

REPORT OF SELECT COMMITTEE

To enquire into all the circumstances connected with the suppression or non-production of a Despatch from Ottawa, bearing date 13th June, 1876, referring to Railway matters, with power to call for persons and papers; said Committee consisting of Messrs. Ash, Wilson, Abrams, Harris, and Bennett.

Your Committee report that they have obtained the evidence of every person resident in the City of Victoria, whom they considered likely to be able to afford information on the subject of the enquiry:

That they telegraphed, through Mr. Speaker, to Mr. Trutch, in Europe, and have received a telegraphic reply from him, and also an explanatory letter:

That they telegraphed, through Mr. Speaker, to the Secretary of State of Canada, and have received a telegraphic reply, which showed that their telegram had been misunderstood:

That they have sent a second telegram to the Secretary of State of Canada, to which a reply has not yet been received:

That, pending a reply to their second telegram to the Secretary of State, your Committee are unable to make a final Report, but deeming that the evidence now before them should be submitted to the consideration of the House, they submit it herewith in order that it may be printed.

Your Committee will submit a final Report when they shall have received a reply to the telegram last sent to the Secretary of State of Canada.

JOHN ASH,
Chairman.

21st March, 1879.

MINUTES OF EVIDENCE.

CAPT. G. R. LAYTON examined.

Do you remember anything of a despatch on Railway matters, received about 13th June, 1876?

Ans.—I saw a copy of a despatch in the newspaper this morning. I remember something about it, but I cannot say precisely without seeing the original. The original may bear some mark which might recall the matter to my memory.

The Committee, with Captain Layton, here went to the office of the Private Secretary, and inspected the original document.

By Dr. Ash—Have you seen anything recalling this despatch to your mind?

Ans.—On looking at Schedule Book I found an entry, made by myself, dated 4th July, stating that a despatch was transmitted informing Secretary of State that a copy of their despatch of the 30th June was laid before the Executive Council, and copy of an Order of His Excellency the Governor-General in Council and Memorandum of Minister of Public Works, in relation to a conveyance, 20 miles in width, from this Government to that of the Dominion, on each side of the line surveyed and located by Canada Pacific Railroad in this Province.

Did you make a copy of the despatch?

Ans.—I made a copy. It is so long since that I cannot say whether I gave it to the Messenger or to the Lieutenant-Governor.

Are you quite sure that you transmitted it in the usual way?

Ans.—It is so long since I cannot remember.

By Mr. Harris—Had you any orders to suppress this despatch?

Ans.—None whatever.

Had any such orders been received by the Lieutenant-Governor would you have known of it?

Ans.—Yes.

By Mr. Wilson—Are copies of despatches sent down from the Lieutenant-Governor to the Executive numbered consecutively?

Ans.—Yes, they are numbered according to the Schedule Book, so that if any mis-carried the Executive would know it.

Are you aware of the Lieutenant-Governor having been in the habit of consulting with his Executive on important railway matters?

Ans.—Yes, he was in the habit of doing so.

By Dr. Ash—Can you suppose it possible that the Lieutenant-Governor would have received so important a despatch as this, without consulting with his Executive?

Ans.—I cannot suppose it possible.

GEORGE RICHARD LAYTON.

COPY OF SCHEDULE. 1876.

| "No. | Date. | Received. |
|------|------------|---|
| "44 | 13th June. | 4th July.—Trans. copy of an Order of H. E. Govr. Genl. in Council and Memorandum of Hon. Minister of Public Works, representing expediency of obtaining from the Government of B. C. a conveyance of land, 20 miles in width, on each side of the portion of the Canadian Pacific Railway line surveyed and located in B. C." |

SCHEDULE OF DESPATCHES TRANSMITTED BY LIEUTENANT-GOVERNOR TRUTCH TO THE SECRETARY OF STATE, 1876.

| "No. | Date. | Trans. |
|------|-----------|--|
| "47 | 4th July. | 6th July.—Stating that despatch of 13th ulto. was laid before Executive Council and copy of an Order of H. E. Gov. Genl. in Council and Memo. of Min. of Public Works, in relation to a conveyance, 20 miles in width, from this Government to that of the Dominion, on each side of the line surveyed and located by Canadian Pacific R. in this Province." |

J. JUDSON YOUNG examined.

By Dr. Ash—You were Deputy Clerk of Executive Council in 1876?

Ans.—Yes.

Do you know anything of these Railway documents?

Ans.—No; I never saw them before; I never heard of them; know nothing whatever about them.

What was the practice respecting the transmission of documents from the Lieutenant-Governor to the Executive Council?

Ans.—Such papers were always addressed to the President of the Executive Council. I never opened them; I should not have charge of them until after they had been submitted to the Executive Council.

JAS. JUDSON YOUNG.

MR. ELLIOTT examined.

Being interrogated as to whether he knew anything of the despatch dated 13th June, 1876, with memorandum by Mr. Trutch, stating that said despatch had been referred to the Executive Council the 4th day of July, respecting location of railway route by Yellow Head Pass and Fort George, and asking for a reservation of a 20 mile belt of land along that route, said—I have no recollection of ever having seen it, nor did I ever hear of it until yesterday evening when informed by Mr. Wm. Wilson.

By Mr. Wilson—Did ever Mr. Trutch speak to you respecting this despatch?

Ans.—He never did.

Was Mr. Trutch in the habit of speaking to you on railway matters?

Ans.—Yes he was.

By Mr. Abrams—What was the practice at that time with regard to documents that were referred by the Lieutenant-Governor to the Executive Council?

Ans.—They were invariably sent to the Clerk of the Executive Council; I remember no instance to the contrary.

By Mr. Harris.—Were documents of that character ever handed to you directly by the Lieutenant-Governor?

Ans.—No, unless it might be that being at the Government House documents might have been put into my hand to carry down to the Council, but in all cases they would be addressed to the Clerk of Executive Council, and would be handed by me to him.

By Dr. Ash.—Then you were entirely in ignorance, until yesterday, that the Dominion Government had located the Canadian Pacific Railroad between Yellow Head Pass and Fort George?

Ans.—I never knew. I should have been only too pleased to have known.

By Mr. Wilson.—Was ever a despatch received, subsequently, calling your attention to the fact that no action had been taken by the British Columbia Government upon this despatch of 13th June, calling for a reservation to be made?

Ans.—There was none. There was never any despatch to me from the Dominion Government, unless it came officially through the Governor. A. C. ELLIOTT.

F. G. VERNON examined.

I was a member of the Government in June and July, 1876.

By Mr. Wilson.—Do you know anything of the Railway despatch calling for a reserve of a belt of land at Fort George?

Ans.—No; I never heard anything of it until it was read in the House a few days since.

Was Governor Trutch in the habit of consulting with his Executive?

Ans.—Yes, on all important matters, particularly those connected with the Railway question; he invariably was present at the meetings of the Council.

Were you absent from any of the meetings of the Council in June and July?

Ans.—No, I believe I was always present.

Did the existence of any such despatch as this ever come indirectly to your knowledge?

Ans.—No. It could not have come to my knowledge, either directly or indirectly, without my remembering it. I never heard of it either from Lord Dufferin or Mr. Trutch.

Then the statement of Mr. Trutch, in his despatch of 4th July, 1876, to the Secretary of State for Canada, that he had that day laid before his Executive Council the despatch of 13th June, is incorrect?

Ans.—Yes, it is incorrect. The minutes of every meeting were entered in the minute book, and had there been a meeting it would have been entered.

By Mr. Abrams.—Did you notice, yesterday, the entry in the Private Secretary's Schedule book referring to this despatch?

Ans.—Yes.

Have you ever before looked over that Schedule book?

Ans.—No, I never saw the Schedule book before.

By Mr. Wilson.—What was the usual procedure on the part of the Lieutenant-Governor in transmitting despatches to his Executive Council?

Ans.—Sometimes he would bring them down himself and read them to the Council. In such cases they would be addressed to no person, or if addressed would not be delivered to the address; on other occasions he would hand them to the President of the Council, Mr. Brown, who would open them and hand them back to the Governor who would then read them to the Council; at other times he would hand them to the messenger, addressed to the President of the Council, or the Clerk of the Council, I forget which.

I wish to state that I never upon any occasion opened any documents transmitted by the Lieutenant-Governor to the Executive Council. Such documents were of course never addressed to me. I never saw any such documents until they were produced in the Executive Council.

F. GEO. VERNON.

MR. EBENEZER BROWN.

I was President of the Council in July, 1876.

Do you know anything about this despatch of 13th June, 1876?

Ans.—I know nothing about it, directly or indirectly; never saw it, or heard of it, until it was read in the House a few days since.

EBENEZER BROWN.

HON. T. B. HUMPHREYS.

I was Clerk of the Executive Council in June and early part of July, 1876.

Do you know anything of this Railway despatch of 13th June, 1876?

Ans.—I know nothing about it, and never heard of it until Mr. Beaven showed it to me in his office, a few days before Mr. Walkem produced it in the House last Tuesday. I wish to state that the Minute Book of the Executive Council shows that there was no meeting of the Council between the 28th June, 1876, and the 22nd July, 1876. I may, also, state that I never received documents of this character at first hand. They were always brought down by Mr. Trutch personally, or addressed under cover, to the President of the Council.

THOS. BASIL HUMPHREYS.

HON. ROBERT BEAVEN.

By Dr. Ash—How did this despatch come to be found?

Ans.—A reported statement of Mr. Mackenzie in the House of Commons, and a telegram from Mr. Roscoe, to the effect that Railway line had been located to Fort George, called my attention to the subject. No despatch on this subject having been published in British Columbia, when I came into office I sought for it, but could not find it. Mr. DeCosmos subsequently telegraphed to me its date, and I then had enquiry made among the papers in the Lieutenant-Governor's office, and there the despatch was found. A copy was made and sent down to the House.

By Dr. Ash—Did Mr. DeCosmos take action in the matter in consequence of anything you had said to him?

Ans.—I cannot say.

By Mr. Wilson—What was the course pursued by Governor Trutch, at the time you were a member of the Cabinet, in bringing before his Executive important despatches received by him from the Dominion Government?

Ans.—He frequently came down personally with despatches in his pocket, if the Council were in session, when an entry of the fact would appear in the minute book. At other times he would refer them to the Council, through the Premier or President of the Council.

ROBERT BEAVEN.

LEGISLATIVE ASSEMBLY,

Victoria, 6th February, 1879.

Dr. John Ash, M.P.P.,

Chairman of Railway Despatch Committee.

SIR,—I desire to state in evidence before your Committee, that, during the time I was a member of the Executive Council under Lieutenant-Governor Trutch, that he was always singularly particular and careful about all public documents and the order of conducting business; that he held firmly to the view that the only proper medium of communication between the Sovereign and the Administration was the Prime Minister, not merely on account of his position as head of the Government, but especially because he is the Minister who had been personally selected by the Sovereign as the one in whom the Crown reposes its entire confidence.

I desire, also, to state that the discovery of the despatch at the present time is, as far as I am aware, due to the exertions of the Hon. A. DeCosmos. I am, &c.,

ROBERT BEAVEN.

Telegram from Mr. Speaker to Hon. J. W. Trutch.

VICTORIA, 7th February, 1879.

Your letter to Dominion Government, fourth July seventy-six, states you laid Railway despatch received that day before Executive Council. All your Ministers deny all knowledge of despatch, until found among your office papers. Telegraph explanation.

WILLIAMS, *Speaker.*

Reply.

Received at Victoria, Feb. 15th, 1879.

To Speaker, British Columbia.

Doubtless usual copy sent Council, original retained office. I write.

TRUTCH.

VICTORIA, 18th February, 1879.

To Secretary of State, Canada.

Please acquaint me by telegraph, for information of Committee Legislative Assembly, if despatch of Dominion Government, thirteenth June seventy-six, locating Railway, was rescinded or withdrawn, with date and mode of such withdrawal, by telegraph or letter,

FREDERICK WILLIAMS,
Speaker of Legislative Assembly.

FOLKESTONE, 12th February, 1879.

The Honourable the Speaker of the Legislative Assembly, British Columbia:

SIR.—Your telegraphic message, addressed to me in care of the Bank of British Columbia, was forwarded to me here on the 8th instant.

The message read as follows:—

“Your letter to Dominion Government, fourth July, seventy-six, states you laid Railway despatch, received that day, before Executive Council; all your ministers deny all knowledge of despatch, until found among your office papers. Telegraph explanation.
“WILLIAMS, *Speaker.*”

I have to-day returned the following reply:—

“*Speaker, British Columbia.*

“Doubtless usual copy sent Council. Original retained Office. I write.

“TRUTCH.”

I deferred telegraphing in answer to your message until I had obtained from London the Sessional Papers of the Legislative Assembly of British Columbia for the Session of 1877, from which I hoped to obtain some clue to the identification of the despatches referred to. To-day I have searched those papers, but without finding any mention of the despatch in question, from me to the Dominion Government, or of that Railway despatch the receipt of which would seem to be acknowledged by it; nor is there any allusion to any such despatches in the House of Commons, Canada, Sessional Papers, 1877.

I am thus without information as to the precise subject matter of the despatch you allude to, and I cannot recall to mind any despatch on the Railway question which was received by me at or about the date you name, except that from the Governor-General's Secretary, forwarding a copy of a despatch from the Secretary of State for the Colonies to the Governor-General, in relation to Lord Dufferin's then approaching visit to British Columbia, which despatch was discussed in Executive Council, and of which a copy is printed in the British Columbia Sessional Papers, 1877.

No doubt, however, a copy of any such despatch as may, in the despatch which you state I addressed to the Dominion Government on the 4th July, 1876, have been acknowledged to have been on that day received and laid before the Executive Council would have been sent by me to the Clerk of the Council in the usual course, whilst the original despatch would have been retained in the Lieutenant-Governor's Office. This would be in accordance with the course pursued invariably (certainly without any exception that I am aware of) up to the expiration of my term of office for the two years, or thereabouts, preceding, with respect to all despatches received by me which were of a character to render advisable their being laid before Executive Council, and which accordingly were so laid before the Council. Previous to the adoption of this course, that is to say, previous to a period extending back two years, or thereabouts, from the expiration of my term of office, all such despatches were laid before Council in the original as received, but this practice was discontinued in consideration of the risk of such original documents being mislaid. On relinquishing office I carefully looked through the records of correspondence in the Lieutenant-Governor's Office, and observed that all such original despatches were complete in their proper places and order in the office, and in accordance with the office schedule of despatches received.

I should be glad if I could add any other information which might aid in accounting for the apparent miscarriage of the despatch you call my attention to, and should any further facts or observations likely to tend to this result occur to me, after I have ascertained definitely what particular despatch is referred to, I shall not fail to communicate them to you.

I have, etc.,

(Signed)

JOSEPH W. TRUTCH.

REPORT OF THE SELECT COMMITTEE

Appointed to ascertain "How and in what manner the payment of \$750 as sustenance allowance to the Gold Commissioner at Cassiar was made?"

Vide the Resolution of the House, dated 5th February, 1879.

MR SPEAKER :

Your Committee beg to report as follows :—

That the appointment of Mr. Vowell to be Gold Commissioner at Cassair, is dated 26th May, 1876.

That on his appointment, no agreement was made to pay him anything beyond his salary.

That by a letter, dated Laketown, Cassiar, 29th June, 1876, Mr. Vowell applies for the same sustenance allowance, from the date of his appointment, as that received by his predecessor.

That by a letter, dated 16th November, 1876, from the Provincial Secretary to Mr. Vowell, he is granted an allowance of \$50 per month to the end of 1876, and also informing him it was to form no precedent for the ensuing year.

That by an Order in Council, No. 249, of same date as Provincial Secretary's letter to Mr. Vowell, the payment of \$350 was approved of.

That by a letter, dated 17th July, 1877, two months subsequent to the passing of the following Resolution by the House : "That no sums shall be paid to any Official, in addition to his salary, without the previous consent of the House," the Provincial Secretary authorizes Mr. Vowell to receive \$50 per month for the year 1877, and a sum not to exceed \$25 per month for the year 1878.

That the Auditor, finding he had no power to pay the money, placed \$600, to cover the allowance for the year, on requisition dated August 31st, 1877, which was paid, and which sum included the \$400 balance of the \$750. Total amount \$950.

That the Order in Council, No. 522, approving of payment of the \$600, is dated as late as February 5th, 1878.

That all payments made to Mr. Vowell were from funds in his hands.

That Government Agents in distant districts often pay money before they are actually authorized to do so.

J. EVANS.
Chairman.
