

Q.—Turn to the description of the land, which by the notice and sketch on back of application, are those the lands that have been actually granted? A.—Judging by the sketch and plan, they are not.

Q.—And judging by the description? A.—And judging by the description.

Q.—Neither the description nor plan fit the land granted? A.—It can be explained in this way: the party has taken that line, but the field-notes of the surveyor would show whether the lands surveyed are those applied for.

Q.—Do you think it possible that a man staking land on the inlet with a water frontage would mistake it for land inland? The sketch is a necessary part of the application? A.—Yes; the sketch is a part of the application.

Q.—I might call attention to this matter of J. Murphy's south-east stake. A.—There was no such application before the Department.

Q.—It is possibly one of those clerical errors that occur? A.—I cannot explain that.

Q.—Lot 309, as granted, does that fit in with the description as advertised? A.—I cannot say, because we have not the position of Carthew's claim.

Q.—Is not this Carthew's claim? A.—That cannot possibly be the claim referred to, because these are the two first applications ever made at Kitimaat Arm. I think there is another Carthew. It is possible that Carthew staked a claim and did not complete it. In fact, I think that there was such a case, but nothing came before the Department.

Q.—I wish you would search the Gazette, Mr. John, because I have done so and cannot find it. A.—I think there were two Carthews.

Q.—Is it not a fact that this description has been put on that letter within the last two weeks? A.—I put it on yesterday for the convenience of the Committee, that they might have all the information possible.

Q.—The land applied for by W. Matheson fits the description of this lot a good deal better than this does? A.—I have looked into it and I think it does. That is taking it in the order of these surveys; but that could only be determined by the staking on the ground; the surveyor's field-notes would indicate that point.

Q.—Judging from this application, does it not appear on the face of it that there are three or more lots between it and the land it was supposed to join and the land granted? A.—Yes, if you take that to be the application. That is not the one, I am satisfied.

Q.—Is there any more reason for supposing that this is correct than there was that the cases of Hunter and Munro were correct? A.—I have not examined the field-notes, but that is the position which is placed upon the sketch, and I presume it to be correct, but the field-notes of the surveyor will show. Mr. Gray is in the city and I have no doubt that he could explain.

Mr. Bowser: Is there any latitude given to the surveyors? A.—There is latitude given in order to tie on to the other survey.

Mr. Brown: You say that you placed a couple of applications before the Chief Commissioner, which are endorsed "Approved by C. C."? A.—Yes.

Q.—Is it not the usual thing to place these applications before the Commissioner? A.—No, not unless there is some reason for it.

Q.—It is out of the usual course? A.—Yes.

Q.—Why did you place them before the Chief Commissioner? A.—I did it in consequence of instructions from the Deputy Commissioner when a former application came before the Department, that of Theodore Magneson.

Q.—You did it, I suppose, in view of the unusual circumstances and conditions surrounding these applications? A.—When the Magneson application came in I took it to Mr. Gore, and he said that in view of so much talk of railway development in the north of the Province it would be as well to refer it.

Q.—Would there be any object in submitting it to the Chief Commissioner unless you explained the conditions? A.—I don't think there was any explanation made, except that it was similar to the applications of Hunter and Munro.

Q.—Did you point out that these applications covered reserved lands? A.—No. I assumed the Commissioner knew this when I said they were similar to the Hunter and Munro cases.

Q.—How long before had they been considered? A.—I have not the date before me.

Q.—Just a few months or a few weeks? A.—No, Mr. Green was not Chief Commissioner when they were considered.

Q.—Then how could you assume that Mr. Green would know from the Hunter and Munro applications if he was not in the office then? A.—I thought it had been considered by the Government.

Q.—You thought the whole matter of these Kitimaat lands had been considered by the Government? A.—Only those two applications.

Q.—Can you state in a general way what you told Mr. Green when you placed these applications before him? A.—I merely mentioned that it was an application having in all respects the standing of the Hunter and Munro cases.

Q.—And he seemed to understand that? A.—I think he did.

Mr. Oliver: Did you draw the attention of the Chief Commissioner to the fact that in the case of Hunter and Munro there had been an application made in 1898, and in this case no application made until 1904? A.—No, I did not.

Mr. Bowser: Whose duty is it to check up the field-notes and descriptions in the Department? A.—The duty of the draughtsman.

Q.—He checks it up; you have nothing to do with it? I want you to explain to me what latitude is allowed to surveyors in such cases? A.—Mr. Gore could explain this better than I can. It comes particularly under him.

Q.—You spoke of a letter to Fell & Gregory; that was in reference to Lots 90, 91, 92, 93, 94 and 97; application at the time was turned down by Mr. Semlin and was taken up by Mr. Wells in 1902, and it was on that letter that you based your subsequent action? A.—That was my guide.

Q.—You took it, I suppose, that that lot was the same as all those other lots up there? The only difference in these subsequent cases is they did not apply in time? A.—They did not apply or have them surveyed.

Q.—The fact of Crown grants having been issued to Hunter and Munro also influenced you? A.—It did.

Q.—Magneson's claim was brought to the attention of the Chief Commissioner, or did you treat it on the same basis? A.—I called on the Chief Commissioner in that matter.

Q.—Bringing his attention to the circumstances? A.—All I said was that the conditions were similar; there was nothing to impress it on his mind.

Q.—That was all you said in the case of Church and Oliver? A.—Yes; the Church and Oliver were subsequent to the McBride.

Q.—In fact, all these six we are dealing with, outside of the Hunter and Munro, were issued subsequent to the Hunter and Munro grants? A.—Yes.

Q.—And you were guided by these circumstances in drafting those letters? A.—Yes.

Q.—What were the instructions with regard to Magneson? A.—Application was allowed.

Q.—When you had that before the Minister did you explain the circumstances? A.—No, I did not. I merely mentioned it was similar to the Hunter and Munro cases.

Q.—Did you consider that it was similar in view of the fact that the application was made six years after? A.—It was not, it was made in 1898.

APRIL 6TH, 1905.

Mr. H. G. HALL, duly sworn:

Mr. Oliver: I would suggest that you just give the Committee an account of what you know about the application and issuance of these Crown grants.

Mr. Hall: I will say that in the first place I know nothing at all about the applications. I was asked if I would consent to a Crown grant being issued in my name and I consented. I was informed that all I would be required to do would be to sign a receipt for the Crown grant and after the issuance to transfer it. I believe I signed the receipt. I have an indistinct recollection of having signed it in the Lands and Works Department, and upon the Crown grant being issued I transferred it.

Mr. Oliver: Who was the person making the request? A.—George Robinson.

Q.—Do you know where Mr. Robinson lives? A.—I believe he lives at Kitimaat.

Q.—Do you recollect to whom the grant was transferred? A.—I do not; it was either to Mr. Robinson or a nominee of his.

Q.—Did you receive any writing from any person transferring their right to you, so as to enable you to receive the Crown grant? A.—I did not receive any writing; I am not sure as to how that came about, but I understood that transfer of some right was being made to my name and that is practically all I understood about it. I had no attendance at the Lands and Works in connection with it, other than signing the receipt for the Crown grant.

Q.—You had no personal interest in the matter, had you? A.—Neither directly nor indirectly, never had.

Mr. Brown: Where were these lands situated? A.—I understood that they were situated at or near Kitimaat; that is all I knew about it. I did not look into the matter of the description of the land.

Q.—You never made an application for land yourself? A.—Well, not for the last, I should say, ten years or thereabouts.

Q.—Either at Kitimaat or elsewhere? A.—Never at Kitimaat, that is on my own behalf. As solicitor for other parties, I may have done so.

Q.—At Kitimaat? A.—I may have. Yes; I have an indistinct recollection that some years ago I did have some correspondence with the Department with reference to an application for land at Kitimaat, but don't remember much about it now—it was several years ago—further than that I know the application was not granted.

Mr. Oliver: Of course that had no reference to this lot? A.—No, I think not; in fact, I am satisfied that it had not, for I understand that application for this lot, from what I have seen of the return brought down to the House, was applied for by Magneson or Matheson, and I never acted for any person of that name.

Mr. Bowser: Mr. Robinson was a friend of yours? A.—Yes; I had acted as his solicitor in several matters.

Q.—He simply asked to use your name? A.—Yes.

Q.—To get more land, I suppose? A.—I don't know what his idea was; he did not tell me and I did not ask him.

Mr. J. H. GRAY, duly sworn:

Mr. Oliver: You are a surveyor, are you not? A.—Yes.

Q.—You surveyed some land in the vicinity of Kitimaat? A.—Yes; I did a good deal of surveying there in the autumn.

Q.—Can you tell us what lots you surveyed? A.—Yes; I surveyed two lots for Mr. Raley, a lot for Mr. A. W. Jones, a lot for Mr. Magneson, Alfred Magneson, I believe, his initial was A.; I think one for a Mr. Oliver, and I think there was one for a man called Kirk. I don't remember the names very well, but I do the lots; there was a number of them.

Q.—Could you locate those lots on the map? A.—Yes, I can do that easily. They are Nos. 310, 307, 308, 98, 309. There was one further down the Arm, Jones, several miles down, not within the reserve. All these higher numbers I think are mine, the 300's.

Q.—Do you know where the corner stake of J. Carthew is? A.—Not in that way; I can remember it if I saw it on the map. I know the property.

Q.—What did you have to guide in making the survey of Lot 309? A.—The application post on the ground. Magneson had two posts, both his north-east and south-east were marked. His north-east corner would be, I think, about nine chains down (pointing on the map), and his south-east corner just below this line.

Q.—You did not find Carthew's corner post here to tie on? A.—No; the only post I found was south-east of 99, so marked.

Q.—Following this description, I would like you to locate this lot on the map, commencing at J. Carthew's south-east stake in Kitimaat. A.—That is, you suppose it to be J. Carthew's.

Q.—Do you know whether any of this was surveyed for a townsite? A.—Yes, a portion of it; I think to the south.

Q.—So that it follows it would fit, commencing at J. Carthew's south-east stake to Kitimaat; thence 40 chains west; thence 40 chains north; thence 40 chains east? A.—That would fit, in Lot 89.

Q.—Can you offer any explanation of the difference in the description of the lot and the one surveyed? A.—I cannot.

Q.—If you did the survey from that description, do you not of necessity have the commencement at J. Carthew's south-east stake? A.—Not necessarily, I think; you find the location post referred to in the notice of application, and usually move that if it is within a short distance and on unsurveyed ground, so as not to leave a fraction of land unsurveyed between.

Q.—Would you say that the description fits the land surveyed? A.—No; I should say his post was not on the land he described.

Q.—You did not find any stake with Carthew's name on it down here? A.—The only stake with Carthew's name on it that I saw was 90.

Q.—Did you tie on to Geo. Robinson's stake? A.—I surveyed from Robinson's stake.

Mr. Bowser: How did you know that was the proper location? A.—From the location post. I found Magneson's post on the ground here.

Q.—You tied on to the next adjoining claim? A.—I moved it up so as to adjoin, I believe.

Q.—Was there a possibility of there being a Carthew location to the east of that? A.—I cannot say. I may explain that I had not a copy of the Gazette notice with me. I did not go there particularly to do the work. They took advantage of my presence at Kitimaat to have these lots surveyed. I was guided by posts.

Q.—Did anybody point out to you that was the property located? A.—Yes; Mr. Robinson told me that was Magneson's property.

Q.—You were not guided by the notice? A.—I saw no Gazette notice; I was guided by stakes on the ground.

Mr. Oliver: You say that these stakes were pointed out to you by Mr. Robinson? A.—Yes.

Q.—Would it not be possible that these stakes had been moved down from Carthew's claim to another location? A.—I suppose they might be, but I have nothing that would justify me in inferring they were.

Mr. Bowser: How long had the stakes been up before you were there? A.—Several years.

Q.—When did you make the surveys? A.—Last October.

Q.—You gave yourself a certain latitude in making these surveys? A.—You have to if you are surveying a lot within 10 chains of other surveyed ground. The Department would very likely insist upon your moving it up if it is in a reasonable distance, so as not to leave a fraction of ground unsurveyed.

Mr. B. H. John (recalled, explains *re* Carthew case): I think Carthew referred to is not J. A. Carthew, but James Carthew, who published a notice in the Gazette of February 10th, 1898.

Mr. Bowser: Where was this location as to Magneson's? Was it anywhere near Magneson's? A.—Judging from the description, somewhere in that vicinity.

Q.—This is the one you tied on to to start the other one? A.—(Mr. Gray): It is further south.

Mr. Gifford: It is evidently a mistake.

Mr. Oliver: Did Mr. Carthew put in any application? A.—There was no application received.

Q.—Did Matheson put in any application? A.—Yes.

Q.—I would like to draw your attention to this fact: This lot deeded, 309, is the lot that Matheson applied for, commencing at Geo. Robinson's south-east stake, in Kitimaat; thence 40 chains west; 40 chains north; 40 chains east to stake of commencement.

Mr. Oliver: I would like to recall Mr. Gray for a moment. (Mr. Gray recalled.)

Mr. Oliver: Would not Lot 309, as surveyed by you, exactly fit in with this description of Matheson's? A.—Yes, it would.

Mr. John recalled: Q.—What do you do in cases of conflicting applications, as this apparently is? A.—Such matters are usually adjusted in the Department.

Q.—I would like to call your attention to these various notices on the same date. You will find Geo. Robinson's application, commencing at Clifford & Co.'s lot; then you find next Mr. Matheson's application, commencing at Geo. Robinson's lot; then Carthew's application, commencing at Matheson's lot; then Magneson's application, commencing at Carthew's lot; and you have the fact of that deed issued to Magneson where, according to the application, there must have been two other lots intervening? A.—I would like to see the application made to the Department. I cannot offer any explanation in that matter. The application came before me for a parcel of ground on the west shore of the inlet, and it is not connected with any property.

Q.—The description is connected? A.—Yes.

Q.—Will you look through these Gazette notices, and you will notice that Matheson's application is to tie on to Robinson's; then you will notice that Carthew's ties on to Matheson's? A.—Yes, that is correct.

Q.—Magneson's in turn ties on to Carthew's? A.—Yes.

Q.—So that had the land been granted in the order applied for, Magneson's lot would have been third down the inlet from Robinson's? A.—It would, presuming they had all been staked properly, and had half a mile frontage.

Q.—You have no explanation to give? A.—I might say that after the application is approved and instructions given to survey, after the survey comes into the Department, field-notes are passed to the drafting department, and the application is then taken up and considered with the field-notes. That does not form any part of my duty.

Mr. Bowser: That is Mr. Wooldridge's? A.—No; there is a staff of draughtsmen in the Department.

Mr. Brown: You stated that in the case of complications arising the Department tried to adjust them. Whose particular duty is it in the Department to endeavour to adjust these? A.—Nominally the head of the Department, the Deputy Commissioner.

Q.—In practice how is it done? A.—All papers bearing on the subject are taken up for consideration and the matter adjudicated according to its merits.

Q.—By whom? A.—By the deputy head of the Department.

Q.—In important matters is it the practice to lay it before the Chief Commissioner? A.—Yes.

Q.—Well, would you consider the question of issuing Crown grants over reserved lands rather an important matter? A.—I do.

Q.—That would naturally go before the Chief Commissioner if there were any complications? A.—Yes.

Q.—Do you know whether it did or not? A.—This matter did not go before the Chief Commissioner. There was no question bringing the matter of complication before the Department.

Mr. Bowser: Is there a claim now up against Robinson's in that map? A.—Yes; A. Magneson's.

Q.—Was there originally any claims between Robinson's staked land and Magneson's? A.—(Reading from the notice in the Gazette) There would appear to be Carthew's and Matheson's. Matheson withdrew his application in 1898.

Q.—Would it not be proper for a surveyor to shift it up and tie on to Robinson's. The surveyor would not leave intervening land? A.—No; he is supposed to close on to surveyed land.

Q.—The Department allows that? A.—Yes, in order to carry out a proper system of surveys.

Mr. Brown: If there were half a mile intervening, would it be proper to go across that half mile? A.—Certainly not; it is only meant in small distances.

Mr. Oliver: I understood you to say that Carthew did not apply? A.—He made no formal application.

Q.—Matheson applied and withdrew? A.—Yes.

Q.—Can you furnish me with a copy of his withdrawal? A.—I can.

Q.—We would like to have it. Mr. Gray has given evidence that he surveyed from Magneson's original post. How could that post possibly be there in view of the fact that he commenced a mile lower down, Matheson and Carthew lots intervening? Is it not a fact that the only possible way the stakes would be there would be that they were moved? A.—That is possible of course.

Q.—Could it be possible any other way? A.—I cannot answer that question because I do not know.

Q.—Robinson's claim is staked; following Robinson comes Matheson; following Matheson comes Carthew; following Carthew comes Magneson; and, roughly speaking, there is a mile between Robinson's stake and Magneson's stake?

Mr. Bowser: Mr. Gray says only 9 chains.

Mr. Oliver: I know that. The notice given states the point of commencement in each of these cases. If the stakes had been placed according to the description, how was it possible for these stakes to get within 9 chains of Robinson's line?

Mr. John: I am not able to answer that.

Mr. Bowser: Would it not be possible that Robinson's post was shifted down in the survey? A.—I would take that to be the explanation; it is the only one.

Mr. Oliver: Do you think it possible that in staking out a lot they would get nearly a mile out in distance? Or, in other words, take Robinson's north-east corner and Magneson's north-east corner, the supposed distance by measure is $1\frac{1}{2}$ miles. Robinson's lot would only be half a mile or a third of the distance. Do you think it is possible that a man staking out land would make such an error? A.—I cannot explain. The party may have made a mistake in the description. We can only be governed in the Department by the returns of the surveyor.

Q.—You have had a good deal of experience in the Department; would not this state of affairs suggest fraud? A.—No, I think not.

Q.—Have you some papers to put in evidence this morning? A.—Yes; I have one paper referring to the question of surveys.

Mr. Gray recalled, explains: The Robinson survey stakes were on the ground, and these other stakes adjoining may have been entirely different, and probably it is Robinson's location posts that are referred to in the applications, not his survey posts. It was my general idea that all the applications were moved south, they being staked short. I mention this because I think the posts referred to are not the survey posts but the location posts. Whether it is I do not know, but, generally speaking, I think all the staking was short and all those intervening lots were moved south.

Mr. Oliver: I understood from your statement, Mr. Gray, that you just surveyed five lots? A.—I did a good deal of work on the old survey lots, also along a line of proposed railway, and the impression left in my mind is that the staking on those properties generally was short, that is to say, the surveyors moved them on going down the shore of the inlet. Instead of being staked half a mile, they were much shorter distances.

Q.—By that process, men who had made *bonâ fide* applications would be squeezed out? A.—Unless adjusted. The first location would get its quota; so far as the stakes are concerned, there would be nothing to survey that would be enclosed within prior property.

Mr. Brown: Did you find in actual practice that every claim was short? Would not some be short and some long? A.—I think, as a rule, they are short, especially in ground of that description.

Further documents submitted:—Letter dated October 22nd, 1901, from G. A. Kirk to W. S. Gore, marked "X." Voucher, Theodore Magneson, dated December 6th, 1899, refund of \$40 paid on application (attached to Magneson's application).

Mr. C. W. D. CLIFFORD, duly sworn:—

Mr. Oliver: You are aware of the scope of this investigation? A.—Yes.

Q.—You might tell the Committee what you know about these matters? A.—About the whole thing from the beginning, it is rather a long story. I think my attention was called to the Kitimaat lands in 1896 or 1895, and it was pointed out what an advantage it would be to have a road through there to open it up. I was told by the Indians that there was an open valley up there and a good road through, and that it was a good way to the Omineca mines. In 1897 I hired two or three Indians and went through there myself. It was a good, level trail and we made it in two days to the Skeena. I was the first white man to go through there. Told the Government there was an open valley and advised then to send a surveyor. They did not seem to take much stock in it, but at last I got Mr. Eberts interested and the Government sent up a surveyor named Wilkinson and he reported very favourably. I believe his report is in Bulletin No. 9 or 10. In 1896 I sent a man, named Robinson, to stake off some land on the Inlet, and to stake it off where large steamers could get in. He staked off, I think, 300 acres on the west shore of Kitimaat Inlet, and he also staked off some land at Canoe Bay. There were eleven men in there and we joined in together, each putting in \$50. We got 297 acres each. My wife owns $\frac{1}{11}$ th. With the exception of this, I don't know anything about all these applications. I think it was in 1898 that Mr. Mann, of McKenzie & Mann, was out here and he spoke to me about it, saying that it would make a good terminus for an all-Canadian route, and he asked me to go up there and stake off some land for him. He chartered a boat, the "Mystery," at \$50 a day, and I went up there with Mr. Wilkinson, the surveyor, and pointed out to him the stakes of what is now called the townsite, and he commenced to stake off the whole lot and went on round the harbour to the little harbour. I had nothing to do with it myself personally. I believe that that is the land there is now this dispute about. When the application was put in for this 298 acres, the deposit money was paid in and the notice was published in the Gazette; the land was surveyed; grants were going to be issued, and I believe the grants were made out. That was during the Turner administration. After that the Semlin Government came in and each of the applicants got a letter from Mr. Semlin, Chief Commissioner, stating that in the interests of the Province, the Government had decided not to sell any lands at all. They returned the money and cheques and said it was quite out of the question to make any more land sales at all. We thought it very strange because we had seen the Crown grant. I don't know whether it was signed by the Lieutenant-Governor, but it was just ready for delivery. I thought it was safe in the Lands and Works Department and left it there. When I came back from the north I received a letter stating that the Government would not sell any lands. I had several interviews, and Mr. Semlin admitted that it was very hard, as the people had done everything to get the land, but he said it was out of the question as the Government had decided not to sell. The Semlin Government was turned out and the Dunsmuir Government came into power. Mr. Wells was Chief Commissioner and I laid the whole thing before him and after several months they issued a Crown grant for these 297 acres. That is all I know. Some land was taken up for Mann prior to the question coming up; he took up 160 acres adjoining the townsite and Mann told Carthew he could have half of it, and that half I purchased from Carthew. There were four of us there, Todd, since dead; myself, Aveling and a Mr. Johns. We each put in \$250 and purchased that half from Carthew.

Mr. Brown: Who owns the other half? A.—Mann owns it now.

Q.—What Johns? A.—Mr. Benjamin Johns; he put in \$250. I may say that all these applications that were staked off when I went up on the "Mystery" were done by Mr. Wilkinson, I think, and I understood that it was the custom of the Lands and Works that if a man made a *bona fide* application and paid his 25 per cent. on the supposed value of the land, and acted throughout in a *bona fide* manner as if he wanted the land and was prevented from securing it by a Government deciding not to sell lands, it would be taken up by the Government again, and if there had been no subsequent application for the same land they would recognise the claim. That was my understanding of the practice, to allow a man to renew his application, and I believe this was the reason these men all renewed their applications. It seems to me a very just thing, provided no one else in the meantime had made any application.

Mr. Oliver : You applied for the land in '96? A.—Yes, it was staked off in '96.

Q.—Where was that situated? A.—They were on the west shore of the Kitimaat Arm, what was then supposed to be the best place for wharves.

Q.—Is not the land you applied for situated up the Skeena River? A.—I was not speaking of that; I was speaking of the Kitimaat lands.

Q.—You made that application in 1896? A.—This is 1904.

Q.—You made the application in 1896, did you not? A.—I know I never got it; lost the \$80 deposit.

Q.—Is not that the claim that is now held in abeyance? A.—No, that is away 70 miles from Kitimaat.

Q.—Well, it is within this reserve? A.—Yes, it is within the reserve.

Q.—You will find in that Return there is a claim of yours held in abeyance? A.—Yes; I see by that that it is. This is up on the Skeena above the canyon; it is now in the reserve put on in 1899.

Q.—You applied for land up there in 1896, did you not? A.—I think it was 1904; I really forget; perhaps it was 1896.

Q.—This is the land now in abeyance? A.—So I see by this; I did not know that; thought it was gone.

Q.—In view of the fact that you thought it was gone, why did you make that application last year for permission to survey? A.—I heard afterwards that it could be got. Q.—In consequence of that you made application to be allowed to survey it with a view of completing the purchase? A.—That is right.

Q.—And that application never really was abandoned by you? A.—I had forgotten all about it.

Q.—The Statute says [quotes section 30, sub-section (4), sub-section (c)]? A.—Yes, I know that; about \$2.50 per acre, I suppose.

Q.—That is the law, and in view of this and that, and having made this application, you made application for other lands and got Crown grant? A.—Where?

Q.—At Kitimaat. A.—I did not make application in my own name. The Clifford there is my wife.

Q.—You told us that you put in a certain amount of money and had it surveyed? A.—My wife had one-eleventh. I have not applied for any land at Kitimaat.

Q.—In regard to this application, you have not made the survey yet? A.—I instructed Mr. Gray to look at it and make the survey, but he found that the land had been applied for and Crown-granted to a man called Singlehurst. I had to pay Mr. Gray and lost that too. I lost about \$150.

Q.—In this case there were two applications for the same lands, and you, being the original applicant, got left? A.—I got left; have often been in that position.

Q.—Do you know anything of the land applied for by Mr. Kendall? A.—Yes, I know there was 160 acres applied for above the canyon and 160 acres below; 160 acres was in Kitimaat, and I think that application was in my name. I don't think Mr. Kendall got the land either.

Q.—In regard to Lot 309, I find application A. Magneson. I find also a letter from Magneson, per G. R., asking to renew his application. Is that your hand-writing down in the corner? A.—Yes; will you allow me to read this?

Q.—Do you know anything in regard to the staking of these lands? A.—Nothing further than what I said, that I think Mr. Wilkinson staked them.

Q.—Take it south of the Kitimaat townsite, do you know anything as to the location of the various location posts along the west shore of the Kitimaat Inlet? A.—I saw several posts there. It is rather open country. I recollect they had to pack some distance. I saw Mr. Going marking some posts. I had seen several posts, yes.

Q.—Do you know Geo. Robinson's posts are south of Kitimaat townsite? A.—No, I have no idea. They are somewhere near the little inner harbour; that is all I really know about it; about $1\frac{1}{2}$ or 2 miles from the townsite, I think.

Mr. Brown : You would expect the staking would be fairly accurate? A.—I should think so. Mr. Going surveyed, I think, and Mr. Wilkinson.

Q.—He would not be likely to make the mistake of calling 160 chains 50 chains? A.—That would be rather a large error, I think. I always leave enough when I stake.

Q.—That is the general way it is done? A.—That is my way.

Q.—Would you not say that is the general practice? A.—That was always my idea until I heard Mr. Gray say the reverse.

Mr. Bowser: Mr. Gray suggested it was on account of the rough character of the country?
A.—Yes, that is so.

Mr. Oliver: As a matter of fact, is it not possible to traverse along the shore line? A.—Yes. I recollect Mr. Going had a chain or tape line.

Q.—I find here a letter signed by G. H. Raley, dated 28th April, 1904, applying for certain lands at Kitimaat, and I find that you endorsed it, recommending the application? A.—Yes; Mr. Raley came to me and told me there was some land properly staked off, and that he could get it, and I endorsed the letter for him. I am satisfied from what I know of him that if he finds there is anything wrong he will deliver up the lands.

Q.—You were aware that these lands were reserved when you endorsed the application?
A.—Yes, certainly.

Q.—Did you think it a right thing for the Department to grant reserved lands? A.—Where a man had, prior to the reserve being put on, come forward with his money, made application all in due form and was only prevented from completing on account of the policy of a Government stating its policy was not to sell lands, I think it only right that he should make his application and make it good. I think the Government was quite right.

Q.—Had this man made application and paid his money in the manner you suggest?
A.—I don't think so. I think he must have got some one to write a letter and turn it over to him. I think you will find that he did that.

Q.—But, in any event, you knew this was a new application which accompanied this letter of Mr. Raley's? A.—I did not know it was a new application. I believe it was a very old one, because Mr. Raley said he knew of applications being made, and he thought he could get it.

Q.—Will you kindly read the letter you endorsed and see if you can find anything of that kind in it? A.—I don't remember it, but I must have read it. I think it was located before the reserve.

Q.—Did this man make an application before the reserve was put on? Will you look at the date of that application? A.—I have not looked into the whole matter. Mr. Raley asked me to endorse the letter, and it seems I have done so. I must have read it at the time. He should have asked leave to renew his application instead of making a new one.

Q.—How could he renew an application that he had never made? A.—Is not this an application?

Q.—No; it is a notice. This man was not refused, because he had never applied until last year. A.—I understand that Mr. Raley was applying for land that been applied for before the reserve was put on.

Q.—I cannot read the letter that way myself.

Mr. Brown: There was plenty of time to complete the purchase from the time of advertisement till the Government came into power? A.—Yes; but then nobody thought the land was worth anything.

Q.—Why did the man make a new notice of intention to purchase? A.—All I know is that Mr. Raley said he had a chance to get hold of some land, and I gave him a letter. I would do it again.

Q.—By whom had this land been staked? A.—I don't know.

Q.—It had been staked by some other person? A.—I supposed so, when Mr. Raley told me there was land staked.

Q.—You have a very high opinion of the Lands and Works Department, Mr. Clifford?
A.—I have had dealings with the Lands and Works Office for the past 15 years, and have never seen anything crooked in any way, shape or form.

Q.—This land was applied for in 1898; at least notice was given then? A.—I believe so.

Q.—And it was not under reserve then? A.—I believe the reserve was put on in 1898.

Q.—It was never followed up by an application until April 20th, 1904? A.—So it seems.

Q.—Do you think it is quite right to let this remain in abeyance for six years and then grant Crown grant over reserved lands? Do you think it was fair for any Department after the applicant had allowed his notice to remain in abeyance over six years to grant the application after that time when the land had a prospective value, and when he renewed claim upon the land on account of prospective value? A.—I don't know how the Lands and Works

would look at that; they certainly had been granting lands to men who had made their applications prior to the reserve, and if they did it in one instance why should they not do it in another? Six years, certainly, seems a long time, but they had been allowing others.

Mr. Oliver: This is an application on the face of it to purchase unreserved lands, whilst, as a matter of fact, it is to purchase reserved lands, and that it is not a letter of recommendation or introduction that you gave; but you say distinctly that you strongly recommend the within application? A.—Well, I did.

Q.—This is an application to purchase reserved lands, and purports to be an application for unreserved land? A.—I understood it was an application to renew the purchase of lands applied for prior to the reserve, and I still think so.

Q.—Then we must take it for granted that you endorsed something under a mistaken idea? A.—Mr. Raley told me he had a chance to get some land, and asked me to back him up.

Q.—This is a new application? A.—I did not know anything about that application.

Q.—You endorsed it? A.—I endorsed the letter.

Q.—It is the application that you recommended? A.—The application within the letter. I never saw that form of application before. However, had I done so, I would have endorsed it.

Q.—Are we to understand that you are prepared to assist any good man to get reserved lands? A.—If he can get them in a fair and square way.

Mr. Bowser: Didn't Mr. Wells grant 20 Crown grants? Don't you think Mr. Raley's application should be in the same position as the 20? A.—Certainly, I think so. Mr. Wells thoroughly looked into the whole thing.

Q.—The date of the grant is August 25th, 1900, after the reserve is on the land? A.—Applications had been made and intention had been given of having the land surveyed, and Crown grant was made out before the reserve was put on; I saw it myself. I am speaking of those 297 acres.

MR. JOHN, re-called:—

Mr. Oliver: Were you asked yesterday regarding certificates of improvement to Robinson? A.—No.

Q.—Whose duty is it to issue certificates of improvements on purchased lands? A.—They are prepared by one of the clerks and signed by the Deputy Minister. A record is kept of them.

Q.—Will you inquire as to whether Geo. Robinson got a certificate of improvement for Lot 99, and for Lot 94 in Robinson's and others' names; and, also, what was the date of the certificate of improvement for Lots 308 and 98? A.—Yes, I will.

Mr. John: These are the papers you asked for *re* Matheson. Application marked "Y."

Mr. Bowser: In connection with the Hunter and Munro cases, I see that Mr. Hunter wrote to Mr. McBride on the 26th June, 1903 (quotes letter). Did you have any instructions of that sort? A.—I knew that all applications had been considered by the Government in 1902, and it was decided that they would be allowed.

Q.—Messrs. Hunter and Munro had not only staked, but had applied and put up the money, and the money always remained? A.—That is so.

(Secretary asked to read Mr. McBride's letter of July 30th, 1903, to Gordon Hunter. Letter read.)

Mr. Oliver: Had you any record in your Department, beyond that letter of Mr. Hunter's, to show that this matter was dealt with by Mr. Wells? A.—I don't think so.

Q.—There was a memorandum prepared for the Chief Commissioner, which I understand was in Mr. Wells' time? A.—Yes.

Q.—What date is it? A.—Prepared by me on the 15th May, 1903, for the information of Mr. Wells.

Q.—That was during the session of the Legislature of that year, was it not? A.—I cannot say.

Q.—Is there anything at all to show that they were dealt with by Mr. Wells? A.—No, I don't see anything.

Q.—Do you know whose hand-writing this is, that it is to be brought to the Chief Commissioner's attention on his return from Kootenay? A.—I think it is Mr. McBride's, but I am not sure, not being familiar with his writing.

Q.—Mr. McBride's letter goes on to show that it was brought to his attention and dealt with? A.—Yes.

APRIL 7TH, 1905.

HON. R. McBRIDE, duly sworn :—

Mr. Oliver : You were Chief Commissioner during 1903? A.—I was in part of 1903.

Q.—Is this not your hand-writing? A.—Yes.

Q.—The application of Hunter and Munro for the purchase of lands at Kitimaat was placed before you? A.—Yes.

Q.—Was this memorandum put before you? A.—I think so; it is part of the file, so it must have come before me.

Q.—You had Mr. Hunter's letter and application before you? A.—I did.

Q.—In reply to that you wrote a letter of which this is a copy, did you not? A.—I presume so, if that is on the file.

Q.—Will you explain to the Committee on what grounds these applications were allowed, in view of the fact that the land was under reserve? A.—As near as I can recall, it was submitted to me that other persons had secured Crown grants to lands in the Kitimaat subsequent to the reserve having been placed, and as far as I could find, everything in connection with the H. and M. applications was in order, and there appeared to be no reason why, in view of the issuance of other grants, titles to these lands should be withheld from H. and M. There were no particular circumstances represented to me at the time and more than likely it went through the Department in the usual way. I cannot recall any particular feature that obtained in reference to these applications.

Q.—In Mr. Hunter's letter is it not stated that the reserve had been removed? A.—I see the statement there.

Q.—Evidently, from that, Mr. Hunter was under the impression that the reserve had been removed? A.—Evidently.

Q.—In your letter you point out to him that the reserve had not been lifted? A.—Quite so.

Q.—You based your allowance of this claim on the grounds that other claims under similar conditions had been allowed? A.—Quite so. The application, as I understand it, was made prior to the reserve, money was paid up, and everything done in good faith, and in view of the issuance of the other grants and everything being *bona fide* on the applicant's part there were absolutely no circumstances, to my mind, to justify my refusing.

Q.—Does not the law stipulate a certain time in which completion of purchase must take place? A.—Under the Crown Lands Act I think there is a certain provision, but it has been customary in the Department at all times to exercise discretion in these matters, so long as the public interest does not suffer.

Q.—Do you mean that the Department would go outside the provisions of the Statute? A.—I mean just exactly what I stated.

Q.—Do you mean that the Department is justified in going outside the law to exercise discretion? A.—It just depends upon the circumstances of the case at all times, and the meaning that you place upon your words when you ask that. The Department is not always absolutely bound by the laws of the country. In departmental work it is very often the case that circumstances arise that are not absolutely provided for by Statute, and the men who are responsible for the carriage of public affairs are bound to exercise certain discretionary powers.

Q.—In this particular case of Hunter, did not the law provide that survey was to be completed and the transaction closed within six months? A.—I think so.

Q.—Were you aware of the fact that although application was made in May, 1898, that application had not been completed when the reserve was put on in December, 1899? A.—At the time the application was made all the circumstances were placed before me. I cannot recall all the details, but I presume that I was advised as to all of them at the time; further than that I cannot remember.

Q.—Had you known that 18 months had elapsed from the time of application before the placing of the reserve and purchase completed, would you have gone on and allowed renewal of this application? A.—In view of the fact that my predecessor had issued several grants there, and in view of the further fact that these people had been practically promised grants, I did not hesitate at all to go right along.

Q.—Were you not bound by the provisions of the Statute in this case? A.—So far as I am advised, the provisions of the Statute were substantially fulfilled.

Q.—Would you consider it right and proper that a man applying for a certain tract of land should be granted an entirely different tract? A.—Certainly not.

Q.—Do you think that if that was done it would be sufficient justification for cancelling the grant? A.—Undoubtedly.

Q.—With regard to the Hunter application, you will find that the statute requires them to make a sketch on the back showing the location. This sketch shows the location to be on the Kitimaat Inlet? A.—Evidently, if this tracing means Kitimaat Inlet.

Q.—Mr. Munro's application is practically on the same footing and again the lands are shown on the inlet and they are shown to adjoin Mr. Murphy's claim. This is shown as being north. I cannot find any record in the name of Murphy; there is one from a man called Murray and I think it must be a clerical error. You will notice that Mr. Munro's application is as follows:—"Commencing at a post on the west shore of Kitimaat Arm and about a mile north of the land applied for by Todd, Donohoe and Stephens; thence west 40 chains; thence north 40 chains; thence east 40 chains, more or less, to shore line; thence following the shore line in a northerly direction to the point of commencement." It is quite evident that one of the boundaries is on the shore line? A.—Quite so.

Q.—You will notice from the sketch on Munro's application that the land applied for is situate south of the land of Murphy or Murray? A.—Yes, according to this tracing.

Q.—You will notice that the land applied for by Mr. Hunter, according to sketch, is south of that applied for by Munro? A.—Quite so.

Q.—You will see by the map submitted by the Department that the land granted to Munro is situated, roughly speaking, a mile inland. Do you think the granting of that land was justified? A.—No; unless an error of that kind can be explained.

Q.—You will notice that Hunter's lot is north of Murray's and that Munro's is north of Hunter's? A.—Quite so.

Q.—Do you think it is possible for an error of that magnitude to have occurred in the staking of this land? A.—I can hardly conceive of a mistake of that kind occurring.

Q.—In the event of lands applied for being granted to other parties, would the Department be justified in granting to these parties other lands which they had never applied for? A.—I don't think so, unless special circumstances warranted the Chief Commissioner in acting in that way.

Q.—When these purchases were completed, did you suppose the lands granted were those originally applied for? A.—I did; yes.

Q.—Would you think that sufficient grounds for the cancellation of these grants? A.—I would, undoubtedly.

Q.—And if it was shown that there were others in similar circumstances, would you cancel them also? A.—Yes; in the absence of proper explanation to account for an error or mistake of that kind, I would.

Q.—I want to draw your attention to this provision of the statute (sub-section (b), sub-section (4), section 30). In view of that provision, would you consider the applications of Hunter and Munro had any legal standing when they came before you? A.—I cannot recall all that took place in the Department with regard to these applications, but it occurs to me that Mr. Munro called upon me several times and I consulted with the Deputy Commissioner and believe there were good and valid reasons at the time which justified me in issuing the instructions and writing the letter which has just been shown me.

Q.—Are not those reasons expressed in the letter of Mr. Hunter? A.—I should imagine that the letter of Mr. Hunter was one of the main reasons why I acted as I did.

Q.—There is evidence submitted to this Committee that all the applications made were refused by the Semlin-Cotton Government as being against their policy, and if you will notice there is a duty cast upon the Chief Commissioner, so that the question of a right to purchase depends upon whether the Chief Commissioner will allow it to proceed, does it not? A.—Quite so; you see the Chief Commissioner under the Act has the power.

Q.—And you find further on that the application and deposit of 25% does not of itself confer any right or title to the lands? A.—Quite so.

Q.—So that the Chief Commissioner of 1898 or 1899, in refusing the applications, was quite right? A.—Yes.

Q.—And having been refused by the Chief Commissioner, they would be invalid as to any future dealings? A.—I am not prepared to say so.

Q.—Don't you think it would be necessary to put in a new application for the same lands? A.—I am not prepared to say so.

Q.—In view of the fact of these applications having been refused, and at a date 18 months subsequent to the applications having been made a reserve was put on the land, would it not shut out these applications? A.—Not necessarily. Under the Act the Chief Commissioner has certain discretionary powers which he may or may not exercise, and he has certain "quasi judicial" powers which he may or may not exercise.

Q.—Will you point out the section of the Act? A.—I make this statement and I make it in the sense that I wish to convey to the Committee that there are certain discretionary powers which he may or may not exercise, the validity of an application, settlement of details, survey, and all that kind of thing. These points are brought up constantly and have to be dealt with.

Q.—I would like you to point out from the Statute any power of that nature, because it is very important. A.—I say again, speaking generally, that there are certain discretions under the Act which the Chief Commissioner may exercise.

Q.—Those discretionary powers are contained in section 30? A.—Partly.

Q.—Are there any others that you know of? A.—I speak generally; I have nothing to add to the explanation that I have offered.

Q.—Then, as I understand it, you don't point out to the Committee the power in the Statute to which you refer? A.—No, I am just making the general observation.

Q.—What answer would you give to the assertion that there is no such power as you mention? A.—I have no answer to give to that, because it is not so. In all departments of a Government the Ministers presiding must exercise discretionary power, otherwise they could never proceed with the public business at all.

Q.—In case of a person giving notice of intention to purchase and not making his application within the time allowed by law, would he have any right to come in afterwards? A.—I hardly think so, unless there were special circumstances present at the time.

Q.—In the particular case of the application of Raley, on 12th May, 1898, he gave notice of intention to apply to purchase? A.—Yes.

Q.—And he did not follow up that notice until 20th April, 1904? A.—Yes.

Q.—By section 30 of the Land Act, under which the application is made, he must make application and deposit within 90 days of the staking of the land? A.—Yes.

Q.—Do you consider that his application, made over six years afterwards, was a proper one? A.—It would appear to have remained in abeyance for a rather long period, but there may have been some circumstances to justify it. It certainly appears a long time.

Q.—If accompanying the application was a letter admitting that he had not made application within the proper time, would you still consider it? A.—Hardly; and in the absence of some special circumstances I would not be justified.

Q.—Read the letter and see whether you think the circumstances set out there are sufficient to justify its being recognised? A.—There are no special circumstances stated there, except the policy of the Government with regard to the granting of deeds to all lands applied for prior to the reservation, and it appears to me that after the publication of the notice the matter was allowed to lie dormant. I don't know whether the money was actually deposited or what was done.

Q.—You will notice that the deposit was made last year? A.—I would presume that a fact that would lead me to the conclusion that the person originally applying did not do anything further until new application was made.

Q.—And, consequently, would have no standing? A.—I would be inclined to that view.

Q.—How do you account for it that a Crown grant has been issued? A.—I cannot understand it, unless there are some reasons on record and that were represented to the Department at the time. It would occur to me that this is a case where the original applicant did not secure his rights prior to the reserve, but there may have been reasons which justified the steps taken, as long as the public interest did not suffer and there were *bonâ fides*.

Q.—There are four Crown grants issued and one prepared and not issued, applications for all of which are made a number of years after the notice? A.—All in a like condition?

Q.—Can you possibly give an explanation? A.—I cannot.

Q.—And in the absence of any proper explanation you would say that these grants had been improperly issued? A.—I would, certainly.

Q.—In view of the fact that the certificate of improvement states it is not transferable and the Crown grant states it is issued to the original purchaser from the Government, would you consider it right to issue the grants to other than original applicants? A.—I am not positive, but I think there is some provision in the Act for the issuing of grants to other than the original applicant under certain conditions, and again I would state that if the officials of the Department were shown that transfers of that kind are not wrong and unless special circumstances were submitted they would not refuse to issue the grants to the person to whom transfer had been made. The Crown grants are generally signed by the Deputy Commissioner, and unless there are special circumstances they are never brought to the attention of the Chief Commissioner.

Q.—Are not the provisions of sub-section (c), sub-section (4), section 30, intended to prevent a person from securing a number of blocks of land without improving them? A.—I should imagine so.

Q.—If lands were allowed to be staked in fictitious or borrowed names and rights could be assigned from one person to another, would it not be possible to defeat the object of the Act? A.—Quite so.

Q.—You would consider it improper to issue two Crown grants to the same person unless he held a certificate of improvement? A.—I would not say that it was not proper. According to the interpretation that occurs to me, I should say it was not within the four corners of the Act, but I could not say that it was improper; there might be some circumstances to justify it.

Q.—It is also stated that a sketch must be drawn on the back of application, which is supposed to be a description of the land that it is sought to purchase? A.—I think that is for the purposes of reference; it is not final. The survey which follows is what eventually decides the location of the property; that is supposed to be a guide to the officials.

Q.—There is a reasonable latitude allowed? A.—I should think so. Some people make a very careless sketch, just outlining the parcel.

Mr. Bowser: You understood that these people had located before the reserve? A.—Yes.

Q.—The Semlin Government decided that, as a matter of policy, they would not sell any lands in the Province, after the locations had been made? A.—I remember that it was represented to the Government in 1900 that all Crown grants had been cancelled and that everything in the way of alienating lands had been stopped; I forget by whom.

Q.—Do you remember at the time of the elections a good deal of public talk about the issuing of these Crown grants to the people at Kitimaat if the Dunsmuir Government came into power? A.—No, I don't.

Q.—You know that when Mr. Wells was Chief Commissioner in 1902 he decided to issue Crown grants, and that some grants were issued? A.—Yes.

Q.—Don't you think it would be unfair for grants to be issued to some and not to others? A.—That phase of the question occurred to me when Hunter's application was put before me, and it would seem unfair to withhold from one man what was granted to another.

Q.—I suppose that affected you in coming to your decision? A.—Undoubtedly.

Q.—Mr. Hunter, in his letter to you, refers to the fact that Mr. Wells had given a promise? A.—Yes.

Q.—And you continued? A.—I think the officials gave me to understand all about it. It is hard to remember at this time. I know I was satisfied beyond any doubt at the time.

Mr. Oliver: You would not think it a just thing, because Mr. Wells did an improper thing, for you to do so too? A.—I am not prepared to say that Mr. Wells did anything improper.

Q.—But if he did, it would not justify you? A.—Two wrongs can't make a right.

Q.—Is it not a fact that the Government of which Mr. Wells was Chief Commissioner was practically ousted from office on account of wrong-doing in similar matters? A.—I am not prepared to say so.

Mr. Bowser: Certain practices have grown up in the Department in time in regard to issuing Crown grants? A.—I was in the Department for a few months. Unless it is a case of the kind in question, where delay has occurred or special circumstances present themselves, the issuance of Crown grants is not brought to the attention of the Chief Commissioner.

Q.—Certain practices have grown up in the Department, and one Chief Commissioner follows another? A.—In regard to departmental things, he is very much guided by the practice of the office.

Q.—Does not sub-section (b) of section 30 give discretionary power to the Chief Commissioner, that survey need not be made in certain time if for good reasons? A.—Yes.

Mr. Oliver: That means the Chief Commissioner to whom the application is made in the time allowed by law? A.—Not necessarily that Chief Commissioner. The Chief Commissioner never dies, for that matter.

Q.—A man not having made his application within the time allowed, would you consider it just to give extension? A.—Yes, if special circumstances warranted. The object of the law is not to withhold any rights he may have. I did not consider that I was there to find every fault in every detail in connection with Crown grants from one end of the Province to the other. If one were to act in that way many hardships would arise.

Q.—This was not an ordinary case, because the land had been under reserve for five years before permission to complete the survey was given. Would not this make considerable difference in determining whether it was proper to allow it? A.—That would be a fact that the Chief Commissioner must consider.

Q.—The officials of the Department certainly considered the Hunter and Munro applications out of the ordinary, because the facts were submitted? A.—Quite so; I think I made it clear that it was not an ordinary case.

Mr. H. G. HALL, recalled:—

I just want to make a little correction in the evidence that I gave yesterday. The paper says that the "Witness understood that something was being done to transfer an application." I believe that report is substantially correct, but that statement is a little too strong. The true position is simply this, that it came to me as a mere impression that when Mr. Robinson asked me to consent to having a Crown grant issued to me he said something about an application. When this matter was brought to my mind a week or so ago I had completely forgotten the whole thing, and in recalling it there came to my mind a sort of hazy idea that Mr. Robinson had said something of the kind. However, I am not sure at all about it, and if Mr. Robinson were to state that he had not mentioned anything of the kind, I would be perfectly ready to contradict my statement. It is a mere vague impression on my mind. Also, with regard to my statement about it being nearly ten years since I had applied for any land, I might say it was nearer twelve.

FRANK MITCHELL, duly sworn:—

Mr. Oliver: You live at Kitimaat? A.—Yes, for about two years; have a house and some improvements on my land there.

Q.—Will you tell the Committee whereabouts you located? A.—On what is surveyed as Lot 311. It is not shown on this map.

Q.—It adjoins and lies to the west of 310? A.—I don't know 310. Mine is situated at the head of Minette Bay.

Q.—You know Mr. Geo. Robinson? A.—Yes; I have had a good many business dealings with Mr. Robinson.

Q.—Did you have any dealings with him in regard to the land on which you are located? A.—Yes.

Q.—Would you explain to the Committee what your dealings were? You had a draft agreement with Geo. Robinson, did you not? Is that the draft?

(Mr. Bowser objected to a draft agreement being admitted as evidence, and the Chairman instructed the questioner to bring out the evidence he wanted by questioning.)

Q.—Mr. Robinson has had a good deal to do with Crown grants at Kitimaat. Did he intimate to you that he could get a Crown grant to the land on which you are located? A.—Yes.

Q.—If you would be satisfied with 40 acres of this land he would get the Crown grant? A.—That was the proposition; Mr. Robinson wanted me to make that agreement.

Q.—He wanted you to agree that if he got the Crown grant you would accept 40 acres with satisfaction? A.—Yes.

Q.—You know Mr. Gray did some surveying up there just lately? A.—Yes.

Q.—Did he survey Lot 308, that you know of? A.—Yes.

Q.—Do you know whether he surveyed what purports to be 310 on this map? A.—No, he did not.

Q.—Would it surprise you to know that a survey of Lot 310 had been made and accepted by the Government? A.—It would, greatly.

Q.—Can you tell us what work has been done, as far as surveying Lot 310 is concerned? A.—There is nothing to show there is a lot there at all, except the north line of 308 and 311. Lot 311 is not shown on this map. What you mean by Lot 311 is land lying west of what is shown as 310.

Q.—Who surveyed Lot 311? A.—Mr. Gray surveyed it for Mr. Robinson and myself.

Q.—Mr. Robinson, and you paid him? A.—Mr. Robinson paid him half and another gentleman paid him the other half. He was hired by Mr. Robinson and myself to make the survey.

Q.—Do you know of any application having been made to purchase what is known as Lot 311? A.—No.

Q.—Was it staked by any person before the reserve? A.—Not to the best of my knowledge and belief.

Q.—You would be almost certain to know of it if it had, being so long a resident there? A.—I would.

Q.—Do you know what other lots in the vicinity of Kitimaat Geo. Robinson is connected with? A.—It would be a very hard question to answer. I believe it would be easier to state those he is not connected with.

Q.—Do you know Lot 99, owned by Mr. Geo. Robinson? A.—I know Lot 99.

Q.—Do you know what improvements there are on it? A.—There is the remnant of an old saw-mill, which I believe was built in 1892; am not at all sure of the date, but think it was about then. There is also a small piece of an old flume. That is all the improvement there is on it.

Q.—You know Lot 94? A.—Yes.

Q.—Has it any improvements? A.—No, none whatever.

Q.—Do you know Lot 101? A.—Yes.

Q.—Has it any improvements? A.—No.

Mr. Bowser: Where is your land? A.—I have been looking for it.

Q.—Where have you been looking for it? I asked you where your land is situated? A.—I don't own any land.

Q.—What land have you been looking for that you speak of? A.—Some land off the reservation.

Q.—Have you tried to get any land from the reservation? A.—Yes; I made application for pre-emption.

Q.—Where is the land that you speak of that Mr. Robinson offered to get for you? A.—What is known as Lot 311.

Q.—Could you show on the map where 311 is? A.—This is the east line of 311.

Q.—You live on that? A.—Yes.

Q.—You have made application for pre-emption? A.—Yes.

Q.—And that is tied up? A.—I don't know what you mean by being tied up.

Q.—When did you make application? A.—Two years ago.

Q.—Your application was not accepted and you did not get it? A.—It was accepted by the Deputy Commissioner at Port Simpson, and I was looking for it for about 6½ months before I got the application returned unaccepted. I had built a house and made about \$100 worth of improvements before I got notice that it was refused.

Q.—That was long after the reserve was on? A.—Yes.

Q.—Did you know it was reserved land when you made application? A.—No. When the Deputy Commissioner sent it down to the Department he told me it was accepted.

Q.—And the Department refused to accept it? A.—Yes.

Q.—You still live on Lot 311? A.—Yes, when I am at home.

Q.—How long are you home during the year? A.—I am home nearly all the time.

Q.—You say that Lot 310 was not surveyed by Mr. Gray? A.—No.

Q.—How do you know? A.—Because there is no evidence to show it. The surveyors generally put in a post at each corner.

Q.—Have you been all over the land? A.—No, but I have been over a considerable portion of it.

Q.—You are prepared to swear that he never made that survey? A.—I am prepared to swear he has never put a post on it.

Q.—He has not tied on to any other post? A.—I can't say that.

Q.—Well, he has tied on to Lot 308. Do you know anything about surveying land? A.—No.

Q.—Don't you know that it is possible to survey 310 without putting posts on 310, by tying on to 308? A.—What do you mean by tying on?

Q.—It is the usual term. He has given evidence that he surveyed that lot. A.—Would he not put a post on it?

Q.—Are you prepared to swear that he never surveyed 310? A.—I will swear that he never put a post on 310.

Q.—Are you prepared to swear that he perjured himself when he gave evidence that he had surveyed 310? A.—I am prepared to swear there is no post on it.

Q.—You are not prepared to swear that 310 has not been surveyed? What is your interest in this investigation? A.—I decline to answer that question.

Chairman: You had better answer it, I think. A.—I have no interest whatever in this investigation.

Q.—When did you come down from Kitimaat? A.—Ten days ago.

Q.—What brought you down? A.—Business.

Q.—Did you have any communication from any Member of the House about coming? A.—No.

Q.—You did not know this investigation was coming? A.—Never heard of it.

Q.—How did Mr. Oliver find out that you knew anything about it? A.—I think you had better ask Mr. Oliver. I don't know how Mr. Oliver found out.

Q.—When did you first know that Mr. Oliver knew that you knew anything about it? A.—That is another question that I decline to answer.

Q.—When did you first meet Mr. Oliver? Did he speak to you or did you speak to him? A.—It was the last time I was in Victoria—about nine days ago.

Q.—Where were you over from? A.—Vancouver.

Q.—You are living at Vancouver? A.—No, visiting.

Q.—How did you come to meet Mr. Oliver? A.—Introduced.

Q.—By whom? A.—I really forget.

Q.—Where did you meet him? A.—At the Dominion Hotel.

Q.—How did it come out that you were living at Kitimaat? A.—I did not make any secret of it. I registered at the hotel that I was from Kitimaat.

Q.—How did you come to discuss with Mr. Oliver about the lands at Kitimaat, because there was nothing before the Legislature at that time? A.—I really forget the circumstances.

Q.—You must remember; these things don't happen in this way. Did you seek the introduction? A.—I don't think so.

Q.—Try and remember who introduced you. A.—I cannot. I have many friends; we are both staying at the same hotel; it may have been the clerk at the hotel.

Q.—What led up to the conversation about this Kitimaat affair? A.—About my treatment in regard to an application that I made outside the reserve, and in which I imagined I had not got justice.

Q.—That is what led you to see Mr. Oliver then, your own treatment? A.—Do you know that we discussed this thing?

Q.—You told me a few minutes ago that you discussed it. It was your own unfair treatment that caused you to speak to Mr. Oliver about the Kitimaat lands? A.—Yes, I think so.

Q.—And you thought that an investigation into this affair might assist you to get your pre-emption? A.—No, I did not take my pre-emption into consideration; it is a small piece for a mill-site, off the reserve altogether.

Q.—Did the Department refuse that? A.—No, they have kindly accepted my application.

Q.—Then how would this investigation assist you to get your mill-site? A.—I said it would not help me, because the Department has already accepted my application and given someone else my land.

Q.—Where? A.—The mill-site.

Q.—It is on account of your losing the mill-site that you wanted the investigation? A.—Not at all; the investigation down there would not help me at all.

Q.—Will it affect your pre-emption? A.—It may.

Q.—You knew this investigation was coming on this date? A.—I did not.

Q.—Why did you come back to Victoria? A.—I came back, if you want to know, because I was broke, and I wanted to collect from the Department the \$20 I paid on the mill-site.

Q.—When did you come? A.—Last evening.

Q.—You don't know anything further about this matter at all, but what you have told us? A.—I would be very ignorant if I didn't.

Q.—You did not enter into the contract with Mr. Robinson, then, about your pre-emption? A.—Yes, I did.

Q.—And Mr. Robinson could not deliver the goods to you; is that the trouble? A.—I don't know whether he could or not.

Q.—Did you ever get the 40 acres? A.—No.

Q.—Why? A.—I don't know why; Mr. Robinson won't tell me why.

Q.—He was willing then, to enter into the contract to purchase the 160 acres and you to take 40? A.—At first he told me that he had bought the man who made the original contract out.

Q.—But you say you did complete the agreement; did you pay him for it? A.—No.

Q.—You were to get 40 acres and he was to have the balance; did you make that agreement with him? A.—Yes, when I understood that he had bought this man out.

Q.—You never got your 40 acres? A.—No.

Q.—You are not the best of friends with Mr. Robinson? A.—I don't think Mr. Robinson has a friend in the country but one.

Q.—Of course you are unfriendly to him? A.—Not any more than I am to you.

Q.—You can't be unfriendly to me; you have never seen me before? A.—No.

Q.—You don't put me in the same category with Mr. Robinson? A.—Certainly not; I would be very sorry to do so.

Mr. Oliver: I first met you in the Dominion Hotel. When I was introduced to you as Mr. Mitchell, of Kitimaat, I proceeded to ask you about the Kitimaat lands, did I not? A.—I certainly do not know how the conversation came up.

Q.—That was some time last week? A.—Yes.

Q.—I had no conversation at the time about your coming before this Commission? A.—No.

Q.—The first time I had any conversation with you about evidence was last night? A.—Yes.

Q.—I made certain inquiries of you, and as a result asked you to come over here this morning, and you came? A.—Yes.

Q.—Are there any other settlers in that neighbourhood squatting on reserved lands? A.—Yes.

Q.—On Lot 471? A.—Yes.

Q.—Who is living on Lot 471? A.—McLennan.

Q.—Any other person? A.—To the north of there is Pine.

Q.—Any others that you know of at present living on the land? A.—No.

Mr. McGowan: What does Geo. Robinson do up there? A.—He keeps a store.

Q.—Is in business? A.—Yes.

Mr. Bowser: You say McLennan is on Lot 471; he lives there? A.—Yes.

Q.—For how long? A.—About three years and five months now.

Q.—Where was he before he came there? A.—On the Yukon telegraph line.

Q.—Before he came to Lot 471? A.—He was on Lot 95.

Q.—How long since he left Lot 95? A.—I don't know exactly. He built a house, then found he had made a mistake.

Mr. McGowan: Mr. Robinson is in the real estate business? A.—He certainly is.

Mr. JOHN, re-called:—

(Hands in marked copy of certificate of improvement, which is marked "Z.") I would like to explain that Capt. Irving's name was struck out of Lot 88 on account of an earlier application.

Q.—Mr. Robinson's name was not dealt with in the same manner with regard to lot 94? A.—No; it was not known to the Department that the Geo. Robinson mentioned here was the same party, otherwise he would have been treated in the same way.

Mr. Brown: Would not the fact of the two names applying for land in the same location cause the Department to make enquiries? A.—No; the name is a very common one.

Mr. Oliver: Of course you account for that on the ground that you did not recognise it was the same person? A.—Yes; otherwise he would have been required to take out a certificate, as we required Capt. Irving to do in this instance.

Mr. Bowser: You would not expect the same person to make two applications in the same location? A.—No; I may say they were made simultaneously.

Q.—This Raley application was made some time after the location. Have you any other cases under similar circumstances allowed? A.—Yes; there are some subsequent and one or two earlier.

Q.—Which one on the list earlier? A.—I think the application of Lucas was made subsequent, several years after the notice was published.

Q.—I see. You have not got the date of the Lucas application? A.—I think it is mentioned on the application papers presented to you.

Mr. Oliver: No, that application was not put in.

Mr. Bowser: The money was not put up in that case? A.—No; not for several years.

Mr. W. C. WELLS, duly sworn:—

Mr. Bowser: When were you Chief Commissioner? A.—1901 to 1903, perhaps 1900.

Q.—Who preceded you? A.—Mr. Semlin.

Q.—You came in after the general elections in 1900? A.—Yes.

Q.—You dealt with these reserves? A.—Some of them, I think 12 in all.

Q.—You knew that the prior Government had refused them? A.—Well, no, I can't say that I knew they refused them.

Q.—How did you come to issue Crown grants to these people on reserved lands? A.—I presume that the view I took of them was that all the requirements of the Act had been complied with.

Q.—Did you deal with all these 12 personally, or with one and allow the others to follow? A.—I think Mr. Clifford represented a few of them. I don't know that I came in contact with them all. I think there were 10 or 11 that Mr. Clifford represented.

Q.—There were others following on those? A.—Then there were some more applied for by Mackenzie & Maun. I think I remember they were in two batches, in about '88 or '92.

Q.—Did you take into consideration the fact that the applications had to be made within 90 days of the location? A.—I don't remember; I think I looked into the requirements.

Q.—There is a certain latitude allowed in the Department to the Chief Commissioner and his Deputy to exercise discretion? A.—Oh, yes.

Q.—Actually, in accordance with the Act, the applications are to be made within 90 days of the location and the survey made in six months. In these cases they did not do so, because Crown grants were not issued till 1902? A.—We probably considered that they had complied with the requirements, as far as possible, before the reservation.

Q.—There must be certain latitude allowed? A.—The Chief Commissioner might take certain latitude. I think I was very particular to see that the requirements were complied with.

Q.—The Semlin Government did not allow any grants? A.—That was their policy. Our Government adopted a different policy. If the people went up there and staked their land previous to the reservation, I think they were entitled to consideration.

Mr. Oliver: When you decided on that, did you know these applications had been refused? A.—I cannot say that I did.

Q.—If you knew they had been refused would it have made any difference? A.—It would depend upon what grounds they had been refused. If I did not think the grounds were tenable, I would be inclined to grant them. The question, to my mind, would be whether the requirements of the Act had been complied with.

Mr. E. B. MCKAY, duly sworn:

Mr. Bowser: What are your duties? A.—Chief Draughtsman.

Q.—When the applications come in for Crown grants it is your duty to see that the survey and application fit the land originally applied for? A.—Yes. The applications are generally looked up immediately after the survey is plotted before entering it in the register.

Q.—Is this furnished by the surveyor? A.—Yes; and they come into our office and are generally checked up in turn. The sketch on the back of the application is taken very little notice of.

Q.—Whose duty is it, in issuing grants, to see that the land granted is that originally applied for? A.—The Chief Clerk does that. We look after the applications in the draughting office, but the sketch on application cuts very little figure. Not in one case in fifty does it fit. It is sometimes like the land, but in most cases is not near it at all.

Q.—Have you got the survey notes of Lot 102? A.—Yes.

Q.—This sketch only shows that two lines have been run? A.—Yes.

Q.—If evidence was given that only the north line of Lot 308 and the north and south line of 311, as far as regards Lot 310, that would be accurate? A.—The Department accepts three posts for 160 acres as constituting a survey, and that land could be sold without any survey.

Q.—Would Mr. Gray have put in that plot there without surveying it? A.—No; he would not have done that.

Mr. Oliver: But he could put in that plot for the survey of 308? A.—He did not do that. It shows his posts. That survey was refused on the ground that he had not put in the north-east post, until Mr. Gray had given satisfactory assurance to the Department that he would put in the post. He said that the lateness of the season and bad weather prevented him from completing the survey, but he agreed to put in the post this summer.

Mr. Bowser: So, as a matter of fact, the requirements of the Department have not been complied with? A.—He has put in posts.

Mr. Oliver: You will note from the sketch that the applications of Murray, Hunter and Munro are all facing on the inlet? A.—Yes.

Q.—You will note that Munro's ties on to Murray's. A.—Yes.

Q.—You will notice by Murray's application that the whole of his south line lies on the shore of the Kitimaat Inlet? A.—Yes.

Q.—You will also notice that the claims of Hunter and Munro are shown as lying south of Murray's? A.—Yes.

Q.—You will notice that Murray's claim, on this map, is at least three-quarters of a mile clear of the inlet altogether, and that the Hunter and Munro claims, instead of being south of Murray's, are really north of it and not on the inlet at all. Is this not evidence that they are not the lands applied for? A.—A man very seldom gets what he asks for in the original sketch. There is not one application in ten where the sketch represents the land surveyed. Sometimes it is near it, but, as a general thing, it is a good way out.

Q.—Under the Statute, they are required to place stakes? A.—Yes.

Q.—Would it not follow that there would be some of the land included in the stakes? A.—Not always.

Q.—Is that not the object of the Act? A.—It is what a man does on the ground.

Q.—Would the law allow the staking of one piece of ground and the granting of another? A.—It is very often done. I can give you an instance where a man was living on the land, his posts were planted, and yet he was actually three-quarters of a mile out. His barns and fields were on Government property. He was only 29 chains from the posts from which he said he was a mile. It shows how little can be ascertained from the staking.

Q.—He surely would not plant stakes to define his land and then go and build a mile away from those stakes. He would be within his stakes as surveyed? A.—Yes, as surveyed, but not as his pre-emption record.

Mr. Bowser: That is owing to the condition of the land? A.—A man easily gets astray.

Mr. Brown: Where an application gives the shore line as a boundary, you would not expect to grant land half a mile away from the water? A.—It is not usual, but it has been done in this case.

Q.—Can you explain? A.—These lands were surveyed and the thing carried partly to completion before the man paid up and wanted to complete, and they took the nearest they could get.

Mr. Oliver: There were different applicants for the land, and the water frontage having been deeded to other persons, they had to go on and survey lands in another place? A.—That is what it amounts to.

APRIL 8TH, 1905.

MR. ALEXANDER K. MUNRO, duly sworn :—

Mr. Oliver : You were an applicant for the purchase of lands in the vicinity of Kitimaat in 1898? A.—Yes.

Q.—Made your advertisement and application in due course? A.—I did.

Q.—Was this application refused? A.—It was never refused, so far as I know.

Q.—You did not make the survey and complete purchase within the time allowed by law? A.—I did not. There was a reserve placed on the land before that time elapsed.

Q.—That is the reserve placed on in March, 1898? A.—Before that, I may say, that I had made my deposit. There was no word of a reserve at the time I made my application, staking and paid my deposit.

Q.—That reserve was lifted, to take effect on the 14th July, was it not? A.—I don't know.

Q.—I would point out this Gazette notice on April 14th, 1898. It is an Order in Council cancelling the reserve published in the Gazette of 3rd March, 1898, cancellation to take effect three months from date? A.—Yes.

Q.—That cancellation took effect on the 14th July, 1898. You had ample time after the cancellation to complete your title to these lands, did you not? A.—I presume so, if I had known it.

Q.—Did you take any further steps in 1898 towards completion? A.—Not that I remember.

Q.—When did you again take steps to complete? A.—When Mr. Wells was Chief Commissioner I applied to him. When I returned from Atlin I heard that Mr. Wells had granted some Crown grants in 1892—this was in 1893, I think, but I would not be certain—and I told him mine was in the same position and asked him to allow me to complete the survey and pay balance of the money and get Crown grant. He took probably a week to look into the matter and then notified me, I think verbally. I have not any letter in my possession now, but the records of the Department will show that—that if I completed survey in due time and paid balance of money I would get the Crown grant like the others. Before this was done Mr. Wells went out of office and I applied to Mr. McBride. I have a letter which rehearses the facts.

Q.—Would it surprise you to know that Mr. Wells has no recollection of the matter? A.—Yes, it would.

Q.—You again made application to Mr. McBride? A.—I renewed the application and got Mr. McBride to indorse it, as it were.

Q.—When you renewed that application to Mr. McBride you were aware that the reserve had been lifted? A.—Yes.

Q.—That is set forth in your letter? A.—From the fact that Crown grants had been issued in the meantime.

Q.—You took it for granted that the reserve had been lifted? A.—Yes.

Mr. Macgowan : About what date did you see Mr. Wells? A.—I can't remember exactly; it was a short time before Mr. Wells went out of office.

Mr. Oliver : Who staked the land? A.—I would not be positive, but I think it was a Mr. Carthew.

Q.—Mr. Carthew was acting as general agent for several in staking lands? A.—Quite a number. I would not swear positively that he staked it, but I think he did.

Q.—This land was situate on the Kitimaat Inlet? A.—So I understood.

Q.—You signed the application? A.—I did.

Q.—Is this the application? A.—That is my signature.

Q.—And the lands you applied for were sketched on the back of the application? A.—That is the description given me; I never saw the land.

Q.—It was adjoining Mr. Murray's claim, or supposed to be? A.—The application will show; I don't remember; that is a description of the land as given to me.

Q.—The sketch shows land to be on Kitimaat Inlet? A.—So I understood.

Q.—The description shows your land south of Mr. Murray's, and Mr. Murray's application shows his on the Kitimaat Inlet? A.—Yes.

Q.—It is also shown that one of the boundaries of his lot is on the inlet? A.—Yes.

Q.—So that the lands you applied for were situate on Kitimaat Inlet? A.—That is the description I got of the land staked for me.

Q.—I suppose when you got your Crown grant you got a sketch showing the location of your land? A.—I did.

Q.—Are your lands situated as this map shows them to be? A.—They are.

Q.—How do you account for the fact that you applied for lands on the west shore of the inlet and got land situated inland several miles? A.—I think that can be easily accounted for. The man who went up staked several pieces, and it is quite possible that he made a mistake in the description he gave me. I know I did not get the piece on the inlet as I wanted.

Q.—According to this map, it is at least a mile and a half away? A.—I know it does not tally with the description.

Q.—The land you got is not that you applied for. How do you account for it? A.—As I say, it is probable the description of the land he gave me was wrong. I don't say it was, he is not here to say so himself, but it may have been. It is the only way I can account for it.

Q.—When you renewed your application for these lands did you come in contact with any officials of the Department? A.—I dealt directly with Mr. Wells, in the first place, and then with the next Commissioner.

Q.—Did you have any dealings with the officials of the Department, Mr. Gore or Mr. John? A.—Yes, I think I had some letters.

Q.—Did you have any trouble in getting your claims through the Department? A.—They were rather long.

Q.—Did you make any effort to push matters forward? A.—Certainly I did.

Q.—Was any suggestion made to you that if you did certain things that the matter would be hastened? A.—Not that I remember.

Q.—There was no suggestion made to you that if you would make it worth while to some of these officials the transfer would be facilitated? A.—You mean by the officials? No.

MR. JOHN puts in counterfoil of Grant $\frac{1951}{163}$.

Mr. Oliver: Was this Crown grant completed—that is, was it signed by the officials? A.—No; it has not been signed by the Government.

Mr. Brown: Were there any other Crown grants drafted or prepared in the name of this person, M. E. Oliver? A.—I don't know of any.

MR. MUNRO, recalled:—

Mr. Bowser: Who located for you? A.—I am not sure, but think it was Carthew.

Q.—You and Mr. Hunter were in the same position? A.—We both applied together, and I put up the money for both of us; it was never returned and never refused, as far as I know.

Q.—What is the difference between the value of the land you got and that you were going to get? A.—I should think the land on the inlet would be more valuable, and I would have preferred to have it there. Of course, I have explained how I account for the mistake, that the man staking for me made a mistake in the description of the land he sent me. He was staking several applications.

Q.—Who is your surveyor? Where is he? A.—I don't know where he is. It was Mr. Pinder, Provincial Land Surveyor.

Q.—It was not Wilkinson who surveyed for you? A.—No; I wanted to get Wilkinson, but could not get him. I waited for him quite a long time, and that is a reason why I had to ask for an extension of time to survey.

Q.—When did you first find out that what you got was different from what you thought you applied for? A.—I think when the surveyor was sent up and found the land did not tally with the description.