

Hon. Mr. Wells—*Concluded.*

Q.—So that the real subject you were dealing with all the time was the question whether they would get these two grants? A.—I had another thing in my mind, and that is if I could get them to build to Spence's Bridge it would be a good contribution to our railway policy.

Q.—You were looking after the railway policy at that time? A.—Yes.

Q.—Things had changed from the time of the meeting of the 10th of August down to your trip to Montreal. As a matter of political history, things had changed, Mr. McBride had gone out? A.—Yes.

Q.—Mr. Brown had been defeated in New Westminster? A.—Yes.

Q.—And the members of the Cabinet had been reduced to four, and Mr. Turner's seat was vacated, and, as you say, you would be very glad to get a railway policy, and that would be a valuable contribution to it? A.—Undoubtedly.

Q.—I can quite understand that. And the circumstances with regard to the Crown grants were the two prominent things in your mind, dealing with Sir Thomas Shaughnessy? A.—I felt that we had to do something to get some further concession, first to justify ourselves with regard to giving these two Crown grants; the surrendering of them was so at variance with the features of the Act that we might be subjected to severe criticism,—that was one thing in my mind. And the other was that it would be a good idea, as I say, to get a contribution to our railway policy. That was in my mind.

Q.—And, so far as you were concerned, you were exceedingly anxious to get this matter through? A.—I was. It was a very important thing.

Q.—And you were pressing Sir Thomas Shaughnessy with regard to it all the time. A.—Yes.

Q.—How was it that the matter of the Crown grants was not mentioned in that memo. to Sir Thomas Shaughnessy? A.—There is no reason why they should be. The Crown grants and the carrying out of that proposition are two distinct things. I told Mr. Shaughnessy that Mr. Dunsmuir had instructed me not to deliver them unless the Spence's Bridge road was taken up and agreed upon. Then it came to this point: Sir Thomas said, "Well now, what condition do you want this road built upon; what are your conditions?" And I gave him then an outline of them; and he asked me to submit that in writing. But there was no necessity—I cannot see any necessity of saying anything at all about those two particular blocks.

Q.—As a matter of fact, it was designedly omitted? A.—Oh, there was no necessity for it.

Q.—You mean that what Sir Thomas Shaughnessy asked you for was a statement of the conditions upon which the Crown grants were to be delivered? A.—No, no; a statement of the conditions upon which the Midway-Spence's Bridge Railway would be built.

Q.—Mr. Wells, you said, I think, that you wanted to stand until to-day in order to receive some telegrams from Sir Thomas Shaughnessy? A.—Yes.

Q.—I suppose telegrams of that kind have come, and you have acted on them; if so, I suppose the Committee ought to see them. A.—If you want to see them, yes; I have got them here.

Q.—You might show them to the Chairman or to Mr. Oliver.

The Chairman: They cannot be taken as evidence.

Mr. Duff: No; I don't mean that.

Mr. McPhillips: This is rather an important point now, Mr. Chairman, because if these telegrams and the replies thereto are referred to in this evidence, Sir Thomas Shaughnessy may very properly ask that these telegrams that have come to the Chairman should go in. I should suggest that the Chairman and the members of the Committee should see these telegrams, and the respective counsel; and then, if it is asked that they go in, we will have it determined as to whether they will be produced.

Mr. Duff: There are things that Mr. Wells has been refreshing his memory with, and they may be looked upon in that way, and need not go in evidence at all.

Mr. McCaul: I would prefer that the members of the Committee look at them.

[Hon. Mr. Wells here produced documents, three in number, which were examined by members of the Committee and counsel.]

Mr. Duff: There was some evidence that Mr. Gore might give, that I heard about at the recess, and it occurs to me that possibly it might be more convenient to have that before Mr. Wells' examination is completed. It is with regard to the recommendation for the cancellation; he might be able to refresh Mr. Wells' recollection with regard to it.

Mr. McCaul: I think it would be as well to have Mr. Gore's evidence.  
Witness stands aside for the present.

W. S. GORE, being re-called, testifies as follows:—

Mr. Duff: Mr. Gore, have you your memorandum, or at least your collection of Orders in Council, and memoranda and copies and so on? A.—I did not bring it up here.

Q.—Will you get it? A.—Yes.

[Hon. Mr. Wells here handed to the Committee the return asked for, giving the names and dates of applications for coal and petroleum prospecting licences as to block 4,593. Mr. Gore here produced books asked for.]

Mr. Duff: Mr. Gore, have you copies of the Orders in Council dated the 10th of August, 1901, dealing with the Columbia and Western subsidy? Have you any memorandum? A.—Yes.

Q.—Now, looking at what material you have there, and refreshing your recollection by it, I will ask you some questions about it. You have a copy, I suppose, of the memorandum attached to the Order in Council; what do you call it, a Minute of Council or recommendation, or some term you use with regard to that,—recommendation of the Chief Commissioner, I suppose? A.—Yes, that is the Minute.

Q.—The Minute. Was that prepared in your office? A.—It was prepared in my office from a draft which came from outside somewhere.

Q.—It was prepared in your office from a draft which came from outside. Is the Minute which is prepared by you substantially the same as the draft? A.—Yes, it is substantially the same; the wording of it is altered to conform to the usual form.

Q.—But the substance is the same as the draft? A.—Yes.

Mr. Wells: Didn't you substitute something with regard to surveys? A.—No.

Mr. Duff: No; that is in another one. You are thinking of the one of the 19th of September, Mr. Wells. A.—No; nothing about surveys.

Q.—Do you know where it came from? A.—My recollection of it is that it was sent to me from the office of the Chief Commissioner's private secretary.

Q.—That is, you mean the draft? A.—The draft, yes.

Q.—I suppose you don't know who prepared the draft? A.—I do not.

Q.—Your recollection about it, however, enables you to say what you have already stated—namely, that it was prepared outside. The form of it showed that? A.—Yes.

Q.—There is also a memorandum, or there are two memoranda; one marked A and the other marked B, attached to the Order in Council. Have you a copy of those memoranda? A.—Yes.

Q.—Now, looking at this, which is the original attached, filed with the Order in Council, and now before the Committee? It would appear that what you have is a copy struck off at the same time, wouldn't it? A.—Yes; a carbon copy.

Q.—A carbon copy of "A," we will say, first? A.—Yes.

Q.—And likewise of "B." A.—Yes.

Q.—Now, following sheets A and B, you have a series of half-sheets or short sheets, at all events, giving descriptions of the property dealt with? A.—Yes.

Q.—Now, looking at these in a general way, the originals,—do they appear to be carbon copies of this, too? A.—No.

Q.—You think they do not? A.—No.

Q.—No, they are not, I see; they are not exactly the same. But A and B are the same. Now, can you tell when that memorandum which is attached to the Order in Council was completed by you for signature? A.—My typewriter has made a pencil memorandum at the bottom of it, 28th of August, 1901.

Q.—28th August, 1901. What does that indicate? By the way, is your typewriter still in the office? A.—Yes.

Q.—What would that indicate in the ordinary course of the business? A.—That that was the day he wrote it.

Q.—That that was the day he wrote it. That would indicate that that recommendation was not actually completed and signed before the 28th of August? A.—This particular document was not.

Q.—That that particular document. Looking at the original here, filed Provincial Secretary's Office 3rd September, 1901, and looking at your own, can you see whether the one is a carbon copy of the other or not? A.—This is a carbon copy of that.

Q.—Yes, yours is a carbon copy of the original? A.—Yes.

Mr. Gore—*Continued.*

Q.—That is attached to the original Order in Council; and the typewriter memorandum would indicate that the two were struck off together on the 28th of August, 1901? A.—Yes.

Q.—That would be eighteen days after the date of the Order in Council. Now, I wish you would look at this, Mr. Gore. What would the ordinary course of preparation be, I mean to say, with documents being completed, they would be signed by Mr. Wells, I suppose, in your office; it would go from you to the Provincial Secretary's Office, would it? A.—No; in the ordinary course of business this document would go unsigned to the Executive Council and be executed there.

Q.—But, of course, a document completed on the 28th August could not go unsigned to a meeting of the Executive which was held on the 10th. Leaving you, it certainly did reach the Provincial Secretary's Department on the 3rd of September, 1901, by the stamp. It would then be completed. Now, looking at that original again, that is the original recommendation, can you say whether that document has been press-copied or not? A.—Yes, sir.

Q.—Yes; that is clearly apparent. A.—It looks very much as if it had; but it was not press-copied in my office.

Q.—Is it the practice of your office to press-copy these documents at all? A.—No.

Q.—Would a copy of that memorandum be kept in your office? A.—None, except the copy that I have on this file.

Q.—The practice of your office is that a copy would be kept on file by yourself? A.—I keep a copy for my own information.

Q.—Now, there is a letter written here from Mr. Wells' office dated the 11th of September. On the 11th of September, after that document had gone to the Provincial Secretary's office, there is a letter written by Mr. Wells, which he says has gone through his letter-book kept by Mr. McNeill, enclosing a copy of the report of the minutes in an Executive meeting of August 10th, 1901, to Mr. Brown. Would that be the usual course, or would the usual course be to get a copy from the Provincial Secretary's office? This Order in Council, you see, directs that a certified copy of the minute approved by Council, a copy of the plan referred to, similarly dated and initialled, be handed to the Company. But is there any usual course with regard to that? A.—I don't know that there is any usual course particularly about it. I rather fancy there were three copies of this made at the same time, with a view to having one ready for Mr. Brown.

Q.—I see. So far as this document itself is concerned, there is no doubt but that was struck off in your office? A.—No doubt about that.

Q.—That is, the recommendation was struck off in Mr. Wells' Office. These memoranda "A" and "B," or rather this memoranda showing descriptions, and the short sheets, would they be done in your office? A.—That was copied in my office from this (indicating).

Q.—The short sheets giving the descriptions which are attached to the original order were copied in your office from the short sheets which you have annexed to the copy of the Order in Council in your own book? A.—Yes.

Mr. McCaul: Mr. Gore, the copy you have in your own book is a copy of the complete Order in Council, with the report and memoranda attached to it? A.—The copy I had in my book has not got the enacting order attached to it; it is the Minute of Council.

Q.—But otherwise it is complete as the Minute of Council? A.—Yes.

Mr. Duff: What do you mean by Minute? It is the recommendation of the Minister? A.—It is the recommendation or Minute of Council, but not the enacting Order.

Q.—But what you call a Minute of Council is this: "To His Honour, the Lieutenant-Governor in Council; the undersigned have the honour," and so forth. That is not necessarily anything that passed through Council? A.—Oh, no.

Q.—It is the recommendation of the Minister recommending that the Council take a certain course? A.—Yes.

Mr. McCaul: And the original sheets that you have annexed to that, the blue short sheets there, those were not prepared in your office? A.—They were not.

Q.—They came from the outside, too? A.—Yes.

Q.—With the other memorandum. The descriptions are given of these two particular lots 4,593 and 4,594 by metes and bounds, etc., are they not? A.—Yes.

Q.—And the other blocks are similarly described? A.—Yes.

Q.—Had you the information in your office from which you could have prepared those descriptions? A.—We had not.

Mr. Gore—*Continued.*

Q.—Who only could have that information? A.—This information has been obtained from a survey made by the Canadian Pacific Railway by a Provincial Land Surveyor in their employment.

Q.—Then you notice that the Order in Council was not assented to or signed by the Lieutenant-Governor until the 4th of September, 1901? A.—Yes.

Q.—It was in shape in your office on the 28th of August, 1901, to be submitted for final signatures? A.—Yes.

Q.—That is what the note there in pencil, 28th of August, 1901, would indicate? A.—Yes.

Mr. Helmcken :—Mr. Gore, have you got the draft which came from the outside? A.—Of this Order in Council? No; I have not. It is not customary to keep rough drafts of that kind. I have searched for it, but I cannot find it.

Q.—What do you mean by outside draft? A.—I mean the information from which this report was prepared, this report of the Minister, was not compiled in the office. The information from which this was prepared was handed into the office from the Railway Company or some person in their behalf.

Q.—Did it come from Mr. McNeill's office? A.—To me, yes.

Q.—Well, your enquiry, then, led you to understand that it came from a still further outside source; is that it? A.—That is the impression I had; yes.

Q.—It was not prepared in the Parliament Buildings at all? A.—No, not in the Parliament Buildings at all.

Q.—You prepare, as I understand, the material upon which the Minister makes his report? A.—Yes.

Q.—And on this occasion you did not? A.—No.

Q.—And you had nothing to do with it? A.—Nothing whatever.

Q.—Have you any data in your office to show who handed this memorandum in? A.—Nothing whatever.

Q.—As far as you are concerned, you acted on instructions entirely? A.—That is all.

Q.—You say that there is no difference between the Order as it appears there and what was handed in from the outside source? A.—No; I do not—

Q.—They are substantially the same? A.—The Order?

Q.—Yes. A.—I say that this Order embodies the material that was handed in from an outside source, but it is put in the language that is usual for Orders in Council.

Q.—In the form? A.—The official language, yes.

Q.—But as between the two there is no substantial difference? A.—Well, I presume not.

Q.—You clothing it in the proper official language? A.—This contains the purport—embodies the purport of the information that it was prepared from.

Q.—But that is not the usual way of doing things? A.—No; they are usually prepared right in the office from the information we have at hand.

Q.—You have all the information necessary to attend to all business? A.—Yes.

Q.—But only in this particular case this departure was made? A.—Yes.

Q.—In the respect which you have indicated? A.—Yes.

Mr. Duff: You remember an Order in Council of the 19th of December, 1900, by which areas that we are dealing with in this matter were substituted for a certain part of the British Columbia Southern grant? A.—Yes; I have a copy of that.

Q.—Do you remember the circumstances under which that was prepared? For example, looking at the end of the Minute, I think you will find that there is a condition imposed that there should be a written guarantee to the satisfaction of the Chief Commissioner about surveys upon the lands before the Crown grants issue, or before the lands are selected. Was that prepared by you? I think Mr. Wells said it was, in the drafting of the Order. A.—I think this Order was drafted from information furnished from the outside, if I may use the same term, somewhat similarly to the other one that we have been speaking of, and that this paragraph with reference to surveys was added by myself.

Q.—It was furnished from the outside. How did it come into your hands, do you remember; did it come into your hands from Mr. Taylor? A.—No; I never saw Mr. Taylor in connection with it.

Q.—You never saw Mr. Taylor in connection with it at all? A.—Never.

Mr. Gore—*Continued.*

Q.—Do you know how it did come into your hands? A.—I don't know positively, except I infer it was received by me from the Chief Commissioner's office, very much the same as the other.

Q.—Would the material used in connection with that Order in Council be material that you could get in the office, or would that be furnished also from the outside by a Canadian Pacific employee? A.—Well, of course, we had sufficient information in the office to draft an Order like this, knowing the line upon which it was to go.

Q.—It was not in the same position, then, as the Order of the 10th of August, in which you absolutely required information from the outside? A.—No; inasmuch as that one of the 10th of August, approved on the 4th of September, contained descriptions by metes and bounds which we did not have at all.

Q.—Which you did not have at all. But the fact is, that in this particular instance the draft was not prepared in the office? A.—I believe not; that is my recollection of the matter.

Q.—And your best recollection is that it came from the Chief Commissioner's office? A.—Yes.

Q.—Did you hear any comment afterwards on the insertion of that clause at the end of the memorandum? A.—I don't recollect that I did hear it at that time.

Q.—Well, have you heard any since? A.—Well, yes; the Chief Commissioner called my attention to that clause recently, and stated that Mr. Taylor objected to its being put in.

Q.—How recently do you mean, now; when? A.—I am not sure but what it was yesterday or today.

Q.—Since this controversy began? A.—Yes.

Q.—But what I mean is, was your attention called to it before this question arose? A.—Well, if it was, I don't remember it.

Q.—Did you have any discussion with Mr. Taylor about it? A.—Never; never saw Mr. Taylor on the matter at all.

Q.—That is all I want to ask.

Mr. Helmcken: What was it, Mr. Gore, that you inserted in this outside draft? A.—The paragraph referred to is this: "The Minister further recommends that the Crown grants aforesaid shall not be delivered to the Company until after they have given a written guarantee, to the satisfaction of the Chief Commissioner of Lands and Works, that they will, on or before the first day of May, 1901, commence the surveys to define the boundaries, and carry on the surveys to completion to his satisfaction within two years from the date of this Order."

Q.—That was put in on your own initiative? And, excepting that paragraph that you inserted, the Order in Council is just the same as there, or rather, the report? A.—The same as the draft that I had?

Q.—Yes. A.—I would not say that exactly; I only say it embodied the substance of the report. The language might not be the same.

Q.—How did you come to put that in? A.—Because I thought it was a matter of importance that those surveys should be carried out. We could not administer the adjacent lands until they were.

Q.—Was any exception taken to that by any person? A.—Nothing more than what you have heard me say just now, so far as I am aware.

Q.—Did a Minister at the time mention any of these matters to you, that exception was taken to that? A.—I don't recollect his having done so.

Q.—Did Mr. Brown ever see you in connection with that? A.—I don't think so.

Q.—Did Mr. Brown see you in connection with any railway matters in connection with 4,593 and 4,594? A.—No; I don't think Mr. Brown ever spoke to me in connection with those two blocks. He was frequently in the office, on Railway Company matters generally, but I don't think he ever spoke to me about those two blocks.

Q.—Did you discuss the insertion of that provision with your Minister? A.—I have no doubt I called his attention to it when I delivered the report to him.

Q.—And there was no exception taken to it by him? A.—I suppose not, since it was embodied in the Order that was approved.

Q.—Is there any date on there showing when the typewriting was completed? A.—Yes; the 19th day of December, 1900.

Q.—The same day? A.—This Order was approved on the 19th—you have referred to it as the 19th—it was approved on the 20th.

Mr. Gore—*Concluded.*

Q.—You have no idea who prepared that outside draft? A.—No; I have no idea of it myself.

Q.—And it was brought in to you from the Chief Commissioner's office? A.—I presume so.

Q.—But you have got no data to tell you anything about it? A.—No.

Q.—There is no letter accompanying it, or anything of that kind? A.—No.

Q.—This is another instance of departure from the ordinary office routine in connection with matters of that nature? A.—Well, it is customary in all ordinary matters to prepare our Orders without being furnished with the material from the outside; but, of course, we are very glad to receive assistance at any time.

Q.—I quite understand that. But, still, this is a departure from the ordinary course.

Witness stands aside.

The Chairman: Before going on with the examination of Mr. Wells or any other witness, I would call the attention of the Committee that Mr. Joseph Martin is present here to-day, and he has informed me that he is desirous of appearing before the Committee. And I think, as he is an invalid, the least we could do is to ask him now to make whatever statement he wishes to make.

MR. JOSEPH MARTIN, being duly sworn, testifies, as follows:—

I may say, Mr. Chairman, that I have been told by a number of gentlemen who have called to see me at the hospital that my name was very prominently connected, in the way of rumour around the city, in connection with these transactions; and that it had been suggested that I was one of the two members who, according to Mr. Wells' account of what Mr. Taylor said, was to have a piece of this land. I may also say that I was also told by another gentleman that it had been intimated to him by a member of the House that I had purposely gone to the hospital in order to be away when this investigation came around. I do not wish that member of the House any harm, but I think if he had to suffer what I have had to suffer during the last two weeks he would not think there was much of a fake in connection with my illness. I just wish to make the statement that I know nothing whatever about this transaction from beginning to end; that I never heard of it in any way, shape or manner until the public generally heard here a short time ago. I never knew that the Canadian Pacific Railway Company were trying to get the piece of land in South-East Kootenay as part of their railway grant, and never suspected any such thing; I was never asked to support any such proposition; in fact, never heard of it in any way, shape or manner until quite recently. While I am speaking on the matter, there is just one apparently piece of evidence that has been brought to my attention by which possibly I ought to have known that—it has been suggested that I should have known, and also been suggested that I did know, and that I was assisting the C. P. R. in getting this land clandestinely,—and that is, last year, as the Committee are aware, a Bill was introduced to settle the controversy between the Government and the C. P. R. as to whether they were to receive a land bonus for section 4 of the Columbia and Western Railway, they having completed section 4 but not having complied with the terms of the Subsidy Act. I supported that proposition. You will remember that we had a Committee of Investigation last Session with regard to it, and there is a difference of opinion in the House, some members think it is right that they should and some members think it is right they should not. As far as I am concerned, I have satisfied myself that they are entitled to that. That matter, of course, the Committee understands has nothing whatever to do with this question. But it has been pointed out that the Bill which was introduced last Session had a clause in it under which the Canadian Pacific Railway Company, if the Bill had passed, might have got this land, if they wished, either as part of section 4 grant, or as part—no, I expect they would have to take it as part of section 4 grant. That clause stated that the Company were to be entitled to choose these lands which they had earned for section 4—they were to be entitled to choose them in any part of Yale or Kootenay; I think that is the wording of the Bill. And I suppose that if that had passed they might have gone down to East Kootenay and taken this land as part of this grant. I wish to say with regard to that that I don't know whether I read that or not. The inference would be, naturally, that I had read it, although, as a matter of fact, I am not very careful about reading Bills until they come to be actually passed. My whole mind, so far as that Bill is concerned, was centred on the



Mr. Martin—*Concluded.*

question in dispute, that is, as to whether they were to be entitled to the land for section 4. If I did read the Bill,—and I suppose the probabilities are I did, although, myself, I think possibly I did not,—it never struck me, it never occurred to me in any way, shape or manner, that that was any change in the Subsidy Act. Nobody pointed it out to me; and if it had been pointed out to me I certainly would have opposed it. There was no reason in the world, because the Company were to be let off to a certain extent in connection with their section 4, and allowed to take the lands without having complied with the Act, in view of all the circumstances,—there was nothing in that that would have entitled them to any greater rights as to the place wherein the lands were to be selected. And all that was required at that time was to have called my attention to that wording of the clause and I certainly would have insisted on having it changed so that their right to take the lands would not have been enlarged in the slightest degree.

I have to add another matter. I have been told that among the applications there for coal prospecting licences, or some other grant from the Government, that there is an application—and these are coal prospecting licences which, under the present legislation, the parties will become entitled to this land, as I understand it,—that there is one in my name. I would like to say with regard to that,—and the only reason I mention that,—of course there is nothing wrong whatever in applying for a coal prospecting licence, and I would not hesitate to do that at any time if I thought the licence was going to be worth anything,—but I was going to say, if there is an application there it is there for some other Joseph Martin; or it was never authorised by me in any way. And it does strike me, if I may make a suggestion to the Committee, it would be worth while investigating the question as to whether applications have not been made in respect of this land in dispute in the names of persons without authority. I understand other politicians are in the same position I am with regard to that, and state also they never knew or authorised the application. You understand, Mr. Chairman, I am repudiating this, not because I think there is anything wrong about it, for I think all these people were right in applying for the land,—and I would not have hesitated to have applied for it if I had known about it,—but, as a matter of fact, I did not. As a matter of fact, I did not know anything about this matter in any way, shape or manner. I want to make that as broad as possible. I never dreamed that any of these negotiations, or whatever you may call them, were going on. It never was stated during the discussions before the Executive that there was any settlement about the land grant of the Columbia and Western; and I never heard, either in the House or outside of it, from any member of the House, or anybody, until, as I say, quite recently.

Witness stands aside.

The Committee here adjourned until to-morrow, May 8th, 1903, at 10 a. m.

FRIDAY, May 8th, 1903.

At 10 A.M. the Committee met, pursuant to adjournment from yesterday.

H. A. MACLEAN, being duly sworn, testifies as follows:—

Mr. Duff: Mr. Maclean, you are the Deputy Attorney-General? A.—Yes.

Q.—How are copies of correspondence outwards from your office preserved? A.—In a letter book.

Q.—In the usual way, by press copies? A.—Yes; press copies in a letter book.

Q.—That is the way in which the official correspondence is kept.

Q.—Now, correspondence between Mr. Eberts and persons, which might not be considered strictly official, and yet at the same time relating to Government business, would that be kept in any other way; I mean to say, is there a private letter book, such as was produced here from Mr. Turner's office yesterday? A.—Well, I don't know that there is any private letter book that applies to the Department.

Q.—But kept in the Department? A.—I imagine Mr. Eberts would have a private letter book of his own.

Q.—As a matter of fact, you know? A.—Really, I think he has, but I could not swear positively; I don't know that I have ever seen it.

Q.—You have not access to it? A.—No; I have never looked at it, but it is my impression he has a letter book.

Mr. Maclean—*Continued.*

Q.—How many stenographers are in the Department? A.—Two.

Q.—Who are they? A.—Mr. Bass and Miss Barrett.

Q.—Who were the stenographers, we will say from August, 1900, down to that same period, 1901? A.—Well, Mr. Bass and my present wife.

Q.—Who is the Minister's private secretary? A.—Well, he has no regular private secretary the way some of the other Ministers have, but Mr. Bass, in a measure, acts as his private secretary.

Q.—I mean to say, who would take letters from Mr. Eberts with regard to the class of business I mentioned? A.—I imagine it would be Mr. Bass.

Q.—Mr. Bass would be the man? A.—The other stenographer in the Department is practically for my work.

Q.—Well, some of the political matters, and that sort of thing, Mr. Eberts might be dictating correspondence and Mr. Bass, I suppose, would take his letters? A.—I imagine so; he would be the most likely one.

Q.—As far as you know, that would be the course? A.—Yes.

Q.—Now, what is the practice with regard to drafting Bills? A.—You have a good deal to do with that; in fact, Government Bills which are drafted in the Attorney-General's office are usually drafted by you? A.—Yes, those that are drafted in the Attorney-General's office. Of course, all Government Bills are not drafted in the Attorney-General's office, but they are apt to go there at some stage; almost sure to.

Q.—Now, do you remember some Bills being introduced, one of the Session of 1901 and the other in the Session of 1902, dealing with the Columbia and Western subsidy? A.—Yes.

Q.—Did they go through your office? Mr. Wells has stated that the Bill of 1902 was drafted in the Attorney-General's office. A.—I don't know that it was drafted.

Q.—Or that it came from the Attorney-General's office? A.—Have you got the Bill there,—of course, all these Bills coming before me it is difficult for me to remember them. (Copy of Bill handed to witness.) This is the 1902 Bill?

Q.—Yes. A.—My recollection with regard to this Bill is not very vivid, but the recollection I have is that this Bill was submitted to the Department, laid on my desk or handed to me, by either Mr. George McL. Brown or Mr. McNeill, of the Lands and Works, private secretary of the Lands and Works Department; and that I was informed that it was a measure that was to become a Government measure; and was asked to put it in train for submission to the House. And I suppose I did so, I imagine—I have no definite recollection—in the usual course, I would do so; but, I think, after the Bill was printed, I showed it to Mr. Wells. Before it could be brought before the House it would be necessary that it should be brought down to the House by the Message of the Lieutenant-Governor; that is done by an Order in Council in the usual way; a copy of the Bill is attached to the Order in Council, and upon that the Bill is brought down to the House.

Q.—That Message is really an Order in Council? A.—It is an Order in Council.

Q.—And any Message of that kind would then be among the records? A.—It would be in the records of the Provincial Secretary's Department.

Q.—I see. You think you showed it to Mr. Wells? A.—That is my recollection, that I showed the Bill to Mr. Wells before I asked the Provincial Secretary's Department to prepare the Message.

Q.—But your recollection, at all events, about the thing is, that the draft was placed before you for what purpose? A.—To put it in train, to bring it before the House.

Q.—What do you mean? A.—That is, to have it printed and prepared, to have the Message brought down.

Q.—Where would that draft be; it was typewritten, I suppose? A.—Yes, I am quite sure it was a typewritten draft, but I don't know where it is; I tried to find it.

Q.—You tried to find the draft of this Bill? A.—Yes, but I could not do it. The record of these draft Bills is very imperfect; sometimes they are kept and sometimes they are not.

Q.—Sometimes they are kept? A.—Sometimes they are.

Q.—Would that draft be in your office or in Mr. Wells'? A.—No; in the office of the King's Printer.

Q.—Do you know if it is there? A.—I looked for it because I was asked for my recollection of that original Bill.



Mr. Mclean—*Continued.*

Q.—Who asked you your recollection of it? A.—I think the Attorney-General asked me if I had prepared that draft.

Q.—How recently? A.—Oh, after this matter came up in the Committee.

Q.—Did you have any discussion with the Attorney-General as to the effect of it? A.—No.

Q.—There is no doubt you did not prepare the Bill? A.—That is my very best recollection.

Q.—When I say no doubt, there is no doubt in your mind? A.—There is no doubt at the present time.

Q.—That, so far as the preparation of the Bill is concerned, the Bill came to you in the form in which it is now? A.—Well, I imagine, practically. Take paragraph 3; that is a thing I could now draw, because I did not have the knowledge.

Q.—So far as your recollection serves you, at the present time at all events, you say that you did not make any alterations in the draft that was submitted? A.—No; no material alterations.

Q.—Now, do you think that you considered the effect of the Bill at that time? A.—Oh, I suppose I did.

Q.—Well, did you advise with regard to it, do you think? A.—No.

Q.—Were you asked to advise? A.—I was never asked to advise, nor did I advise.

Q.—Now, I call your attention that it is an amendment to the Columbia and Western Railway Act, and it provides that 20,000 acres per mile,—which, I may say, roughly amounts to 800,000 acres in the aggregate; that is common ground here, you may take that as correct. A.—Yes.

Q.—That under this Bill power is given to the Company to select this land anywhere in the Districts of Yale and Kootenay? A.—Yes.

Q.—Now, that is not a usual sort of provision for subsidy Acts, is it? A.—What?

Q.—I mean to say, giving to the Company that is getting the subsidy the power of selection within such a large area as that, without limitation? A.—Well, I think usually they are confined to a certain distance from the railway, or something like that.

Q.—And lieu lands are to be selected by the Lieutenant-Governor in Council, or with the approval of the Lieutenant-Governor in Council. I don't know whether you have considered the matter or not? A.—I have not considered the matter.

Q.—Looking at section 6 here, and proceeding on the assumption that that is dealing with deficiency lands, there is no question about it— A.—This is not deficiency lands. This is a Bill to allow them a subsidy for section four.

Q.—But you may answer my question on this assumption,—perhaps these facts were not brought to your attention at the time—that all the lands along the line of the railway which could be taken up in alternate blocks had been exhausted, and much more than exhausted, for the purposes of the subsidies of sections one and three— A.—Yes.

Q.———all the way from Robson to Penticton; so that there was no doubt about it that those 900,000 acres would have to be selected as deficiency lands; there was no land along the line of the railway that could be selected as a subsidy for section 4, in alternate blocks. Assuming that section 6 applies,—you might just look at that. A.—Section 6, with regard to deficiency lands?

Q.—Yes. (Witness peruses section 6). Under section 6, the selection was undoubtedly under the control of the Lieutenant-Governor in Council? A.—Oh, yes; clearly.

Q.—While under this Bill the whole area of deficiency lands—as a matter of fact, they would be deficiency lands, but whether deficiency lands or not,—was entirely under the control of the Company? A.—(Perusing Bill). Yes.

Q.—Without any limitation? A.—Well, apparently; that is a rough opinion.

Q.—What I mean to ask you is this: I suppose the general notion you had with regard to the Bill was that it was simply providing for the giving of the subsidy for section 4, notwithstanding that section 5 had not been built? A.—Yes.

Q.—If your attention had been called to it, would you have altered the conditions in that way, without specific instructions? A.—Altered what condition? This is something new. This was a subsequent measure, possibly.

Q.—It is described as “An Act to Amend the Columbia and Western Subsidy Act.” What do you mean by saying it is something new? A.—Well, it is not altogether, you may say, an amendment to the Act; in one way it is; but it is giving them something that practically they could not get under the Act.

Mr. Maclean—*Continued.*

Q.—But then the recital says: “Whereas, as a consideration for the Company’s undertaking as aforesaid, it was agreed that the said Company should obtain grants of land in the districts of Yale and Kootenay in respect of the said fourth section, after the Company had constructed said fifth section; and whereas the failure to construct said fifth and sixth sections was in nowise attributable to the said Company, and it is desirable that the said agreement with the said Company should be carried out”; then the enacting clause proceeds. Do you mean that that Bill really contemplated doing anything more than simply excising the condition that the fifth section should be built before the subsidy for the fourth section should be given? A.—I really don’t know. I may say, Mr. Duff, I gave the matter very little attention.

Q.—Exactly; so far as the policy of the Bill is concerned. A.—I had nothing to do with it.

Q.—You assumed that the draft that had been given to you properly expressed the policy of the Government? A.—Yes.

Q.—And you looked over the draft on that assumption? A.—Yes.

Q.—You think Mr. Brown may have handed the draft to you? A.—Yes.

Q.—What is your recollection about that? A.—Well, I cannot be sure whether it was Mr. Brown or Mr. McNeill; but my recollection is that it was one of those two gentlemen.

Q.—How does Mr. Brown come to your mind with regard to that matter; did you have any discussion about it with him? A.—Well, I think that afterwards he asked me what I was doing about the Bill; I think I was very busy, and let it lie on my desk for some time and was not printed, and he asked me whether I had got it printed. I think he said to me something about that.

Q.—Well, was the delay owing to simply pressure of business? A.—That is all.

Q.—And it was not due to any doubt as to whether the measure was going through? A.—No; I was not considering the measure at all. It was to be submitted to the Government when it was printed, and they were to take the responsibility of it.

Mr. Helmcken: When did you first receive the draft of this Bill? A.—Well, I could not fix the date any more than some time during the course of the Session, that is all; while the Legislature was in session.

Q.—How long before the message was introduced into the House? A.—Oh, I really could not tell you.

Q.—The message was introduced into the House on the 22nd of May of last year. Have you got any idea? A.—Oh, I suppose, probably a week or ten days, something like that, before it was introduced.

Q.—Did you see Mr. Brown more than once with reference to that matter? A.—I cannot say that I did. I have a recollection, or a sort of a recollection, that he spoke to me once and asked me whether I was moving that along, or something, whether the Bill was going through.

Q.—To get a move on; is that it? A.—Something to that effect.

Q.—Who gave you instructions, in the first place, with regard to that Bill? A.—Well, I received no further instructions than those I mentioned to you.

Q.—We want to get the instructions you received, and from whom? A.—As I said, either Mr. Brown or McNeill brought the Bill to my office and asked that the Bill be printed, as this was a measure that was going to be introduced by the Government. Then the Bill was printed; and when it was printed I feel quite confident I showed a copy to Mr. Wells before I asked the Provincial Secretary’s Department to prepare the usual Order in Council and Message, to bring the matter before the House.

Q.—Did you have any consultation, for instance, with the Attorney-General with regard to this Bill. A.—No. No; it was a Provincial land matter.

Q.—Didn’t you think it was of sufficient importance to consult him with regard to the matter? A.—No. I understood it was a Government measure.

Q.—From whom did you understand it was a Government measure? A.—From whoever it was that brought the Bill to me; that was either Mr. Brown or Mr. McNeill.

Q.—Then you took your instructions either from Mr. Brown, of the C. P. R., or Mr. McNeill? A.—Yes, so far as—there are very few instructions about it.

Q.—It is dealing with an important matter, with the interests of the Province? A.—But, you understand, the matter was to be presented to the Government. Getting the Bill

Mr. Mclean—*Continued.*

would not amount to anything; the matter had to be submitted to the Government in order to be brought down to the House. This is a Bill dealing with public lands. That Bill could not go down to the House without a Message from the Lieutenant-Governor. That Message could only be obtained in the usual way, by an Order in Council. The matter would have to go before the Council and be passed by the Council; that is, a recommendation that a Message come down; a regular Order in Council. Then, upon that, the Bill is brought down before the House. So it is a measure that would have to come before the Government before it could come before the House.

Q.—Precisely. Previous to this draft Bill being handed to you, do you remember any conversation with the Attorney-General with regard to this Bill, or any Minister? A.—No; none whatever.

Q.—Had Mr. Brown seen you previous to this? A.—No.

Q.—Had anybody else seen you previous to this? A.—No.

Q.—I mean professional gentleman—or anything of that kind? A.—No.

Q.—Is it usual for you to take instructions of a gentleman like Mr. Brown, not responsible to the Government? A.—Oh, instructions, as far as that is concerned, he is a man that when he tells me that this is a matter that the Government were going to bring down, I would have no hesitation in having the Bill printed, so far as that is concerned, when I knew that it had to come before the Government; and if he was not telling what was true he would be brought right up the moment the matter was laid before the Government.

Q.—But have you any right to take any instructions of a gentleman in Mr. Brown's position, without consulting your immediate officer? A.—Oh, I did not consider that it was a matter that required any particular—

Q.—(Interrupting) Did you think it was a matter concerning the welfare of the Government, and that you would want to know whether the thing was correct, and consult your own Attorney-General, and yet you did not do it? A.—But it was a matter that was to come before them; it was merely a question of printing the Bill.

Q.—No; excuse me; the Bill was handed in to you for some purpose? A.—Yes.

Q.—To lick into shape, to settle it for presentation to the House? A.—Not for presentation to the House, but for presentation to the Government.

Q.—Precisely. Then you must have had some confidence in some person in order to enable you to say that the Bill correctly carried out what the intention was? A.—Well, I tell you that I did that; I spoke to Mr. Wells about it before the Message was brought down, to find out whether this—

Q.—(Interrupting) That was after this draft Bill had been placed on your desk? A.—Yes, after it was printed, and before any action was taken upon it; I showed it to Mr. Wells to find out whether this was a Government measure and a measure that they wanted to bring down before the House.

Q.—Well, what idea was given to you that this Bill was intended to convey, this draft Bill? A.—Well, it was a Bill to authorise the granting to the C. P. R. of subsidy in respect to section four, notwithstanding the fact that they had not constructed sections five and six.

Q.—The Columbia and Western, instead of the C. P. R.? A.—The Columbia and Western.

Q.—Well, you took that from Mr. George Brown? A.—Yes.

Q.—And you acted on what he told you? A.—Yes; I had the Bill printed, that is all.

Q.—And then, after you had the Bill printed, you had your conference with the Minister of Lands and Works? A.—Certainly.

Q.—But you never consulted your Attorney-General? A.—No. No; it was a Lands and Works matter, a matter in which I would deal with the Department of Lands and Works.

Q.—Wasn't it of sufficient importance to ask your superior officer anything in connection with it? A.—I did not consider it was necessary, when it was a Government measure; a matter that was to be laid before the Government of which he was a member. It was a matter that I paid no attention to at all, practically; only I was told that it was a matter which the Government had considered and that they were going to bring down, and that the matter was to be laid before the Government before it could be laid before the House. So that the only question was, instead of submitting it to Mr. Wells on a bit of typewritten paper, whether it should be submitted to him when printed, so that it could be easily read.

Q.—Strictly speaking, it was a legal Bill? A.—A legal Bill?

Mr. Maclean—*Continued.*

Q.—A matter pertaining to law, isn't it? A.—This Bill? Well, I don't know that you would say law; the policy of the Government whether they would give the Columbia and Western land grant; that is all. There is law in connection with every Bill.

Q.—Do you recollect having any conversation with Mr. Wells? A.—I remember submitting to Mr. Wells,—showing him a copy of the Bill and asking him whether this was a measure that the Government wished to have dealt with in the way I have indicated; that is, that a Message should be laid before the Government,—for a Message to be brought before the House.

Q.—Did you have any consultation with him as to the scope of the Bill? A.—None whatever.

Q.—You simply said, "Mr. Wells, here is a Bill that is to be laid before the Government." Is that it? A.—I don't remember just what the conversation was; I showed him the Bill and asked him whether I would go on and have a Message prepared to have that Bill brought before the House.

Q.—And did Mr. Wells tell you to go ahead? A.—Yes.

Q.—So that, as far as you are concerned, instructions came from Mr. George Brown to have this draft Bill printed, and the Bill was printed and handed to Mr. Wells? A.—Not instructions; that he said this: That the Government were taking up this Bill and wanted to deal with it as a Government measure. And all I did, the instructions was just simply to have this Bill printed, you see. Then the matter of instructions came from the proper officer, the Chief Commissioner of Lands and Works.

Q.—What were those instructions? A.—Well, to go on and have the necessary documents prepared to have a Message from the Governor to bring it before the House. I understood the matter had been determined upon by the Government, that this was a Government measure, a Government policy to have this thing done.

Q.—Who gave you to understand it was determined upon? A.—That was what I was told by Mr. Brown or Mr. McNeill, whoever handed me that draft Bill.

Q.—Now, do you think Mr. McNeill really had anything to do with it? A.—I don't know. I am giving you the best of my recollection.

Q.—Do you mean that Mr. Brown had all to do with it? A.—I mean it was one of the two.

Mr. Duff: Then the practice seems to be, that the preparation of Messages is part of the duty of the Attorney-General's Department? A.—No; well, sometimes they are prepared in the Attorney-General's Department and sometimes in the Provincial Secretary's Department.

Q.—It would appear that the course of procedure in this case was, instead of the Message being prepared in Mr. Wells' Department, it was prepared in the office of the Attorney-General? A.—It was probably prepared in the Provincial Secretary's Department; but they do not prepare them, as a rule, until they are asked by the Attorney-General's Department to do so.

Q.—What is the function of the Attorney-General's Department? Taking these particular Bills, what would your duties be? A.—After I was assured by Mr. Wells that this was a Government measure, I asked them to take the usual steps to have a Message brought before the House.

Q.—Then you would take it to the Provincial Secretary's Department? A.—Yes.

Q.—Why wouldn't that be done from the Chief Commissioner's Department? A.—It is generally done from the Attorney-General's Department.

Q.—The Bill passes through the Attorney-General's Department in order that the form of the Bill shall be proper? A.—The form of the Bill is gone through and thrown into shape. Sometimes a great many of these Bills with regard to subsidies are drafted outside, and they are in rough shape.

Q.—And they go through you to be put in the proper form? A.—Yes; that is all.

Q.—Do you recollect a Bill of 1901 which was prepared, and with respect to which there was a Message which was brought down the last day of the Session? A.—No; I have no recollection of it.

Q.—I mean dealing with this same subject? A.—Well, I don't recollect it. Have you got the Bill here?

Q.—No; we want to find out; we are hunting for it. There was a Bill, Mr. Wells says, that came down by a Message from the Governor on the last day of the Session of 1901, which

Mr. Maclean—*Continued.*

was not introduced; it was properly printed, and the Message came to the House. A.—Well, was it laid before the House?

Q.—No; it was not laid before the House. A.—I don't recollect it.

Q.—But in the course of practice there should be an Order in Council in that case? A.—Yes; there should be an Order in Council.

Q.—And a copy of the Bill should be attached to the Order in Council? A.—Yes.

Q.—So that it should be in the Provincial Secretary's Department? A.—Yes.

Q.—Have you any recollection of preparing an amendment to the Columbia and Western Subsidy Act during the Session of 1901? A.—I have no recollection at the present time. If I had a draft or something like that to hang a recollection on—

Q.—Would you mind making a search for that, the same as you did for a draft of this Bill? A.—Well, it would be in the King's Printer's office, if there is any in existence. I will have a look, yes.

Mr. McCaul: Mr. Maclean, after the Bill was printed, you took it over and showed it to Mr. Wells? A.—Yes.

Q.—And you did not call his attention particularly to any special features with regard to the selection of land, such as Mr. Duff referred to? A.—No.

Q.—You simply asked him whether it was the intention to have this brought down as a Government measure? A.—Yes.

Q.—And then you carried it back to your Department? A.—Or, rather, transferred it to the Provincial Secretary's Department.

Q.—You brought it away with you? A.—Yes.

Mr. Duff: Do you keep the telegraph bills in the Department? A.—What do you mean?

Q.—The bills from the Telegraph Company? A.—The accounts?

Q.—Yes. A.—No; you would find those in the Department of the Treasury.

Q.—They are all in the Treasury? A.—Yes; accounts would come in and they would be attached to vouchers.

Q.—And they would be in the Treasury? A.—Yes.

Mr. McPhillips: I understand you cannot find the draft of this Bill, No. 87? A.—No. There is no complete record kept of those draft Bills; sometimes you will find that the King's Printer has kept them, and sometimes they have got mislaid in the printing office, or somewhere. It is a very imperfect record of these draft Bills.

Q.—But whatever the draft was, you did not amend it in any way, you had it printed in that form? A.—That is my recollection. Probably I might change the verbiage a little, for instance—oh, to just throw it into the usual form in which we have Bills drafted, that is all; but not to make any material change in the verbiage of the Bill.

Q.—The material statement in this Bill, as we are looking at it, is this:—"The said lands so to be granted to the Company shall be selected by the Company within the Districts of Yale and Kootenay, in blocks of not less than ten miles square, within two years after the passage of this Act." That is what we look upon as the salient feature of this Bill. Do you remember making any change in that? A.—No; I made no change in any provision like that.

Q.—Therefore, you did not bring your mind to bear professionally, or you might say departmentally, upon this Bill, at any rate up to that stage? A.—No.

Q.—You had the draft printed? A.—That is all.

Q.—And spoke to the Chief Commissioner about it? A.—Yes.

Q.—He seemed to be aware of it? A.—Yes.

Q.—And then it went through your hands? A.—Exactly.

Q.—Then will you say later this Bill was introduced into the House; do you know whether it was or not? A.—I don't know, of my own knowledge.

Q.—But, as a matter of fact, did the Bill come into your hands again to pass upon it, in any way? A.—I have no recollection that it did.

Q.—In ordinary course, now, the Bill was printed; then it would go, you say, before the Executive, so that the necessary Order in Council would be passed; and following that, if passed, the Lieutenant-Governor would send down his Message with a copy of the Bill attached? A.—Yes

Mr. Maclean—*Continued.*

Q.—Well, following out that ordinary course, who would pass upon the Bill? Take the facts in this case by way of illustration; who would pass upon this Bill, upon the part of the Government, as to the frame of it? A.—Do you mean as to the policy of granting that land in that particular way?

Q.—Yes. A.—That would be done by the Executive, I suppose.

Q.—That is done by the Executive, the policy of it. Who would be the law officer of the Crown who would frame the Bill to carry out the policy of the Government? You say in this particular case you had a draft that you did not draw? A.—Yes.

Q.—You say it never was passed on by you at any later stage? A.—No.

Q.—Wouldn't there be, in the ordinary course, in the Department of the Attorney-General somebody to pass upon this Bill as a law officer, to pass upon its frame? A.—If any particular legal question came up in connection with it, it might possibly be referred to me to give my opinion in connection with it, or it might be the Attorney-General.

Q.—It certainly was not referred to you then, anyhow? A.—No.

Q.—I mean, you were never asked to take into consideration whether this section 2 enlarged the scope of the Columbia and Western Railway Subsidy Act or was in alliance with it? A.—No.

Q.—Did you ever have any consultation with the Attorney-General upon that point? A.—No.

Q.—Was this the ordinary course then, would you say, Mr. Maclean, or was it out of the usual order? A.—Quite ordinary course. I may state that, as a rule, these Bills with regard to subsidies are prepared by the solicitors of the company or persons who are applying for a subsidy. They bring it in and submit their proposals to the Government, and then it is printed, and possibly in the form in which it is brought in, and it is laid before the Government to consider whether that is the sort of Bill they will introduce before the House.

Q.—But I want to get at, Mr. Maclean—there must be some stage, surely, when, even if the policy of the Government has been agreed upon and settled, some law officer of the Crown steps in to properly frame that which the Executive has determined to do, isn't there? A.—Well, if there is any question about the Bill submitted not being properly framed, I suppose it would be submitted to the Attorney-General or to myself.

Q.—But who is going to determine whether the Bill is properly framed? Somebody has to determine when the Bill is properly framed to carry out the policy settled upon by the Executive? A.—Well, that comes before the Executive, and it is for them to say whether that expresses their will or not.

Q.—You would not say that the Executive, unless advised by the Attorney-General, would pass upon a Bill in that way? A.—I would not like to say what the Executive do. I don't know what they do. I don't know what their course of proceeding is.

Q.—Isn't it rather the course of the Government to determine on something, by way of Order in Council or otherwise, and then to ask the Attorney-General's Department to draw a Bill in conformity with it? Isn't that the ordinary course? A.—Oh, there is no hard and fast way of preparing these Bills. They are prepared and submitted in all sorts of ways.

Q.—Well, at any rate, you did not pass on this Bill, you may say, at all? A.—No.

Q.—And if anyone did pass on it, it must have been the Attorney-General for the Government? A.—All I can say is that I did not. My whole connection with it was to send it forward to the printer, have it printed, and then submit it to the officer of the Government whom I considered the proper one, in whose Department the matter lay; and that he thought it expressed the desire of the Government.

Q.—Would you say, Mr. Maclean, looking at Bill No. 87, that it was introduced as it was drafted and laid before you? A.—Oh, I could not say. I have not the remotest recollection on that point.

Q.—You have no recollection on that matter? A.—No. I imagine, though, that that represents the Bill as it was handed to me, practically.

Q.—Well, you say, substantially, this is the Bill? A.—I imagine so, yes; but I have no recollection. I would have to see the original draft before I could answer that question.

Q.—Well, you say, of course, you had this Bill printed. A.—All I can say is this, that I made no material alteration in that Bill that came in.

Q.—Do you remember making any alteration? A.—No; I don't remember making any.



Mr. Maclean—*Continued.*

Q.—And do you say that this Bill present here now is the Bill that you had printed from that draft? A.—To the best of my recollection.

Q.—You might look at the Message with respect to that Bill 87 (handing Order in Council to witness). A.—They are duplicates; one is a copy of the other (comparing the Bill produced with the copy of Bill attached to Order in Council).

Q.—As a matter of fact, Mr. Maclean, I suppose you cannot really identify this Bill No. 87 as being the Bill that you had printed from the draft that you handed in, can you? A.—Oh, no; because I would have to be in the Printing Office to see what was done.

Q.—You have not seen the draft since? A.—No; I have not seen the draft since.

Q.—And you have never compared the draft? A.—No; never compared the draft with the printed copy. I have nothing to do with comparing. The draft would go down to the office of the King's Printer, who would do all the comparing down there.

Mr. Duff: Would the printed Bill come back to you? A.—Yes; the chances are.

Q.—And you would send it in to the Provincial Secretary's Office? A.—Yes.

Q.—Wouldn't you check it up in some way to see that it was correct, or would you take it for granted? A.—The office of the King's Printer do their work so carefully that I very seldom take the trouble to check things up that way.

Mr. McPhillips: Now, Mr. Maclean, what I draw your attention to now is, the Bill that you had printed, as far as you can speak to the fact, would appear to be the Bill that was subsequently brought down on Message from the Lieutenant-Governor? A.—Yes; I believe it is practically the same; I don't think there is any difference; that is, there is nothing there that would lead me to suppose there is.

Q.—If your mind had been drawn to this, what I referred to before, "The said lands so to be granted to the Company shall be selected by the Company within the Districts of Yale and Kootenay, in blocks of not less than 10 miles square, within 2 years after the passage of this Act," you would not have any difficulty in recollecting it? A.—That I never considered, Mr. McPhillips, because that was a Departmental matter connected with the Lands and Works, as to where they would select their lands. I did not know what lands they had or anything about it.

Q.—This was to be "An Act to Amend the Columbia and Western Railway Subsidy Act, 1896"; wouldn't it be a matter of ordinary precaution of somebody, in drafting that Bill, to compare the original Act and reconcile the provisions, or see, if there was to be any change, how those changes would operate? A.—Well, as I told you before, that is simply a matter of policy for the Government.

Q.—But surely, after all, though, Mr. Maclean, the laymen of the Government do not do that, they do not draw Bills in that sense. A.—Oh, there is no matter of law about that that I can see, Mr. McPhillips; it is more a question of whether they will get the lands along the line of railway or whether they are empowered to give the lands anywhere in Kootenay and Yale. That is a matter not of law, but anybody can deal with that question.

Q.—Are you familiar with the Columbia and Western Railway Subsidy Act? A.—I am getting familiar with it; I have no great familiarity with it; I have had very little to do with it.

Q.—Were you familiar with section 6 of the Columbia and Western Railway Subsidy Act? A.—No; that is, I do not carry it in my mind. If you ask me what were the provisions of section 6 of the Columbia and Western, I don't know; I would have to look it up.

Q.—Will you look at it? A.—Mr. Duff asked me to look at it.

Q.—I was not here. But you say, though, Mr. Maclean, that section 2 is a departure from section 6 of the Columbia and Western Railway Subsidy Act? A.—Yes; by that Act they are entitled to get their lands anywhere in Kootenay (referring to Bill 87). There is evidently a departure there.

Q.—And you say it is a question of policy wholly? A.—Yes.

Q.—Not a matter for the Attorney-General or for the law officer of the Crown to make any change in that regard? A.—It is a matter of policy of the Government to grant other lands anywhere, or tie them down to the Railway Act.

Q.—Wouldn't it be a primary matter that the Government should have the advice that this was a clear departure from section 6 of the Columbia and Western Subsidy Act, 1896, to enact that? A.—I don't know.

Mr. Maclean—*Continued.*

Q.—A great deal turns on that, for this reason: that the Honourable the Attorney-General himself has said here to us that while it so reads, there never was any intention of any kind to depart from it? A.—To depart from what?

Q.—To make any different contract with these people. You see, the Committee see that the particular lands in question here could have been granted if this Act had passed, without any question of a doubt; that is what the Committee see. A.—Yes.

Q.—The Attorney-General has been examined here; he has looked at this Bill, and he has undertaken to say—whether, of course, the Bill would carry it or not—that there was no intention of doing anything of that kind; that is his explanation of this proposed legislation? A.—That is, to allow them to take lands outside of what they call here the railway belt?

Q.—Yes, outside of the provisions of section 6? A.—That it was the intention of the Government not to give them lands?

Q.—I did not say it was the intention; but he said there was no intention in drawing the Bill? A.—I don't know what the intention in drawing the Bill is. It is plain enough what the Bill says.

Q.—I want to find out how it would be that an amending Act would be passed dealing with a particular Act, and no one acting as the legal adviser of the Crown to advise the Government that the amending Act was not only an amending Act, but that it was an Act which was ever so much more extensive than the Act which it was supposed to amend? A.—I certainly was never asked to advise the Government on any such point as that.

Q.—You see that it would have that effect? A.—Apparently it would have that effect.

Q.—It would have that effect? A.—Yes.

Q.—And you did not advise that? A.—No; I practically paid no attention to it.

Q.—And you don't know whether anybody did advise in a legal way? A.—No; not to my knowledge; no.

Mr. Duff: Mr. Chairman, this Bill of 1901 has now come to my hands, and I would like Mr. Maclean to look at it. It is a Bill marked No. 113, the Hon. the Chief Commissioner (handing document to witness). The Message is dated the 11th of May, 1901—that is the last day of the Session. I would like to ask Mr. Maclean if he ever saw that Bill, or had anything to do with it? A.—Oh, I could not tell, Mr. Duff.

Q.—Would there be any record in the Department showing? A.—Well, if you got the original draft of this Bill, if you could find that in the King's Printer's office, there might be something on that to show whether I drew the Bill or not. The chances are that the Bill passed through my hands at some stage.

Q.—You might look at section 2 of that, while we are at it. (Witness peruses same.) Now, there is no doubt that under that section the rights of the Company under the original Subsidy Act were not enlarged? A.—No.

Q.—In specific terms they were not enlarged, except in this way, that the condition that section five should be built before the grant in respect of section four was delivered was excised? A.—Yes.

Q.—But I mean as to the scope of the selection? A.—They were tied down the same way as in the original Act.

Q.—In specific terms, that Bill gives them what the Subsidy Act of 1896 gave them? A.—Yes; practically that.

Q.—Now, intending to draft a Bill to effectuate a policy of that kind, wouldn't that be the plain and obvious way in which any draftsman would proceed? Would not the Bill be drawn in the manner in which Bill No. 113, of 1901, was drawn? A.—If you did not want to enlarge the area of selection, I should say that is the way to do it; there is no doubt about it.

Q.—That would be the way to do it? A.—That would be the way to do it—one way to do it.

Q.—That would be the obvious way that any draftsman would proceed? A.—Well, it would be a very obvious way.

Q.—And do you think that, in order to effectuate a policy of that kind, this Bill which was introduced in 1902, being Bill No 87, would represent the course that would be adopted by an experienced draftsman? A.—If the experienced draftsman did not want to enlarge the area of selection? Well, if he did not want to enlarge the area of selection he certainly would not have drawn this Bill.

Mr. Maclean—*Concluded.*

Q.—Certainly not. Any person familiar with the provisions of the Act of 1896, and at the same time understanding the meaning of Bill No. 87, could not possibly have introduced that Bill without realising that he was enlarging the rights of the Company under the Subsidy Act of 1896? A.—Well, that is a pretty difficult question. You know people forget.

Q.—I am assuming that he had not forgotten? A.—Well, assuming that he had not forgotten; no. But a person dealing with a lot of these Subsidy Acts could very easily forget and mix them up.

Q.—You tell us that your attention was never directed to the fact that any change was being made in the conditions? A.—No.

Q.—And from the form of the Bill that was given to you, and from what was said by the Chief Commissioner, you assumed that the policy of the Government was that there should be an unlimited right of selection on the part of the Company in the Districts of Yale and Kootenay. That is the plain obvious effect of the Bill? A.—The obvious effect is to allow them to select lands in Yale and Kootenay anywhere.

Mr. Helmcken: Between the time of your approving the Bill, Mr. Maclean, and submitting it to Mr. Wells— A.—I never approved of the Bill, I had nothing to do with approving or disapproving.

Q.—A draft Bill was handed to you? A.—Yes.

Q.—And the provisions of it explained to you by Mr. George McL. Brown? A.—I don't know whether—

Q.—(Interrupting.) And he advised you what the policy of the Government was; that was explained to you by Mr. G. McL. Brown; you said that a while ago. A.—I had nothing to do with the settling of the Bill more than to probably put in the side-notes for the printer and to see that the Bill—for instance, that the title was put in the usual place that we put it; probably something like that. That is all I had to do with the Bill.

Q.—Weren't you asked to settle the Bill? A.—I was not asked to settle the Bill. I had nothing to do with settling the terms of the Bill. That was a matter I considered the Government would have to deal with.

Q.—It was brought in printed? A.—No, typewritten.

Q.—Between the time of your looking at it in that shape and the time of the presentation of it to the Chief Commissioner, did you call the attention of the Attorney-General to it? A.—No.

Q.—You had no consultation at all with the Attorney-General? A.—No.

Q.—So, as a matter of fact, the Bill was brought in to you, and after this conversation with George McL. Brown or Mr. McNeill, you took it down to the Chief Commissioner? A.—Well, after it was printed. I showed the copy to Mr. Wells and asked him if he wanted to have that Bill brought down by Message. I was informed, to the best of my recollection, that that was to be done; then I put the thing in train for a Message to be brought down. It was submitted to the Executive, and brought before the House.

Witness stands aside.

WILLIAM MCNEILL, being re-called, testifies as follows:—

Mr. Duff: There is some correspondence, Mr. Chairman, which followed the letter from Mr. Wells to Mr. Brown of the 19th of March, which I want Mr. McNeill to identify. These are some letters, beginning the 22nd of March, 1902, marked personal, addressed by Mr. Brown, Executive Agent, to the Chief Commissioner; a letter of the 23rd of March, 1902, addressed by Mr. Brown, marked personal, to the Chief Commissioner—both of which letters are marked in pencil by somebody "received March 26th, '02"; and a copy of a reply written by Mr. Wells to Mr. Brown, dated the 3rd of April, 1902; there is also a letter dated the 3rd of May, addressed by Mr. Brown to Mr. Wells; and a note dated the 15th of May, 1902, addressed by Mr. Brown to Mr. Wells.

Q.—You can identify that correspondence? A.—Yes.

Mr. Duff here read the letters in evidence, as follows:—

"Personal.

"VICTORIA, B. C., March 22nd, 1902.

"To the Hon. the Chief Commissioner of Lands and Works,

"Victoria, B. C.

"RE COLUMBIA AND WESTERN RAILWAY SUBSIDY, IN RESPECT OF THIRD SECTION.

"SIR,—In acknowledging your communication of the 21st inst., in reply to my letter of enquiry of 19th March, and in reference to our conversation of same date, permit me to call your attention to a slight

Mr. McNeill--*Continued.*

inaccuracy. Your letter is of date the 21st March, and therein you refer to my enquiry of 'yesterday's date.' My letter of enquiry is of 19th March and our conversation on the same subject took place during the morning of the same date.

"I note your confirmatory statement that the Government now proposes to convey to the Columbia and Western Railway Company the alternate blocks along the line of said railway, in settlement of the subsidy in respect of the third section, but you make no mention of the fact that the Government has already settled this matter with the Company, and has partially carried out that settlement, in fact, completely, with the exception of the delivery to the Company of the executed Crown grants for two of the blocks of land included in the settlement. Under the circumstances, in consenting to submit this new proposal to my Chief, I do so (as I have already advised you verbally) distinctly without prejudice to the Company's right to the grants for the two blocks above referred to.

"I beg further to advise you that I intend, at the earliest opportunity, to explain this position to the full Cabinet, and to this end have requested the Hon. the Premier to accord me a hearing. The President of the Company may be able to appreciate your contention in conversation with me on the 19th inst., that political expediency necessitated the Government's present action in this matter, but, frankly, I cannot, particularly in view of your assurances to me, also of the 19th inst., that you would see that these two blocks, for which grants have already issued but not delivered, would go the Company in settlement of the subsidy in respect of the fourth section.

"In closing, I would call your attention to the fact that you have not yet officially notified the Company of the revocation of the Order in Council (copy of which was sent to the Company), directing that the grants for these two blocks should issue and be delivered to the Company, and but for your verbal advice of the 19th inst., that said action had been taken by the Government on the previous day, without notice of any kind or description to the Company, I would be inclined to believe that my protests were somewhat premature.

"I have the honour to be, Sir,  
 "Your obedient servant,  
 "GEO. MCL. BROWN,  
 "Executive Agent."

Mr. Duff: There is then a letter of the 23rd of March:—

"Personal.

"VICTORIA, B. C., 23rd March, 1902.

"To the Hon. the Chief Commissioner of Lands and Works,  
 "Victoria, B. C.,

"RE COLUMBIA AND WESTERN SUBSIDY, FOURTH SECTION.

"SIR,—In further acknowledgment of your favour of the 21st inst., I thank you for your confirmatory advice of the intention of the Government to bring down during this Session of the Legislature a Bill securing to the Company the lands earned in the construction of the fourth section. As you are aware, I have the Hon. the Premier's promise of this, as contained in his letter of 15th June last, to me. Nevertheless, permit me to thank you for your thoughtfulness in thus advising me.

"I have the honour to be, Sir,  
 "Your obedient servant,  
 "GEO. MCL. BROWN,  
 "Executive Agent."

Mr. Duff: I may say that these two letters referred to, of the 19th and 21st of March, are set out in Mr. Brown's evidence (pp. 25 and 26). Now, Mr. Wells replied on the 3rd of April, 1902, to these two letters which I have read:—

"Personal.

"3rd April, 1902.

"DEAR MR. BROWN,—I am in receipt of your letter of the 23rd ult. Your reference to our private interview is quite uncalled for and may say incorrect; that is, in so far as the assurance which you state I gave you in respect to settlement of the land subsidy for section four, C. and W. Ry. I would have no authority to commit the Government to any settlement other than provided for by the legislation which it is intended to bring down.

"You may call it 'political expediency' if you wish, which, by the way, was your own expression and not mine, but in any case you could not expect the Government to carry out the proposed settlement in view of facts which would preclude the possibility of doing so.

"I am, yours truly,  
 (Signed) "W. C. WELLS.

"Geo. McL. Brown, Esq.,  
 "Vancouver, B. C."

Mr. Duff: Then on the 15th of May, 1902, there is the following:—

"VICTORIA, 15th May, 1902.

"DEAR MR. WELLS,—What may I report to Montreal re C. and W. Ry. fourth section Bill? I understand it is printed. May I expect it down by Message to-day, or when?

"Hon. W. C. Wells, M. L. A."

"Yours sincerely,  
 "GEO. MCL. BROWN.

Mr. McNeill—*Continued.*

Mr. Duff: The message appears to be dated the 20th, and it was introduced on the 22nd, according to the Journal.

Q.—Now, Mr. McNeill, I want to ask you about the way in which this correspondence is kept. What is your position? A.—Assistant to the Chief Commissioner of Lands and Works.

Q.—Now, the correspondence of the Department of Lands and Works is kept in regular books in the Department, is it not? A.—Yes.

Q.—But some correspondence, such, for example, as this, is kept under your charge? A.—Yes.

Q.—Is there any principle by which you would distinguish between correspondence which is in the custody of the Deputy Chief Commissioner and correspondence which is in your custody? A.—I don't know that there is any guiding principle, except, perhaps, this general one, that all official letters are kept in the custody of the Deputy Commissioner of Lands and Works; letters that are unofficial or personal—and they need not be marked personal probably—

Q.—I understand. A.—would be kept, perhaps, by me.

Q.—That is, communications which are made to the Chief Commissioner personally about Government business, and communications from him which are in the nature of personal communications, with regard to Government business, would be kept by you? A.—Yes; it would depend almost wholly, Mr. Duff, on the nature of the communication.

Q.—Yes, I suppose so. But what do you mean by that? A.—I mean, even if a letter is sometimes marked personal, the Chief Commissioner may, of course, take another view of it; it may be registered in the Department.

Q.—But the custody of the document is not determined by the fact as to whether it is marked personal? A.—No; not necessarily.

Q.—But as to whether in reality it is a personal communication? A.—Yes.

Q.—The letters written by Mr. Wells, then, you would have press copies of them, as a general thing? A.—Yes.

A.—As a matter of fact, I suppose communications by letter between Mr. Wells and Mr. George Brown, with regard to the Canadian Pacific Railway matters, would be kept in the ordinary course, would they not? A.—Yes.

Q.—So that you should have copies of all the correspondence? A.—Yes.

Q.—Between Mr. Wells and Mr. Brown or Mr. Wells and any other official of the Canadian Pacific Railway Company, with regard to railway matters. Now, have you made a search of your letter-books to find communications between Mr. Wells and Mr. Brown? A.—I have.

Q.—For example, have you looked for a reply to this letter of the 3rd of May? A.—Yes.

Q.—Did you find any? A.—No.

Q.—None whatever? A.—No.

Q.—Did you look for a reply to this letter of the 15th of May? A.—Yes.

Q.—Did you find anything? A.—No.

Q.—Have you examined the letter-book for all the correspondence between Mr. Wells and any person acting on behalf of the Canadian Pacific Railway Company—during what period? A.—I have examined the letter-books and the files for correspondence between Mr. Wells and Mr. Brown in connection with letters relating to the British Columbia Southern Railway or the Columbia and Western Railway.

Q.—Have you any subject index of your letters? A.—No.

Q.—Then, in order to make that examination, you would have to examine all the correspondence? A.—Yes.

Q.—Have you done that? A.—Yes, as reported in the letter-books.

Q.—But I understood you to say that all the correspondence would be in the letter-books? A.—Yes.

Q.—So that you have examined all the correspondence? A.—Yes.

Q.—All the correspondence outwards; and you have produced all the correspondence to be found? A.—Except telegrams which Mr. Wells did not consider bore upon this matter at all.

Q.—I mean telegrams relating to the Columbia and Western matter. A.—No.

Q.—Telegrams to Mr. Shaughnessy? A.—I don't remember that there were any to Mr. Shaughnessy.

Mr. McNeill—*Continued.*

Q.—To whom were they? A.—I think they were to Mr. Brown.

Q.—About what dates? A.—I could not tell you; there may have been several between 1900 and 1902.

Mr. Helmcken: It is a question for us, Mr. McNeill, as to the relevancy of these telegrams.

Mr. Duff: I think we ought to have all that correspondence. We ought to have all the communications here. A.—Well, I want to say, gentlemen, I am acting simply under the instructions of the Chief Commissioner; what he asked me to get out in the shape of correspondence I have gotten.

Q.—You mean to say that you have taken Mr. Wells' direction with regard to that? A.—Certainly.

Q.—Of course, Mr. McNeill, as a witness, you are entirely in the hands of the Committee, you will understand; and I suggest that we ought to have all that correspondence; not necessarily for production before the Committee, but it should be produced so that the Chairman and the members of the Committee might look at it to see if it is wanted.

Mr. Helmcken: A notice was sent out to each member of the Ministry that we wanted to see all communications, telegrams and correspondence bearing upon this question; and I submit that all that correspondence must be produced here, together with their letter-books.

Mr. McPhillips: I would suggest that some official from each Department be required to attend before this Committee, who will state under oath that he has made a search in his Department for all such correspondence and that he produces it or it has been produced. That is the only way to do it.

Mr. Green: I think it is quite necessary, in view of the fact that from day to day additional correspondence is brought in, it is quite high time that we had a feeling that it had all come in.

Mr. Duff: These letters, for example, that have come here this morning were asked for some time ago.

Mr. McCaul: I only succeeded in getting these letters to-day, and I at once showed them to Mr. Duff.

Mr. Duff: I am not suggesting anything against Mr. Wells or against anybody else in particular, but it seems to me that there is a great laxity about the matter. The same way about the Bill of 1901; we should have had that before.

The Chairman: Then, an official in each Department is to be instructed to go through the papers and archives in that Department from a certain date, and any letter or telegram bearing on this subject of the Columbia and Western is to be produced.

Mr. Green: Yes; whether he thinks it relevant or not.

The Chairman: He is not to be the judge of it at all. Anything relating to this.

Mr. Duff: After all, if you do it in that way, you have to depend to a certain extent upon the view of the officer. I would suggest that the correspondence in each Department, between any Minister or departmental officer, and Mr. Brown or Sir Thomas Shaughnessy, or any other person representing the Canadian Pacific Railway Company, shall be indexed or placed in such a way as that some person on behalf of the Committee, the Chairman or the Secretary, or a sub-committee to be named by the Committee, may go through it and examine it, so as to select what ought to be produced. There might be letters and telegrams which would not in terms apply to the Columbia and Western Railway matters, but which do, as a matter of fact, have reference to it.

The Chairman: I think that the Ministers of the Crown, when they know the wish of the Committee to see all these papers, we can leave it to their honour that they will produce them. I think if the Minister in charge of each Department will state to the Committee that they will undertake to see that all communications and all correspondence and all telegrams relating to this subject are produced, that it will be sufficient.

Mr. Duff: But the Ministers of the Crown can hardly undertake to go through all the correspondence.

The Chairman: But they can undertake to appoint some official to do so.

Mr. Duff: I would suggest that in the interests of everybody, the Ministers themselves, that there should be some independent person appointed to make the search.

Mr. McPhillips: If each Minister deutes some official in his Department to go through all the correspondence—for certainly the Minister could not go through it himself—we ought to have the satisfaction then of that official coming here and stating under oath that he has



Mr. McNeill—*Continued.*

discharged the instructions given to him by the Minister; and then we will feel that we have got all that perhaps we can reasonably get.

The Chairman: That would be satisfactory to the Minister himself, to have that done.

Mr. McPhillips: I should think it would.

Mr. Helmcken: That letter was written on the 24th, Mr. Chairman, to the Ministers, and to-day we get some very important correspondence produced for the first time.

The Chairman: Then, I understand I am instructed by the Committee to address a letter to the respective Ministers asking them to do that.

Mr. Helmcken: That is it.

Mr. McPhillips: I venture to say a good deal of this work has been already done.

Mr. Duff: Been done several times over; but no search is very exhaustive, because each search seems to bring something up afresh.

The Chairman: We will have someone from each department state under oath.

The Witness: I understood from Mr. Wells some little time ago that personal letters—I think I brought these letters to his recollection, and that he said something to the effect that these were not wanted.

Mr. Duff: I may say, Mr. McNeill, you see every one of these letters are marked personal; and I do not think I am going too far in saying that this correspondence that has been produced here this morning seems to be about as intimately connected with the subject-matter of this inquiry as any introduced yet.

Mr. McPhillips: If we introduce that, it seems to me we must get it all.

The Chairman: When that correspondence was spoken of, Mr. Wells said that it was personal letters between himself and Mr. Brown, and without the consent of Mr. Brown he did not feel called upon to produce them.

Mr. Duff: I did not hear Mr. Wells say that myself; it must have been before I came in.

Mr. Smith: I think he said that.

The Chairman: A personal letter is sacred and should be looked upon as such.

Mr. McCaul: Mr. Wells stated that he was quite willing to produce this correspondence and only wanted to get leave from the writer of it to introduce it.

Mr. Duff: There is a slight confusion arising as to personal letters on public business. These letters are marked personal because an interview there referred to is a private interview. But any letter relating to this subsidy matter, whether personal or not, should be brought before the Committee.

The Chairman: My own opinion about a personal confidential letter is that it should be considered so both by the writer and the recipient. That is the way I should treat it myself.

Mr. Helmcken: Of course, we don't want to go into private matters at all.

Mr. McPhillips: If letters marked private are matters dealing with public affairs, I do not see how they can be more or less part of the evidence and yet be excluded. These letters, as I understand it, that we are asking for, are all kept, you might say, in the archives of the Government, they are ear-marked in some way, as having connection with public business. What I think is the true ethical position to be taken is this, that if a private letter is written, either marked so or not, but private in its nature, that neither party can be compelled to divulge it or give it up, as long as they retain it in a private way. But if this correspondence can be found in a public Department, it seems to me it has passed away from that position. Therefore, as long as Mr. Wells has private correspondence in his possession, not filed in connection with his Department, I do not think we are going to compel him to bring it forward. I certainly would not like to transgress the rule, but if these letters can be found in the Department they should be produced.

Mr. Smith: I have always understood, if a person is writing to a Department, to the Chief Commissioner for instance, frequently he writes letters that he does not think are going to be made public, not that there is anything in them to prevent it, but he writes them in a different way than if he was writing officially. I myself sometimes write personal letters that I do not think are going to be filed in the public documents.

The Chairman: I think the Ministers are all anxious to help this investigation, to make it thorough. I will write to the Ministers, and probably it will have the desired effect. The King's Printer is unable to find the draft of Bill 87.

Mr. Duff: We would like to have the draft of Bill 113 of 1901, particularly.

Mr. Helmcken: We will send for that, too.

Mr. McNeill—*Concluded.*

Mr. Duff: I have other questions to ask Mr. McNeill; but, possibly, we should wait until we see this correspondence. I do not think we ought to go on with Mr. Wells' examination until we find that correspondence.

Mr. McCaul: Better get all the correspondence from the other Departments.

Mr. Duff: With these letters now, I wish to ask Mr. Wells more questions.

Mr. Helmcken: I move that we adjourn until 3 o'clock this afternoon, and, in the meantime, instructions be sent to each Minister, as has been suggested.

Mr. McPhillips: And to have an official of each Department to attend here producing any correspondence.

Mr. Duff: To have the official attend anyway, whether he has any correspondence or not.

Mr. McPhillips: Yes, an official from each Department come here and state under oath whether he has found any or not.

Mr. Helmcken: Mr. Chairman, there is a telegram appearing in the morning's paper stating that Sir Thomas Shaughnessy is to appear here for examination, and that you have received telegrams to that effect. Last night I understand you sent a telegram to Sir Thomas stating that were he in the jurisdiction we certainly would require his presence before the Committee;—and these telegrams have been received. Have you received such telegram?

The Chairman: Yes; do you want them read?

Mr. McPhillips: I think it is well to let the public know whether he is to appear here.

The Chairman: Yesterday I sent a wire to Sir Thomas Shaughnessy:—

“Excerpts from the evidence given by Wells were wired you and I have your answers. It will be impossible for the wires to be introduced in the evidence before the Committee. The question as to whether the matter is of such importance as to necessitate your attendance before the Committee is a matter that will have to rest with you. The Committee would require your attendance if you were within the Province and under its jurisdiction. “CLIFFORD, Chairman.””

Last night, at half-past nine, I received the following telegram:—

“*Mr. Clifford,*

“*Chairman, Committee, Victoria.*”

“Will appear for examination. Please name latest date this month it will be convenient for your Committee to hear me. “T. G. SHAUGHNESSY.””

To that telegram, at 10 o'clock, I made this reply to Sir Thomas Shaughnessy:—

“Come as quickly as possible. Will hold report till 14th. Doing this on my own responsibility. Will lay before Committee to-morrow” (May 8th).

Now, this one I received at 10:10 this morning:—

“*C. W. D. Clifford, M. P. P.,*  
“*Victoria.*”

“(Dated Montreal, May 8th, 1903.)”

“Your telegram of last night just received. It is quite impossible for me to reach Victoria on or before the 15th instant. I still hope that time will be extended so that your Committee may have my evidence before making report. If this cannot be done, will send statutory declaration by first mail, if that form of evidence will be received by your Committee. Would greatly prefer being present. “T. G. SHAUGHNESSY.””

That has not yet been answered.

Mr. Helmcken: It is impossible for us to receive a statutory declaration. I suppose the 14th is the quickest he could get here.

Mr. Green: He could get here by the 14th, if he wants to.

Hon. E. G. Prior: Before you adjourn, Mr. Chairman, I would like to ask you if there is any chance of the Committee reporting before next Monday. You know the House was adjourned until next Monday at 2 o'clock, and several of the members have gone to their homes in the upper country, and it would be very inconvenient to them to bring them down here just for an adjournment. As far as I see, there is no need of the House sitting before this report. I would like the expression of your Committee as to whether I better telegraph those gentlemen telling them that the House will not be called together next week, except to adjourn.

Mr. Helmcken: There is not the slightest probability of the Committee reporting before the end of next week.

The sense of the Committee was here taken to the effect that the Committee would prefer to report before the House sits.

The Committee here adjourned till 3 p. m. to-day, May 8th.