

LEGISLATIVE BUILDINGS, 11th March, 1891.

Meeting of the Select Committee, consisting of the Members of the Private Bills Committee, appointed to consider and report upon the "New Westminster Enabling Act."

Present — Messrs. Martin (Chairman), Eberts, Keith, Hall, and Semlin.

P. Æ. Irving, Esq., for the Corporation of New Westminster; Chas. Wilson, Esq., for the opponents of the Act.

Proceedings continued from Tuesday, 10th March, 1891.

HON. T. R. McINNES. (Cross-examination by Mr. Irving, continued.)

1. Q.—You were interested in the Electric Light Company, I understand?  
A.—Yes.
2. Q.—Which company were you in?  
A.—The Electric Light and Motor Power Company.
3. Q.—Incorporated in 1889, was it not?  
A.—In 1890. I think it was a little over a year ago.
4. Q.—One of the objects of that company was the supplying of private light to the people of New Westminster?  
A.—And the city, and using it as a motor power.
5. Q.—And also supplying the light to private people?  
A.—Yes sir.
6. Q.—You got a Private Bill—was that opposed by any person?  
A.—Not that I am aware of. I was not here; Mr. Herring superintended. I was in Ottawa at the time and, consequently, cannot give any evidence on that point.
7. Q.—But, so far as you know, the Gas Company did not oppose your Private Bill?  
A.—I do not know.
8. Q.—Your proposition was to supply 100 arc lights to the City of New Westminster, and charge them 44 cents per night?  
A.—I think that was the sum. The same, anyway, that the Vancouver Company supplied the City of Vancouver.
9. Q.—That would involve an expenditure in lighting the streets of about \$16,000 a year?  
A.—I have not heard about it; the formal (former) offer was we would place 50 in at the same rate, or 100, if my memory serves, for a less sum; but 50 we thought was all we would require at first.
10. Q.—When your recollection was fresh yesterday you told us you would put in 100 at 44 cents a night?  
A.—Yes.
11. Q.—And the second offer of 50 at another rate was not mentioned yesterday. Let us deal with the offer you spoke of, namely, 100 at 44 cents, that would amount to about \$16,000 a year? That is what you proposed the city should pay you?  
A.—I suppose something like that, but I think it was 50 that the city proposed to take at that time, and I am not positive whether we made the proposition to give them the light at a reduction if we supplied 100—if they took 100 arc lights.
12. Q.—Was it not that if they took 50 lights you were to charge them 50 cents a night? You were going to increase the price if they took the smaller number? Let me show you this report from the committee—that may refresh your recollection.  
A.—Yes; I did not take any notice.
13. Q.—It looks like it, does it not?  
A.—It is very probable that this is so. I think that is probably the substance.
14. Q.—That would cost the city, then, for about 50 lights, on your offer, about \$1,000?  
A.—I don't think quite that much. I did not figure it up; it is a matter of simple multiplication.

25. Mr. Eberts.—No such proposition as that could be put it. That would not be 10 cents per light per night?  
 Witness.—\$10,000.
16. Mr. Irving.—\$10,000 a year, the other was \$16,000?  
 Mr. Hall—Don't you mean \$20,000?
17. Mr. Irving :—No ; call it \$9,000 a year. Now the capital of your proposed company was to be how much?  
 A.—\$50,000.
18. Q.—And you were to supply this on a capital of \$50,000—that was your proposition?  
 A.—We were to supply more than that.
19. Q.—But to the city you were to supply that?  
 A.—Yes.
20. Q.—How did you propose to erect these works for \$50,000—what did your plant come to? Or did you buy any plant?  
 A.—We did not buy any plant.
21. Q.—Had you made any contract or arrangement for buying?  
 A.—We had made no contract ; we had offers, though.
22. Q.—Do you remember what those offers were?  
 A.—Not within a few dollars.
23. Q.—Give me within a few hundred?  
 A.—The most of the papers we had were in the possession of Mr. Herring, and those papers were burnt during the late fire. However, I can say this, that it was well within supplying 100 arc lights, and 650 incandescent lights—it was several thousands below \$50,000.
24. Q.—That was for the electric light plant?  
 A.—For everything complete.
25. Q.—Including the motor power?  
 A.—We were to use water power.
26. Q.—You were not to use—?  
 A.—No ; no steam engine.
27. Q.—And this capital was to be used in connection with your other company, was it not? Your motor company?  
 A.—One company, sir.
28. Q.—There was to be no connection—the \$50,000 for the electric light and the Tramway Co.?  
 A.—We had nothing to do with the Tramway Co.
29. Q.—Did the \$50,000 include a site for the power house?  
 A.—Yes.
30. Q.—Where was that site?  
 A.—The site was about two miles from the post office.
31. Q.—Did you buy that site?  
 A.—Conditionally, we did.
32. Q.—From whom?  
 A.—Mr. William Holmes.
33. Q.—Was he in this proposed company?  
 A.—No, sir.
34. Q.—What was the amount that you proposed to pay for that proposed site?  
 A.—Well, we bargained to buy 17 acres of ground, including all the water power on the place, for \$3,000. I think that was the estimate—17 or 18 acres.
35. Q.—You stated that the Coquitlam Water Works made a proposition to you to sell out their interests, so far as New Westminster was concerned, for \$10,000? Was that correct?  
 A.—The statement I made was this :—That two years ago last September, I think, or three years, Mr. Corbould, Mr. G. C. Major, and the Mr. Hills approached Mr. Alexander Ewen, Mr. Henry Elliott, Mr. William Wilson, Mr. Ben. Douglas, and myself to wish to take us into their company to build the water works and supply the City of New Westminster.
36. Q.—The advances then, I understand, came from Mr. Corbould, Mr. Major, and the Mr. Hills?

- A.—Mr. Corbould was the man that spoke to me.
37. Q.—And they made a proposition to take you into the company?  
A.—Well, they had several meetings, and the proposition was that we were to join the company in order to strengthen it financially.
38. Q.—Did they propose to you to sell out their rights under their charter, so far as New Westminster was concerned, for the sum of \$10,000?  
A.—No; but they agreed, after four or five meetings. I was very anxious to ascertain what they wanted the \$20,000 for. They wanted us to allow them bonding paid up stock in order to become members of the company. I was very anxious to know, if they should be allowed \$20,000, what their assets were, and they were very reluctant in giving any; and finally I, myself and my colleagues, who were about to be taken into the company, quietly informed them that unless we got some information on the subject we would not have anything to do with it. Finally they made out a statement of a trip to England, and one or two trips down to San Francisco.
39. Q.—In connection with the charter?  
A.—Well, this was the offset, and cutting out the line of the pipe up to the Coquitlam and all, and then attending to the carrying of the by-laws for Vancouver, because the company had the right in the City of Vancouver, and I, for one, was not disposed to allow them \$10,000. Of course, I could not say—
40. Q.—They asked \$20,000?  
A.—Yes; somewhere in that neighbourhood. I could not see they had extended anything of any value more than \$3,000, including the franchise Act. However, we at last agreed that we should allow them \$10,000 in paid-up stock; but we would have nothing at all to do with it, unless we got the controlling interest in the company, and upon that, and having all the estimates before us by Mr. Hill, jr. He assured us that the cost would not be more than \$185,000, but it was best to have a capital of \$200,000, and to borrow \$200,000; and on the strength of that, Mr. Ewen and myself were deputed to come down here and make arrangements with the bank for that money.
41. Q.—Well, you did not close with them on the \$10,000 layout?  
A.—No; the reason why I withdrew was, that some other schemes that some of the members went into I did not approve of.
42. Q.—You say the city bought them out for \$20,000?  
A.—I believe so.
43. Q.—Do you know what the city got for that \$20,000?  
A.—I have been informed—
44. Q.—But do you know?  
A.—Not positively.
45. Q.—Who was the Mayor at the time the \$20,000 deal was closed with the Coquitlam Water Works?  
A.—I think it was Mr. Townsend.
46. Q.—Was it not Mr. Hendry?  
A.—It may have been Mr. Hendry.
47. Q.—Are there not some other gentlemen present here who are opposing this bill who were concerned in that \$20,000 deal?  
A.—Not that I know of.
48. Q.—Was not Mr. Thomas Cunningham in the Council that year?  
A.—He may have been in there; I think it is very likely he was.
- H. T. THRIFT, called and sworn. (Examined by Mr. Irving.)
49. Q.—You are the Reeve of Surrey?  
A.—Yes.
50. Q.—And you have been Town Clerk for a number of years?  
A.—Seven years.
51. Q.—What are the views of the people of Surrey with reference to the ferry scheme? (Objected to by Mr. Wilson as incompetent.)
52. Q.—Mr. Irving:—I shall ask Mr. Thrift simply what are the views of the Corporation on this ferry scheme?

- A.—So far as I am aware, they are certainly favourable to it.
- 53.—Q.—What are your views personally, Mr. Thrift?
- A.—My views, personally, are that it is such a great advantage to Surrey, as a whole, that I would not do anything to oppose it.
- 54.—Q.—There was a provisional agreement between the Corporations of Surrey and New Westminster?
- A.—Yes.
- Mr. Eberts :—Where is the agreement?
- Mr. Irving :—It was referred to in Mr. Bole's evidence the other day. I asked for it then.
- Mr. Eberts :—He says you have got it.
- Mr. Irving :—But it was never executed, and I propose to ask Mr. Thrift: Was the agreement ever executed?
- Witness :—No, sir; so far as I know. It never came into my possession as Clerk of the Council, nor did it come before the Council. I asked for it repeatedly.
55. Q.—So far as you know, there was no such agreement.
- A.—No.
- Cross-examined by Mr. Wilson :—
56. Q.—You say that the opinion of the Corporation of Surrey is favourable to this Bill?
- A.—Yes
57. Q.—Has this Bill ever been discussed in any way?
- A.—That Bill? I know nothing about the Bill; I am only speaking about the ferry.
58. Q.—Has the ferry scheme, as set forth in this Bill, been the subject of discussion in your corporate body?
- A.—Yes.
59. Q.—At a meeting?
- A.—Well, it was a general meeting of the Council; of course, we had no special meeting.
60. Q.—Did you have that before you?
- A.—Oh, no.
61. Q.—Did you discuss any document?
- A.—Just simply what we saw in the newspapers in regard to the——
62. Q.—Did you see that in the *Columbian*, Mr. Thrift?
- A.—Oh, I don't know, I am sure. I don't know what paper it was.
63. Q.—Did the Corporation see it in the *Columbian*?
- A.—I don't think so. I got Mr. Bailey's paper regularly, so I saw it, as well as in the *Columbian*.
64. Q.—The only means you have of knowing, from your colleagues, is what you heard them discussing?
- A.—Oh, yes; and what we do know about it! For seven or eight years we had a most miserable affair. Sometimes the ferry was running, and sometimes it was not. Sometimes we would have to go 16 or 20 miles to get to New Westminster, and could not get over the river; but now there is every possibility we will be able to get over it.
65. Q.—That is wholly beside the question I put to you, which is :—How the Corporation of Surrey have expressed their views with reference to this measure? You told us they have secured their information from the newspaper, and never had the Bill before them?
- A.—I won't say it was never before them. It was not before the Council. The people have means of getting information just as much as the Council.
66. Q.—Did you come down here at the request of the Corporation which you now assume to represent—your own Corporation?
- A.—Well, yes, I did, here, two weeks ago.
67. Q.—In pursuance of any resolution of the Council?
- A.—I did, sir.
68. Q.—For the purpose of supporting the passage of this measure?
- A.—For the purpose of opposing it, sir, on condition that we could not make satisfactory arrangements. Those arrangements were made satisfactorily.

69. Q.—And you were originally sent down here to oppose this Bill, but you made satisfactory arrangements with whom ?  
 A.—Mayor Brown, of New Westminster.
70. Q.—This arrangement ?  
 A.—That we should have the privilege of running a second ferry, if expedient, with the old ferry license, and also surrendering a strip of territory which New Westminster has now on the other side of the river.
71. Q.—Are you quite sure that that arrangement is entered into—the Barristers of the Corporation of Surrey ?  
 A.—Well, I imagine it is.
72. Q.—Mr. Brown : When you made that arrangement, you say, with me, do you recollect my producing documents to show you that the Council of New Westminster had consented to that arrangement, months ago ?  
 A.—Certainly ; yes.
73. Q.—And the trouble was that Surrey had not been acquainted with the fact ?  
 A.—Yes.
74. Q.—But that the arrangement had been made, so far as we were concerned, months ago ?  
 A.—Yes, sir.

THOS. CUNNINGHAM, called and sworn. (Examined by Mr. Wilson).:—

75. Q.—Tell the Committee, if you please, what you have to say about this matter.  
 A.—Mr. Chairman, I have no desire to detain the Committee by a long harangue ; what I have to say on the subject I will state simply. I am not here in the capacity of a stockholder of any corporation, or in the interest of any stockholder or any corporation, but here simply as a ratepayer, to oppose this Bill on constitutional grounds. I may say that my attention was first called to it by two important ratepayers of New Westminster, who asked me if I had seen it and read carefully its provisions. I said that I had not. I then obtained a copy of the Bill and read it very carefully, and the more I read it and studied over it the more I became convinced that if it went through the House in its present condition it would be a very dangerous Bill indeed ; that it swept away the rights of the ratepayers, and I was in duty bound to oppose it by all the means in my power. I am not, nor have I been, opposed to the enterprises of the City Council, when legitimately carried out, but I am opposed to the City Council dealing with large sums of the people's money without appealing to the people for their endorsement and approval. It is chiefly the 5th and 4th clauses that I am opposed to. I am of the opinion—and that opinion is founded upon the opinion that I have had from three barristers and one important financial agent—that if that 4th clause were enacted as it is, it would sweep away the credit of the city.
76. Mr. Irving :—As amended, do you mean ?  
 A.—It is not “the Corporation,” you see ; it is “the Council of the Corporation may.” It was in the Bill, as amended in Committee, that I saw first.
77. Chairman :—This (producing certain writing) was proposed to be added to it—to sec. 4. Perhaps, Mr. Cunningham, you had better look at it.  
 Witness :—Well, Mr. Chairman, if that had been put in at first, I would not have been here. It would have saved me lots of expense and loss of time.
78. Mr. Brown :—I produced it the last time you were down here, and produced it to the Committee, and asked to have it put in.  
 Witness :—The first time that I heard of it was after the public meeting at New Westminster. I may say, Mr. Chairman, that I object to the city erecting electric light plant, and the Corporation undertaking the lighting of the city. I believed then, and believe now, that private parties could have lighted the city at a cheaper rate to the ratepayers than the city will be able to do it, and say that the money expended in electric light plant should have been applied to other purposes—for making streets and improving the sidewalks, and other improvements of that nature. I will give you my reason : It is a splendid water power on the Brunette River, and, as it is, a corporation has obtained

seventeen acres, as you have heard to-day. I had the honour of passing that Bill through the House, and had charge of it. I knew the conditions they had, and would be able to have, to light the city at a very low rate, and I believe if the Council had approached them in the right way, and in a business-like manner, they could have secured the lighting of the city at a cheaper rate than the city will ever do it. I believe that, honestly, inasmuch as water power is superior to steam, and not likely to break down. So I opposed this Bill on that head also. There is one other point I would like to put before the Committee, and that is, the fact of the increase of the salaried officers of the Corporation. I had an interview with the acting Mayor, a few days ago, and I put the question to him: "How much will the salaries of the paid officials of the city, and workmen, be during the year?" He answered: "From \$30,000 to \$35,000." That was startling information for me.

79. Mr. Brown:—What was that, please?

A.—I said that I approached the acting Mayor, a few days ago, and put this question to him: "What will be the approximate, or probable, amount that the salaries of the paid officials of the city will amount to this year?"

80. Q.—What have the paid officials to do with this Bill?

A.—It has a good deal. I want to show, Mr. Chairman, that the Corporation is exceeding its power, has already exceeded its power, and seeks also from the Legislature of the country additional powers, not contemplated in the Act of Incorporation, and that the City Council has entered upon a reign of extravagance that the taxpayers are not prepared to submit. That is the point I want to make, and in proof of this I instance this fact:—That the salaries paid to the workmen and officials of the city, during the current year, are estimated to be from \$30,000 to \$35,000, which is a heavy burden on the taxpayers of New Westminster.

Mr. Brown:—That is a guess.

81. Mr. Irving:—Have you any information to show as to that?

Witness:—From the information of the acting Mayor.

82. Mr. Brown:—It is a guess; he has made no estimate at all.

Witness:—He is a member of the Finance Committee. In view of these facts, I think it would be very wrong for the Legislature to grant the powers sought by this Bill; and, therefore, I am here to oppose it by all legitimate means.

83. Mr. Wilson:—You are not interested in the gas works?

A.—No, sir; not a dollar.

84. Mr. Irving:—Were you interested in the electric light works?

A.—No, sir; not a quarter of a dollar.

85. Q.—But you were not a member here when that Bill went through?

A.—What Bill?

86. Q.—You said that you passed some Bill through the House?

A.—Yes, I had charge of the Bill.

87. Q.—There was no opposition from the gas works to that Bill?

A.—I don't remember any.

88. Q.—I understand you to say that if this (handing type-written extract) had been added to section 4 you would not have come down here to oppose this Bill?

A.—I would not have taken the same—no, I would not—I would not have taken the same pains to oppose it.

89. Chairman:—Well, would you have taken any pains to oppose it?

A.—Well, opposed the provisions. I seriously object to not taking any—

90. Mr. Irving:—So long as the right of the people to prevent undue expenditure was reserved to them, you would have the pull?

A.—I have no desire to obstruct the Corporation or embarrass Mr. Brown in any way; I would rather suffer a little. But still, after carefully examining the Bill, and what I have heard of it, and the more I hear of it, and the more I study it, the more I am opposed to it.

91. Mr. Keith:—Did we understand that if you had known about this clause at first, you would not have come down to oppose it?

A.—No; it would not have been so dangerous?

92. Chairman :—You would not have opposed the measure here, on the ground that the corporation had exceeded the powers given them by their charter? Would you have opposed them on those grounds, if this had been added to section 4?  
A.—I don't think my opposition would have come to anything at all. I would not have felt very much like embarrassing the corporation.
93. Mr. Keith :—According to what Mr. Cunningham says, he would not have come down at all.
94. Mr. Eberts :—What I understand you to mean is, that you appear against this as a ratepayer?  
A.—Yes, I do.
95. Q.—And under section 4, as originally drawn, the powers were so great that you did not know where the powers of the corporation would cease?  
A.—Yes; I took the pains to inform every man I met, that that was a dangerous clause, and to oppose it. The Bill interferes with private rights and interests, and those interested are here to defend their side of the question.
96. Mr. Wilson :—As a ratepayer, would you be satisfied with section 3?  
A.—No, sir; I would not.
97. Q.—As a ratepayer would you be satisfied with section 2?  
A.—I am not satisfied with the Bill, at all.
98. Q.—All I understand is the fact that if the proposed amendment were made to section 4, it would not be so dangerous as before?  
A.—Not nearly so dangerous.
99. Q.—But, notwithstanding that, you still object to sections 1, 2, and 3?  
A.—Yes; I would like to see the whole Bill thrown out, and a new one re-cast satisfactory to the people interested, and the people opposing it, also. It would have been very easy to draw out a Bill satisfactory to all concerned, if they had been consulted.
100. Mr. Bole :—Your attention having been called to the Bill, and the extraordinary shape in which it was brought in, your objection now is that it ought to have been brought in in an entirely different shape?  
A.—Yes.

JAMES CUNNINGHAM, called and sworn. (Examined by Mr. Wilson.)

101. Q.—Before you make any general statement, I am going to ask you a few questions: You are a member of the Gas Company, are you not?  
A.—I must say that I have the honour of being the President, and a large stockholder in the Gas Company. I think I am one of the largest there.
102. Q.—How much money have the Gas Company invested in the City of New Westminster?  
A.—Very nearly \$100,000. I think we are between \$95,000 and \$100,000.
103. Q.—Do you, as President, say that the Gas Company have fairly fulfilled the requirements and wants of the people there?  
A.—I believe they have, sir, as nearly as possible.
104. Q.—Over what area of ground have you laid your pipes and mains?  
A.—Well, I will say, pretty near the half of the city.
105. Q.—You remember Mayor Brown pointing out some places on the map?  
A.—Yes, I would like that map produced to me.  
Mr. Brown: I have not got it here, at present.
106. Q.—Mr. Wilson :—You saw the area over which Mayor Brown went in referring—have you had any demand for the supply of gas to that area?  
A.—Only, I think, from two applicants during the past year. You see, that is not the business part of the city; that is the residential part, and sparsely populated, so far.
107. Q.—You remember when the New Westminster Act, the original Act, was introduced, don't you?  
A.—Yes.
108. Q.—The Act for the incorporation of the city gave them certain rights and privileges?  
A.—The Gas Company?
109. Q.—In the city charter?

- A.—Yes.
110. Q.—You remember section 210 ?  
A.—Yes.
111. Q.—I suppose that was put in at the instance of your company ?  
A.—I suppose it was ; Dr. Milne is here : he took the lead in these questions, and I suppose he will be able to explain.
112. Q.—Were you its chairman in 1890 ?  
A.—Yes.
113. Mr. Brown :—I think you will find it 1889 ?  
A.—I was chairman for three years.
114. Mr. Wilson :—Did you get any notice of that proposed repeal ?  
A.—No ; never knew anything about it till this time. I never knew we had been deprived of that right.  
Mr. Brown :—It had been smuggled in, and was promptly kicked out.
115. Mr. Wilson :—That is a matter for argument. No matter how, it did get in in 1888 ?  
A.—Yes.
116. Q.—And it was taken out in 1890, and no notice was given to the company ?  
A.—No notice ; without our consent, and it is the same in the Vancouver Company law to-day, so I am told. I may just say this : that it seems hard to us as a company, having invested nearly \$100,000, that the city should turn round, after giving us permission to lay our pipes to supply the inhabitants, and now compete with us, taking our taxes, and compelling us to compete with ourselves. I have to compete with myself, in fact, as an investor in the company, and as a taxpayer. I am not opposed to the electric lighting of the streets—we have given way on that—but I think the city have no right to introduce the incandescent light, in view of the Gas Company's presence. I think that it is not right between man and man, and believe that gentlemen who put their money in public works should be protected. I think it is not unreasonable to expect that we are entitled to that protection.

Cross-examined by Mr. Irving.

117. Q.—When was your Gas Company incorporated ?  
A.—It is five years ago, I think.
118. Q.—Under the Gas Companies Act ?  
A.—Yes.
119. Q.—You speak of having a vested right in New Westminster, where can we find that ?  
A.—The right that we have put our money into it.
120. Q.—That is the only right ?  
A.—That is it.
121. Q.—You have a Bill ?  
A.—We have.
122. Q.—How did you get it ?  
A.—We got it from the Council giving us permission to go on with this. That (producing document) is a copy of it.
123. Q.—Yes ; this is the British Columbia Construction Company, though ?  
A.—Well, we are their successors in office.
124. Q.—How are you their successors in office ?  
A.—We amalgamated ; they sold us shares, and then we made one company, called the Westminster Gas Company. The British Columbia Construction Company are still in the undertaking—shareholders, some of them.
125. Q.—There was a bond required from the British Columbia Construction Company, was there not ?  
A.—I believe there was.
126. Q.—And that bond was put up ?  
A.—I don't know ; Dr. Milne is here, the originator.
127. Q.—When this new British Columbia Gas Company was formed, did you notify the Municipal Council of the change ?



- A.—I am not prepared to say ; they did not interfere with us. They allowed us to go on. I presume if we had been acting contrary to their wishes, they would have stopped us ; they did not do so.
128. Q.—You were a city member in 1888 ?  
A.—Oh, no ; Mr. Bole succeeded me, and he was here. I think I was here in 1886-'87 ; I think so.
129. Mr. Wilson :—In the House, do you mean ?  
A.—I think so. You remember.
130. Q.—Yes ; you finished the same year as I did ?  
A.—I was in 1884 and 1885, then—that is when it was.
131. Mr. Irving :—The Westminster City Act contained special provisions relating to the Westminster Gas Co., Limited, didn't it ?  
A.—I suppose it did.
132. I would like to call your attention to section 210, which reads : “ Nothing in this Act contained shall apply to, or conflict or interfere with, the Westminster Gas Co., Limited Liability, or with the rights, powers, and privileges to be conferred upon the said Company by their Act of Incorporation.” Now, you never got any Act of Incorporation ?  
A.—No, I don't think it.
133. Q.—In 1890, that clause was struck out.  
A.—It was. I don't know what year it was struck out. I see it is not in the Act now.
134. Q.—It was struck out in 1889 ?  
A.—It was very cruel to strike it out.
135. Q.—So that, so far as the Legislature is concerned, you have no vested rights whatever—you have no Parliamentary recognition ?  
A.—I have just shewn you all the rights we have, on that paper you have there.
136. Q.—What is the capital of your Company ?  
A.—One hundred and thirty some odd thousand dollars, I think.
137. Q.—How much of that have you put into plant ?  
A.—Over \$95,000.
138. Q.—Do you mean to say that your works have cost you \$95,000 ?  
A.—Yes, they have. I should think the cost was more than that, because we have a good deal of material on hand, ready to go on. We spent about \$15,000 last year, and we have pipes all ready now to lay.
139. Q.—What did you pay to the British Columbia Construction Co. ?  
A.—We paid \$65,000 ; that was the price of the works.
140. Q.—And their charter ?  
A.—Yes.
141. Q.—And the balance—the difference ?  
A.—We have put in, in improvements, since ; and improvements now are under way.
142. Q.—For improvements already made, and for material on hand to make further improvements ?  
A.—Yes.
143. Q.—I understand you to say that you can only supply light to the business part of the town ?  
A.—That we only can ? No, I didn't say that ; but we have only, so far, in the business part of the town, and lit up the streets both in the business part of the town and the residential part.
144. Q.—Well, in part of the residential part of the town ?  
A.—Well, wherever we were directed to light up by the Council. The Council always directed us where to place a lamp, and we did so.
145. Q.—You held a contract from the corporation to light the city ?  
A.—We did.
146. Q.—In the ordinary course, that contract would have expired in November of this year ?  
A.—November next.
147. Q.—The corporation, I understand, paid you \$600 ?  
A.—Yes, \$500, and \$100 for damages where they broke up a pipe. That is the first

- approach the Council made to us to relinquish our contract, and we very kindly did it.
148. Q.—Now this is—“The corporation agree to pay the company the sum of \$600 in full of claims of the company against the corporation, as well as the cancellation of the contract of the company against them for lighting the city.” That is already paid?
- A.—Yes.
149. Q.—Since this Bill was brought down here?
- A.—Well, I don't know about that.
150. Q.—The 12th February?
- A.—The 12th February I received the money, but the first approach was made on January 27th.
151. Q.—The agreement is made the 12th February?
- A.—Yes.
152. Q.—And the money was paid after that?
- A.—Well, I am not sure; the money was paid about the same time—I think so.
153. Q.—Probably the same day?
- A.—We were not very particular about it.
154. Q.—While this Bill was pending in the House, you accepted \$600 from the corporation?
- A.—For a purpose; you will see by my letter what that purpose was. It is a very simple affair, the whole thing.
155. Q.—Is there anything in your charter compelling you to go on supplying gas?
- A.—Yes.
156. Q.—Where?
- A.—In that paper I gave you (inspecting document): “The company shall, within nine months after the passage of the Bill, establish gas works and buildings adequate to the supply therefrom of gas, with lamps, and to all persons and corporations hereinafter mentioned; and in case the same shall not be established and laid within the period, or in case of a breach of the conditions of the said bond, all the powers hereby conferred shall, at the end of the said period, upon such breach, cease and determine, and this Bill may be repealed.” We did so.
157. Q.—That was the contract with the British Columbia Construction Co.?
- A.—No.
158. Q.—Oh, yes?
- A.—With the Council? Yes—which we took over.
159. Q.—But you got no Bill authorizing you to take it over, or approving your taking it over?
- A.—From the Council?
160. Q.—Yes?
- A.—No, I think not.
161. Q.—There has been no act of recognition?
- A.—Well, it is just a continuation of the same thing; that is about all.
162. Q.—It makes a very great difference with regard to your legal rights, and that sort of thing?
- A.—Well, I don't know about that; but I mean that members of the Construction Co. are now the Gas Co., and this same document is still in force.
163. Q.—Well, why didn't the Construction Co. carry on the work?
- A.—So they are, now, as members of the Gas Co., and they have the money in it.
164. Q.—But they have lost their identity?
- A.—The Council have never yet questioned our right to carry it out—never.
165. Q.—Has not the Council complained of the insufficient supply of gas?
- A.—Sometimes, they have; but, really, the fault, you understand, was their own. They were to procure the lamps, and keep them in a good state of repair, and sometimes the lamps were out of repair, and were not lit.
166. Q.—If your company was able to supply sufficient light to satisfy all requirements, can you tell me why two electric light companies came to the Legislature last Session for incorporation?

A.—Well, I don't know. It is just this way: it is just a matter of competition. One store may supply a certain number of inhabitants, and another man may think: "Well, this is a pretty good thing; I will open a store and oppose him." The same principle applies to a city. These gentlemen wanted an outlet for their capital, and we did not oppose them.

167. Q.—They thought there was money in lighting?

A.—Very likely.

168. Q.—That your supply was not sufficient?

A.—I don't know about that; I don't know what their minds were on that point.

169. Q.—I would like that agreement to go in.

Witness:—Yes; you will kindly keep the others with it.

170. Q.—Yes; perhaps Mr. Cunningham would like a copy of it?

A.—No; I don't care if I never see it again. I am sure if it is in the custody of the chairman, it will be well taken care of.

(Agreement between City and Gas Company, marked exhibit "Q.")

171. Mr. Irving: You say that last year you spent \$15,000?

A.—Yes, we have.

172. Q.—How much of that is for material that you have now on hand, which you have not yet utilized?

A.—I suppose the half.

173. Q.—And then the amount of work and labour and material put in the amount last year, was \$7,500?

A.—Something near about that. We have a little more than half the material, but then we have to pay for the labour, you know, which made up pretty near about the half. I am guessing at it, now.

174. Q.—In what direction was the principal expenditure?

A.—From the gas works way into Park Lane, where the exhibition grounds are, we laid a new main the whole way; part of it 6-inch, and part of it 4-inch.

175. Q.—It is a pity we have not got that map?

A.—Yes, that is a very great pity.

Mr. Brown:—I put it in, yesterday; it was handed back to me, and I supposed it was not wanted any more.

Witness:—I may say that we have just double the quantity of gas in the city to-day, that we had six months ago, because our mains are larger.

176. Q.—What is the extent of your gasometer?

Witness (to Dr. Milne):—Do you remember how many feet there are in that?

Dr. Milne:—The capacity is somewhere about 60,000 or 65,000.

Witness:—It will hold, I think, that many feet.

177. Mr. Irving: And what is the most you have made?

A.—Sometimes it is right up to the top, and sometimes half-way down, and sometimes a quarter of the way down. We have always a stock on hand for everybody.

178. Q.—Then the Brunette Company intended to have their premises lighted by gas?

A.—Yes; we have a pipe laid to the penitentiary, a three-inch main, and the Brunette mills said that they would buckle on to that main, and they did so; I think they put in their pipes too small.

179. Q.—At any rate, you know that the gas did not get to the Brunette mills?

A.—I think they put in that at their own risk. I know we didn't charge them for it; that is all I know about it. It did get to the mill, but not in sufficient quantities to light up their premises—they have large premises. If they had a larger main, no doubt it might.

180. Q.—Did they put in a larger main?

A.—I don't think it. I never heard of it.

181. Q.—You did hear that they had abandoned gas altogether?

A.—I heard they were using electric light. Perhaps, they are using gas, now, too.

182. Q.—You know they are not?

A.—I don't know; I cannot say. They may be, the meter is still in.

183. Q.—Would you swear they are still using gas?

A.—Well, I don't know distinctly, but I should not wonder if they are. It is very

- immaterial to me whether they are or not. I know they made a great howl about a little bit of a pipe they put in.
184. Q.—What was given you for lighting the city?  
A.—Three dollars.
185. Q.—What did that amount to?  
A.—It amounted to \$200 a month.
186. Mr. Eberts :—For a lamp, \$3 a night?  
A.—A month ; it amounted to about \$200 a month. The electric light is fashionable, you know, gas is not. I know the Council have taken good care to authorize us to be on hand, in case anything should break down.
187. Q.—That is a very prudent course for the Council to adopt?  
A.—Yes.
188. Q.—You have not any fault to find with them in respect to that?  
A.—Oh, no.
189. Q.—That is no dereliction of duty on their part?  
A.—No.
190. Mr. Wilson :—You appear here as a ratepayer, as well as the chairman of the Gas Company?  
A.—I do.
191. Q.—You are a considerable shareholder in the Gas Company?  
A.—Yes, pretty heavy one.
192. Q.—Are you in favour of that Bill?  
A.—I am not.
193. Q.—Even in amendment?  
A.—I don't think the amendments will ever suit.
194. Q.—It is a bad Bill?  
A.—I think it is. I think it requires a new Bill. I think we ought to have the power to injunct the Council if they do wrong.
195. Mr. Irving :—Have you not got that power now?  
A.—No, not if that is passed. Is there anything else? I hope I have made myself sufficiently plain to please you.
- A. M. HERRING, called and sworn. (Examined by Mr. Wilson.)
196. Q.—You are a resident of New Westminster City?  
A.—I am, sir, an old resident.
197. Q.—And a ratepayer there?  
A.—Yes ; a large ratepayer.
198. Q.—You have seen that Bill, have you not?  
A.—Well, I have not seen the original Bill. I have got the amended one, here.
199. Q.—It is the amended one to which I refer?  
A.—I saw that last Friday, for the first time.
200. Q.—Are you satisfied with the provisions of that Bill?  
A.—I am not. I think that Bill is bad, on the face of it, being brought in as a Public Bill. Had it come in as a Private Bill it would have given all private interests a chance to come in and defend themselves, whereas it does not do so.
201. Q.—Is there anything you want to tell the Committee with reference to it, or with respect to the matters before them?  
A.—I might say that I also appear here as a member of the New Westminster Electric Light and Motor Company, and I oppose this Bill on the ground that by giving the city authority to supply light to private individuals, it virtually kills our business.
202. Q.—You do not object, at all, to the city performing the public lighting?  
A.—I don't object to their lighting the streets, and lighting up the public buildings, but that is as far as I think they ought to go, and not interfere with private rights. I have no desire to oppose the city in any way in public works. I have always voted for every measure they have brought forward, and have tried to help them along, but in this case I think that they are exceeding their duties a great deal. I don't think it is necessary for me to go into very

long details. I have heard all the evidence that has been given here, and I think it has been very clearly put before the Committee. I am opposed to the Corporation lighting otherwise than for their own needs. The streets and their own public buildings, or anything in that way, I am not in the least opposed to that, and would vote for the Electric Light Bill for that purpose to-morrow.

Cross-examined by Mr. Irving.

203. Q.—Did you state that you were interested in one of these private lighting companies?  
A.—There is only one electric light company.
204. Q.—I took down this note: “That the city going into private lighting would destroy our business?”  
A.—Yes, would destroy our charter, naturally.
205. Q.—That is what you said?  
A.—Yes.
206. Q.—Mr. Semlin: That is the Electric Light and Motor Power Company?  
A.—Yes; the New Westminster Electric Light and Motor Power Company; that is the title of the company
207. Q.—Mr. Irving: Are you doing any business there in electric lighting?  
A.—No.
208. Q.—You have not launched out in the electric lighting?  
A.—It is what you call, I suppose, in *statu quo*.
209. Q.—You know those things stay there a long time?  
A.—We had this charter, and they approached us—Mr. Jackson; I think he was chairman of the light committee last year; he came down to me, and as this was about exhibition time the city was very anxious to have electric light in there, and wanted to ask us what we could do about it. We arranged for a meeting, and we went up to the Council chambers, but prior to the meeting I had a good deal of information from the outside, and I saw there was no intention of the Council ever taking the light from us at all. I was pretty well satisfied the Council intended to put their own—

Mr. Brown: We had not that intention.

Witness: Excuse me, Mr. Brown, you had the intention.

Mr. Brown: Not at that time; not until after we got the tender.

Mr. Wilson objects to the witness being contradicted while giving evidence.

Witness: Our company decided not to put in a tender, because it was useless to put in a tender to people whom you know have no earthly intention of using it. We made a proposal there to supply—it was an informal proposal—to supply 100 arc lights at 44 cents. It was no tender, it was a proposition; and if the Council intended to talk about it in a business-like manner afterwards, probably it would have been reduced.

210. Q.—Mr. Irving: That is the same proposition spoken of by—  
A.—Senator McInnes. It was not put in the light of a tender at all.
211. Q.—Mr. Brown: That is, before we advertised for tenders, wasn't it?  
A.—Yes.

ALEXANDER EWEN, called and sworn. (Examined by Mr. Wilson.)

212. Q.—You are a citizen of New Westminster?  
A.—Yes.
213. Q.—And a ratepayer?  
A.—Yes.
214. Q.—You pay a very large amount, do you not?  
A.—A considerable sum.
215. Q.—And you oppose that Bill on public grounds, do you?  
A.—Yes; I oppose the whole Bill.
216. Q.—Have you any private interest with respect to any companies—gas or water companies?  
A.—Yes, sir; I am interested in the Gas Company.
217. Q.—Are you interested in the electric light at all?

- A.—No.
218. Q.—So that you oppose the Bill on public grounds as a ratepayer, and also as a member of the Gas Company?
- A.—Yes; of the Gas Company. First, when I saw the Bill, it was a difficult matter for the people there to know what was really wanted. When the Bill was brought down it was some time before we got it. I went directly to some of the members of the Council and they could give me no information about it; in fact, told me they didn't know anything about the Bill before—it hadn't come before the Council. The names? It was Alderman Scoullar who made that statement to me.
219. Mr. Brown: I have no doubt about the truth of your statement—as far as you are concerned—that you were told that.
220. Q.—Mr. Wilson: It came upon you by surprise?
- A.—Yes; and first when I saw it; this last clause is what I principally object to—the very first thing I took notice of when they gave it to me. But now I object to the whole of the clauses, and especially to this, which does away with the privileges which are under the Incorporation Act.
221. Q.—That is part of the preamble there?
- A.—It affected that clause. It would kill any vested right that would have been recognized by the charter. That would do away with any recognized vested right which is under the Corporation, here. I consider that would do away with any right.
- Cross-examined by Mr. Irving:—
222. Q.—What particular right do you refer to?
- A.—The whole of the New Westminster Municipal charter.
223. Q.—What particular right in the charter?
- A.—I don't know; if I had a copy here——
224. Q.—Do you mean the Gas Company's right?
- A.—Yes; gas or water companies. It is for the lighting of the city?
- Mr. Brown: Section 242, I think, is what you want.
225. Mr. Irving: That is what you mean? (referring to section 142, New Westminster Incorporation Act.)
- A.—Yes; for lighting the city. And there is this clause [sub-section (b) of sec. 5.]
226. Q.—There is no gas company incorporated for the city?
- A.—I always understood it was incorporated.
227. Q.—Well, it is not, we find out now?
- A.—I don't know whether it is; that is the question.
- Mr. Wilson: It is incorporated.
- Mr. Irving: But not for the city.
- Mr. Eberts: Incorporation means for the city.
- Mr. Irving: I think not. If you look at section 210 you will see the Westminster Gas Company expressly referred to; they never got an Act of Incorporation.
- Witness: That is the only clause that I consider that the Gas Company had a right to be protected by the Corporation. The Gas Company has no objection to the lighting of the city by any other gas company or electric light company as long as it is private capital that is going into it.
228. Q.—That is your principal objection to the Bill?
- A.—No; I object to the whole of it, and that they are unnecessary. I would not accept that amendment to-day without striking out a number of these clauses or changing the language. They are superfluous, I think; without any use, and are not required, and what is the necessity of putting them in? If they are left there, it is for some purpose; and the more they are simplified the better it would be for the people, I think.
229. Q.—Will you tell us which are superfluous?
- Mr. Wilson: The whole Act.
- Witness: The preamble, from here, that is right enough; but it comes in there. These things have taken the place of the charter. I think it is enough if this expenditure, as it has been made—perhaps not legally made—that this should be legalized; I have no exception to that, but then it should go directly back

to the charter, and every word to be governed as it is set down in the Municipal charter, without giving any powers hereafter. All the powers that they have there, or nearly all, I think—unless it be the running of the ferry—is embodied in the Westminster charter.

230. Q.—Then you agree to this—that the past expenditure should be approved?  
A.—No; I cannot agree to that. Well, I might agree to it, but I have not the say in that; it should go before the people.
231. Q.—If the people approve of it, you would recommend that that expenditure be approved?  
A.—Yes; or the Bill should go no further than legalizing that, and putting everything right back under the Municipal charter. And as to the Corporation taking the power of—taking the place of all of the private companies, and taking their franchise or rights from them, is a thing that should not be touched at all; in fact, the whole Act ought to be like the Corporation Bill—a Private Bill. It should have been brought in as that.
232. Q.—That does not really make any difference?  
A.—Well, in my mind, it makes a great deal of difference.
233. Q.—Have you not been afforded a good deal of opportunity to oppose this Bill?  
A.—Yes; but still if the Bill passed us the whole of the ratepayers have been taken unknowingly. There has been no opportunity, nor meetings in the Council, to know that such a thing was anticipated by them.
234. Q.—Was not a notice published in the paper?  
A.—Last summer sometime?
235. Q.—No, since the House has been sitting?  
A.—Not that I noticed  
Mr. Wilson:—Yes, of the vaguest description.
236. Q.—Mr. Irving:—But I mean by the Private Committee?  
A.—Yes, but that didn't lessen the power of the Bill.
237. Q.—No; but it gave you an opportunity to come forward and state your objections?  
A.—Yes. It is from that notice that I am here to-day. As the Bill is now, why I am really opposed to the whole Bill, the line of argument that has been taken up by the corporation, and the carrying out there by the councillors. I am really opposed to the whole Bill.

JAS. CUNNINGHAM. (Recalled by Mr. Wilson.)

238. Q.—You know that the location of the ferry between the two sides of the river has been changed?  
A.—I do, sir; I see that the ferry don't go where it usually went.
239. Q.—And it is proposed to legalize that by this Bill?  
A.—Yes.
240. Q.—What is the effect of that on the property owners?  
A.—Well, I think that it is scarcely square. I think it depreciates the property at the upper landing, and, I think, that is a very serious thing, and I am under the impression now that if the ferry is authorized across there, it should touch at both these places. I don't own any land there, never did, but I think, between man and man, it should be attended to. And another thing: The Government spent a great deal of money there in making a splendid road to the upper landing. That is now abandoned, and I think that should not be thrown aside; and to the new landing there is simply a plank road through private property; I think it is private property.
241. Mr. Irving:—Did you not hear Mr. Thrift say it was the intention of the Surrey Corporation to run their "K. de K."?  
Q.—Oh, no; deliverance from that.  
Mr. Brown:—No, he did not say that.
242. Mr. Irving:—Didn't you hear him say it was the intention of the Surrey Corporation to run a ferry across that route—the "K. de K."?  
A.—I don't think he said they intended to. I think he said they had a right to do it—that they had the right reserved—that is the way I understood him.



243. Q.—And this ferry now started by the New Westminster Corporation is a new ferry?  
A.—It is new, but it takes the place of—does the work the old ferry did, changes the route, that is all.
244. Q.—It is opposition to the old ferry?  
A.—No; I don't think it is. It is opposition to the old ferry landing, and the holders of property adjoining the old ferry landing, which is unfair.
245. Mr. Bole:—Would it be an extravagant estimate to say that the amount of damage done the old ferry, Brownsville, would be approximately what I stated the other day, \$6,000 or \$7,000?  
A.—I don't know, Mr. Bole, that I can answer that question, because I don't know the value of the land.
246. Q.—Are you prepared to say that it has seriously prejudiced it?  
A.—Well, I would just say it is about one-half its value unless the ferry touches at both places, and gave both an equal show.
247. Q.—The difference is between lots 3, 7, and 8, and all these lots have 10 chains frontage; I think that would be about it, Mr. Brown.
248. Mr. Brown:—I think, roughly speaking, a long quarter of a mile?  
Mr. Bole:—Yes, roughly, about 40 chains.
249. Mr. Brown (to witness):—I understood you to say that you knew the route of the ferry had been changed, or something to that effect?  
A.—So I see. I see that it does not land where it used to.
250. Q.—Are you not aware that the charter of the old ferry, and all the old arrangements, have been simply dropped and a new one established? You are a citizen of New Westminster and surely should be aware of these things?  
A.—There are a good many things concerning New Westminster that I am not aware of, and you know the reason.
251. Q.—You said this Bill was to legalize that change—point out on the Bill where that is?  
Mr. Wilson:—It legalizes anything you choose to do.
252. Mr. Brown:—But we do not ask the change to be legalized. There is no change, in fact. We started a new ferry, and ask for power to run that ferry. (To Witness): Is not the present route a much better route for the ferry—much shorter and more convenient in every way than the old one?  
A.—I don't know that it is. It is a little shorter.
253. Q.—Is it not a direct route across and back again?  
A.—It is a little shorter, I confess.
254. Q.—Is it not directly across the river and back again?  
A.—It is.
255. Q.—As nearly as possible?  
A.—Very near.
256. Q.—And the old route did not so run. Did it not run away on the river, and cut on the bias, or whatever you call it?  
A.—A short ways.
257. Q.—You have heard Mr. Bole say the distance is half a mile—the width of the river is about a quarter of a mile, or a little over?  
A.—I don't know.
258. Q.—The old ferry is 800 yards up, so it is just exactly now that it runs along the base of a right angle triangle, and formerly it used to run along the hypotenuse; isn't that it?  
A.—Yes.
259. Q.—And don't you think that a great public convenience?  
A.—Yes, but you must not forget the road to the wharf that the Government established there.
260. Q.—It was not established for the ferry; that was the most convenient route, and it was taken because they could get no other. You are aware of the fact that that was the only possible landing in Surrey in olden times?  
A.—Well, really I don't know where the lines of Surrey come in.
261. Q.—You don't know anything about it—where the road comes down?  
A.—The old landing was in the corporation lines, now.



262. Q.—On the Surrey side of the river ?  
A.—The new landing is not in the corporation.
263. Q.—Don't you know that that old landing was the only approach to the river within any reasonable distance in former times ?  
A.—I suppose it was, and that is why the Government made it so good.
264. Q.—I say, don't you know that that was the only road coming to the river on the Surrey side ?  
A.—That was the only one, I think.
265. Q.—And, therefore, have the people got to be dumped into the woods ?  
A.—That is not woods, but all open ground ; that is improved property. That is a very good road.
266. Q.—Why can't you answer a straight question ? There was a ferry running across the river from Westminster to Surrey. I say there is only one possible point to run there, unless you land in the woods or swamp ? Isn't that a fact ?  
A.—Very well.
267. Q.—And we were absolutely limited to landing them there, if we landed them anywhere ?  
A.—I suppose they were.
268. Q.—Do you mean that because we are compelled at one time to take an inconvenient road, that we should not be equally justified in changing that route ?  
A.—I think you should have consulted the men who owned property there.
269. Q.—Do you mean to say that because a ferry is running there for the simple reason that it could not run anywhere else, and because you might have a few acres there, the public should not be allowed to run it anywhere else ? Is that your argument ?  
A.—Hold on ; you are not the only man here. I maintain that the old ferry was the best landing, and just as convenient as the new one.
270. Q.—You mean to say that it could make as quick a trip ?  
A.—Well, I think it is a better road.
271. Q.—Is it not a fact that the present ferry route is much shorter and much better than the old one ?  
A.—It is ; oh, yes.
272. Q.—And more direct ?  
A.—Well, it all depends who owns the property near each.
273. Q.—What vested right had the people who objected ? A little land around there, because the ferry did not run there. Could we run to no other point in Surrey ?  
A.—It increased the value of their land, and there was a good road, and the Government expended a good deal of money in making it.
274. Mr. Wilson :—Who owns the land on the new ferry charter ?  
A.—I believe it was Mr. Coll ; I think so.
275. Q.—And Mr. Coll is the City Solicitor ?  
A.—I think so.
276. Q.—And Mr. McColl is the gentleman who drew that Bill ?  
A.—I don't know.
277. Q.—As a matter of fact, does not the present ferry cross the river diagonally, the difference being that the diagonal is down the course instead of up the course of the river ? It crosses on Front Street and goes down, instead of crossing on Front Street and going up.  
A.—Yes.
278. Mr. Brown :—As a matter of fact, is not the new ferry landing in Surrey very nearly opposite the landing in town—almost across the river ?  
A.—No.
279. Q.—Is it not nearly opposite ?  
A.—No ; it is not.
280. Q.—It is considerably down the river ?  
A.—Yes ; you have to go down to get at it.
281. Q.—You would have to go down as much as you had to go up before ?  
A.—Very near.

Mr. Brown:—He swore, in answer to my question, before, that it was direct across the river.

Witness:—It is a fact; it is just about the same as it was before, because the ferry comes down now.

[Mr. Wilson puts in letter dated 27th January from City Clerk to Mr. Cunningham, and Mr. Cunningham's reply (marked exhibit "S"). Also memo. of agreement between Corporations of New Westminster and Surrey, dated August 14th, 1888, certified to be a true copy under the seal of the Corporation of the City of New Westminster. Also, resolution of the Council of the Corporation of Surrey, dated 25th August, 1888; also certified. Also a document, copy of the resolution, dated in August.]

Mr. Bole:—I want to draw the Chairman's attention to that document, which is the one they did not know anything about.

Mr. Wilson asks whether it is the intention to admit any further evidence on the other side, as, so far as his side was concerned, there was no further evidence?

Mr. Brown:—Of course, there has been a number of statements made here which I do not know whether it is necessary to contradict them, but I think that they ought to be contradicted, and to do that I ought to bring down a number of gentlemen from New Westminster.

Mr. Eberts:—What is the tenor of the evidence that you propose to bring down—evidence in rebuttal of what has been given?

Mr. Brown:—I said that I did not know whether it was necessary now. We have heard a great deal about moving the ferry, and that sort of thing, and we have heard about seriously injuring the financial standing of the city, and about giving us power to borrow to an unlimited extent. Of course, anybody can look at the charter and see that is wrong. And then there has been a lot of evidence been given by Senator McInnes about water works; but I do not know that that will touch the matter at all. I do not know, really, that there is any evidence that I want to give; but still there are a number of statements here that ought to be contradicted. For instance, Mr. Herring said that he did not tender because he knew that the Council intended to supply their own light; and Mr. Ewen has reiterated here the statement that the Council knew nothing about this Bill until it came down here. As to the effect on the city generally, they have heard a great many reasons against it. I think they now ought to hear some reasons for it.

Mr. Bole:—In regard to evidence in rebuttal; where a plaintiff, having made out his case, is met by some evidence which, before, he could not reasonably have anticipated, then he is allowed to call evidence in rebuttal. Here, when allowed to prove their case (what they have done I am not going to make any remarks about), they have not, according to what Mr. Brown says, because they want to bring in more evidence. If you do not confine yourself to the strict rule of evidence in rebuttal, you will find yourselves in the position, after Mr. Brown has brought down his evidence, of enabling us to say, "You have taken us by surprise; we must call evidence in rebuttal," and we will stay here for ever. It lay upon them to make their case, and for us to make ours; and if any evidence had been brought out by which they could say they were taken by surprise, then it would be a different matter. The question about local knowledge does not overrule it. They were told, fairly and squarely, they were wanted to prove the whole bill, *in toto*. They took the responsibility of coming down here to make a perfect case, and I would impress upon the Committee the grave inconvenience that would arise. If the parties insist upon being allowed to make another case, we, also, should be allowed to do the same, and we shall be sitting here till the month of April. It is an additional hardship that there is no power here to give costs, as we have to pay our own expenses, and those of the Corporation are paid out of its funds. It is hard to go to law, as in each case we have to pay both sides. Whoever wins, we have "to pay the piper." We have to pay for able counsel, who, I must say, have most ably done their work; and to pay for an array of witnesses out of corporate funds, to which we largely contribute. And under

these circumstances, I am sure we are entitled to receive some consideration at the hands of the Committee. And inasmuch as the Corporation undertook to prove the Bill and have failed to prove it, they now ask us for a further adjournment, to wear us out by fighting us with our own funds.

Mr. Brown :—Mr. Chairman, I would like to ask you now whether it would be convenient for the Committee to adjourn till Friday morning, in order that I may produce certain gentlemen here. The Committee was appointed to look into this, and if the Committee wish, fairly and honestly, to look into the real facts of the case, as I presume they do, they will grant the adjournment.

After some further discussion, Mr. Brown said:—I wish to protest against the impression of trying to wear anyone out. I have answered every question straightforwardly, and have attempted to conceal nothing, but there is one point I would like to correct: When I told Mr. Wilson that \$3,000 was the extent of the expenditure to which we had no legal right, I want to put myself right, because I believe, since, the expenditure of the money which it cost to build the ferry-boat was questioned. I was aware of it, lately, but it had slipped my memory. I was informed, at one time, that the money which it cost to build that boat would bring that up to \$25,000. I submit to every ruling of this Committee, and have endeavoured to put everything before it straightforwardly and openly, as I believe, and have nothing to do here but defend the interests of the city.

At the suggestion of Mr. Keith, the room was cleared, pending the decision of the Committee upon the point.

(Decision recorded in Committee meeting book. Adjourned until Tuesday, March 17th, 1891, at 10.30 a. m.)

VICTORIA, B. C., TUESDAY, 17th March, 1891.

Meeting of the Select Committee, consisting of the members of the Private Bills Committee, appointed to consider and report upon "The Westminster Enabling Act."

(Continued from March 11th, 1891.)

Present—Messrs. Martin (Chairman), Semlin, Eberts, Croft, Hall Kellie, Cotton and Keith.

Mr. P. Æ. Irving appeared for the Corporation of New Westminster and Mr. Charles Wilson for the opponents of the proposed Act.

MR. BOLE—Mr. Chairman, I have the honour to call your attention to a paragraph which appears in the "News-Advertiser," a newspaper published in Vancouver, on Sunday last, the 15th instant, in a report of a special meeting of the Council of New Westminster, called by Mayor Brown, on Saturday night last; some discussion having occurred with respect to a resolution before the Board, Alderman Kennedy is reported to have made the following remarks:—"Alderman Kennedy was in favour of the resolution. The minds of the members of the Private Bills Committee had been poisoned against the 'Enabling Act' by a series of misrepresentations, and it was necessary to disabuse their minds of these false impressions by indisputable testimony." I wish to call your attention to this matter, merely to show the way in which the Corporation are treating the people who are here for the purpose of defending their private rights.

Upon the application of Mr. Bole, opposed by Mr. Irving, the Committee directed the witnesses to retire from the room until called upon to give their evidence. Mr. Eberts dissenting.

ARTHUR HILL, called and sworn. (Examined by Mr. Irving.)

1. Q.—Your name?

A.—Arthur Hill.

2. Q.—You are a Civil Engineer?

A.—I am.

3. Q.—You are connected in some way with the New Westminster Water Works?  
A.—I am engineer to the Board of Commissioners.
4. Q.—Have you made an estimate of the cost of supplying New Westminster with water?  
A.—Yes, sir.
5. Q.—When did you make the first of those estimates?  
A.—I have made a great number of estimates. I think I made the one you refer to, in the summer of 1888.
6. Q.—What was the amount?  
A.—Approximately, \$200,000.
7. Q.—You made a second estimate?  
A.—Yes.
8. Q.—When was that made?  
A.—In the spring of last year. The estimate was made during this last season and was published in the "Columbian" and the local papers.
9. Q.—In August, 1890?  
A.—October 2nd, 1890, it was published.
10. Q.—What was the amount of it?  
A.—About \$380,000.
11. Q.—What is the difference between the two estimates?  
A.—Approximately, \$180,000.
12. Q.—How does that difference arise—were the estimates for the same area?  
A.—Not at all; the distribution system is more than doubled. The extent of the distribution system is more than doubled, and the efficiency of the whole system is vastly increased. There is no standard of comparison to say whether it is doubled or not, but whereas, as in the first estimate, there was no pressure on the higher levels of the City, now there is, or will be—rather, designed to be. That is only one point; in addition to that, as regards the increase in the amount of the estimate, it is to be remembered, that the cost of iron has increased greatly, and the cost of freight.
13. Q.—The first point covers the difference in the systems?  
A.—Yes, the difference in the design of the works and the extent.
14. Q.—And as to material, you say—  
A.—That the cost has been made larger by the increase in the cost of iron and freight.
15. Q.—Do you think it is possible that these works can be carried out for \$380,000?  
A.—I haven't a doubt of it, sir. The work can be done, as designed and specified, for that amount. There is another point; my first estimate was based upon a 30 % duty, and now the duty has been increased from 30 % to \$12 per ton on cast-iron pipes; and \$12 per ton is a great deal more than 30 %. All these things tell up in the cost of the second estimate.
16. Q.—Mr. Croft.—What is cast-iron pipe worth per ton?  
A.—Ours is under contract at six pounds ten and six pence.
17. Q.—Mr. Eberts.—In England?  
A.—Delivered, freight and duty paid, at New Westminster.
18. Q.—Mr. Irving.—When you made your estimate in the summer of 1888, what population did you expect to supply for that \$200,000?  
A.—I can only speak as to the capacity of the works. They would deliver into the reservoir, at an elevation of 335 feet, enough water, if I recollect rightly, for about 22,000 people.
19. Q.—For 22,000?  
A.—Yes, delivered at that height.
20. Q.—At what height?  
A.—Three hundred and thirty-five feet above the tide; delivered into a reservoir.
21. Q.—Now, your calculation of 1890?  
A.—The reservoir, under the designs that we are starting on now, is at an altitude of 400 feet above tide, and the amount delivered into that will be enough for about 13,300—at that greater height.
22. Q.—Mr. Semlin :—Is that in addition to the 22,000?  
A.—No, sir; that is what the main will deliver into the reservoir at that height;

that gives a pressure upon the whole of the upper levels where there was no pressure at all before.

23. Q.—Mr. Irving :—You say the reservoir, at a height of 400 feet, will supply every place in the City of New Westminster ?  
A.—Yes, that gives a pressure all over the top levels of the city, and that was not provided for in former estimates.
24. Q.—What was the distribution system ?  
A.—The distribution system provided for under the former estimate included 50,000 feet of distribution pipe.
25. Q.—Mr. Eberts :—Ten miles ?  
A.—Approximately. The present distribution system includes over 100,000 feet ; a 22-inch steel main for a considerable distance, and 14-inch steel pipes running through the distribution system.
26. Q.—Mr. Irving :—A steel main ?  
A.—About eight thousand feet of 22-inch steel main, and 14-inch steel pipes running through the middle of the distribution system, down to the river front. The efficiency of the system is immensely greater than it was designed to be under the first estimate—both the extent and the efficiency.
27. Q.—Where does the extra cost come in ? In the increase of distribution ?  
A.—Partly ; partly in the extent and partly in the increased cost of materials, as I have told you.
28. Q.—I will read you this statement from the evidence given here on the second sitting reported, page 190 :—“What I want to state more particularly is, that a population of 25,000 was provided for in that estimate of \$200,000, and it was Mr. Hill’s estimate,”—is that a correct statement ?  
A.—I have here my original prospectus, that was submitted to the Bank of Montreal, and I find in it, referring to the capacity of the works :—“They will have a capacity of distributing two cubic feet per second, sufficient to supply a population of 22,000 with 60 gallons per head per day.” If the quantity consumed by each consumer was small enough it would supply 25,000 people no doubt.
29. Q.—Was the distribution system, included in that first estimate, sufficient to supply such a population ?  
A.—It depends entirely upon how closely the town was built up. If the town expanded over an immensely increased area it certainly would not, but there would be enough if the population confined itself to the area that these pipes were laid through. The town has been expanding at a great rate lately.
30. Q.—Having regard to the expansion of New Westminster—would that distribution system have been sufficient ?  
A.—50,000 feet ?
31. Q.—Yes, to supply 25,000 ?  
A.—Well, I should have expected that before the population reached 25,000 the distribution system would have been increased. It was designed to supply the population then there. The company were building it as a company work, and were compelled to build it in an economical way. It was not designed, then, for the city to handle—it is now.
32. Q.—Your first estimate in 1888 was for the Coquitlam Water Works Co. ?  
A.—Yes. We were obliged to get water in there at no further expense than that. We could have brought in water enough for the population then there, but it was not to be delivered under pressure.  
(Mr. Brown rising to address the Committee, Mr. Bole and Mr. Wilson objected, on the ground that he was represented by counsel, that it was beneath the dignity of a member to address a Court of which he was a constituent part, and that it was a breach of the privileges of the House. Objection sustained.)
33. Q.—Did you expect, when you made that estimate of \$200,000, to supply 25,000 people with water without any further expenditure on the distribution system ?  
A.—No, sir ; I did not. I thought that the distribution system would probably have to be increased by the time that population was there. 25,000 people would,

in all probability have built up a number of streets not built on at all now, and an extension of the distribution system would have become necessary.

34. Q.—Did you ever represent to any person that you would be able to supply 25,000 people with water, without any further expense for a distribution system?  
A.—As regards the length of the system, 50,000 feet was what I estimated; and as regards the capacity of the works, they were sufficient to deliver enough water in the city, at a height of 335 feet, to supply 22,000 people.
35. Q.—What was the population upon which your first estimate was founded?  
A.—At that time I think the population there was estimated to be about 4,000—probably about that many consumers.
36. Q.—Did you base your estimate upon the population there at that time?  
A.—I based my estimate of revenue upon the probable number of consumers that would be using water.
37. Mr. Croft:—But those works were designed to supply a larger population than 4,000?  
A.—They were designed to deliver enough water into the reservoir to supply 22,000. My estimate of revenue, at that time, was for a domestic consumption of 4,000 consumers.
38. Mr. Irving: You were a member of the Coquitlam Water Works Company?  
A.—I am, sir.
39. Q.—Were you concerned in the sale of the Coquitlam Water Works to the City of New Westminster?  
A.—I was, as a member of the company.
40. Q.—What was the price paid?  
A.—The city paid us \$20,000.
41. Q.—Were you a party to the transaction with, or to the proposition made to Mr. McInnes? Mr. McInnes stated here that the Water Works Company made a proposition to him?  
A.—The Water Works Company never made any proposition to him that I know of, and if there had been one made I would have known of it, because I had to be there to make a quorum.
42. Q.—Then was there any proposition made to the Water Works Company by Mr. McInnes?  
A.—I can only speak from hearsay. When I returned to New Westminster after having been away for some time, I was told——  
Mr. Bole objected to any hearsay evidence going in. Objection sustained.
43. Q.—Were you present at any negotiations between Mr. McInnes, on the one side, and the members of the company on the other?  
A.—I was present at a meeting of the company when Senator McInnes was present.
44. Q.—What was the proposition made at that meeting?  
A.—Senator McInnes signed a share list and a memorandum, under which the amount of——  
Mr. Bole objected to any evidence of the contents of the memorandum being given, unless the document itself was produced. Objection sustained.
45. Q.—Did the Coquitlam Company offer to sell to Senator McInnes and his friends for \$10,000, the same thing which they afterwards sold to the city for \$20,000?  
A.—They did not.
46. Q.—What was the difference between the two offers?  
A.—The arrangement, as proposed between Senator McInnes and the company, was simply this——  
Mr. Bole objected, on the ground that the witness was giving evidence of the contents of the same document. Objection sustained.  
Mr. Bole: We admit that the \$20,000 paid to the Coquitlam Water Works Company was legally spent
47. Q.—Now, as to the ferry. You know where the old ferry ran?  
A.—I do.
48. Q.—Up the river?  
A.—Yes.
49. Q.—You know where the new ferry runs?  
A.—I do.

50. Q.—Have you a map or plan showing the difference?  
A.—I have. (Map produced, marked Exhibit “U,” and difference between the two routes explained by witness.)
51. Q.—What is the difference, in distance, between the old and the new?  
A.—I haven’t scaled it, but that map shows the relative positions of the two points.
52. Q.—The new landing, on the Surrey shore, is very nearly opposite the landing in town?  
A.—Very nearly opposite, taking it squarely across the river.
53. Q.—What are these figures marked on your plan?  
A.—Chains.  
Cross-examined by Mr. Bole:—
54. Q.—Hasn’t the ferry landing on the Westminster side been changed some distance down the river?  
A.—I don’t know, sir; I know very little about that ferry.
55. Q.—Then you can’t say whether the ferry has been changed on the city side?  
A.—No.
56. Q.—Will you kindly tell the Committee what distance it is from the ferry landing on Front Street to the Surrey landing?  
A.—All that I know about it is embodied in the plan I have laid before the Committee. I have no scale about me, but the scale of that drawing is four chains to one inch.
57. A.—Are you prepared to say what difference exists between the two routes?  
A.—Nothing further than what appears on this plan.
58. Q.—Mr. Irving: What is the difference between the two ferry routes, Mr. Hill?  
A.—The old one is marked 42 chains, and the other 32.

JAMES JOHNSTON, called and sworn. (Examined by Mr. Irving.)

59. Q.—Your name?  
A.—James Johnston.
60. Q.—You are an Alderman of the City of New Westminster?  
A.—I was last year, but not this year.
61. Q.—You are not in the present Council?  
A.—No.
62. Q.—Were you chairman of the Fire and Light Committee?  
A.—I was.
63. Q.—In 1890 you were concerned in the passage of an Electric Light By-law?  
A.—I was.
64. Q.—That was passed in or about September, wasn’t it—15th September?  
A.—Yes; I had forgotten it. I thought it was included in the Appropriation By-law.
65. Q.—What was the state of affairs in New Westminster before you decided to go into the electric light for street lighting?  
A.—The gas lighting was very unsatisfactory.
66. Q.—Were there any complaints made?  
A.—Yes; quite a number, almost every day, both to myself in the street and to the Council.
67. Q.—Were there complaints made by you to the Gas Company?  
A.—Yes.
68. Q.—When were those complaints first made by you to the Gas Company in regard to the defective lighting?  
A.—I could scarcely state the first time, but it seemed to begin with the beginning of the year.
69. Q.—The beginning of 1890?  
A.—Yes.
70. Q.—Was the question of extending the system of street lighting considered by the Council?  
A.—It was.
71. Q.—With what result?



- A.—We had made arrangements to erect lamp-posts, and actually had the pattern made and a part of the work done for the castings, when we abandoned the idea altogether, chiefly on account of the fact that there were no mains.
72. Q.—No gas mains in the places where you proposed to put those lights ?  
A.—No ; no mains I have proof of it here.
73. Q.—What is your proof ?  
A.—I have some notes of a tour of the city I made to select places for these new lamp-posts. I proposed to put one on the corner of Clinton and Perrin Streets. There was an old wooden lamp-post there, but whether it was for a gas or a coal oil lamp I couldn't say.
74. Q.—Why didn't you put one there ?  
A.—That was the farthest post out. The first line ran along Queen's Avenue, and there was a solitary pipe laid to that. I proposed putting another on the corner of Clinton and Melbourne Streets ; another on St. Patrick and Perrin Streets ; another on Clement and Melbourne, and another on the corner of Clement and North Arm Road. Then one on Mary and Melbourne Streets ; another on Douglas and Montreal Streets ; another on Douglas and North Arm road ; another on Edinburgh and North Arm road ; another on John and Helen Streets ; another on St. Andrew and Helen ; another on Perrin and Halifax ; another on Halifax and Melbourne ; another on Fortescue and Helen ; another on Melbourne and Fortescue, and a great number of others.
75. Q.—You proposed to put lights in these places you have named ?  
A.—Yes.
76. Q.—Have you electric lights in those places now ?  
A.—They have one on the corner of North Arm road and Edinburgh Street. That is the furthest out now. There is one at Douglas and Perrin, and one or two further along Perrin, towards the Park. We would have had more out, only we didn't want to get more than the one dynamo just at first, and those were all the lights we could distribute from the one dynamo.
- 77.—Q.—Then you have, with your electric light, lighted up this part of the city ?  
A.—Yes ; and a little further out too.
78. Q.—It was in December—between June and December—that the city decided to go into electric lighting ?  
A.—Yes ; I believe so.
79. Q.—Why did the city decide to undertake the electric lighting ?  
A.—We positively had to have some light. We had no hope of more light from the Gas Company ; winter was coming on, and we positively had to have light by any means. That is my opinion about it.
80. Q.—Were any private companies spoken of, or was there any talk about getting private companies to supply this light ?  
A.—Private companies—three of them—offered to supply this light.
81. Q.—What were the names ?  
A.—The New Westminster and Vancouver Tramway Company, a company from Victoria, and A. M. Herring and Senator McInnes. Those were the three.
82. Q.—Mr. Croft : Were those complaints against the Gas Company on account of the quality of the gas, or on account of the want of pressure in the houses, or because the Gas Company refused to put pipes into houses—very likely on account of the houses being scattered ?  
A.—We had nothing to do with private lighting at all, but we knew of the defective quality of the gas from our experience of it in the City Hall, and it was very bad frequently.
83. Q.—Did you ask the Gas Company to lay pipes to and put up lights at those points where you say you needed lights, and did they refuse ?  
A.—No ; they didn't refuse. The reason we abandoned this idea of having extra lamp-posts was because we knew the company had no pipes there, and we had no hopes that they would be there, and winter was coming on and we had to have light.
84. Q.—But if you had asked the Gas Company to put pipes there wouldn't they have been obliged to do it ?



- A.—They couldn't do it without the pipes, and the pipes were on board the Titania, coming across the ocean.
85. Q.—Then the intentions of the Gas Company were good, but they couldn't put the pipes in because they hadn't arrived?
- A.—Yes; good, so far as I know.
86. Q.—Was the expense of putting in this electric light system voted on by the people?
- A.—No; nothing in connection with the electric light, except a small appropriation in the other by-law.
87. Q.—Chairman: The money was spent without a vote of the ratepayers?
- A.—Certainly; yes.
88. Q.—Mr. Irving: Would the city have been satisfied with any possible extension of the gas lighting on the streets?
- A.—I believe it would; with a reasonable extension of the gas lighting I believe we would have been satisfied. I speak for myself, and, I believe, for other citizens. I don't believe that we would ever have thought of the electric light at all if we had had any possible hope of the extension of the gas system within a reasonable time.
89. Q.—Then what suggested the going into electric lighting?
- A.—The necessity for more light.
90. Q.—Do you mean that the gas service was inefficient?
- A.—Certainly, it was defective; ridiculously defective and inefficient.
91. Q.—As chairman of the Fire and Light Committee, you were not satisfied with the lighting of the streets?
- A.—Certainly not.
92. Q.—You say that there were three companies who proposed to go into the electric light business. Did you get any tenders from them?
- A.—We got one solitary tender.
93. Q.—Was it considered by the Council, or by the committee?
- A.—Yes; I believe it was.
94. Q.—With what result?
- A.—We were under the impression that there was some sort of a put-up thing about it. We had three companies anxious to supply us with electric light, and when we called publicly for tenders, and one tender only came in, we suspected collusion in the matter.
95. Q.—You were not satisfied at having received only one tender?
- A.—No, we were not.
96. Q.—Then what did you decide upon?
- A.—We set about figuring out what it really would cost.
97. Q.—What it would cost the city?
- A.—Yes; to go into it, itself, and have nothing to do with companies.
98. Q.—What was the result of your figuring?
- A.—I, personally, didn't figure; but the result of the figuring was that we decided that the city could go into it itself, and save money, besides having a more satisfactory service, and having control of the service.
99. Q.—Is your present service more satisfactory than the gas service?
- A.—Oh, decidedly.
100. Q.—Having arrived at that conclusion, you passed the Electric Light By-Law in September?
- A.—Yes (by-law read). That is the one.
101. Mr. Croft:—As I understand it, there is no limit to the expenditure under that by-law?
- A.—I couldn't say that.
102. Mr. Irving:—You passed that by-law after you had advertised for tenders and received only one tender?
- A.—I can't say, from memory; the dates will show.
103. Q.—When you advertised for tenders, wasn't it your intention to give a contract for these lights if a satisfactory tender was put in?
- A.—Undoubtedly.
- (Mr. Bole objected, on the ground that it was impossible for this witness to give

- evidence of the intention of the whole Council.)
104. Q.—This electric light by-law, passed in September, 1890, has not yet been submitted to the people?  
A.—Not yet. No.
105. Q.—Can you tell me why a loan by-law, in connection with this electric light by-law, was not submitted to the people?  
A.—I believe because there was no time.
106. Q.—Can you tell me why you went on with the work without waiting for a loan by-law?  
A.—The case was urgent; the city might be brought in for heavy damages at any time through want of light, and we really had to go on.
107. Q.—You were threatened with an action for damages?  
A.—We were liable to it at any moment.
108. Q.—You are thinking of Captain Dunn's death?  
A.—That may or may not have been in my mind.
109. Q.—You remember the circumstance of Captain Dunn's fall?  
A.—Yes.
110. Q.—Immediately after that, wasn't there a strong demand in New Westminster for more light on the streets?  
A.—Yes, there was.
111. Mr. Croft:—If the city was willing to pay for more light, wouldn't the Gas Company have supplied it?  
A.—It depended on the locality—whether we wanted it in the locality where the mains were laid or not.
112. Chairman:—Why do you say that you had no hopes of getting the Gas Company to extend their mains into these parts where you needed light?  
A.—Because, from my own practical knowledge of such things, I could see that it was impossible—within any reasonable time.
113. Q.—Did you ask them?  
A.—I can't say that I did ask them directly to extend their mains. You must understand that we were terribly crowded with work; it was a very busy year, and we really had more work than we could attend to, and we couldn't give our undivided attention to any one department of the public business.

Committee adjourned for one hour.

[AFTER RECESS.]

ARTHUR HILL. (Re-called. Re-direct by Mr. Irving.)

114. Q.—Will you please point out on the map the difference between the distribution area included in the first scheme, or estimate, and the distribution area included in the present estimate?  
A.—Not having before me the plan on which I drew the lines for the first distribution system, I can't say positively what streets the system was designed to cover, but the distribution system was not intended to extend much above there (indicated on map), whereas the present system includes a 22-inch steel main up to here (indicated on map), and two 14-inch distribution pipes down here to the water (indicated), and the whole distribution area above that is proposed to be well piped. Sapperton is also sufficiently provided for.
- JAMES JOHNSTON. (Re-called. Examination-in-chief by Mr. Irving, continued.)
115. Q.—Was the action of the Council public—that is to say, were the ratepayers aware of the fact that the Council intended to go into lighting by electricity?  
A.—Yes; after a certain date.
116. Q.—What was that date; do you remember?  
A.—That would be about in July; the middle of July, first.
117. Q.—That was on the action of the Council, with reference to employing other people to light the city with electric light?  
A.—It was with reference to this \$500, if I recollect right, voted for the purpose of seeing what arrangements could be made for having the city lighted by electricity.

118. Q.—Afterwards, the Council determined to go into electric lighting themselves. Was that made known to the public?  
A.—Yes; after a certain time.
119. Q.—About September?  
A.—I can't say, exactly.
120. Q.—Can you tell me whether, from your knowledge of public opinion—  
(Objected to by Mr. Bole and Mr. Wilson as irrelevant. Objection sustained.)
121. Q.—Is the policy of the Council a popular one?  
(Objected to by Mr. Bole and Mr. Wilson. Objection sustained.)
122. Q.—What is your opinion as to the advantages accruing to the city from this system of electric lighting that has been adopted?  
A.—My opinion is entirely favourable.
123. Q.—Is your opinion simply that of an ordinary ratepayer, or is it the opinion of a man who has studied the subject?  
A.—It is based on both; both on a study of the question and as a ratepayer.
124. Mr. Croft:—In your opinion, will it be possible for the corporation to supply electric light to private houses at a nominal cost?  
A.—I believe much lower than any company could.
125. Mr. Irving:—With reference to the ferry: when was the change made from one route to the other?  
A.—I really can't give dates without some reminder of it.
126. Q.—It was during last year, was it not?  
A.—Yes.
127. Q.—It was some time in the fall of 1890, was it not?  
A.—I think it was earlier than the fall; some time about July, I think. It might not have been the fixing of the landings, but the ferry was spoken of early in the year.
128. Q.—The change was spoken of early in the year?  
A.—Yes.
129. Q.—In about June, when the by-law was passed?  
A.—I wouldn't really like to say.
130. Q.—It was some time in the summer of 1890?  
A.—Yes.
131. Q.—You were appointed one of a committee which was selected to determine on a site for a landing place on the Surrey side?  
A.—Yes.
132. Q.—And you recommended the selection of the site now being used?  
A.—Well, it may not be within a few hundred yards of the spot first selected.
133. Q.—In that vicinity?  
A.—Yes; and entirely favourable to a direct course across the river.
134. Q.—What were the reasons which guided you in selecting this new landing place.  
A.—To get the shortest possible and most direct course.
135. Q.—And you believe you have got the most direct course?  
A.—Yes.
136. Q.—Now as to roads: Is the present landing a more convenient one than the old landing?  
A.—It is more convenient for some and not much more inconvenient for others.
137. Q.—Where does the main body of travel come from—of people using the ferry?  
A.—I can scarcely say; I have only been four times on the other side of the river, and can scarcely say as to that.
138. Q.—Is the new ferry a success?  
A.—Yes, as ferries go, it is.
139. Q.—What do you mean?  
A.—As a ferry, I can say that it is a success. The qualification comes in, perhaps, from mechanical knowledge of certain details of the craft, but that has nothing to do with the efficiency of the ferry at all. It is thoroughly efficient as a ferry.
140. Q.—The ferry service is thoroughly efficient?  
A.—Yes.

141. Q.—Have you any knowledge of what the receipts per day are?  
A.—Yes; the purser has told me.
142. Q.—How much?  
(Objected to by Mr. Bole and Mr. Wilson on the ground that the witness could only give hear-say evidence. Objection sustained.)
143. Q.—Without being told by anybody, and without actually counting the money, don't you know what the receipts are?  
A.—I do, positively.
144. Q.—How much are they?  
A.—They vary. They run all the way from \$10 or \$15 a day to \$34 or \$35. I don't think any day was lower than \$10, except one day when they only made one or two trips, when they were making some repairs, covering the boiler, or something. That was the smallest day they had. I don't think the ordinary day's receipts ever fall as low as \$10.
145. Q.—The ferry is now being run by the contractor?  
A.—So I understand.
146. Q.—The contract provided that he should maintain it for a month after it was completed?  
A.—So I believe.
147. Q.—Now, as a ratepayer, I propose that you shall adopt the same course that these other gentlemen have adopted. Will you kindly state whether you are in favour of this Bill, and why you are so in favour of it?  
A.—I can say I am entirely in favour of it. As I intimated before, we found ourselves, in the Council last year, in a very difficult position. We had to do something; we couldn't always wait for red tape in our actions. As business men, we really had to take advantage of our position and work in the interests of the citizens, and we did so. I can also, in saying so, say that I voice the opinion of a large majority of the ratepayers. In fact, gentlemen, I may say that, practically, the whole of the opposition to the Bill is right here in the room with you.
148. Q.—Mr. Bole: Will you swear that?  
A.—I am speaking as a citizen.
149. Q.—I ask you if you swear to that, positively?  
A.—I don't say absolutely the whole opposition, but practically the whole opposition, and I do say that a large majority of the citizens are in favour of the Bill passing through.
150. Mr. Croft:—How do you know that, unless it has been before the people?  
A.—I am very conversant with public sentiment in New Westminster. I have been up and down among the people, and they talk to me upon all subjects, and a man can surely gather the public sentiment in that way.
151. Mr. Irving:—You made a statement to the effect that you thought that the citizens would have been satisfied with gas lighting, if the system had been extended?  
A.—In a qualified sense. I didn't mean they would be satisfied perpetually with it. What I meant was, that if the Council had said nothing about electric lighting, and had gone right ahead and extended the gas system the citizens would have accepted it at the time, more from the defective nature of the electric light system at Vancouver than from anything else. That has since been corrected; we have found out where the defect was and we have corrected it, and have a first-class service, and the people are satisfied.

Cross-examined by Mr. Bole:—

152. Q.—How much rates do you pay in the City of New Westminster?  
A.—Well, I paid \$29 last year, and I have brothers and sisters who all pay rates. We pay a very large rate, amongst us.
153. Q.—What is the whole rate of the family?  
A.—I couldn't say.
154. Q.—Does it amount to \$100?  
A.—No, I don't think so.
155. Q.—You were chairman of the Board of Works last year, were you?

- A.—No, sir.
156. Q.—In what capacity were you acting?  
A.—On the Fire and Light Committee.
157. Q.—With respect to this electric light—do I understand you to say that you asked the Gas Company to remedy the defective state of their system, before you undertook this electric lighting business?  
A.—It was a perpetual request, all the way along, for a better service.
158. Q.—Would you be kind enough to give me the date of the last perpetual request—how often did you perpetually request the Gas Company to extend their service?  
A.—I really couldn't answer that question.
159. Q.—Were they ever asked to extend their service—as a matter of fact, was there ever anything more than a corporate growl?  
(Mr. Irving objected to Mr. Bole cross-examining the witness as to dealings with the gas company, on the ground that the company was represented, before the Committee, by counsel. Objection over-ruled.)
160. Q.—Are you prepared to swear, Mr. Johnston, that there was ever any request made to the Gas Company to remedy the public service of lights, before you plunged into these electric lighting experiments?  
A.—Not in those words.
161. Q.—Did they ever get fair notice that the Council intended to embark in a course of experimental lighting—you thought gas was too slow, didn't you?  
A.—Yes, and I think so still.
162. Q.—Might I ask you what experience you had in electric lighting before that, Mr. Johnston?  
A.—I have been about the world a bit and had my eyes open, and I am a mechanic and can judge of such things.
163. Q.—Had you any special practical knowledge of electricity?  
A.—No, except as a favourite study.
164. Q.—When did you first commence the study of electricity, with regard to electric lighting?  
A.—I can't say when; it has always been an object of interest to me.
165. Q.—All your life?  
A.—Certainly not; but since electric light came into use.
166. Q.—As a matter of fact was it not in the year 1890 that you first commenced to read up on electric lighting?  
A.—No, certainly not.
167. Q.—Was it in that year that you commenced to give special attention to it?  
A.—Yes.
168. Q.—As a matter of fact, was not your whole knowledge of electric lighting gathered from your study of it during that year?  
A.—No, sir.
169. Q.—Were you the gentleman who first suggested lighting the city with electric light?  
A.—I was one of them.
170. Q.—You stated that when the tender came in for this electric lighting you suspected collusion—was it because there was only one tender?  
A.—Certainly.
171. Q.—Between what parties do you say that collusion existed?  
A.—I don't think that is a fair question.
172. Q.—You decline to specify between what parties you thought collusion existed?  
A.—I certainly do.
173. Q.—I notice that this electric light by-law was brought in in September, 1890—why was it not submitted to the people?  
A.—Because there was no time; we had either to get to work on the lighting of the city or abandon it for that year.
174. Q.—What was the awful hurry?  
A.—We needed light.
175. Q.—What consequences did you fear, if you didn't get it?  
A.—The constant danger of accidents through lack of light.

176. Q.—Did you apprehend that accidents to the extent of \$50,000 would happen if that electric light was not put in?  
A.—We couldn't tell what might happen.
177. Q.—Did you apprehend that the lack of that light would bring a liability of \$50,000?  
A.—It might bring \$100,000.
178. Q.—And that is the best reason you can give for neglecting the legal precautions?  
A.—The urgency of the case, I believe, occasioned our action.
179. Q.—Now, with reference to the accident to poor Captain Dunn, has it not been ascertained that the city was not liable for his death?  
A.—Not that I know anything of.
180. Q.—Are you not aware that his relatives have consented to take \$1,000, to be made up by public subscription?  
A.—Yes, I believe they have.
81. Q.—Are you aware of any other accidents that have occurred?  
A.—A man named Stephens fell off the sidewalk.
182. Q.—What did that cost the city?  
A.—Mr. Stephens was a poor man, and I think he was put off with \$25, but if he had been a wealthy man it might have cost \$2,500.
183. Q.—Now name any other accident that occurred during that winter for want of light?  
A.—I can't specify them.
184. Q.—Were you on the Council when that man was put off with \$25?  
A.—I believe so.
185. Q.—How do you justify your action in putting him off with \$25, because he was a poor man?  
A.—I hadn't all the say.
186. Q.—Did you raise your voice in his favour?  
A.—I did; but not in open Council.
187. Q.—Will you swear that you made any effort to get this man more than \$25?  
A.—Yes, I did.
188. Q.—Now, will you name any other accident that occurred during that year, besides this \$25 accident?  
A.—I object to its being called a \$25 accident.
189. Q.—Well, what other accidents were there?  
A.—You legal men ought to know what damages were done.
190. Q.—Were there any other accidents besides that Stephens accident?  
A.—I can't specify them now, but I know there were minor accidents.
191. Q.—Did they all amount to \$100?  
A.—No, I don't think they did, but they might have.
192. Q.—As a matter of fact, Mr. Johnston, you took a strong personal interest in this electric lighting business, didn't you?  
A.—I did. I do now as a ratepayer.
193. Q.—Only as a ratepayer?  
A.—Yes, now, only as a ratepayer; as a member of the Council I considered it my duty.
194. Q.—Did you make yourself liable with respect to this \$50,000?  
A.—That is not for me to say.
195. Q.—Did you make yourself liable?  
A.—I decline to answer.
196. Q.—With respect to the change of the ferry landing—you say you were only four times across the river?  
A.—Yes.
197. Q.—After having been only four times across the river, and having no further acquaintance with the needs of the inhabitants of Surrey, did you undertake the responsibility of changing the ferry landing. May I ask who was the gentleman that took the leading part in changing this ferry landing, in the different conferences that took place?  
A.—I can scarcely say.
198. Q.—Will you tell us some of the parties that took an interest in the question—was the city solicitor ever consulted about it?

- A.—I believe he was.
199. Q.—Did the city solicitor express an opinion favourable to the change of landing to lots 7 and 8, where it is now?  
A.—I understood so.
200. Q.—Did he happen to mention that he was owner of these lots himself?  
A.—I think he did.
201. Q.—I suppose that fact didn't influence the Committee at all?  
A.—It didn't influence me, I can't answer for the rest.
202. Q.—In fact you were anxious to put it somewhere else?  
A.—No, I didn't want a ferry at all, I wanted a bridge.
203. Q.—Were you not aware that a ferry had been running for a number of years, and running to the main trunk road?  
A.—I can't say that I knew it was the old trunk road.
204. Q.—Then you didn't enquire as to the rights that would be affected by the change?  
A.—No, I was opposed to the ferry scheme, altogether.
205. Q.—And you were not very much interested?  
A.—Not much interested.
206. Q.—In one of your answers to Mr. Irving, I think I caught something about your finding fault with the boat—is it a good ferry steamer?  
A.—It is as good a ferry as you could have.
207. Q.—Much better than the "K. de K."?  
A.—I should think so.
208. Q.—In the Appropriation By-law, which is before the Committee, can you point out any clause in which the public were given notice of any intention to change the ferry landing?  
A.—Not that I am aware of.
209. Q.—This road that leads to the new landing, joins with the Scott road, don't it?  
A.—So I am told.
210. Q.—Are you not aware that the Scott road runs up a very steep hill?  
A.—For part of the way, I believe.
211. Q.—As a matter of fact, are not the bulk of the settlers living along the trunk road?  
A.—I can't say.
212. Q.—As a matter of fact, do any settlers live along the new road?  
A.—I saw some houses going up there.
213. Q.—Were there any settlers living in there before this new road was put through?  
A.—Well, there was no use of settlers going there before a road was put through.
214. Q.—Are you aware that the change of the ferry has increased the value of property in the neighbourhood of the new landing?  
A.—I believe it does.
215. Q.—And the best reason that you can give for the illegal spending of that \$50,000, is that you think that you should take advantage of your position and dispense with red tape, and do justice to the ratepayers, without going through the preliminaries required by law?  
A.—That is your way of putting it.
216. Q.—Is not that what you say?  
A.—You might put it that way.
217. Q.—Well, then, the highest amount of damages against the city being \$50, I ask you how do you justify your action?  
A.—\$100.
218. Q.—You have only shown us \$25; we will allow you the extra \$75. How do you justify it?  
A.—The liability to accidents would scarcely justify it, but that, with the general needs of the public and the general wish of the people would, I think.
219. Q.—Might I ask you how that wish was ascertained?  
A.—I think I have answered that before: by being conversant with the opinions of the citizens.
220. Q.—Do you know the names of the gentlemen who own the Columbian newspaper?  
A.—I don't know the names of the owners.
221. Q.—Don't you know it is owned by the Kennedy Brothers?

- A.—I heard it was.
222. Q.—Ever read that paper?  
A.—Yes.
223. Q.—Ever see their names at the head of the column as owners?  
A.—Yes.
224. Q.—As a matter of fact don't those gentlemen own a piece of land in the vicinity of the new ferry landing?  
A.—I don't know; I am told they own some land over there somewhere, but where it is I don't know.  
Cross-examined by Mr. Wilson :—
225. Q.—You have told the Committee that the reason you didn't apply to the ratepayers for a loan by-law in connection with this electric light expenditure was because the case was an urgent one, and you were liable to damages?  
A.—I never admitted that we were liable to damages, but that the city might be liable to damages through accidents. That was one of the reasons.
226. Q.—You deliberated, then, upon submitting this by-law?  
A.—Yes; we always intended to submit the by-law.
227. Q.—Then you took into consideration the expediency of submitting a loan by-law to the people?  
A.—I don't quite understand.
228. Q.—For the construction of the works?  
A.—Yes; afterwards, in the future.
229. Q.—You have told us that the case was an urgent one, and in consequence of that urgency no loan by-law was submitted to the people. Then, I say, in consequence of that, you must have deliberated upon it?  
A.—We certainly talked the matter over.
230. Q.—Did you talk the matter over in Council?  
A.—I can scarcely say whether we did or not; I can't keep the Council proceedings in my mind.
231. Q.—In order to have arrived at the conclusion that the case was so urgent, you must have deliberated upon it. How did you arrive at that conclusion if you didn't deliberate?  
A.—We certainly did deliberate.
232. Q.—Now I want to know if these deliberations took place in Council?  
A.—They were largely in committee.
233. Q.—Is any record kept of the proceedings of that committee?  
A.—I really don't know.
234. Q.—Then it comes to this: that you deliberately set at defiance an Act of Parliament?  
A.—I am not aware that we did so.
235. Q.—Is not that the conclusion—that you deliberately set at defiance an Act of Parliament because you considered it an urgent matter?  
A.—That is for others to say.
236. Q.—You considered an Act of Parliament and deliberated upon it, and then set it at defiance, because you thought something might happen?  
A.—I object to its being put in that way.
237. Q.—What was the reason that you didn't submit a loan by-law for the water works?  
A.—I wasn't in the Council the year the water works were started.
238. Q.—Were you in the Council the year the ferry contract was let?  
A.—Yes
239. Q.—What was the reason no loan by-law was submitted for that?  
A.—I understood that the item in the appropriation by-law for the ferry legalized the whole thing.
240. Q.—May I ask where you acquired that information—who gave you that information?  
A.—The item being in the loan by-law, I never questioned the legality of the action at all.
241. Q.—Didn't you know that you were undertaking work beyond the city limits?  
A.—No.
242. Q.—Didn't you know that?  
A.—I didn't think of that.



243. Q.—In other words, as a Councillor, you didn't take the trouble to inform yourself?  
A.—Through lack of time and pressure of other work.
244. Q.—Pressure of other work prevented due attendance to the electric light by-law; pressure of other work prevented due attendance to the ferry by-law: what was the other work?  
A.—We had thousands of dollars of street work and street improvements on hand. We made about fifteen miles of streets, I think, all under contract at one time.
245. Q.—You were not a member of those committees. You were a member of the Fire and Light Committee?  
A.—I was a member of seven committees, and I was chairman of the Fire and Light Committee.
246. Q.—Were you re-elected at the last election?  
A.—No, sir.
247. Q.—Were you a candidate?  
A.—I was; a reluctant one, and took no active part.
248. Q.—Was not the fact of your not being re-elected due to the electric by-law business, and to your neglect of it?  
A.—No, sir.
249. Q.—You have told us that you voice public opinion and represent a large number of ratepayers?  
A.—I said I believed I voiced public opinion.
250. Q.—If you believe you voice public opinion, why was it that you were not re-elected?  
A.—I know the reasons perfectly well, but perhaps it wouldn't amount to anything if I gave them.
251. Q.—Now tell me something about this gas business. The street lamps were city property?  
A.—Yes.
252. Q.—During the time that you were on the Light Committee what condition were those lamps kept in?  
A.—In very poor condition.
253. Q.—Wasn't that one of the reasons that the light was so bad?  
A.—It was a fault of the system.
254. Q.—Wasn't that one of the reasons—because the lamps were in such poor condition?  
A.—Possibly it may have been.
255. Q.—Wasn't it part of your duty, as Chairman of the Light Committee, to see that those lamps were kept in good order?  
A.—I did, to the best of my ability, try. I had reports from the Chief of Police showing where the lamps were out of order, but I had no other resource but going down to some tin shop, ordering them to go and fix the lamps and charge what they pleased. I tried to get the Gas Company to take over these lamps, but they positively refused.
256. Q.—What were the reasons which led to the destruction of the lamps, or to their being in such bad order?  
A.—I don't wish to insinuate anything, but, as you ask me the question, I must answer. Suppose the lamp-lighter poked his stick through two or three lamps, and then used that as a pretext for not lighting them, the Gas Company was not responsible for that breakage, but the city was, and so the city was robbed in both ways; it had no lights there and had to repair the lamps.
257. Q.—Whose servant was the lamp-lighter?  
A.—The Gas Company's. He lit the lamps and was supposed to clean them.
258. Q.—Were not a great many lamps broken by boys?  
A.—Possibly.
259. Q.—Was not that the result of poor police protection?  
A.—No, lamps are broken in large cities where they have big police forces.
260. Q.—Is it not a fact that the city are paying some \$12,000 a year, for what was offered to them for \$9,000?  
A.—To what do you refer?
261. Q.—To the electric light?

- A.—I am not aware that it was ever offered to them for \$9,000.
262. Q.—You are paying \$12,000 for it now?  
A.—So I am told, but I think that if I had control of it I could run it for much less.
263. Q.—And that is the public's own look out—they wouldn't re-elect you?  
A.—They are very sorry they didn't, now.
264. Q.—You told us that after the middle of July the ratepayers knew that the Council intended to light the city by electricity—how was that fact communicated to the ratepayers?  
A.—By proceedings in the Council, I believe.
265. Q.—They didn't know it in any other way?  
A.—They knew it through reports in the papers, I expect.
266. Q.—Were any special means of communication adopted?  
A.—Only the usual means in such cases.
267. Q.—No official notice ever given?  
A.—That I can't say.

Re-direct by Mr. Irving :—

268. Q.—There was an Alderman Smithers in the Council last year, was there not?  
A.—Yes.
269. Q.—When the subject of electric light, versus lighting by gas, first came up, he opposed it on behalf of the Gas Company, didn't he?  
A.—He was always trying to throw a wet blanket on it.
270. Q.—Can you tell the Committee why the Gas Company refused to take a contract for repairing the street lamps?  
A.—I can't tell why, they simply refused; they declined—refused to undertake keeping the lamps in repair.
271. Q.—You can't give the reason why the Company refused—you merely state the fact that they refused?  
A.—They did refuse.
272. Mr. Eberts :—How big is this electric plant?  
A.—We have one 50 arc light dynamo, and one incandescent dynamo.
273. Q.—Supplying how many lights?  
A.—I think 600, of either 10 or 16 candle power.
274. Q.—That would just about do the private lighting on Front Street, wouldn't it?  
A.—I can't say; that would depend entirely upon the number of lights taken by each house.
275. Q.—Six hundred lights is only a small circuit, isn't it?  
A.—Relatively small, I suppose.
276. Q.—Inside of a quarter of a mile?  
A.—That would depend on the number taken by each house.
277. Mr. Bole : What was the electric light company that tendered to light the city?  
A.—The New Westminster and Vancouver Tramway Company.
278. Q.—Have you any official connection with the electric light system, now?  
A.—No, sir.
279. Q.—Alderman Smithers, the gentleman who thought that the rights of the Gas Company ought to be protected, was, I believe, re-elected this year?  
A.—Yes.
280. Mr. Irving :—Is this (producing document) a correct report of the proceedings in the Council—  
Mr. Bole objected, on the ground that this question did not arise from the cross-examination, and that it was practically re-opening the examination of the witness.  
(The Committee decided to allow the newspaper produced, to go in for what it was worth, without proof, and it—"Columbian," dated 9th Sept., 1890—was marked Exhibit "U.")

D. ROBSON, called and sworn. (Examined by Mr. Irving) :—

281. Q.—Your name?  
A.—David Robson.

282. Q.—You are clerk to the Municipal Council of New Westminster?  
A.—Yes.
283. Q.—The first question I want you to give evidence on is in respect to the expenditure of money on the water works—do you remember when the city bought out the Coquitlam Water Works Company?  
A.—I can't tell you the exact date; it was sometime in 1889. During the first half of the year.
284. Q.—The sum paid was \$20,000?  
A.—Yes.
285. Q.—The city, shortly after that, passed a by-law authorizing the raising of \$200,000 on debentures?  
A.—Yes.
286. Q.—Was there any by-law, authorizing the city to construct these water works?  
A.—None that I am aware of; in fact there was none, because I was Clerk of the Council at the time of the purchase, and there was none.
287. Q.—No water works construction by-law?  
A.—No.
288. Q.—So that although there was no by-law authorizing the construction of the works, there was a by-law authorizing the raising of \$200,000 for that purpose?  
A.—Yes.
289. Q.—That is one of the difficulties that you wish corrected, I understand?  
A.—I presume so, although I couldn't speak positively. I understand that it is a question whether we had the right to go on, without passing a by-law.
290. Q.—When was that water works debenture by-law passed?  
A.—Some time in 1889, I couldn't give you the date. The by-law itself will show the date.
291. Q.—After that \$200,000 by-law was passed, water commissioners were appointed?  
A.—Yes.
292. Q.—Appointed by the people?  
A.—They were elected by the people.
293. Q.—They entered into contracts, which contracts were to be subject to ratification by the Council?  
A.—Yes; all the acts of the water commissioners are subject to the approval of the Council.
294. Q.—They have entered into a number of contracts?  
A.—Yes.
295. Q.—Those contracts have been ratified by the Council?  
A.—Yes, as far as I know. I know that certain contracts have been ratified, and I don't know of any contracts that have not.
296. Q.—The contracts entered into amount to about \$246,000?  
A.—Something like that; that is, including the \$20,000 that was paid to the water company for the franchise.
297. Q.—Who paid that money—who was Mayor at the time that money was paid?  
A.—I couldn't say; it was either Mr. Hendry or Mr. Townsend, I would not be sure which. The bargain was made while Mr. Hendry was in.
298. Q.—Now the amount actually expended is \$134,000?  
A.—I can't tell you the exact amount, but I have some statements here which show it. (Produced.)
- Mr. Bole and Mr. Wilson objected to the production of further statements, on the ground that they had admitted the correctness of the statements of expenditure already in evidence. Sustained.
299. Q.—Now, in regard to this electric plant and machinery—you passed a by-law for that, in the month of September?  
A.—I don't recollect the month; we did pass a by-law.  
Mr. Bole:—We admit that the electric light by-law, as set out in the "Gazette," was passed by the Council.
300. Q.—It was passed by the Council in September?  
A.—I couldn't give the date.
301. Q.—I was not submitted to the people?

- A.—No.
302. Q.—How did you draw that by-law, and what is the defect in it?  
 A.—I don't know that there is any defect in the by-law as far as it goes. The by-law was drawn in accordance with the Act of Incorporation, and almost the very words used that are in that Act; but the question was whether the Act of Incorporation gave the city power to supply incandescent light, that is, private lighting. There seemed to be a doubt on that point after the by-law was passed.
303. Q.—Then the point on which you require legislation, so far as electric light is concerned, is the right to supply light to private individuals?  
 A.—There is also another point, that the works were undertaken before the money was voted; those are the two points. There was no loan by-law submitted with respect to electric light at all.
304. Q.—Chairman:—Before money was voted by whom?  
 A.—By the people.
305. Q.—Mr. Eberts:—Was the contract for the machinery let before this Electric Light By-law was passed?  
 A.—I don't think I can—I don't know the date of the contract for the plant. I might say here, perhaps, that there was a certain sum voted by the people for electric light; a small sum in the Appropriation By-law.
306. Q.—That had nothing to do with the city going into electric lighting?  
 A.—No.  
 Mr. Eberts:—The contract for the plant is dated September 9th, 1890, for \$15,000.  
 Mr. Wilson:—And the by-law was not passed until the 15th, and published on the 18th.  
 Witness:—The Electric Light By-law had its first reading on September 1st.
307. Q.—The by-law passed a first reading on September 1st?  
 A.—Yes.
308. Q.—Mr. Croft:—Although the by-law passed a first reading on September 1st, there was a possibility of its being cancelled on a second reading?  
 A.—Certainly; but the first actual reading was on September 1st.
309. Q.—Mr. Eberts:—There is a week between the readings, is there not?  
 A.—Not necessarily; under our charter we could have passed it on the same day. There was a resolution passed on the same day, authorizing the Council to furnish its own electric light.
310. Q.—Mr. Wilson:—Have you your minute book with you?  
 A.—No, sir; I have an extract, and am reading from it. The resolution I referred to was passed on the 1st day of September; there was another on the 8th. On September 1st the Fire and Light Committee reported that only one tender had been received for electric light, and recommended that a by-law be passed to enable the Council to furnish its own electric light. At the same meeting the by-law was read a first time. On the 8th a resolution was passed, authorizing the Fire and Light Committee to order a plant.  
 Mr. Wilson:—I submit that that document is now in evidence.  
 (Extract from minute book, marked Exhibit "V.")
311. Q.—Is the electric light plant in good order?  
 A.—Yes.
312. Q.—It is working well?  
 A.—Yes.
313. Q.—What arrangements have you made for increasing the capacity of the works, or can you increase their capacity?  
 A.—In the plant that was put in, and in the space allowed, an increase was contemplated. But we have not increased the power yet; we have only the two dynamos that were originally ordered.
314. Q.—Can you increase the lighting power at a small expense?  
 A.—I believe so; I am not an expert, but I understand it can be done; that the machinery is ample for running either one or two more dynamos.
315. Q.—How is your power house?

- A.—The power house doesn't require any extension for that purpose. There are two boilers, and an arrangement has been made for the third when it becomes necessary.
316. Q.—That is to say, you have room for another boiler?  
A.—Yes, the arrangements were made for three boilers.
317. Q.—What would be the difference in cost of running the electric light works if you were permitted to supply light to private houses? What is your calculation?  
A.—The cost of running at present is about \$1,000 per month, and, I understand, that if we had the right to supply private lights the cost over and above that would be about \$400 a month; that is, we would get about \$600 per month revenue from the private lights and leave the net cost to about \$400 a month.
318. Q.—That there would be a profit to the corporation, from the private lighting, of about \$600 a month?  
A.—About that.
319. Q.—Mr. Croft:—On what basis is that calculated—how much per light?  
A.—I think about seventy-five cents per light per month. They average from 10 up to 16; we have four sizes.
320. Q.—What would be the effect on the Gas Company's shares of granting the city power to supply private light?  
A.—That is a matter of opinion simply. I imagine that, for a time, the Gas Company's shares might be affected to a certain extent by the competition, but if a private company were to run this electric light the effect would be that all the profits would go into the company's own pocket, whereas if the city runs it all the profits would go towards lessening the taxes on property, including the property of the shareholders in the Gas Company; any profit the city made would lessen their taxes.
321. Q.—Mr. Croft:—I suppose that the city would be able to sell the light at a much lower rate than any company could afford to?  
A.—That is simply a matter of policy. I am informed on good authority that the company who proposed to put in electric light stated that they were prepared to supply lights to private persons at a lower rate than we could do it. I am not prepared to say how much is in the statement.
322. Q.—Mr. Irving:—As to the steam ferry between the city and Surrey, and providing suitable ferry buildings and landings on the Surrey shore, the legal difficulty there, as I understand it, is that the Act of Incorporation gave you the power to license and regulate ferries, but did not give you the power to go into the ferry business yourselves—is that the point?  
A.—Yes, that is one thing. There are two difficulties, that, and the other is that we expended some money out of the corporation limits, across in Surrey.
323. Q.—Although that legal difficulty exists, I understand that the people voted some \$20,000 for this very purpose?  
A.—Yes, \$20,000.
324. Q.—Is the present ferry service an improvement on the old one?  
A.—Decidedly so.
325. Q.—As to the boat and as to regularity?  
A.—As to the boat, as to regularity, and as to charges, and also as to the amount of traffic.
326. Q.—In all those respects it is superior to the old service?  
A.—Decidedly.
327. Q.—Mr. Semlin:—How do the charges compare?  
A.—They are about one-third what they were under the old service.
328. Q.—Mr. Irving:—What are the receipts per diem, on this ferry?  
A.—From \$20 to something over \$30 per day. Sometimes it might go under \$20, but the average, I think, would be from \$20 to \$30 a day. The old ferry wouldn't pay expenses, or at least the man who was running said he was losing money on it, although he was charging three times as much as we are charging. It shows the increase in the traffic.
329. Q.—The total amount expended by the corporation on the ferry and ferry service is very nearly the amount voted by the people?

- A.—A little in excess of it.
330. Q.—But not very much ?
- A.—No, not much.
331. Q.—Now, as to the library.—
- Mr. Bole :—We raise no objection to the library expenditure, except as to the stores ; we object to the landlord and tenant business.
332. Q.—The difficulty about the library is that, under your Act of Incorporation, you haven't power to support a library ?
- A.—I am not sure that we have.
333. Q.—How did the City of New Westminster obtain the land upon which this library was built ?
- A.—It was conveyed to them by the Dominion Government for the purpose of a library.
334. Q.—It was a gift ?
- A.—Yes.
335. Q.—For the purposes of a library ?
- A.—Yes.
336. Q.—For a specific purpose ?
- A.—Yes ; the purpose is mentioned in the conveyance.
337. Q.—How is this building situated ; how is it that you come to have these stores which are complained of here ?
- A.—The lot runs from Columbia Street to Clarkson Street, 166 feet. The library building takes up not much over half that distance, and of course the back part of the lot is vacant.
338. Q.—How is the foundation ?
- A.—The foundation is half in a deep ravine, and half on the side.
339. Q.—In order to make the place available for a library, had you to build over this ravine ?
- A.—Yes ; had to dig down into this ravine and get a foundation.
340. Q.—And now you propose to utilize that foundation and space, and put up stores and warehouses ?
- A.—It is to make the institution as far as possible self-supporting. It would be a very serious burden on the city, after having expended \$25,000 on the building, to run it at a large expense, so we have proposed to let one flat for stores, and the other two flats are to be used for library purposes. It is just where the old mint used to be. The entrance to the library is between the two stores—a wide stairway leading up to the second story.
- 340a. Q.—There is a great demand for stores in New Westminster, is there not ?
- A.—The demand is altogether beyond the supply ; people can't get places to do business in.
341. Mr. Croft :—Since the fire ?
- A.—Yes ; and before the fire.
342. Mr. Irving :—Have you had any applications for those stores ?
- A.—I think we have had twelve, at least ; I fancy more than that, but I couldn't tell the number, and so anxious were they to get them that many put their proposals in this way : that they would give more for them than anybody else.
343. Chairman :—How many stores ?
- A.—Two stores and two cellars ; a cellar under each store.
344. Q.—What is the amount of the assessment of New Westminster for the last year ?
- A.—The amount for last year was \$3,577,815.
345. Mr. Irving :—Was that net or gross ?
- A.—Net. There are a large number of exemptions, on Government and other property. They are all put on the assessment roll and then exempted ; taken off as exemptions. The custom of the assessors has been to take the value of all property, and then take off the amount of the exemptions under the law.
346. Q.—Then, last year, the property chargeable with the debts of the city was a little over three millions ?
- A.—Over three millions and a half.
347. Q.—What would be your borrowing power on that ? You are limited, under your Act, to a certain sum, I understand ?

- A.—Yes; thirty per cent.
348. Q.—What would be the limit of your borrowing power on last year's assessment?  
A.—\$1,073,344.
349. Q.—That is thirty per cent. on the net assessed value?  
A.—Yes.
350. Q.—Including all these expenditures that this House is now asked to indemnify you for, what will be the amount of the liabilities of the City of New Westminster?  
A.—The amount, when these works are finished, will be \$704,000.
351. Q.—So that you are away within your borrowing powers?  
A.—Yes.
352. Q.—Now, do the gentlemen who have appeared and opposed this Bill represent one million dollars' worth of assessed property?  
A.—Not according to the assessment roll. The value of the property for which these gentlemen were rated last year was \$224,275.
353. Q.—About a quarter of a million?  
A.—Yes; about that. The assessment is taken at the market value of the property.
354. Mr. Bole :—Is not the assessment this year nearly double?  
A.—No. The net assessment last year was \$3,577,815; the assessment this year was five million and over. The total debt, including these works, is \$704,000, and about \$440,000 of that is invested in reproductive works. This (producing document) shows the present debenture debt.  
(Statement showing present and prospective debenture debt marked Exhibit "W.")
355. Mr. Irving :—The electric light is to be nearly self-sustaining, if you get power to supply private light?  
A.—Yes.
356. Q.—Is the reduced cost of running the library also conditional upon your being allowed to have those stores?  
A.—Yes; conditional upon our power to rent the stores.
357. Q.—As Clerk of the Council, were you present at all the Council meetings?  
A.—Yes, sir.
358. Q.—Was this subject of the city going into electric lighting threshed out in the Council?  
A.—Yes; it was discussed at a great many meetings, by a great many committees, reported upon and reports discussed and considered, and the thing was very fully discussed, as will be shown by that extract from the minutes.
359. Q.—What effect would it have upon the financial standing of the city if this Bill failed to go through?  
Mr. Wilson objected to this question on the ground that evidence as to the effect of this Bill could only be given by a specially trained professional man.  
Mr. Bole objected to the question, and on condition that the question would be withdrawn, withdrew all evidence given by him as to the financial effect of the Bill on the City of New Westminster. (Question withdrawn.)

Cross-examined by Mr. Bole :—

360. Q.—As a matter of fact, I believe, from what has been stated here, that the Council were so much rushed with other business, that they didn't bother themselves to go through the formalities required by law with respect to obtaining the assent of the ratepayers for the electric light expenditure?  
A.—That was not the reason.
361. Q.—What was the reason?  
A.—The reason for their going on without first taking the necessary steps was because it would have required about two months to pass a by-law, and it was necessary, in the opinion of the Council, that immediate action should be taken.
362. Q.—What was the emergency?  
A.—From various circumstances. In the first place, it was necessary that additional public lights should be given at once; the streets were not half lighted—that is, the area was very circumscribed.
363. Q.—But the Gas Company was not asked to extend its lights?

- A.—The Council was very much dissatisfied with the service the Gas Company were giving. Ever since I have been Clerk of the Council, at almost every meeting, there have been complaints about the lights not being lighted, or insufficiently lighted, or something else. Then there was a large area which was not covered by the Gas Company, and the Council came to the conclusion that it must have fifty more lights immediately, and then the question of electric lighting came up, and it was decided that it would be unwise to put in these fifty gas lights, because the city had to pay for them and they would be dead stock, as electric light would have to be put in very soon anyway. Then there was a private company which proposed to put in electric light, but the offer we got from them was not satisfactory, and the Council concluded that the only thing for them to do was to go ahead and put in electric light themselves.
364. Q.—Am I to understand that you are quite in accord with the action of the Council on the electric light question?
- A.—Yes; I did approve of it.
365. Q.—With respect to the water works, I think I understood you to say that \$20,000 was paid for the charter?
- A.—Yes.
366. Q.—They didn't convey the whole charter?
- A.—It conveyed all that portion that related to New Westminster. The company were still allowed to take water from the lake and supply other places. We can get all the water we want, and they can get all they want.
367. Q.—You haven't the exclusive charter?
- A.—As far as the city is concerned we have.
368. Q.—Was it not a fact that that charter was about to expire; that the Government had a right to cancel that charter if any other application was made?
- A.—I didn't understand it so.  
Mr. Eberts: The charter wouldn't expire until April, 1890.
369. Q.—Has a transfer of the charter been executed?
- A.—Yes.
370. Q.—Who were the parties?
- A.—The Coquitlam Water Works Company.
371. Q.—Two engineers were owners, were they not?
- A.—I think they held stock in it.
372. Q.—And the City Solicitor was another owner in it?
- A.—I don't recollect that he was.
373. Q.—Mr. Courbold?
- A.—Oh, yes; I was thinking of Mr. McColl.
374. Q.—Now, was it not well understood, at the time that by-law for \$200,000 was submitted, that that amount would bring in a water supply sufficient for 25,000 people?
- A.—I can't say as to that.
375. Q.—Was there any suggestion thrown out, at the time the by-law was passed, that \$200,000 was not to cover the whole expense? Was it not understood that \$200,000 was to cover the whole expense?
- A.—Yes, it was; but I couldn't tell how many that was to supply.
376. Q.—What are the salaries of the City of New Westminster this year—official salaries?
- A.—I couldn't tell you.
377. Q.—Are they in the neighbourhood of \$25,000?
- A.—More than that.
378. Q.—What number of police does the City of New Westminster keep up at present?
- A.—I couldn't tell you.
379. Q.—Is it not nine?
- A.—I don't think as many as nine; I think it is six or seven, but I couldn't say positively.
380. Q.—You say the salaries would be over \$25,000?
- A.—Yes.
381. Q.—Could you tell us how much the official salaries of the City of Victoria are?
- A.—I haven't the slightest idea.



382. Q.—Are you aware that they are less than \$25,000?  
A.—I couldn't tell you. You must remember that those salaries in New Westminster cover running the electric light, the ferry and the water works.
383. Q.—What number of city officials have we?  
A.—I couldn't tell you. If you will call at the office I will give you that information.
384. Q.—With respect to the ferry, did the Council not know quite well, from the discussions that came up, when they put up the landing in the Surrey Municipality?  
A.—I don't think they did, at the time they agreed to put it there.
385. Q.—After they got the injunction, didn't it strike them?  
A.—Yes.
386. Q.—As a matter of fact, one of the objects of this Act is to set aside the injunction?  
A.—I presume that would be one of the effects of it.
387. Q.—Now, can you tell of any instance you ever heard of where an action at law was settled by Act of Parliament?  
A.—I think that there have been cases in which acts done in the public interest have been sanctioned by Parliament.
388. Q.—But not to decide an action, which is outstanding, in favour of the defendant?  
A.—That would be a singular thing to do.
389. Q.—Who was it that drew this Bill now before the Committee?  
A.—I believe it was Mr. McColl, City Solicitor.
390. Q.—Mr. McColl is the owner of lots 7 and 8, where the Surrey landing now is?  
A.—I couldn't tell you.
391. Q.—Haven't you heard it?  
A.—Yes; but I couldn't tell you.
392. Q.—Do you believe it?  
A.—I believe he is the owner of a large share of it.
393. Q.—And that the ferry is a great benefit to his property?  
A.—I believe so.
394. Q.—At the time the Appropriation By-law was brought down was any notice given by the Council of their intention to change the route of the ferry?  
A.—I don't know that, but I know that from the first it was intended to change it, for the original proposition was for a cable ferry, and that would necessitate a straight course—a steam ferry, with a cable guide, the same as in Portland.
395. Q.—But the Dominion Government would not allow that?  
A.—I am only stating the intention.
396. Q.—Was any intimation given to parties interested that the money for a ferry, in the Appropriation By-law, was for a ferry to run on a different route?  
A.—I couldn't tell you.
397. Q.—Chairman: Do you know who owns the land on the site of the new ferry landing?  
A.—I have already stated that I understand that Mr. McColl has a large interest in it. At the time that the arrangement was made for putting the ferry there I was not aware that he owned it, and I don't think that many of the Council knew it.
398. Q.—Mr. Bole: Did Mr. McColl make any offer in connection with it?  
A.—It was publicly announced that we intended to make the change, and Messrs. Woods, Turner & Gamble sent a letter stating that they would give a free site; and I was not aware, and I don't think that any of the Council were aware, to whom the land belonged, because the negotiations were through a firm of real estate agents, and Mr. McColl's name was not mentioned.
399. Q.—Of course, the name came out afterwards?  
A.—There were no dealings, as far as the Council were concerned. It was a verbal arrangement and didn't come before the Council.

Cross-examined by Mr. Wilson:—

400. Q.—You are familiar with the Act of Incorporation, are you not?  
A.—Tolerably so.
401. Q.—When this question of electric lighting and refraining from going to the people was under discussion was the Act referred to at all?

- A.—I don't remember its being referred to ; it may have been.
402. Q.—Wouldn't you draw the attention of the Mayor and Council to the Act, while the matter was being discussed ?
- A.—Not necessarily.
403. Q.—Did you ever look at section 142, sub-section (5) ?
- A.—I have read it.
404. Q.—Didn't you draw the attention of the Council to the peculiar limitations which had been put upon its by-laws, with respect to lighting ?
- A.—I don't remember that I did.
405. Q.—Do you think that sub-section was presented to the minds of the Council, at the time they acted unlawfully ?
- A.—I couldn't say.
406. Q.—Did the Council, to your knowledge, have any advice, as to the consequences of disobeying this Act of Parliament ?
- A.—I don't know.
407. Q.—You do know that it was a wilful disobedience of the Act, don't you ?
- A.—I don't know that it was ; the Act will speak for itself.
408. Q.—You deliberated, in solemn session of the Council, with respect to the passage of that by-law ?
- A.—Yes.
409. Q.—And the Council chose to say that, for reasons which they considered sufficient, they wouldn't go to the people with a loan by-law, with this section staring them in the face. Is not that a wilful disobedience of the Act ?
- A.—As far as the electric light was concerned there was no member of the Council but what knew we were doing an illegal act, but, as I have already explained, the circumstances were very peculiar, and the intention was, always, to submit it to the vote of the people, and one reason why it was not done then, as well as others, was that we contemplated asking the people to vote an additional sum for water works and other purposes, and we thought it was better to have it all done in one by-law than to have a lot of little issues of debentures.
410. Q.—How much is the electric light costing the Council per month ?
- A.—About \$1,000.
411. Q.—Were there not some propositions made to the Council with respect to supplying the city with electric light ?
- A.—Yes.
412. Q.—For how much per month ?
- A.—I think it was 42 cents per light, per night.
413. Q.—How many lights have you ?
- A.—Fifty, I think.
414. Q.—That would be about \$660 a month wouldn't it? Now do you know anything about the circumstances under which this Enabling Bill came to be brought down to the House ?
- A.—The reason was to have the acts of the Council legalized, and to give them authority to carry out the works to completion.
415. Q.—Was there any other thought in the minds of the Mayor and Council. Objected to by Mr. Irving. Sustained.
416. Q.—You first passed a resolution in respect to electric lighting on the first of September. That resolution was limited to supplying electric light for the Corporation alone, was it not ?
- A.—The first reference in the Council to electric light was on August 4th, "That proposals be invited for lighting the city by electricity."
417. Q.—On the first of September the question of the Corporation supplying its own electric light first came up, didn't it ?
- A.—Yes, the Fire and Light Committee reported that only one tender had been sent in and recommended that a by-law be passed.
418. Q.—That was limited to furnishing their own electric light, was it not ?
- A.—I don't know that it was.
419. Q.—Well, by your resolution ?
- A.—It is only a summary of a report. The Fire and Light Committee reported that

only one tender had been received for electric light, and recommended that a by-law be passed allowing the Council to furnish its own electric light.

420. Q.—That is limited to supplying light for its own purposes, is it not?  
A.—Not necessarily.
421. Q.—Then, in the resolution of September 8th, why was the insertion of the words “private residences” necessary? That was omitted in the other resolution, was it not?  
A.—I don’t know that it was. I don’t think that it was ever brought to the notice of the Council at all; it was simply put in to make it perfectly plain what the Council proposed to do.
422. Q.—The by-law passed a first reading on September first?  
A.—Yes.
423. Q.—When was it drawn?  
A.—I couldn’t tell you.
424. Q.—Was the by-law read that night?  
A.—It had its first reading that night.
425. Q.—So that they were ready to pass the by-law when they adopted this report?  
A.—The report recommended that a by-law be passed.
426. Q.—And the by-law was all ready?  
A.—Yes.
427. Q.—And that was the by-law which they, subsequently, did pass?  
A.—Yes.
428. Q.—Was there ever any by-law passed enabling the Council to undertake the lighting of private houses?  
A.—There was a doubt as to the scope of that section at the top of the page there (page 213, Con. Stat. of B.C.) as to whether it meant lighting the street only, or lighting private houses, and therefore we confined ourselves, in drawing the by-law, to the exact words of the statute.
429. Q.—Then, on the 5th of January, 1891, you passed another resolution, didn’t you?  
A.—A resolution was passed, that the Fire and Light Committee be empowered to make what expenditure may be necessary to complete the electric light machinery for street lighting.
430. Q.—Did you propose to go to the ratepayers for that?  
A.—That was a part of the same scheme.
431. Q.—Between September and January, you surely had time to go to the ratepayers for a by-law, hadn’t you?  
A.—I mentioned a little while ago that the reason it was not done in the meantime was that we proposed to borrow money for other purposes, and we wanted to have it all done at once, and as we had already gone beyond the time a few months, it wouldn’t make any difference.
432. Q.—So that you undertook to do by resolution what could only be done by by-law in conformity with the Act.  
A.—Yes; but with the purpose of passing a by-law. We never for a moment contemplated that we could go through with it without submitting it to the people.
- 433.—Q.—Mr. Croft: Did you give notice of a Private Bill to amend the “New Westminster Incorporation Act”?  
A.—Yes.
434. Q.—Why was it abandoned?  
A.—Because the Attorney-General very kindly consented to bring in a Bill to answer the same purpose, and after that it was not necessary to go to the expense of putting through a Private Bill.
435. Q.—Mr. Wilson: What representations were made to the Attorney-General to induce him to do that?  
A.—I couldn’t tell you.
436. Q.—Now, about the water works. You had a by-law authorizing you to borrow \$200,000; you have no by-law authorizing the expenditure of the extra \$46,000, for which contracts have been let?  
A.—No.
437. Q.—Were the exigencies of the public service so great that the Council had no time to go to the people for that?

- A.—One of the reasons was that it was considered better to get the whole work done, and not allow part of it to lie over, and they acted on the same principle that a Government does when it goes beyond an appropriation for a certain time and gets a vote of the House to recover it.
438. Q.—You have told us something about the cheapness with which the consumers can be supplied with electric light by the Corporation, on those figures was it contemplated that the consumers would supply the carbons?
- A.—They are incandescent lights; there are no carbons. The consumers purchase the lamp and pay for the wiring of the house, and so on.
439. Q.—Now, with respect to the library. You have told us that the Dominion Government gave you the land to build on?
- A.—Yes.
440. Q.—Being familiar with this Act, did you point out to this Corporation what their powers were with respect to holding land when they started in to build shops—your own Municipal Act?
- A.—I'm sure I don't know.
441. Q.—There is nothing in that [s.s. 122 read to witness] about building shops, ist here?
- A.—But this is for the use of the Corporation. As I understand that Act, it simply means that we can't buy and sell, or act as real estate agents.
442. Q.—With respect to the ferry. Did you make any arrangement with Mr. Punch about running it to his place?
- A.—The Council did not. I believe that there were some private negotiations to that effect.
443. Q.—Were they ever consummated?
- A.—I couldn't tell you.
444. Q.—Was it finally passed?
- A.—It was only a verbal arrangement, and I can't give you any evidence about it.
445. Q.—Mr. Croft: In your evidence you stated that the land upon which this library building is situated was given by the Dominion Government for library purposes?
- A.—Yes.
446. Q.—Then one might argue that as the rent from these stores is for the support of the library, they are for library purposes; but on exactly the same line of argument you might start a coffee factory there, and the profits might go to the support of the library, mightn't you?
- A.—I believe all Corporations have a right to lease the City Hall and charge for it, and there is no more in that than in leasing a store.

Re-direct, by Mr. Irving:—

447. Q.—Do you know anything about the action of *Punch. v. City of New Westminster*?
- A.—That is the injunction business. I know there was an injunction, restraining us from paying McCorby for work done within the limits of Surrey.
448. Q.—Mr. McCorby built the ferry?
- A.—The wharf at the Surrey end.
449. Q.—How much money is now due to him?
- A.—About \$200.
450. Q.—The total amount payable to him was \$1800, wasn't it?
- A.—Something like that.
451. Q.—\$1600 had been paid to him, and Mr. Punch took out that injunction and restrained the last \$200?
- A.—Yes; there was about \$200 coming to him when that injunction was taken out, and it remains unpaid.
452. Q.—The Corporation honestly owe that money to McCorby?
- A.—Yes.
453. Q.—Then the only effect of that injunction is to restrain the Corporation from paying its just debt?
- A.—That is the only effect I can see.

Mr. Irving: That closes our case.

Adjourned until Friday, 20th March, 1891, for the purpose of hearing arguments of counsel only.

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 IN THE SUPREME COURT OF BRITISH COLUMBIA.

Between James Punch, plaintiff, and the Corporation of the City of New Westminster, defendants.

I, James Punch, of the City of New Westminster, in the Province of British Columbia, hotel keeper, make oath and say :—

1. That I am the Plaintiff in this action, and a ratepayer of the Defendant Corporation.
2. The Defendant Corporation are a Municipal body incorporated under and by virtue of an Act of the Legislature of the Province of British Columbia, intituled "New Westminster Act, 1888," and amending Acts.
3. The said Defendant Corporation have entered into a contract, dated the 23rd day of September, 1890, with A. McCorvie, whereby the said Defendant Corporation have agreed to pay the said A. McCorvie the sum of \$3,300 for the purpose of erecting two wharves, one of which is within the limits of said Defendant Corporation, and the other is without the limits of the said Corporation (a copy of said agreement and said contract is now produced and shown to me on the swearing of this my affidavit, and marked "A.")
4. Under and by virtue of sub-section (72) of section 142, of said New Westminster Act, 1888, the said Defendant Corporation have power by by-law for licensing and regulating ferries between any two places in the City, or between the City and the Municipality of Surrey, notwithstanding any existing ferry, and to establish a rate of ferriage to be taken thereon.
5. One of the wharves referred to in this affidavit is outside the corporate limits of the said City of New Westminster, and within the corporate limits of Surrey, and the said wharf is about finished.
6. That on or about the second day of December, 1890, I had a conversation with the said A. McCorvie, who then informed me that he expected to finish the said wharf without the limits of the said Defendant Corporation, and to be paid therefor this week.
7. That unless an injunction be immediately granted to restrain the said Defendant Corporation from paying the contract moneys in respect of the said wharf, the said moneys will be paid therefor I verily believe.
8. That there is at present a ferry landing and wharf on the south bank of the Fraser River, which for many years a ferry steamer plying between the City of New Westminster and the south side of said river has used for a landing place, and which is now used as such by the said steamboat, and the said ferry landing is within the corporate limits of the Defendant Corporation under and by virtue of an Act of the Legislative Assembly of the Province of British Columbia, 52 Victoria, chapter 33.
9. The contract referred to as exhibit "A" to this my affidavit, and the moneys being expended in the erection and construction of said wharves, were moneys raised under and by virtue of a by-law of said Corporation of said City of New Westminster, and a copy of said by-law is now produced and shown to me on the swearing of this my affidavit, and marked "B."
10. That on or about the 14th day of August, 1888, the Defendant Corporation and the Corporation of the District of Surrey entered into a provisional agreement, whereof the paper writing marked "C," shown to me at the time of swearing this my affidavit, is a true copy as I verily believe.
11. That the said Provisional Agreement, with a certain variation as therein referred to purported to be ratified and confirmed by the Council of the said Defendant Corporation by a resolution of said Council, bearing date the 27th day of August, 1888, a copy of which is now produced and shown to me on the swearing of this my affidavit, and marked "D."
12. The particulars of said variation of said Provisional Agreement are shown by the paper writing now produced, and shown to me on the swearing of this my affidavit, and marked "E," and is a true copy, as I believe, of a resolution of the Corporation for the District of Surrey.
13. That the paper writing now produced and shown to me on the swearing of this my affidavit, and marked "F," is a true copy, as I believe, of a report of the Board of Works of the Council of the said Defendant Corporation, as adopted by the said Corporation.

14. That the ferry now plying between the City of New Westminster and the south bank of the Fraser River opposite New Westminster, is operated under and by virtue of an Act of the Legislature of the Province of British Columbia.

15. That the construction of the wharves on the south side of the Fraser River is, as I believe, the first step towards the operation of a ferry between New Westminster City and the said south side of the river.

16. That there is one road only leading to the said wharf, and the said road is not under the control of the Corporation of Surrey, although within the limits of the said Corporation.

17. The said wharf on the south side of the Fraser River is about 30 chains distant south of the southern boundary of Lot 4.

Sworn at Victoria, British Columbia, this 6th day of }  
December, 1890, before me.

C. C. PEMBERTON.

JAMES PUNCH.

*A Commissioner for taking affidavits to be used in the Supreme Court of British Columbia.*

This affidavit is filed on behalf of the Plaintiff.

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VICTORIA B.C.:

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# PETITION.

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*To the Honourable the Speaker and Members of the Legislative Assembly of the Province of  
British Columbia.*

GENTLEMEN :

The petition of the undersigned ratepayers of the City of New Westminster humbly showeth :

That whereas the Council of this city has made certain expenditures, and entered into certain obligations for the construction and operation of a new steam ferry, electric light, public library, water works, and other matters and things for which authority is not clearly given in the city charter :

And whereas it is the opinion of the undersigned that these matters and things were undertaken by the Council in good faith, and that the completion, maintenance, and operation of them would be in the public interest :

Therefore, your petitioners humbly pray that the "New Westminster Enabling Act, 1891," now before your Honourable Body for consideration, may pass, and that the powers therein applied for may be granted: Provided, however, that section 4 of said Act be so amended as to make it clear that the Council shall not have power to make or issue debentures for the purpose of meeting the expenditure made or to be made on account of any of said undertakings, until a by-law, authorizing the making or issue of such debentures, shall have received the assent of the electors of the city, in the manner provided in the city charter.

And your petitioners, as in duty bound, will ever pray.

Dated 6th March, 1891.

WM. A. HANDCOCK,  
T. R. PEARSON,  
JAMES MCARTHUR,  
ROBERT LENNIE,

WM. JOHNSON,  
J. D. BATCHELOR,  
C. G. MAJOR,  
JAMES JOHNSON,

and 292 others.

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VICTORIA, B. C. :

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