

Mr. Brown—*Continued.*

Q.—Yes. And surely it struck you as being something peculiar if the Chief Commissioner of Lands and Work would be going down to Montreal with a lot of Crown grants in his pockets to be delivered without any conditions attached to the grants themselves? A.—It did strike me as peculiar.

Q.—Well, did you ask him for any explanation? A.—No; I did not.

Q.—And you did not get any? A.—No; I did not.

Q.—Now, you went to Montreal with Mr. Wells, didn't you? A.—Yes—not with Mr. Wells; no.

Q.—Well, Mr. Wells told us here that you were watching his date of departure? A.—I was watching his date of departure?

Q.—Yes; he told us that yesterday,—the last day we were here. A.—That I was watching his date of departure?

Q.—Yes. A.—Is he absolutely certain of it?

Q.—Don't ask me questions, Mr. Brown. I tell you that that is what Mr. Wells stated in evidence. A.—I think I left—

Q.—(Interrupting) What do you say about that? A.—I say that I did not leave with Mr. Wells.

Q.—You did not leave where with him? A.—I did not leave this country with him.

Q.—Where did you get on the train with him? A.—I think—I don't know that we travelled into Montreal together.

Q.—That is not an answer to my question, you know. A.—My recollection—

Q.—You did not leave British Columbia with him? A.—I don't think I did.

Q.—You did not think that wise? A.—No, you must not put it that way.

Q.—Where did you first meet him? A.—I don't recall now.

Q.—As a matter of fact, you were on the train with him going to Montreal. A.—Certainly; as a matter of fact, I think that we tried to arrange it together.

Q.—Yes, exactly; and Mr. Wells is quite right when he says that you were watching his departure? A.—Oh, yes.

Q.—He is quite right in that. And during that long trip across the prairies it never occurred to you to ask for an explanation of the fact that he was carrying those grants in his pocket? A.—No; I was not thinking of that. We were both going to the same destination.

Q.—You were both going to the same destination, and you were not concerning yourself with it at all. Did you have any discussion with anybody else with regard to this rather singular procedure of Mr. Wells? A.—Not that I recollect.

Q.—Well, just try and think now? A.—Unless it would be with the President.

Q.—No; I don't mean that. A.—Oh, no.

Q.—I want to make it clear that I am referring to persons here, members of the Government? A.—Oh, no.

Q.—Did you mention the matter with Mr. Eberts? A.—Oh, no; I don't think so.

Q.—What? A.—No.

Q.—Now, when did you pay the fees for the Crown grants? A.—I don't know, Mr. Duff.

Q.—That was the time when you saw Mr. Wells? A.—I presume so.

Q.—That is your recollection of it? A.—That is my recollection of it.

Q.—And that was some time before you left for the East? A.—I presume so; yes.

Q.—Two or three weeks? A.—I don't know, I am sure; I don't know the dates that these things were paid, Mr. Duff, you see. I cannot recollect.

Q.—We will be able to get that presently. We will leave that for a moment. Now, when you were in Montreal you had some talk with Mr. Shaughnessy as to what took place between you and Mr. Wells? A.—Oh, yes.

Q.—And Sir Thomas Shaughnessy told you that two of these Crown grants were retained by Mr. Wells to be delivered at the expiration of thirty days? A.—I think I put in evidence exactly my recollection of it.

Q.—I would like to know exactly what your recollection of that interview with Sir Thomas Shaughnessy is? A.—That he told me that Mr. Wells had delivered the patents to him all except these two blocks, which he had consented to his returning with to Victoria, on the understanding—

Mr. McCaul: (Interrupting.) If you will permit me, Mr. Chairman, I object to Mr. Brown stating what was told to him by Mr. Shaughnessy in Montreal as to the effect of his

Mr. Brown—*Continued.*

interview with Mr. Wells, because it is secondary evidence, and Sir Thomas Shaughnessy should be able to give it himself. Mr. Brown is not in a position to give evidence as to what occurred between Mr. Shaughnessy and Mr. Wells.

The Witness: I have already stated, Mr. McCaul, that I did not know what transpired between them.

Mr. Duff: There is no doubt that, merely as between Mr. Wells and Mr. Brown, that evidence would not be admissible; but it is important, I think, to know what information Mr. Brown had when he came back here. That is the reason why I am asking for it.

Mr. McCaul: I do not think he should state what the information was, and I do not think that that should go down in the notes or be made public.

Mr. Helmcken: Mr. Brown has already told us what Sir Thomas Shaughnessy told him.

Mr. Duff: Perhaps I can put it this way, and my friend will not object. Q.—From what Sir Thomas Shaughnessy told you, or from interviews you had in Montreal, when you came back to Victoria you expected that Mr. Wells was to deliver those grants within thirty days? A.—I did, certainly.

Q.—That is clear enough? A.—Yes.

Q.—There is no doubt about that?

Mr. McCaul: That is just as objectionable.

Q.—You approached Mr. Wells, I think you have already said, several times, and he told you it would be all right, that the grants would be delivered? A.—Yes; he did.

Q.—You approached Mr. Dunsmuir? A.—Yes.

Q.—You approached Mr. Eberts? A.—I suppose I approached every member of the Government.

Q.—Every single member of the Government, and urged that these grants should be delivered? A.—Yes.

Q.—Did you get any explanation whatever of any kind from any of them? A.—No satisfactory explanation; except—

Mr. Helmcken: Who composed the Government in those days? A.—Mr. Dunsmuir, Mr. Eberts, Mr. Prentice, I think, Mr. Wells; I don't know whether there was any other Cabinet Minister or not.

Mr. Helmcken: I think you were filling it.

Mr. Duff: You approached Mr. Dunsmuir, Mr. Wells and Mr. Eberts? A.—Yes.

Q.—And Mr. Prentice? A.—Oh, yes; I have spoken to Mr. Prentice about it.

Q.—Are you sure of that? A.—Oh, yes.

Q.—Did you get any explanation from him? A.—Never.

Q.—Finally, on the 19th of March, you had an interview with Mr. Wells, in which Mr. Wells told you that these Crown grants had been cancelled? A.—On the 19th of March.

Q.—That was the first intimation that you had of it? A.—That was the first intimation that I had of it.

Q.—Are you quite sure of that? A.—I am quite sure of that; excuse me, the first intimation, did you ask me was that Mr. Wells' statement?

Q.—Yes. A.—No; I heard it in the lobbies.

Q.—Just in a general way? A.—Just in a general way, a rumour.

Q.—And the rumour was to the effect that the grants had been cancelled? A.—Yes.

Q.—It was a thing that you were not expecting? A.—I was ready to expect anything.

Q.—Was this the specific thing you were expecting? A.—No.

Q.—Had you any reason to expect it? A.—I had no reason to expect it, but the delay and clamour in the House.

Q.—What was the clamour in the House? A.—I think they were raising questions about it.

Q.—There were questions on the order paper about it? A.—Yes.

Q.—That is all? A.—That is all, yes.

Q.—They were pressing for information about it? A.—And Mr. Wells was rather seriously affected by the possible results.

Q.—Mr. Wells was seriously affected by it? A.—Possibly he was rather frightened about it.

Q.—What reason had you for that? A.—He told me about the political clamour.

Q.—What did he tell you? A.—In a general way—I cannot speak to the details of it.

Mr. Brown—*Continued.*

Q.—Did he say he was afraid that he would not be able to carry out this transaction on account of the political clamour? A.—That was the impression conveyed to me.

Q.—These were the grounds, the only ones you had, that would lead you to think there was any possibility of cancellation? A.—Well, I don't think that I ever anticipated actual cancellation.

Q.—But the only thing that could have influenced your mind in that direction would be the political clamour of which Mr. Wells told you? A.—Yes.

Q.—And nothing else. A.—Yes.

Q.—Are you clear that before the 18th of March you had no intimation from any member of the Government that there was any likelihood that these grants would be cancelled? A.—None whatever.

Q.—You are quite clear about that? A.—I am quite clear about that.

Q.—So that these rumours came to you as a great surprise? A.—Yes; they must have.

Q.—They did? A.—Yes.

Q.—And I suppose when Mr. Wells told you that, naturally it astonished you very much indeed? A.—Yes.

Q.—And I think you have already said that you attacked him pretty strongly? A.—I don't know that I attacked him very strongly.

Q.—But you protested vigorously? A.—I protested vigorously; yes.

Q.—Did Mr. Wells give you any explanation? A.—No; nothing.

Q.—Do you remember on the 15th day of March having an interview with Mr. Dunsmuir, in which Mr. Dunsmuir told you that the grants would be cancelled? A.—No; I have no recollection of it.

Q.—Would you say it never occurred? A.—I certainly would not say positively, if Mr. Dunsmuir says that was the case.

Q.—You would not deny it? A.—No; I would not deny it if he says on oath that is the case.

Q.—When did you first hear of this incident in Montreal? A.—As far as my recollection carries me, when Mr. Dunsmuir told me of it.

Q.—When Mr. Dunsmuir told you of it; when was that? A.—I cannot tell you the exact date.

Q.—Was that before or after the 18th of March? A.—It may possibly have been before the 18th of March.

Q.—At that time did Mr. Dunsmuir tell you that the Crown grants were going to be cancelled on account of the crooked work surrounding it? A.—Certainly not.

Q.—Are you quite clear on that? A.—Oh, yes; I am quite clear on that.

Q.—Did Mr. Taylor ever mention to you the interview which he says took place between him and Mr. Wells in Montreal? A.—I have no recollection—he certainly did not advise me of any interview of that sort.

Q.—What I mean to say, of the circumstance that Mr. Wells, in the course of an interview in Montreal, had stated that there ought to be something in it for the members of the Government if those grants were delivered? A.—Certainly not; no.

Q.—When did you first hear that from Mr. Taylor? A.—I think I told Mr. Taylor myself.

Q.—What do you mean by that? A.—When I heard the rumour I told Mr. Taylor.

Q.—But when did you first hear Mr. Taylor's version of it? A.—When I told him the rumour.

Q.—That would be somewhere about the same time? A.—About the same time.

Q.—About the same time. Mr. Taylor was there at the time, in Montreal, when these transactions were going on? A.—Yes.

Q.—And you were with him a great deal? A.—I don't know that I was with him a great deal; I don't think I was.

Q.—You came back together, didn't you? A.—I don't think we did.

Q.—Well, you know, don't you? A.—I really don't remember.

Q.—What? A.—I really don't remember; it is quite possible we did.

Q.—How long were you in Montreal at that time? A.—Oh, I couldn't tell you now. I went from Montreal to my people in Hamilton and stayed with them.

Mr. Brown—*Continued.*

Q.—You were there during the most of the month of November? A.—I think probably I was; I don't remember.

Q.—You wired Mr. Wells from Hamilton to meet you in Montreal? A.—I don't remember. There was some reference to that in the telegrams? I remember Mr. Wells coming to Hamilton very distinctly.

Q.—Go back to the 19th of March; you had this interview with Mr. Wells in which you had no explanation at all of the cancellation of the Crown grants? A.—I certainly had not.

Q.—Did you at that interview mention to Mr. Wells the statement which he had made to Mr. Dunsmuir? A.—I don't remember that I did; I don't think I did.

Q.—You don't think you did? A.—No.

Q.—Well, if you had known of it, surely you would have mentioned it, wouldn't you? A.—Not necessarily; I don't think, from my recollection of the case, that Mr. Dunsmuir placed very much stress on it.

Q.—You regarded it merely as gossip? A.—I did, certainly.

Q.—Then it could not possibly be that Mr. Dunsmuir told you that this statement had been made and that because of this statement the grants would be cancelled? A.—Oh, no; I don't think so.

Q.—He did not give you that as a reason for the cancellation of the grants? A.—No; I don't think so; no.

Q.—Specifically, I ask you again, Mr. Brown, whether before the 18th of March, if you and Mr. Eberts being together, Mr. Dunsmuir did not state to both of you substantially what Mr. Wells has stated in evidence, with the addition that you and Mr. Eberts were to share in the deal? A.—I don't recall —

Q.—And he then and there stated that, from what had occurred with regard to this, the grants would be cancelled? A.—I don't recall the date of it; I remember Mr. Dunsmuir speaking to Mr. Eberts and myself.

Q.—Not only speaking to you and Mr. Eberts, but telling you that the statement made by Mr. Wells was that you and Mr. Eberts were to share in the deal? A.—I don't recall that.

Q.—Don't you think you would if it had been stated? A.—Yes, I do. I do recall his making that statement.

Q.—Now, try and refresh your recollection a little more; and he added to that that the grants would be cancelled on account of that? A.—No; he certainly did not.

Q.—He certainly did not tell you at that time that the grants would be cancelled? A.—No.

Q.—And you are quite sure in your recollection that the first intimation of the cancellation of the grants was after the grants were cancelled? A.—After the grants were cancelled.

Q.—And no matter how much Mr. Dunsmuir may say on that, it did not occur? A.—It did not occur.

Q.—Now, at this interview which occurred between you and Mr. Wells on the 19th, Mr. Wells suggested that you should make some report to Sir Thomas Shaughnessy with regard to a settlement of the Columbia and Western subsidy, didn't he? A.—That I should what?

Q.—On the 19th of March? A.—Yes; he did.

Q.—What was that? A.—It is contained in his letter.

Q.—Was there nothing more in it than is contained in the letter? A.—Oh, no.

Q.—Sure? There is nothing more in it? A.—Nothing more in it.

Q.—You stated in your evidence before that he had made some verbal proposal that you did not understand? A.—Yes.

Q.—That is correct, is it? A.—That is correct, as I understand it.

Q.—And you wrote asking him to define it more clearly; and you got a letter in reply; and do you recognise that letter as containing substantially the proposals that Mr. Wells had made? A.—It did not.

Q.—It did not. With what omission? A.—With the omission stated in my letter.

Q.—With the omission you stated in your letter. Am I correct in supposing that the omission you refer to is this, "in view of your assurances to me, also of the 19th inst., that you would see that these two blocks, for which grants have already issued but not delivered, would go to the Company in settlement of the subsidy in respect of the fourth section"; is that what you mean? A.—That is what I mean; yes.

Mr. Brown—*Continued.*

Q.—Do you mean to say, Mr. Brown, then, that Mr. Wells told you that while the grants had been cancelled, yet that these lands would go to the Company in settlement of the fourth section? A.—What he told me was that I need not worry, that he would see that the Company got their lands.

Q.—Under the fourth section? A.—Under the fourth section. He would do his utmost.

Q.—Does this letter correctly express your recollection at that time of the interview,—it is two days after the interview? A.—Yes; it does.

Q.—Well, Mr. Wells stated that he regarded that as a trap. Was it a trap? A.—Not that I know of; it certainly was not.

Q.—You know whether it was a trap; you know whether it was intended to express what occurred? A.—It certainly was not a trap.

Q.—And it was intended to express your recollection of what occurred? A.—It was certainly intended to express my recollection of what occurred.

Q.—Now, did you have any interviews with Mr. Wells after that on that subject? A.—Not that I recall at the present time. I saw him again.

Q.—But you got a letter on the 3rd of April, in which he says that your statement, with regard to your letter, is incorrect. A.—Yes; I am under the impression that I wrote him again.

Q.—You might look at these letters if you will. You mean to say on this subject? A.—Yes.

Q.—You might see if this file contains any letter that you wrote (handing letters to witness).

A.—I am under the impression that I either wrote or spoke to him in reply to this. I cannot tell, though.

Q.—This letter of the 3rd of April, 1902, states, in the first place, "Your reference to our private interview is quite uncalled for and may say incorrect"; now, you think you either wrote or saw him? A.—Yes; I think I wrote.

Q.—Did you protest against this change of front? A.—In my letter I did—I think it was a letter.

Q.—You have not got a copy? A.—Not with me; if it was a letter.

Q.—Your recollection is you did protest? A.—Yes.

Q.—Did you get any other assurance? A.—Not that I can recollect at the present time.

Q.—Well, did you get any satisfaction from him? A.—Never.

Q.—Now, what did you report to Sir Thomas Shaughnessy on the subject? Of course, the report will be here. A.—I sent copies of those letters that passed, and the fact of the report or the rumour that I had heard and my appearing before the Council.

Q.—Now, I want to ask you about that. You made a memorandum about that? A.—I made a memorandum of that.

Q.—Where is that? A.—I could not tell you at the present time.

Q.—Have you hunted for it? A.—I have probably got it among my private papers.

Q.—You think it would be among your private papers? A.—Yes.

Q.—Have you looked it up? A.—I have not had the opportunity.

Q.—Where are they? A.—In Montreal.

Q.—You went before the Council when? A.—I couldn't tell you the date.

Q.—It was before you wrote the letter of the 22nd you had apparently arranged to have a meeting of the Executive? A.—Yes; I think it was some days after that. I cannot tell you the date at all.

Q.—Did you discuss this fourth section subsidy at that time? A.—No; I think the only matters I discussed—in fact, I had telegraphed the President of the rescinding Order and had just received a reply from him protesting against it. I had also heard that rumour that you have now stated, and you called to my mind that Mr. Dunsmuir did tell me—as you speak of. And I think I called attention to that particular rumour. I protested against the rescinding Order, of course, and I called their attention to this rumour, and, if I mistake not, I think I stated that it had been suggested that it was for this reason these grants had been cancelled, and I wanted their assurance that such was not the case. And I asked them all if they had been approached, and if there was any reflection on myself or Sir Thomas Shaughnessy I wanted it investigated. And that is about all that occurred.

Q.—That is all that occurred. Did you get any assurance of any kind from the Council? A.—Individually?

Q.—Either individually or collectively? A.—Oh, yes; that there was no reflection at all.

Mr. Brown—*Continued.*

Q.—Well, did you get any assurance of that sort from Mr. Wells? A.—Well, I presume so; I don't remember exactly.

Q.—Do you mean to say that the assurance amounted to this, that the whole thing was withdrawn? A.—What was that?

Q.—That what Mr. Wells stated was untrue? A.—Oh, no; on the contrary.

Q.—But that there was no reflection on you? A.—But that there was no reflection on me.

Q.—Or Sir Thomas Shaughnessy? A.—Or Sir Thomas Shaughnessy.

Q.—But at the same time there was no assurance that the cancellation should be withdrawn? A.—I left them to consider it.

Q.—Was there anything said about the fourth section subsidy? A.—Not a thing, as I remember.

Q.—You were at that time concerned with righting yourself before the Council as to this reflection that was made upon you? A.—Yes.

Q.—And that was the chief matter of discussion? A.—That was the chief matter of discussion, I think.

Q.—And the protest against the cancellation was a protest that they were not justified in cancelling the grant on that ground? A.—On what ground?

Q.—On the ground of the statement made by Mr. Wells? A.—No; I don't know what my protest took the form of. I said that we had earned the subsidy honestly and were entitled to the land grant.

Q.—Did you contend at that time that the grants had been, in fact, delivered? A.—I really could not tell you whether I did or not.

Q.—By the way, what was Mr. Taylor's statement to you of what passed in Montreal between him and Mr. Wells? A.—I don't think he ever made any statement to me.

Q.—Oh, yes, he did; you told us. A.—What passed between him and Mr. Wells?

Q.—Yes. A.—I don't think I said anything of the sort.

Q.—Let me recall your attention to what you said a moment ago, namely, that when you went to Mr. Taylor and told him what Mr. Dunsmuir had told you, then Mr. Taylor gave his version of what occurred? A.—Yes.

Q.—Then what was his version of what occurred? A.—Oh, I thought you said in Montreal.

Q.—Oh, no. Mr. Taylor gave his version of what occurred in Montreal between him and Mr. Wells. A.—I don't recall—it is substantially what he gave in evidence.

Q.—The general purport of it was that Mr. Wells had approached him——

Mr. McCaul: I think he goes far enough when he says that Mr. Taylor gave him his version of the story and that was the first time that he heard that version of the story. I do not think that Mr. Duff should ask Mr. Brown to state here what Mr. Taylor told him at that time.

Mr. Duff: I think, perhaps, I can serve my purpose as well without asking that.

Q.—Mr. Taylor undoubtedly did give you his version. When you went before the Council on the 18th and this question was raised, did you repeat to the Council Mr. Taylor's version of it, in order to justify yourself? A.—No; I did not.

Q.—You did not say to the Council, "This is a disputed matter, on which, on the one side, Mr. Wells alleges certain things, and Mr. Taylor, on the other side, contradicts them and states another thing"? A.—No; it was in confidence that I spoke to Mr. Taylor.

Q.—It was in confidence? A.—Yes.

Q.—Do you mean that Mr. Taylor had charged you with confidence? A.—No; I had rather charged him with confidence with regard to it.

Q.—I see. Did you have any discussion of the matter with Mr. Eberts? A.—I don't recall it.

Q.—You don't recall that? A.—I don't recall it.

Q.—Nor with Mr. Prentice? A.—No; I don't recall it.

Q.—Nor with Col. Prior, outside of the interview with the whole Cabinet? A.—I might have done so afterwards, but I don't recall it.

Q.—Nothing is fixed in your memory at all? A.—No.

Q.—Now, you had a promise from Mr. Dunsmuir in the previous year that the fourth section Subsidy Bill would be introduced in 1902? A.—Yes.

Mr. Brown—*Continued.*

Q.—And, in fact, before the 1901 Session you had a promise that the fourth section subsidy would be introduced. The effect of it would be that the subsidy for the fourth section would be allowed, notwithstanding the fifth and sixth sections were not built? A.—Yes.

Q.—And the fact is, a Bill was produced in 1901, and brought down? A.—I believe it was.

Q.—You were aware of it at the time? A.—Oh, yes.

Q.—You knew at the last day of the Session there had been a meeting of Council and there was a Message from the Governor and the Bill was to be put through? A.—Yes.

Q.—Did you have any understanding with regard to that? Rather, I put it in this way, were you pressing the Government then for this Bill? A.—For the fourth section?

Q.—Yes. A.—Certainly I was.

Q.—You were. You had got a promise before the Session, and they had not introduced it, and you kept pressing them to the last minute? A.—Yes.

Q.—And in consequence of that pressure the Bill got as far as a Message? A.—I presume so.

Q.—Who drafted that Bill? This is the draft produced from the King's Printer (handing draft of Bill 113 to witness). A.—I don't know, I am sure.

Q.—You don't know anything about that. You have no recollection at all? A.—No; I have no recollection of how it came.

Q.—At all events, it did not go through, and you got a promise from the Premier to introduce the Bill at the next Session? A.—Yes.

Q.—And when you got an answer from Mr. Wells in his letter of the 21st, I think it is, to the effect that the Bill would be introduced, you continued your efforts, I suppose, after that? A.—Yes.

Q.—Now, who drafted that Bill, Mr. Brown? A.—I don't recall it.

Q.—Now, try and recall, please? A.—I do not. I probably drafted part of it myself, for all I know.

Q.—Well, you remember handing it to Mr. Maclean, don't you? A.—No; I don't think I handed it to Mr. Maclean.

Q.—You remember going to the King's Printer about it? A.—I have no recollection of it; of that particular Bill. I do recall this, though, of going to the Chief Commissioner's office and inquiring for a certain Bill—whether it was 87 or it was not, I cannot say—and being told it was in the hands of the Attorney-General.

Q.—Well, 87 was an important Bill, wasn't it? A.—It was a very important Bill.

Q.—And especially in view of the assurance of Mr. Wells that you were to get these two sections under 87, it was a very important Bill. A.—It was a very important Bill.

Q.—In fact, it was getting over all this difficulty with regard to cancellation of Crown grants. And you were exceedingly anxious that that Bill should be prepared in such a way as to get away from any difficulty about the granting of these blocks. A.—I don't think so.

Q.—What did you mean by this letter of the 3rd of May, pressing Mr. Wells to know if the Bill would come in as drafted? A.—I couldn't tell you, I am sure; I don't recall what I meant. I suppose that meant the proof.

Q.—What do you mean by the proof? A.—I meant as I say it, the proof.

Q.—Do you dispute what Mr. Maclean says, that that was brought in to him by you? A.—I don't think he says that positively.

Q.—He says either by you or Mr. McNeill. Do you suggest that Mr. Wells drafted the Bill himself? A.—I don't know.

Q.—Do you say that Mr. Maclean drafted the Bill, when he says he did not? A.—I do not.

Q.—Who drafted the Bill? A.—I don't know.

Q.—Somebody on the street would not do it? A.—Certainly not.

Q.—You had no man, Mr. Brown, following you around here to draft Bills for you to serve your ends, without any request from you? A.—No. For all I know I may have given the particulars myself.

Q.—To whom? A.—My recollection would be to the Chief Commissioner's office.

Q.—What were the particulars that the Chief Commissioner would require? There was a Bill drafted the previous Session that would cover the matter? A.—There was; yes.

Mr. Brown—*Continued.*

Q.—A Bill reinstating you so that you could get the same subsidy for the fourth section as you would have been entitled to under the original Act. What particulars would you have to give the Chief Commissioner's office in regard to the matter? A.—I don't know, I am sure.

Q.—The Chief Commissioner knew about the particulars, didn't he? A.—I presume he did; yes.

Q.—Now, Mr. Brown, have you got the slightest doubt that you handed that draft in to the Attorney-General's Department or the Chief Commissioner's Department? A.—I certainly have; I don't recall that Bill at all.

Q.—You don't recall that Bill at all? A.—I don't recall that circumstance at all. I mean, I don't recall handing it in.

Q.—You knew, Mr. Brown, that under the Act of 1896 the Lieutenant-Governor in Council controlled the selection of deficiency lands? A.—Yes, certainly.

Q.—And this Bill No. 87, introduced in 1902, confers that discretion on the Company, doesn't it? I am not asking you for a legal opinion; but you have had a good deal to do with these Subsidy Acts? The Company are to have a right to selection of lands anywhere in Yale and Kootenay Districts? A.—Yes.

Q.—Now, does it occur to you, Mr. Brown, that somebody drafted that Bill in that form without your knowledge or interference at all? A.—No; I say that I doubtless drafted this myself.

Q.—Yes; I suppose your reason for doing it in that way was for the purpose of enabling the Government to carry out the promise that Mr. Wells had given, was it? A.—Yes—how do you mean, Mr. Wells?

Q.—That Mr. Wells told you you would get these lands under the fourth section subsidy. A.—Oh, no; I don't think under that.

Q.—No connection at all? Wasn't it singular that you should be pressing Mr. Wells and so persistent in whether the Bill would come in as drafted? A.—I don't know that that is—

Q. (Interrupting)—Well, have you got any explanation of that? Look at the Bill and look at the letter, and explain why your anxiety for that Bill coming in as drafted, if it was not for the purpose of implementing the promise that you say Mr. Wells had given you, namely, that you were to get those blocks under that subsidy? A.—I have no explanation to make about it at all.

Q.—And the best that you can say is that you don't remember anything about it? A.—No.

Q.—Did you consult any professional gentleman in regard to that Bill? A.—Not in my recollection.

Q.—Are you positive you did not? A.—I don't recall it. I don't recall the circumstances, Mr. Duff.

Q.—You simply cannot remember? A.—No, I don't remember.

Q.—Did you write to Sir Thomas Shaughnessy at all during the Session of 1902? A.—I possibly did.

Q.—With regard to these matters? A.—I possibly may have done so; yes.

Q.—And you have not got any of that correspondence here at all? A.—No.

Q.—Now, Mr. Brown, did you have any solicitor acting for you in connection with these matters, beginning with August, 1901, down to August, 1902, in Victoria? A.—No.

Q.—None whatever? A.—None whatever.

Q.—Did you ever consult Mr. Taylor professionally since, we will say, 1900? A.—In connection with these matters?

Q.—No, I don't say in connection with this matter, but in any way at all? A.—Oh, I have discussed things with him, yes.

Q.—Did he ever act as your professional adviser? A.—No; he certainly has not.

Q.—He certainly has not. But you say you have discussed things with him? A.—In a general way, yes.

Q.—I mean to say professionally? A.—Oh, no, not professionally.

Q.—As your adviser? A.—Oh, no.

Q.—He never acted for you at all in that capacity? A.—He never acted in that capacity for me at all.

Q.—Nor for any of the companies? A.—Nor for the companies either.



Mr. Brown—*Continued.*

Q.—You were pretty constantly with him? A.—Yes, I was; he was a very old friend of mine.

Q.—I mean to say you were pretty constantly in his office? A.—Very constantly, because I had lots of time on my hands. I was with him constantly a great deal.

Q.—Just as much as you would have been, or perhaps more so, if he had been solicitor of the Company? A.—I expect probably I was.

Q.—But at no time did you ever consult him professionally with regard to any of these matters? A.—No.

Q.—And he was never paid for any professional services connected with these matters? A.—Oh, no.

Q.—Quite certain of that? A.—Yes.

Q.—Quite certain that there was no payment for any service that he was to you. What was the mode by which the Company intended dealing with these lands, we will say the administration of the Company generally; what mode did they intend to adopt, dealing with these lands? A.—What lands?

Q.—4,593 and 4,594? A.—I cannot tell you.

Q.—Did not Sir Thomas Shaughnessy understand—didn't you understand that they were to go to a land company? A.—I certainly did not.

Q.—You certainly did not. Well, do you know anything about that; did Sir Thomas Shaughnessy ever make any statement to you on that subject? A.—He never did.

Q.—Never did at any time? A.—No.

Q.—So that if any such arrangement as that was contemplated, you never heard of it? A.—I never heard of it; no.

Q.—Now, in the fall of 1900, when this question of the British Columbia Southern grant was up, did you know the fact that Mr. Taylor was interviewing the Chief Commissioner with regard to giving these lands to the British Columbia Southern? A.—I did not.

Q.—No knowledge of it whatever? A.—No knowledge of it whatever.

Q.—Did you know or hear at that time that any such thing as a land company was in contemplation, to deal with these lands in the event of their being conveyed to the British Columbia Southern? A.—I did not.

Q.—And when Mr. Wells states that Mr. Taylor interviewed him several times and pressed him as to 4,593 and 4,594 going to the British Columbia Southern—if that occurred it is something which is entirely outside of your knowledge? A.—Entirely outside of my knowledge.

Q.—And if Mr. Taylor acted in that way, he was not acting for you or for the Company? A.—He was not acting for me or for the Company.

Q.—You handed that Bill to the King's Printer, Mr. Brown, 1902? A.—I don't recollect it.

Q.—You cannot recollect that circumstance? A.—No; I do not. There is some confusion on that, as to whether I handed it to the King's Printer or whether it was handed before; there is confusion on that, I think.

Q.—No; the witnesses are clear on that. A.—What witnesses?

Q.—All the witnesses from the King's Printer's office. A.—That I handed it to the King's Printer?

Q.—I mean in the office; but not to the King's Printer himself. A.—I thought you said that the evidence was clear that I had furnished this thing to the King's Printer.

Q.—That you had handed it to the King's Printer's office. A.—I don't recall that.

Q.—That is, that you handed it to Mr. Scholefield. Mr. Scholefield is quite clear on that; and not only that, but you were present when the proof was read and received the first corrected copy? A.—It is quite possible.

Q.—I don't think there is any doubt about it, in view of the evidence. But I want to know if you remember anything about it? A.—I don't remember anything about it.

Q.—Your recollection does not enable you to speak about it? A.—No.

Mr. McCaul: When you began to give your evidence on the 21st of April, before, Mr. Brown, you stated that you might possibly have got your records together and have spoken more accurately than you possibly may be able to do. Have you made any effort since to get your records together? A.—Just as I have already stated.

Mr. Brown—*Continued.*

Q.—You knew at that time, Mr. Brown, what the whole object of this inquiry was, that it was to go into the question of this Columbia and Western subsidy and these matters. A.—Yes.

Q.—And you must have known what correspondence and what documents would be required. How do you account for not taking any more interest in the matter, from that time on to the other day, and made no effort to get those papers here? A.—The intention I had was to go to Montreal myself.

Q.—When you found that you could not go to Montreal, did you write or telegraph or make any efforts to get those papers here? A.—Just what I have stated.

Q.—You recollect you promised to have those letters before the Committee in ten days. A.—I said I thought, possibly, I could do so.

Q.—Did you make any effort to do so until May the 3rd? A.—No.

Q.—How do you account for that? A.—I have no explanation.

Q.—You have no explanation to give with regard to that. You did not think the matter was of sufficient moment to get those papers before the Committee? A.—No; since I have been working at my other occupation.

Q.—Well, you stated there that if you had had your records you might possibly have been able to have spoken a little more accurately. Now, have you made any preparation in order to speak more accurately, or given any further attention to this matter, before coming to give this evidence to-day? A.—No; I have not—

Q.—Have you read over the entire evidence that has been given before the Committee? A.—No, not the entire evidence; I have read over parts of it.

Q.—And have you taken any professional advice in regard to the position of the Company and yourself in connection with this inquiry? A.—No; I have not.

Q.—You have not taken any advice in the matter? A.—Well, Mr. Davis is here representing us.

Q.—And did you discuss this question with Mr. Davis, and the position of the Company with regard to this inquiry? A.—I certainly have.

Q.—Why, certainly, I presume you have. When you gave your evidence before, on the 21st of April, had you then discussed with any person in Montreal the legal position of the Company with regard to these land grants? A.—When I gave my evidence on the 21st?

Q.—Yes; prior to giving your evidence. A.—I don't think that I ever discussed it, but I heard it discussed.

Q.—You heard what Mr. Creelman's position with regard to it was, Mr. Brown? A.—Yes.

Q.—And you were aware that it was on the face of Mr. Creelman's position with regard to it that the Company had embarked in litigation with regard to these lands? A.—I understood that he gave the opinion.

Q.—And you understood that it was on the face of his opinion that the Company had started this litigation which has been spoken of here? A.—Oh, I can't tell you that; I understood that that was his opinion.

Q.—Yes; and I presume that in starting the litigation the Company were acting on his opinion? A.—I presume they must have been.

Q.—Now, when you were here before, there was some discussion as to your authority for you to act for the Columbia and Western Railway Company. I suppose you have not got that authority here now? A.—No; I have not.

Q.—Do you recollect what form it took? A.—I don't know, I am sure; I am under the impression it was a letter.

Q.—What? A.—I am under the impression that Sir Thomas wrote to somebody that I had power to act.

Q.—Wrote to somebody here. But do you recollect what your authority from the Columbia and Western Railway Company was. I think you said, among other things, you were a Director of the Company? A.—I think I was at that time.

Q.—Well, would that be your authority? A.—I don't know that it would be—

Q.—The fact that you were a Director, is that what you mean? A.—I presumed.

Q.—Is that what you meant by saying you had the authority of the Columbia and Western Railway? A.—I presumed.

Q.—You had no power of attorney? A.—No.

Mr. Brown—*Continued.*

Q.—And you don't know of any resolution of the Company authorising you to make any definite settlement? A.—No.

Q.—And you don't know any express authority from the Company which would have authorised you to depart from the terms of the statutory contract contained in the Subsidy Act of 1896 and make a new arrangement on behalf of the Company? A.—Except that I was by letter authorised by the President of the Company in his instructions to me.

Q.—You know of no resolution of Directors of the Company, nor have you any power of attorney that you are aware of with regard to that? A.—I couldn't say that.

Q.—Now, I understand, Mr. Brown, that you have been acting as what is called an Executive Agent of the Canadian Pacific Railway Company in British Columbia. That, shortly summed up, I suppose, would be that you were Minister Plenipotentiary from the C. P. R. to the Government of British Columbia? A.—No, I occupied a confidential position under the President.

Q.—You occupied a confidential position under the President. And you were mainly charged with negotiations with the Provincial Government here with regard to the Land Acts? A.—That was largely my work, yes.

Q.—That was largely your work, that is, you had nothing whatever to do with any of the operating of the road, from Vancouver or in British Columbia, or with land matters after they had once got into the shape of grants? A.—I think the circular said "had jurisdiction over all departments other than operation."

Q.—As a matter of fact, you took no interest in the administration of the Canadian Pacific Railway of railway lands after the grants had once been issued? I think you told us that, that you did not bother your head with what was done after the grants had been issued? A.—In a general way, I am one of the trustees of the Vancouver townsite, for instance.

Q.—But generally, with regard to the administration of the lands, you are not charged with that? A.—No.

Q.—And you are not generally charged with anything to do with the operating or financing? A.—No.

Q.—So that your principal duties would be as confidential agent of the C. P. R. in regard to negotiations with the Government and members of the Government and members of the House? A.—Yes.

Q.—That is, with any measures in which the Canadian Pacific Railway Company were interested, you would do all the necessary work in the shape of attending in the lobbies, etc.? A.—Yes; that was the idea.

Q.—That was it. When did you begin to act in this capacity, Mr. Brown, for the British Columbia Southern, we will say, or the Columbia and Western? A.—I think in about 1897.

Q.—So that it would be your duty to keep yourself informed as to everything that was being done by the Government or the House in connection with any land subsidy matters in connection with these roads? A.—That would be my duty.

Q.—And, no doubt, you devoted your full attention in studying the position in the matter and keeping in touch with everything that was being done? A.—As far as possible, yes.

Q.—And you did that as a matter of fact? You did keep in touch with everything that was being done by the Government in connection with these matters? A.—Oh, yes.

Q.—Exactly. Now, you said, I think, that after the completion of the third section of the Columbia and Western Railway, you had negotiations for the settlement of these land matters with several Governments? A.—Yes.

Q.—And when you are speaking of these negotiations, you are referring to negotiations which were carried on by you yourself, I presume? A.—I don't understand you.

Q.—You were referring to negotiations which were carried on by you yourself with the different Governments? A.—Oh, yes; and the President was out here on several occasions, too, on matters.

Q.—Now, go back to the Order in Council of the 19th of December, 1900. You have now, I think, since your memory has been refreshed, Mr. Brown, stated that you yourself were active in having these two particular blocks of land, 4,593 and 4,594, granted to the B. C. Southern? A.—Oh, yes; I must have been.

Q.—Mr. Wells stated that he saw you either at, on or before the meeting of the Executive in which this Order in Council of the 19th of December, 1900, was passed, and that he turned

Mr. Brown—*Continued.*

to you and said, "Mr. Brown, I understand that we are making a saving of some three or four hundred thousand acres?" and you stated, "Yes; something like that." A.—I don't recall it.

Q.—You would not at all dispute that statement if Mr. Wells made it? A.—No.

Q.—You think the Government, no doubt, at that time, were under the impression that they were getting a very large concession from the British Columbia Southern at the time of making the grant of these two sections? A.—I presume they were; yes.

Q.—And I think you said, Mr. Brown, that, anyway, the British Columbia Southern were entitled to either one or both of these blocks? A.—I think so; yes.

Q.—Mr. Duff did not elucidate upon what you based that position. Was that in connection with a former reservation made for the railway? A.—Yes, my recollection is that it was reserved for the B. C. Southern.

Q.—I suppose when you took this matter up and studied it, Mr. Brown, you ascertained the fact that, in the first place, a reserve had been put on this block in 1890? A.—1890 or 1891.

Q.—Well, there was a reservation in 1890. And then subsequently there was a confirming Order in Council in 1891, by which this block was specifically reserved for the British Columbia Southern Railway? A.—That is what is running through my mind.

Q.—And you were aware of that? A.—I must have been; because it is in my mind now.

Q.—As soon as you studied the thing, that was one of the first things you found out? A.—I cannot say.

Q.—But, at any rate, that is what you referred to when you said that the Company were entitled to those blocks independently of negotiations that took place about that time in 1900? As a matter of fact, Mr. Brown, the Order in Council of the 19th of December, 1900, expressly provides that a copy shall be sent to the Company; this last clause of this Order in Council—"The Minister further recommends that a copy of this Minute, together with a copy of the plan and description herein referred to, similarly dated and initialled, be handed to the Company." Do you recollect getting that, Mr. Brown? A.—I don't recollect that at all.

Q.—There is no doubt at all that you did get it? A.—I have no doubt at all they gave it to me; yes. I have no doubt they sent it to me.

Q.—You have no doubt that you got it? A.—Oh, it would come to me in the natural course, I presume.

Q.—And you told us that you had a long struggle to get this matter finally closed up with the Government in the shape of getting the Order in Council passed specifically granting this block to you? A.—It was a long struggle to get anything done.

Q.—And you have been struggling along to get that done for some time? So, did you report that conclusion of that matter at that time to Sir Thomas Shaughnessy? A.—Oh, certainly; if I received that document it would go in, of course.

Q.—By the by, what was Sir Thomas Shaughnessy's position at that time, in December, 1900, do you recollect? A.—No, I do not.

Q.—He was not President of the road? A.—In 1900? I am not sure; I think he was. Oh, yes; I think so; yes.

Q.—He was President of the road then? A.—I think so; yes.

Q.—Well, to whom would your reports be addressed? A.—They would be addressed to him privately.

Q.—They would be private reports addressed to him? they would not go to any person else? A.—No.

Q.—Sir Thomas Shaughnessy stated to Mr. Wells that he had no knowledge of this Order in Council of the 19th of December, 1900, until Mr. Wells called his attention to it on that visit he made to him in Montreal in 1901; how do you account for that? A.—I cannot account for it.

Q.—You think Mr. Shaughnessy must be wrong in that? that he had knowledge? A.—I cannot tell you that.

Q.—You cannot say that. You have not got any copies of letters addressed to Sir Thomas Shaughnessy, showing whether that had been sent forward or not? A.—No; I have not.

Q.—Then, having this grant made to the British Columbia Southern, in about July or August, 1901, you were interesting yourself in having a transfer of the grant made from the British Columbia Southern to the Columbia and Western Railway Company, Mr. Brown, and

Mr. Brown—*Continued.*

with the negotiations which you had with Mr. Wells in regard to that, ending in the Order in Council of the 10th of August, 1901? A.—Yes.

Q.—I think you were not able to tell Mr. Duff what your particular object was at that time in transferring those grants from the British Columbia Southern to the Columbia and Western? A.—I don't know now.

Q.—You don't know. There is no doubt that you were clear in your mind what was being done? A.—Oh, yes.

Q.—No doubt about that? A.—How do you mean, what was being done?

Q.—You have no doubt it was clear in your mind that you were making this transfer from the British Columbia Southern to the Columbia and Western of these two particular blocks? A.—On my recollection now—if you had asked me a week ago I would have said that they had never been issued to the B. C. Southern; I had completely forgotten that fact.

Q.—There was a time you must have been perfectly aware, at that time, of what the effect of the Order in Council was? A.—Oh, yes, I suppose.

Q.—Do you not know, as a matter of fact, that an Order in Council rescinding the grant to the B. C. Southern was passed? A.—I don't recollect that. May I look at those Orders in Council?

Q.—You kept yourself posted on what was done? A.—I must have.

Q.—You probably had information upon that? A.—Oh, probably, yes.

Q.—You see, Mr. Brown, on the 10th of August, 1901, there were two Orders in Council, one by which the grant to the British Columbia Southern was cancelled, and the other by which a grant of these lands was made to the Columbia and Western. You have no doubt you were perfectly cognizant as to what took place with regard to that? A.—Oh, yes; I must have been.

Q.—Now, you do not suggest that there was any object to the Government in making this exchange from the British Columbia Southern to the Columbia and Western? A.—How do you mean?

Q.—You do not make the suggestion that the Government had any object in view in making the exchange from the British Columbia Southern to the Columbia and Western? A.—You mean any ulterior object?

Q.—Yes; any object? A.—I don't know, unless it is an acreage question.

Q.—Unless they were trying to conform to the wish of the Railway Company? A.—Oh, yes; the Railway Company was quite willing to accept anything.

Q.—It was the wish of the Railway Company, the Government were not interested in making a transfer? A.—In making the transfer from one to the other?

Q.—Yes. A.—I don't know that they were.

Q.—It was a matter of domestic concern with the Railway Company whether you held it in the British Columbia Southern or the Columbia and Western? A.—It made no difference.

Q.—As far as the Government was concerned, it was a matter purely of domestic economy to the Railway Company, as far as you know; the Government did not care whether it was held by the British Columbia Southern or Columbia and Western? A.—I don't know what the Government thought about it.

Q.—You do not make any suggestion that they had any object in view? A.—Oh, no.

Q.—Then it could only have been to conform with the wishes of the Railway Company? Surely, that is clear, isn't it, Mr. Brown? A.—That is, they had no object?

Q.—If the Government had no object, it must have been to conform with the wishes of the Railway Company. The Railway Company wanted this land, for some reason of their own, transferred from one to the other. Now, does it seem reasonable, Mr. Brown, that you did not make any suggestion with regard to that when you were stating this matter to Mr. Wells? A.—Oh, I don't know that I made any suggestion to Mr. Wells; I possibly intimated that it would be satisfactory.

Q.—You are not swearing that you did not make any suggestion to Mr. Wells, are you? You would not like to pledge your oath that you never suggested that the transfer would be made? A.—I would not say that it did not come up in discussion, with others.

Q.—And you would not say that you did not make the suggestion and this matter was discussed: "Well, these blocks 4,593 and 4,594 might go to the Columbia and Western to satisfy the subsidy matter"? A.—I may have said that.

Mr. Brown—*Continued.*

Q.—You may have said that, so that Mr. Wells may be perfectly correct in saying that the first suggestion came from the Railway Company in regard to making a transfer of these lands? He may be correct, you would not like to dispute it? (No answer.) As Mr. Duff pointed out to you, it does seem a little singular to you, doesn't it, that this Order in Council should have taken the express form of a proposition from the Government to the Company? That is not the usual form of an Order in Council in regard to such a matter, is it? A.—I don't know, I am sure. I don't recall the regular form of Order in Council.

Q.—Well, Mr. Wells stated that you suggested that it would be better to have this as a proposition coming from the Government to the Company? A.—I know he says that.

Q.—I suppose that would be a perfectly business transaction on your part, to ask the Government if they would submit that as a proposal to the Company; that would be the ordinary course, would it not, in order that you might submit it to the Company, to see if they would finally accept or reject it? That would be right, would it not? A.—No; I don't think so. When the thing was finally settled I accepted it, certainly.

Q.—You stated to Mr. Wells that that would be acceptable to the Company? A.—Oh, yes.

Q.—But, as a matter of fact, I presume the object of having the Order in Council—it seems peculiar that it should take that form of a proposition distinctly made by the Government, that the Company should accept 4,593 and 4,594 in full settlement and satisfaction of all their claims under the Subsidy Act, and practically release 270,000 acres of land to the Government—I presume the intention was to submit that to the Company for acceptance or rejection? A.—Well, I don't think there was any necessity to submit it; I understood that personally I was authorised—

Q.—You understood that you were authorised to accept it or not? A.—Yes.

Q.—But, at any rate, the Order in Council took that form? A.—Yes.

Q.—And I think you stated, Mr. Brown, that you considered that the fact that the Order in Council was accepted by you was an element towards your personal acceptance of the proposition made by the Government? A.—Do you mean my acceptance of the Order in Council—?

Q.——was a part of the acceptance you had made of this proposal? Did you mean that in your evidence? I will read you what you said. There was no acceptance by you in writing, at all, you said; the only acceptance there was was personal. Did you mean that by yourself? A.—Oh, yes.

Q.—And by the acceptance of the grants and the acceptance of the Minute of Council and the payment of fees? A.—Yes; those combined.

Q.—Those were the grounds upon which you took the position that there had been acceptance by the Company? A.—Yes.

Q.—That is, did you think that the Order in Council, which contained a clause that a copy of it should be handed to the Company and that you would receive the copy of it, that that was one of the elements that went to make up your acceptance of this proposal? A.—Yes; I thought so. It is a legal point.

Q.—I know it is a legal point. And you thought so? A.—Yes.

Q.—Now, Mr. Brown, you stated at page 22 of your evidence, that, "somewhere about the 12th of August, I think, I was given a certified copy of a Minute of Council setting out the proposal the Government had to make; which, in effect, was that"—and so on. Do you adhere to that statement now? A.—About the 12th of August—I told you, as I was saying then, and I must speak now, from my recollection, from my recollection as to the effect of it.

Q.—But you quite recollect it was within a day or two after the meeting of the 10th of August, 1901? A.—I presume it would be.

Q.—Yes. So that some Minute, then, had been prepared, at any rate, prior to the 28th of August, that Mr. Duff mentioned as the date on which the Order in Council was finally drafted or engrossed? A.—Oh, I couldn't say that. I understand what you are getting at now. I am wrong in my dates, apparently.

Q.—You think you may be wrong in your dates? A.—Probably I may be; yes.

Q.—Do you recollect in what shape the Order in Council or the memoranda were when they went before the Council on the 10th of August, 1901? A.—No; I do not.

Q.—What I want to get at, Mr. Brown, is this: You say you did not draft the Order in Council of the 10th of August, 1901? A.—I have no recollection of doing so.

Mr. Brown—*Continued.*

Q.—But did you draft or have drafted the memoranda which accompanied the Minute of Council, or the recommendation of the Minister? A.—I have no recollection of doing it.

Q.—I think you have, Mr. Brown. You recollect at any rate, you wanted the descriptions? A.—The descriptions? oh, yes.

Q.—For the purpose of the Crown grants? A.—Yes.

Q.—And I think you recollect that the memorandum—preparing a statement of the acreage which had been earned by the Railway Company, the acreage that had already been granted, and what they were entitled to, and the acreage of these two lots, 4,593 and 4,594, showing a net balance of 277,000 acres in favour of the Province on the deal,—I think you recollect that was prepared by the Railway Company? A.—I don't think I said that. I said I had a vague recollection of seeing the report.

Q.—Did I not understand you that was prepared in the offices of the Railway Company? A.—No; I don't think I said that.

Q.—Perhaps you will recollect better if you see the proof? A.—I said—I asked Mr. Gore to correct me if I was wrong.

Q.—These tables A and B (handed to witness); now, looking at those, do you recollect where those were prepared, and how? A.—No. I recollect that I must have been instrumental in preparing them.

Q.—You must have been instrumental in preparing them, and they were handed in for the purposes of that Executive meeting of the 10th of August, 1901? A.—I don't know when they were handed in, really.

Q.—You don't recollect? A.—No; I don't recollect.

Q.—Do you know whether you handed them in yourself, Mr. Brown? A.—I could not tell you.

Q.—You could not say that? A.—No; I could not say that.

Q.—(Showing Mr. Gore's book to witness.) You recollect these blue prints of description (referring to typewriting)? A.—Yes.

Q.—Those came from the Railway Company's office.

Mr. Helmcken: Did you hand them in? A.—I must have provided them; I don't know how I handed them in or got them.

Mr. McCaul: These memoranda here, A and B, would apparently be handed in in connection with the same matter, Mr. Brown? A.—Well, I cannot tell you that, Mr. McCaul.

Mr. Duff: As a matter of fact, then, you say that all you recollect is that you must have furnished the information for them? A.—No; what I said was that I thought Mr. Gore would probable correct me if I was incorrect, but my recollection was that I got the information, that I did work on them; I think that I spent an afternoon in the Lands and Works.

Q.—Yes; and did you prepare this memorandum at that time? A.—I don't know.

Q.—After you got this information together? A.—Possibly I did; yes. Probably I did.

Q.—Well, then, after the Order in Council was issued you heard in some way that a number of grants had been prepared in conformity with the Order in Council? A.—Yes.

Q.—And asked Mr. Wells for delivery of these grants in the ordinary course. That would be your ordinary course of dealing with the Government? There were a number of grants prepared were there not, 25 of them altogether? A.—Some large number.

Q.—Something like that, including these. And Mr. Wells said that, in regard to these matters, that there was some difficulty about delivering over the grants of 4,593 and 4,594 to you personally? A.—Some difficulty?

Q.—Yes. A.—Oh, no; I don't think he said that.

Q.—Well, he said he would not deliver them to you personally. A.—No, he said he was going to Montreal and deliver them himself.

Q.—What Mr. Wells said was: "I will not deliver these to you personally; I am going to Montreal, and I will take these grants down there; I want to talk over with Sir Thomas Shaughnessy the question of building to Spence's Bridge."? A.—In effect that.

Q.—That was in effect what he said? He did not expressly tell you, then, what might have transpired at any meeting of the Executive? A.—Certainly not.

Q.—No, he did not expressly tell you what might have transpired. He made that statement to you? A.—Yes.

Q.—And then you evidently did not consider that the matter was entirely satisfactory to you, Mr. Brown, until those grants were delivered, because you kept in tab with Mr. Wells so

Mr. Brown—*Continued.*

as to accompany him to Montreal? A.—I think it was almost understood we were going down to Montreal together; I think it was an understanding that we were to go together.

Q.—And I suppose that you went down to Montreal pretty largely on that particular business? A.—Oh, no; I was going to Montreal constantly, reporting.

Q.—But you recollect, as a matter of fact, that you did not go largely on this business to Montreal? A.—Yes, I possibly did, because it was my semi-annual report.

Q.—But this element, no doubt, entered into your trip to Montreal? A.—Oh, yes.

Q.—Then when you were in Montreal, Mr. Brown, did you see anything of your friend Mr. Taylor? A.—Oh, yes.

Q.—You saw Mr. Taylor there. And I think you said that Mr. Taylor knew—you were very close intimate personal friends? A.—Yes.

Q.—And I suppose you had many confidential talks, at any rate, with Mr. Taylor,—I am not speaking of Montreal now, but at various times, in regard to your negotiations with land matters with the Government? A.—Not confidential talks about the details.

Q.—Not confidential talks necessarily, but you, no doubt, talked with him the position of the Company in getting the subsidies? A.—I have no doubt mentioned it to him.

Q.—And he was perfectly familiar with the fact that you wanted to make the change of these grants from the British Columbia Southern to the Columbia and Western? A.—I don't know that he knew.

Q.—But isn't it quite likely that you talked that matter over with him? A.—Not to my recollection, no.

Q.—But you were in the habit of discussing your matters with him. A.—No, sir.

Q.—And although not consulting in quite a professional capacity—that is, as solicitor of the Company and paying him fees—no doubt, you have taken his advice on many of these matters? A.—No; I don't think I have. Not knowingly.

Q.—Would you not say, Mr. Brown, you have asked Mr. Taylor's advice, knowing he is a lawyer? A.—I don't recollect asking his advice as a solicitor.

Q.—Would you like to say you have not? A.—I think that I would.

Q.—You think that you would? A.—I think I would.

Q.—I don't mean in the shape of paid advice at all. Would you swear that you never asked Mr. Taylor's opinion with regard to your difficulties with the Government at the time? A.—I don't think so; I don't think that I ever have.

Q.—You don't think so? You are not swearing that you might not have? A.—I may incidentally have.

Q.—You may incidentally have done so. Do you recollect seeing Mr. Wells in Hamilton after your visit to Montreal in November, 1901? A.—Perfectly.

Q.—Perfectly? A.—Perfectly.

Q.—Do you recollect Mr. Wells complaining to you about Mr. Taylor's interference? A.—He certainly did not.

Q.—He certainly did not? A.—No.

Q.—You have no recollection of Mr. Wells saying anything about Mr. Taylor having given him ridiculous reasons? A.—He certainly did not.

Q.—For delivering over these grants? A.—He certainly did not.

Q.—That is your recollection now? A.—That is my recollection now.

Q.—Is your recollection on these matters now any more clear than your recollection was when you gave your evidence on the 21st of April, generally? Have you furbished it up since? A.—Oh, no; but I would remember an incident of that kind. I remember the circumstances of his visit very well.

Q.—Then, after your return, Mr. Brown, to British Columbia, you again were pressing Mr. Wells for delivery of these grants? A.—I was.

Q.—And not only Mr. Wells, but you carried your grievances to Mr. Dunsmuir as well? A.—I did.

Q.—And to Mr. Eberts as well? A.—Yes; I remember it, to Mr. Eberts.

Q.—You were urging both Mr. Eberts and Mr. Dunsmuir and Mr. Wells for delivery of those grants; but somehow you could not get them? A.—To send those grants to Montreal.

Q.—Someone was standing in the way of the delivering of those grants? A.—Those grants were being held.



Mr. Brown—*Continued.*

Q.—And there is no doubt in your mind now that the person who really prevented the delivery of those grants to you was Mr. Wells? A.—That was my impression, certainly.

Q.—There is no question but that he stood between the Province and the Railway Company, so far as that question is concerned? A.—There is no question about it, in my mind.

Q.—There is no question about it. And then did Mr. Dunsmuir state to you that Mr. Wells had stated the effect of the conversation which he had had with Mr. Taylor in Montreal to him? A.—That is to say—that is much too involved for me, I cannot quite understand that.

Q.—Did Mr. Dunsmuir state to you the effect of the conversation that Mr. Taylor had had with Mr. Wells in Montreal? A.—Do you mean, did he state to me the conversation—

Q.—At any time prior to the 18th of March, 1902? A.—In other words, is your question, did Mr. Dunsmuir repeat to me the statement as made by Mr. Wells?

Q.—Did Mr. Dunsmuir tell you that he had heard what had transpired in Montreal between Mr. Taylor and Mr. Wells? A.—He did; yes.

Q.—That was prior to the 18th of March? A.—I cannot tell you what time it was.

Q.—Well, it might have been prior to the 18th of March? A.—It might have been prior to the 18th of March.

Q.—So that at the same conversation at which he told you that, did he tell you then that there was any intention of cancelling the Crown grants? A.—No; he certainly did not.

Q.—You told us that you had heard a rumour that these Crown grants had been cancelled? A.—Had been rescinded.

Q.—Had been rescinded, yes; that the Order in Council had been rescinded? A.—Yes.

Q.—Did you connect that with the statement which Mr. Dunsmuir had made to you, that he had heard that you and Mr. Eberts were to share in the grants? A.—I did at that time, yes.

Q.—You did at that time? A.—But it was never given to me as the official reason.

Q.—It was never given to you as the official reason? A.—No.

Q.—Had there been, up to this time, any difficulty raised as to giving these lands to the Company because they were not in the terms of the subsidy as being contiguous, or nearly contiguous, to the line of railway? A.—Not in my recollection.

Q.—I think you told me that that point had in some of the discussions been raised by Mr. Wells with you—you told Mr. Duff? A.—That what?

Q.—That there might be some legal difficulties under the subsidy Act in granting you those two blocks of land? A.—Oh, certainly; among other things that had come up in the discussion.

Q.—And you heard at some stage of the game that Mr. Gordon Hunter had given an opinion that it was within the power of the Government? A.—Yes, I did.

Q.—Now, Mr. Brown, were you aware that the Attorney-General had given an opinion to the same effect? A.—Yes; I am under the impression that he had.

Q.—You are under the impression that the Attorney-General had given an opinion to that effect. And at the time of the Order in Council of the 10th of August, 1901, they were acting on the Attorney-General's opinion, were they not? A.—They must have been, I suppose.

Q.—That was your understanding of it, at any rate? A.—Yes.

Q.—Now, you say that after you got back here you had some conversation with Mr. Wells in regard to getting these two blocks of land in connection with the fourth section; that is, that was immediately after the Order in Council of the 18th of March, 1902, on the 19th of March,—was that your interview on the 19th of March? A.—You said immediately on my return.

Q.—Oh, no; I should have said after the Order of Council of the 18th of March, 1902, rescinding the former Order in Council, you had a conversation with Mr. Wells on the 19th of March? A.—Yes.

Q.—I think you stated to Mr. Duff that Mr. Wells then told you that he would see that you got those lands under the fourth section? A.—That in effect.

Q.—That is, repair the wrong which had been done to your Company by the Order in Council of the 18th of March? I would just like to read you a few portions of your evidence given here when you were examined before. I presume you told the truth when you gave your evidence here before. See what you say to this: (reading from page 50, commencing "Q.—Well, then, later than this," to page 54, ending with, "A.—And that there was delivery of

Mr. Brown—*Continued.*

those Crown grants"—pp. lix. to lxi. of printed Report.) Now, Mr. Brown, at that time you gave evidence before the Committee that in view of the position of the Company's solicitor that there was delivery of those Crown grants, that you never approached the Government or Mr. Wells to ask for any reparation, or to ask that you should be reinstated in any way in your position in respect to those grants. Were you telling the truth when you gave your evidence? A.—I certainly was.

Q.—Is that correct? A.—That is certainly correct.

Q.—Then there can be no doubt that Mr. Wells' letter of the 21st of March and of the 3rd of April are correct, so far as this position is concerned. You say in your evidence there was no proposition made to you for reparation, except so far as you can construe it from that letter of the 21st of March, 1902? A.—Certainly.

Q.—Is that correct? A.—Certainly.

Q.—And, therefore, if that is correct in regard to the letter of the 21st of March, 1902, Mr. Wells is correct in his statement contained in his letter of the 3rd of April, 1902, as well. One follows as a necessary corollary from the other. A.—Yes; that is so.

Q.—That is correct? A.—As far as the Government is concerned.

Q.—As far as the Government is concerned. A.—As individuals, it is an entirely different matter. Anything further than that was with individual members.

Q.—Then, Mr. Brown, when your recollection was fresh with regard to it, and you gave your evidence here on the 21st of April, you said at page 28 of your evidence (p. l. of printed Report) as follows: "I protested against the idea that the settlement of the Columbia and Western Railway for the third section was not completed, as is endeavoured to be set out in this letter of the 21st, because the grants had been issued and delivered." Is that correct? A.—It certainly is.

Q.—That you set out in your letter of the 21st? A.—I think so.

Q.—There is no letter of yours of the 21st? A.—No; I refer to Mr. Wells'.

Q.—But I call your attention to the letter of the 22nd, and ask you how you make that statement, which you gave under oath here on the 21st of April, square with this statement in this letter: "I note your confirmatory statement that the Government now proposes to convey to the Columbia and Western Railway Company the alternate blocks along the line of said railway, in settlement of the subsidy in respect of the third section, but you make no mention of the fact that the Government has already settled this matter with the Company, and has partially carried out that settlement, in fact completely, with the exception of the delivery to the Company of the executed Crown grants for two of the blocks of land included in the settlement." A.—Now, what is it you want me to say? How do I reconcile it?

Q.—How do you reconcile the statement in your letter with your sworn statement to the Committee here the other day? The matter was fresh in your mind then, you had not consulted the Company's lawyer. You had not any opinion of your lawyer when you wrote your letter of the 22nd of March. And at the time it was fresh in your mind you stated in your letter that the grants had not been delivered. A.—What I meant was the manual delivery.

Q.—Oh? A.—I presume; I don't know.

Q.—This is the explanation that you would like to give for this difficulty here? A.—I should imagine so.

Q.—That you meant manual delivery? A.—I presume so.

Q.—But, you see, that was not the ground of your protest at all that they had been delivered. You expressly except delivery of the grants. Now, Mr. Brown, it certainly is not the case that the first intimation you had of the intention of the Government to grant to the Columbia and Western Railway, under the Order in Council of the 10th of August, 1901, these two blocks of land was seeing the Order in Council itself remitted? A.—Oh, no.

Q.—Not at all. Then I call your attention to page 42 of your evidence (p. lvi. of this Report), where you say: "(Q.) Now, do you say that you did not suggest to the Government that those lands should be given or granted to the Columbia and Western Railway Company? (A.) I certainly do. (Q.) You say you did not? (A.) I say I did not, yes. (Q.) And the first intimation you had on that matter was a communication—in fact, a certified copy of the Minutes of Council of the 10th of August, 1901, which set forth these particular lands? (A.) Yes, certainly." A.—I think it says official information.

Q.—No; it does not. A.—You will see further along.

Q.—Well, that is not correct? A.—No.

Mr. Brown—*Continued.*

Mr. Davis: You have to read it all together.

Q.—That notice was not the first intimation you had of it? A.—The first official intimation I had of it.

Q.—“The first official information was the Minutes of Council of the 10th of August, 1901. (A.) That was the first intimation, yes.” A.—Yes.

Q.—You meant by that, that was the first official intimation that you had? A.—The first formal intimation.

Mr. Duff: With reference to these documents produced by Mr. Brown, the suggestion is made by Mr. Davis, and it seems to me to be a fair one, that such documents as the Committee do not require will not be given out for publication, but handed back to Mr. Brown. There is no objection to inspection of them.

Mr. Duff: You said, Mr. Brown, that Mr. McPhillips appeared before the Executive with you in the early part of September, 1900, with reference to the British Columbia Southern grant? A.—I did; yes.

Q.—Do you remember the date of that; it would be some time before the 10th of September? A.—Something like that, I think.

Q.—Some time before the first Order? A.—Oh, yes.

Q.—At all events, the decision of the Executive on that was that the lands which the Company were asking for were not given to them? A.—That was it.

Q.—The decision was against the Company's application on that? A.—Yes.

Q.—Mr. McPhillips was instructed about it on the same day, because of the fact that you could not get your regular counsel to appear? A.—Yes; that was it.

Q.—And he appeared; and that was the beginning and end of his action on it? A.—Entirely; yes.

Q.—And when the Executive decided on the matter they decided adversely to your suggestion? A.—Yes; entirely so.

The Committee here adjourned until to-morrow, May 12th, at 10 a.m.

TUESDAY, May 12th, 1903.

The Committee met at 10 A. M., pursuant to adjournment from yesterday.

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

Mr. McCaul: I desire to call your attention, Mr. Chairman, to the publication by the morning “Colonist” of all the telegrams passing between Mr. Shaughnessy and yourself as Chairman of this Committee, and between Mr. Shaughnessy and Mr. George McL. Brown. It was clearly and distinctly understood and stated yesterday that that material was in no way evidence; it could not have been brought in evidence at all; it was submitted for the inspection of the Committee and for the inspection of counsel, and it must have been thoroughly understood by the reporters as well, that that matter was not to be public matter; and it is a most extraordinary thing that they should have published in the paper that correspondence. I clearly understand that my learned friend Mr. Davis did not take the papers away, and I do not insinuate in any way that he had anything to do with it. You can see it is unfair to my client that this should have been published; and it certainly was the intention of the Committee that it should not be made public.

The Chairman: It was decided by the Committee that the press should be allowed to publish those telegrams.

Mr. McCaul: Then I did not understand it.

Mr. Davis: On the contrary, if it was unfair to anybody it was unfair to us; it gives our evidence away.

Mr. McCaul: Then that was after the counsel left the Committee room yesterday?

The Chairman: Yes.

Mr. McCaul: I did not understand that. Of course, that explains the matter.

Mr. Smith: I did not see that yesterday, and I did not know that they were going to be published. I think these matters should come before the Committee as a whole.

Mr. Green: This is the first I heard of the publication of them.

MR. G. McL. BROWN, in the witness-box, was further examined by Mr. McCaul :—

Q.—Did I understand you to say to Mr. Duff that you had no office in British Columbia?

A.—Oh, no.

Q.—You have an office at Vancouver, Mr. Brown, have you not? A.—Oh, yes.

Q.—Well, was any of your correspondence conducted from Vancouver? A.—Oh, yes; lots of it.

Q.—In connection with these matters? A.—Yes.

Q.—And what has become of the letter-books that you had at Vancouver; are they there still? A.—Oh, no; any letter-books I had in connection with my office, when I changed my office, went down to Montreal.

Q.—That is how they came to go to Montreal? In your position as Executive Agent in British Columbia had you any discretionary authority to issue passes? A.—I never issued passes.

Q.—That is, you personally never issued passes? A.—Never.

Q.—If you wanted a pass, then, you would telegraph the President or Vice-President of the Company? A.—Or I would get it from the General Superintendent.

Q.—Or you would get it from the General Superintendent at Vancouver? A.—Yes.

Q.—So that you would have no difficulty, if you wanted to get a pass for any person, in getting it from the General Superintendent there? A.—No.

Q.—Now, when you handed in your letter of the 31st of July, 1901, Mr. Wells was away? A.—Yes, he was away.

Q.—To what other members of the Government had you talked about this matter of the grant of those lands, besides Mr. Wells? A.—Oh, I don't recollect; I fancy I have talked to them all.

Q.—You fancy you talked to them all prior to the Order in Council of the 10th of August? A.—Yes.

Q.—Now, in connection with this Bill 87, of 1902, I think you stated to Mr. Duff that you probably drafted that Bill? A.—No; I said that I did not recall the circumstances. I probably would be called upon to—

Q.—What? A.—I probably would be asked to say what I wanted, or something of that sort.

Q.—Yes; as a matter of fact, Mr. Brown, it would take a skilled draftsman to put that Bill into shape, would it not? A.—Oh, yes; it certainly would.

Q.—Do you not recollect whom you applied to to draft that Bill for you? A.—I think I went to the Attorney-General's office.

Q.—You think you went to the Attorney-General's office? A.—As far as I know; I don't recall any circumstances in connection with it.

Q.—You don't recall having consulted any solicitor about the form of the Bill before it came in? A.—I do not.

Q.—That was long after you had had the letter from Mr. Wells of the 3rd of April that was put in? A.—I don't recall that.

Q.—That was long after you had that letter of the 3rd of April in which Mr. Wells had stated that your reference to the interview was incorrect (handing letter to witness)? A.—Yes.

Q.—And after receiving that letter, Mr. Brown, you must have clearly understood that it was war between you and Mr. Wells in regard to those two blocks of land? A.—Oh, I certainly understood—

Q.—(Interrupting). You certainly understood it? A.—Pardon me, I certainly understood that we could not get them, but I did not understand that he did not want to give them to us.

Q.—Quite so; you understood from that letter that he refused to accept your interpretation of the interview, and, consequently, there was practically war declared between you? A.—As I have said before, Mr. McCaul, I am under the impression that I either spoke to him or wrote to him subsequently.

Q.—Protesting against that; you said that you are under that impression? A.—Yes.

Q.—But, as a matter of fact, what I want to get at is this, Mr. Brown; you did not call Mr. Wells' attention to any special provisions in the Subsidy Bill No. 87 of 1902? A.—I don't recall anything in connection with it.

Mr. Brown—*Continued.*

Q.—You did not discuss the form in which that Bill was to be brought down, with Mr. Wells? A.—What I recall, Mr. McCaul, in connection with that is this,—my recollection of that Bill is simply this, that the Session was advancing, there was much clamour in the House, I wanted to get the promised reinstatement through the House, it was being delayed, and I suppose I bothered everybody, every Minister.

Q.—Quite so. But you do not mean to suggest that you called Mr. Wells' attention to any special features in that Bill? A.—Oh, no; I don't think so.

Q.—Nor Mr. Wells' draft of the Bill? A.—I don't know anything about it.

Q.—I understood you to have said to Mr. Duff, "I doubtless drafted that myself?" A.—Oh, no; if I said that I did not intend to convey—did I make that statement to you?

Mr. Duff: You said that.

Q.—As a matter of fact, Mr. Brown, do you think you would be competent to draft that Bill, further than to give the information for it? A.—Oh, I don't think so.

Q.—Now, you spoke about the clamour in the House; that was somewhere about the 18th of March, 1902, just before the cancelling Order came in? A.—Yes.

Q.—Did not Mr. Dunsmuir say to you and Mr. Eberts that he understood that it was mixed up in Mr. Taylor's company or syndicate, that he would not allow the grants to be delivered and that he would have no monkey work? A.—He certainly did not.

Q.—He certainly did not? A.—That question was put to me yesterday, and I recall—

Q.—(Interrupting) Not quite in that form? A.—I beg your pardon?

Q.—Not quite in that form of language, I think? A.—Well, of course, I don't remember the language; the effect was the same. Mr. Dunsmuir certainly told me of the incident; simply the thing that had slipped my mind was where he had told me or when he had told me.

Q.—If you wrote any letter to Mr. Wells protesting against his letter of the 3rd of April that I just showed you, would you have that in your correspondence when it comes up from Montreal? A.—I presume so, if I did it.

Q.—By the by, do you know what correspondence there is in Montreal; have you ever gone through it? A.—There is merely correspondence.

Q.—Have you gone through the correspondence that Mr. Shaughnessy has in connection with this at any time? A.—No; I don't know what he has got.

Q.—You don't know whether there is any correspondence from any members of the Government, Mr. Wells or Mr. Eberts, in Mr. Shaughnessy's hands? A.—No. I don't know anything about that.

Q.—At any rate, you have not heard of any? A.—I have not heard of any.

Q.—Then I understand you to say that Mr. Taylor never told you what had occurred with Mr. Wells at the Windsor Hotel at Montreal until after you had told him about your conversation with Mr. Dunsmuir in March, 1902? A.—No.

Q.—And that is from November, 1901, to March, 1902; although you had frequently seen Mr. Taylor, he never gave you any information— A.—No; he never told me.

Q.—in regard to that at all? Do you recollect whether you were down in Montreal in June or July of 1901? A.—I couldn't say positively; I believe I was, though.

Q.—You believe you were? A.—Yes.

Q.—Did you meet Mr. Taylor there? A.—I am under the impression that he was there too; in the East.

Q.—Was that your impression with regard to that, that you and Mr. Taylor were in Montreal about that time, in June or July? About that time, would that be correct? A.—I presume so.

Q.—I think Mr. Taylor may have gone after the 24th of May meeting in Toronto, down to see you; do you recollect whether it was in June or July? A.—I don't know, I am sure; I met Mr. Taylor once in the East; he was going to some horse meeting; I don't know what it was.

Q.—Now, Mr. Brown, did you know about the agreement between the British Columbia Southern and the Crow's Nest Pass Company—I don't know whether it is the Coal Company or the Railway Company, the Coal Company, I presume—by which they were to be entitled to a selection of 10,000 acres of coal lands out of any grant made to the British Columbia Southern? A.—I have already stated so; yes.

Q.—Now, whether intended or not, the effect of the transfer of these blocks of land from the British Columbia Southern to the Columbia and Western would have been this: Before

Mr. Brown—*Continued.*

the transfer the Crow's Nest Pass Coal Company would have relied on the legal obligation of the British Columbia Southern to make the grant to them; after the transfer, all they had to rely upon was whatever moral obligation there might be on the Columbia and Western; is that correct? A.—That is a legal matter, Mr. McCaul, that you are better able to say on.

Mr. Helmcken: Wouldn't it be better to get the agreement?

Mr. McCaul: We will probably have that sooner or later. You say that is a legal matter; possibly it is; probably the agreement will speak for itself, in regard to that part of it. I think that is all I have to ask you.

The Chairman: The counsel now are done with Mr. George McL. Brown, the witness; and it is for the Committee to proceed with the examination.

Mr. Helmcken: A copy of letter has been handed in to us, signed by Mr. James Dunsmuir to yourself, dated the 15th of May, 1901, which states: "Referring to your application for an extension of the time for earning the land subsidy of the Columbia and Western Railway, I am authorised to say that the Government will introduce, at the next session of the Legislature, an Act authorising the Lieutenant-Governor in Council to grant the lands in respect of the fourth section of the railway (Christina Lake to Midway) which has been completed." Was any such Bill as that introduced? A.—I don't remember. May I look at that letter? (letter handed to witness). I don't recall it at all.

Q.—So that you cannot say that the Bill was introduced? A.—It entirely slips my memory, the whole thing, the circumstance.

Q.—Do you recollect whether you received a letter from Mr. Dunsmuir of the 15th of June? A.—I think it was the 15th of June; or it might be I have mistaken dates.

Q.—There is the date there, the 15th June, and the copy of the letter was handed in to us the 15th of May. That would be among your correspondence? A.—It should be.

Q.—I would like to get from you why you did not, in accordance with your undertaking to the Committee, send for that correspondence and have it here—at the time? A.—I should probably have done so if I had realised that you wanted it all.

Q.—Could not you telegraph for it? A.—Oh, no.

Q.—How could you get it now? A.—I would have to get it myself.

Q.—You cannot get it by telegram? A.—No.

Q.—Would there be any use of asking Sir Thomas Shaughnessy to bring it? A.—No; he would not know how to get it, or how to get at it.

Mr. Duff: Would you ask Mr. Brown how the letter of the 31st of July happens to turn up?

Mr. Helmcken: In this correspondence, Mr. Brown, which you handed in yesterday, there is a letter from yourself to the Chief Commissioner, dated July 31st, 1901; where did you get that from? A.—I got it in my mail on Sunday.

Q.—Did it come from Montreal? A.—I couldn't tell you where it came from; I have been trying to think how it could have come.

Q.—There is also a letter attached thereto, dated September 11th, 1901, from Mr. Wells to yourself: "In reply to your letter of July 31st, I herewith beg to enclose you certified copies of reports of the Minutes of an Executive meeting of August 10th, 1901, in reference to the land grants of the Columbia and Western Railway, and also to the B. C. Southern Railway." Do you recollect that? A.—Oh, yes.

Q.—And a copy of the letter sent up to us by the Chief Commissioner says: "In reply to your letter of July 1st, I herewith beg to enclose you certified copies of reports of the Minutes of an Executive meeting of August 10th, 1901, in reference to land grants to the Columbia and Western Railway, and also to the B. C. Southern Railway." Now, did you write a letter to the Minister on the 1st of July? A.—No. I have only written once.

Q.—And that is the letter of the 31st of July? A.—Yes, 31st of July.

Q.—Will you tell me, Mr. Brown, why you always marked your correspondence "personal"? A.—Simply so that it would go to the Minister.

Q.—Simply so that it would get to the Minister? A.—Yes.

Q.—If you look at this letter it is addressed officially? A.—I know. But the idea is that it will go right to the Minister.

Q.—In other words, you marked letters personal when they were really official matters? A.—Oh, yes.

Mr. Brown—*Continued.*

Q.—So that there really cannot be any objection to the introduction of letters marked personal? A.—Not simply for that.

Q.—There would not be any objection to a letter like that? A.—No.

Q.—Nearly all the correspondence handed in here addressed by you to the Hon. Mr. Wells is marked personal; these letters addressed March 19th, and so forth, it is all marked personal. A.—Yes.

Q.—Looking at that plan, Mr. Brown, which is signed there by Mr. Wells and Mr. Dunsmuir; in whose handwriting are the words “December 19th”? A.—My own.

Q.—That is your writing? A.—Oh, yes.

Q.—“Victoria, B. C., 19th December, 1900”; that is your handwriting? A.—Yes.

Q.—“Chief Commissioner of Lands and Works” is your handwriting, and “presiding member of the Executive Council,” that is your handwriting? A.—Yes.

Q.—So that, what had you to do with the Order in Council of the 19th of December, 1900? A.—I had a good deal to do with it; I must have had.

Q.—Exactly; and just tell the Committee what part you played in the Order in Council, that is, what part you took in it? A.—Well, general discussion and negotiations with the Government leading up to it. I would probably see the Government time after time.

Q.—You had a good deal of difficulty, hadn't you, in dealing with the Government from time to time? A.—A good deal of difficulty?

Q.—Yes. A.—You mean that they put me off and put me off and put me off?

Q.—Yes. A.—Yes.

Q.—Which necessitated a good many trips over James Bay? A.—Yes, I think I did wear a good many pairs of shoes out.

Q.—You lived over here a good deal? A.—That is the way to put it.

Q.—During the whole of that time did you see one Minister more than another? A.—I think I saw them all. I couldn't tell you.

Q.—You saw the Hon. the Premier, Mr. Dunsmuir? A.—I have seen them all.

Q.—But did you see him? A.—Yes.

Q.—And you saw Mr. Wells? A.—Yes.

Q.—Saw Mr. Attorney-General Eberts? A.—Yes.

Q.—And Mr. Prentice? A.—Yes, I have spoken to them all.

Q.—Now, tell us about how many conversations or interviews you had with Mr. Dunsmuir? A.—I couldn't tell you, Mr. Helmcken.

Q.—What? A.—I couldn't tell you.

Q.—Repeatedly you had interviews with each Minister; will you put it that way? A.—No; I don't even think that you could put it that way.

Q.—Now, can you tell me, for instance, how many interviews you would have with Mr. Prentice? A.—Oh, no, I couldn't tell you.

Q.—Could you name the number that you had with Mr. Wells, for instance? A.—Impossible.

Q.—Could you tell us anything about Mr. Eberts? A.—Impossible.

Q.—How many interviews did you have with Mr. Eberts? A.—It is impossible to say.

Q.—Well, did you have a great many? A.—Whenever I could I would see a Minister at any time.

Q.—You looked upon it as a proper thing to interview him right there and then? A.—Yes, whenever I had an opportunity.

Q.—You were frequently in Mr. Eberts' office? A.—Yes.

Q.—Now, can you tell me any subject-matter you brought up with Mr. Eberts touching the settlement of this land question? A.—No, I cannot remember any in particular.

Q.—Did you ever ask him to assist you in getting the thing through the Council? A.—I certainly asked every Minister.

Q.—But did you ask Mr. Eberts to assist you in getting these various Orders in Council pushed through? A.—Certainly, not in any way that was not proper. It was my business here to get every Minister to assist me.

Q.—I am not suggesting any impropriety; I am asking you a straight question whether you asked Mr. Eberts whether he would assist you in having this matter settled by having an Order in Council put through? A.—I don't recall doing so.

Mr. Brown—*Continued.*

Q.—Would you say that no such conversation ever took place between you? A.—I certainly would; I would not say that no such conversation took place, because, as I say, I have asked every Minister to assist me.

Q.—Urging him to assist you in the settlement of this matter. How would you urge? A.—How would you urge?

Q.—I know how I would, but I don't know how you would. We want to know. I will put it this way to you: did you go to each Minister and urge him to have this Order in Council put through for you as a settlement of this question? A.—No, no; I am speaking of the—I urged them all to a settlement.

Q.—To a settlement? A.—Yes. It all led up to this Order in Council.

Q.—What answer did any of them give you? A.—Well, they all gave me assurances.

Q.—For instance, tell us what the Attorney-General assured you of? A.—Oh, I don't know; just a general jolly.

Q.—Anything else? A.—Oh, I couldn't recall it.

Q.—As a matter of fact, now, the Attorney-General, for instance— A.—(Interrupting) I will tell you the way it used to impress me, and that is this: I used to come over here and worry myself out, and my patience and my temper, and it finally got so on my nerves that the only relief I used to have was to take a row-boat and row up the Gorge and back again as hard as I could do it. I would come to the Government, try and see them, try and get them to come to some decision; I would speak to them individually, collectively; Mr. Dunsmair would see me and look thoughtful; Mr. Eberts would sometimes shake hands with me and sometimes he would show irritation, and sometimes he would put me off by telling me a story.

Q.—Tell me, for instance, how Mr. Eberts looked when he was ill-tempered? A.—I couldn't tell you.

Q.—What did he say, was he annoyed at you coming bothering him? A.—Yes; I think I made their lives a burden to them all through that Session.

Q.—That is the Session of 1901? A.—Yes.

Q.—Now, we will come to the Session of 1902. A.—Pretty much the same thing.

Q.—Did you worry the life out of them then? A.—Oh, I think so.

Q.—And the Bill of 1901, did you have anything to do with a Bill No. 113 of 1901, Mr. Brown? A.—To do with the Bill?

Q.—Yes. A.—Oh, I presume I must.

Q.—Did you ever see the draft of it? A.—Not that I recall.

Q.—Do you know whether you had anything to do with the draft? A.—No, I don't recall.

Q.—If you will kindly look at it, Mr. Brown (handing document to witness)? A.—I don't recall it. I have seen it before.

Q.—Do you draft that? A.—I don't remember anything about it, beyond pressing the Government to bring it in.

Q.—As a matter of fact, you would draft the Bill anyway? A.—Oh, I don't think so.

Q.—You would get some of your legal advisers to do so? A.—I don't know that I drafted it.

Q.—You don't know anything about that? A.—I don't recall anything about that.

Q.—Now, the Bill of 1902, do you recollect that? A.—No, I have no recollection of that at all.

Q.—You don't recollect going to the Deputy Attorney-General and asking him to get a move on in the matter? A.—I have a vague recollection of going to the Deputy Attorney-General and asking him if things were going on, how the Bill was; I remember pressing the Government during that Session to bring down that Bill for the fulfilment of the promise.

Q.—And do you remember going to the Deputy Attorney-General? A.—I don't know whether it was that Bill; I remember going to the Deputy Attorney-General with regard to some Bill.

Q.—Did you ever see the Attorney-General with reference to the Bill 87 of 1902? A.—Not in my recollection.

Q.—All the times you were worrying the Ministers, didn't you see the Attorney-General with reference to this Bill? A.—Not with reference to the Bill; I probably spoke to him with reference to the necessity of bringing it down; I mean that the Session was getting on—



Mr. Brown—*Continued.*

Q.—(Interrupting). In speaking to the Attorney-General with reference to the necessity of bringing the Bill down, did he give you any answer? A.—Oh, I cannot tell you.

Q.—This is a very important matter you know, Mr. Brown; and I would like to ascertain the bearing of each Minister towards you. A.—I don't recall any particular answers. The general answer was that the promise would be fulfilled.

Q.—Did the Ministers still continue to jolly you in the Session of 1902? A.—Yes, I thought they were.

Q.—And then do you remember going to the King's Printer and passing the Bill through for the purpose of bringing it to the House? A.—I don't recall that.

Q.—But if the clerks say you were there you would not contradict them? A.—Oh, no, I would not contradict them.

Q.—What was the necessity for all this haste in May, 1902? A.—Simply because they had promised to reinstate us in respect of the fourth section before, and they had failed to do so; the Premier had promised to bring it in the Session of 1902, and the Session was going along and there was much clamour in the House, and there was a likelihood of their letting it drop as they had done the previous Session; therefore, I was pressing.

Q.—Now, there is the Bill of 1901, No. 113. A.—Yes, I have seen that.

Q.—Just look it over (handing same to witness). I want to know the cause of the difference in the two Bills,—between Bill 113 and the Bill 87. A.—I don't know at all. I was asked that yesterday.

Q.—Now, Mr. Brown, you have had many conversations with Mr. Taylor, K. C., of the firm of Eberts & Taylor, with regard to your troubles in land matters? A.—Many talks with him about our troubles? Not many, no.

Q.—Have you had several chats with him? A.—Oh, I have no doubt I have possibly mentioned it in conversation.

Q.—But you have, haven't you, as a matter of fact? A.—Discussed things with him?

Q.—Discussed matters with Mr. Taylor? A.—Oh, I don't think I have, except in a general way.

Q.—Mr. Taylor has made suggestions to you from time to time, has he not? A.—Not that I can recall.

Q.—Well, if Mr. Taylor says so you won't deny it? A.—Not if he says so.

Q.—Certainly not. You met Mr. Taylor frequently, I presume, in his office? A.—Yes, lots of times.

Q.—And during those times you had conversation relating to your land grant matters? A.—Oh, not particularly relating to our land grant matters.

Q.—What did you go there for? A.—Oh, for many reasons.

Q.—For instance, a reason connected with the land grants? A.—Oh, no. We used to talk horses; we used to discuss all manner of things.

Q.—I suppose so; land grants would come up too? A.—Yes, probably might.

Q.—Now, do you recollect any suggestions made to you by Mr. Taylor with regard to your troubles with the Government, with respect to the settlement of the land grant? A.—Oh, he has often chaffed me about it.

Q.—Chaffing goes a long way sometimes. Did you ever act on any of his suggestions? A.—Not that I am aware of;—oh, of course, I did act on one of his suggestions that I know of.

Q.—What was that? A.—He told me to bother the life out of them.

Q.—And so you did? A.—Yes.

Q.—And you went and bothered the life out of his partner, the Attorney-General? A.—I presume I did, with the rest of them.

Q.—Have you got any other suggestion that you followed up which he gave you? A.—No, I don't recall it.

Q.—Has he ever suggested to you with regard to the change of the land from the B. C. Southern to the Columbia and Western? A.—He certainly never did.

Q.—Did that come by way of your own initiative? A.—My impression of it—of course, I am speaking now of the impression in my mind—that it did not; that it grew out of general discussion looking to negotiations.

Q.—General? A.—Just the result of general negotiations.

Mr. Brown—*Continued.*

Q.—Exactly. Did you ever see the Attorney-General in Mr. Eberts' office? A.—Not that I am aware of.

Q.—Can you recollect now? A.—No, I don't recall.

Q.—You never saw him over there? A.—No.

Q.—Did Mr. Taylor ever accompany you over the Bay? A.—Not that I recall. He may have done so.

Q.—If he had done so would you have known it, would you have recollected it? A.—No, I don't recall it.

Q.—Not any time coming over here. Now, had Mr. Taylor anything to do with drafting any of the Orders in Council regarding your land matters? A.—Certainly not, as far as I know.

Q.—Did you ever show them to him? A.—No, not that I am aware of; no, I never showed him anything.

Q.—You kept in touch with the Ministers, you were pretty well posted as to the result of every Executive meeting? A.—Oh, no; sometimes I would know and sometimes I would not.

Q.—How did you find out? A.—I don't know how it would come about.

Q.—You would get it through some of the Ministers? A.—In the usual course, when they were ready to tell me.

Q.—You generally found out? A.—Oh, no.

Q.—Do you mean to tell us that you did not know exactly what was going on at every Executive in connection with the settlement of the land matters? A.—Oh, no; not for some time afterwards; not until they were ready to tell me.

Q.—I suppose you have had conversations with each Minister after Executives? A.—I probably have; yes.

Q.—And learned from them the result of what had taken place touching your repeated request for settlement? A.—That would possibly be the result, if I knew.

Q.—Now, on the 18th March, 1902, the rescinding Order was passed? A.—Yes.

Q.—What was your object in getting this Bill 87 put through the House? A.—To reinstate us in our rights.

Q.—To reinstate you in your rights? A.—Yes.

Q.—What rights had you? A.—In respect to the fourth section.

Q.—Exactly what? What exact rights did you think you had at that time? A.—Our former rights; we were entitled to the land subsidy.

Q.—Under what authority? A.—Well, by virtue of an understanding, I believe, with one of the former Governments.

Q.—Very well. Can you tell me any statutory authority for your position? A.—Oh, no; I don't recall the—

Q.—And the understanding you refer to is with the Turner Government, is that it, in 1898? A.—I presume it would be; yes.

Q.—That is the only authority you have for a settlement of that kind? A.—That is all I know about it.

Q.—How did it come about, then, that the Order was rescinded, and yet you obtained a promise from the Ministry that they should introduce this Bill? A.—I don't know; I don't quite catch what you mean.

Q.—On the 18th March, 1902, a rescinding Order was passed whereby certain lands, 4,593 and 4,594, had been allocated to the railway? A.—Yes.

Q.—That was cancelled? A.—Yes.

Q.—The Crown grants had been cancelled? A.—Yes.

Q.—Notwithstanding that cancellation, you press the Government and induce the Government to introduce, during the Session of 1902, Bill 87. How does it come about that such a change was made? A.—That such a change was made?

Q.—Yes. A.—I don't know, I am sure.

Q.—But really you must know? A.—I don't know. I don't know to what change you are referring.

Q.—By an Order in Council these grants which had been prepared, in pursuance of an Order in Council, had been cancelled? A.—Yes.

Q.—That they were not to be given to the Columbia and Western Railway Company. And in May of the same year a Bill was introduced by the Government giving you the right

Mr. Brown—*Continued.*

to claim certain lands ; is that right ? A.—Giving us a right to our subsidy under the fourth section.

Q.—But, tell me, where did you get your right to a subsidy under the fourth section ? A.—As I have already told you, directly, by virtue of Mr. Dunsmuir's promise, primarily by reason of this agreement.

Q.—I see. That is the base ? A.—Yes.

Q.—After what took place on March 18th, 1902, how does it come about that this Bill 87 of 1902 was introduced in the House ? A.—To reinstate us in our fourth section, as far I know.

Q.—What took place between March 18th, 1902, and the introduction of the Bill which made the Government introduce this Bill ? A.—Nothing, that I know of, except my constant insistence in asking them to bring down a Bill.

Q.—That is all you can tell us ? A.—That is all I can tell you.

Q.—Did you see each Minister after the 18th March, 1902 ? A.—I have no doubt I did ; I saw everybody about it.

Q.—I am not complaining, Mr. Brown, of your zeal in the matter ; I merely want to get what you did. A.—I am just explaining to you.

Q.—I want to know whether you did or not see each Minister ? A.—Oh, yes, I must have.

Q.—And you saw the Attorney-General, did you ? A.—Oh, yes, everybody.

Q.—And did you get any particular advice from the Attorney-General. A.—I don't recall any.

Q.—Did you see Mr. Taylor between the 18th March and the introduction of Bill 87 of 1902 ? A.—I have no doubt I did so ; I cannot recall doing so.

Q.—But you cannot tell us what accounts for the change of front between the cancellation— ? A.—I don't know ; I don't recall anything about that.

Q.—Now, by the introduction of Bill 87 of 1902, was it intended that you should have blocks 4,593 and 4,594 ? A.—Not that I understand.

Q.—Would you have claimed those blocks ? A.—I don't know, I am sure.

Q.—As a matter of fact, you would, wouldn't you ? A.—I don't think so ; I don't know.

Q.—What lands would you have taken, then, if you had not taken those ? A.—Those were already dealt with.

Q.—What ? A.—4,593 and 4,594.

Q.—In what way ? A.—They would have selected, I suppose, the best lands they could.

Q.—The Company would have selected the best lands to be found ? A.—I suppose so.

Q.—Could they get any better than 4,593 ? A.—That I don't know.

Q.—You would have made a dead set on 4,593 ? A.—I suppose so.

Q.—Now, wasn't that Bill introduced with the object of getting hold of those lands ? A.—No, not that I am aware of.

Q.—What ? A.—Not that I know of.

Q.—Well, under it you would have been able to get hold of 4,593 ? A.—So it has been stated since I came here.

Q.—Well, now, try and put yourself in the position of the 22nd of May, 1902, and let us know what you thought at that time. A.—I don't recollect anything about it. My only recollection is of my desire to get a Bill through the House that would reinstate us in respect of our fourth section.

Q.—You were not entitled to a land grant for section 4 ? A.—Well, as I tell you, Mr. Helmcken, that was a matter that was considered by the Government.

Q.—Yes, but I am speaking from the statutory point of view ? A.—Purely a legal standpoint, a legal point I cannot discuss.

Q.—However, you were instructed you were entitled ; that is about your position ? A.—Yes.

Mr. McPhillips : Before putting some questions to you, Mr. Brown, I would first direct your attention to the scope of our inquiry, because it has a bearing on a question I will ask you immediately afterwards. We are appointed for the purpose of inquiring into the granting, or proposed granting, of a land subsidy to the Columbia and Western Railway Company. That is the scope of our inquiry. A.—Yes.

Mr. Brown—*Continued.*

Q.—“And the said Committee shall report their finding or findings and the evidence to the House.” In your evidence, Mr. Brown, yesterday, you made a reference to the fact that I attended with you at one time before the Executive. A.—Yes.

Q.—You remember that date was the 5th of September, 1900? A.—Fifth of September, 1900,—yes.

Q.—That was the only occasion upon which I attended; that was the first and last time, wasn't it? A.—It was the first and last time that you ever attended.

Q.—And I attended there in my capacity as a barrister? A.—Purely in your capacity as a barrister.

Q.—And following that attendance on the Executive, the then Government, the Order in Council of the 10th of September, 1900, would appear to have been made? A.—That was the result of your—that followed your appearance.

Q.—And these blocks 4,593 and 4,594 were not dealt with by the Government? A.—Were not dealt with by the Government.

Q.—And that was also, unquestionably, with reference to the British Columbia Southern Railway? A.—Unquestionably, the British Columbia Southern Railway Company.

Q.—Any later interviews that you had were held by yourself, I suppose, and your other counsel? A.—Yes, held by myself.

Mr. Duff: Will you pardon me for a moment. I have just received instructions, Mr. Chairman, with regard to a matter that I think there is no doubt that Mr. Brown ought to be examined about; and it occurs to me that, perhaps, it would be better to do it now before Mr. McPhillips proceeds with the examination on behalf of the Committee.

The Chairman: Will you let the Committee know what it is.

Mr. Duff: It is a pretty serious matter; I might state it now to the Committee, or I might state it privately to the Committee.

The Chairman: I think we had better know what it is, as it would be departing from our rules. I would think it is better to state it privately to the Committee.

The Committee here have a private conference with Mr. Duff, Mr. McCaul being also present.

The Chairman: Mr. Duff has satisfied the Committee that there is one, if not more, very important point that he desires to examine Mr. Brown on; and, in consideration of that, the Committee have decided to allow him to do so.

Mr. Duff: Just one or two matters, Mr. Brown. In the first place, did Mr. Wells make any statement to you with regard to the Crown grants after you came back from Montreal? A.—Well, there is no use repeating that, Mr. Duff, because he says he did not, and I say he did.

Q.—Did he make any specific statement to you in regard to the disposition of Crown grants? A.—Constantly he has made statements. One, I remember, was that the Crown grants were in an envelope addressed to Sir Thomas Shaughnessy and would be sent to him.

Q.—That is after you came back? A.—Yes.

Q.—Did you have a conversation in Hamilton with Mr. Wells with reference to what had occurred with reference to the interview between Mr. Wells and Mr. Taylor in Montreal? A.—Certainly I did not.

Q.—Did you meet Mr. Wells in Hamilton? A.—Yes, I did.

Q.—What makes your mind clear on that? A.—The peculiar incidents in connection with it.

Q.—You mean in connection with the meeting in Hamilton? A.—With his coming. He came to Hamilton. He came to Hamilton; said he wanted—that was when he was ready to go west he notified me he was coming to Hamilton, and asked me to meet him. And I met him; and I remember distinctly the only cab we could get was a very old one and altogether very dilapidated—

Q.—Does that really bear on this? A.—I am telling you what recalls it.

Q.—What was the object of his meeting you in Hamilton? A.—I don't know, I am sure.

Q.—He did not come to look at you, did he? A.—Nothing transpired at all, except that I drove him all around the town and said good-bye to him.

Q.—Did anything occur? A.—No, except this funny instance, that was peculiar.

Q.—You did not discuss business? A.—No.

Mr. Brown—*Continued.*

Q.—Never mentioned Crown grants? A.—Never mentioned Crown grants, that I remember.

Q.—Never mentioned politics? A.—I suppose that that came up in the discussion, friendly discussion.

Q.—Now, you were here the 21st of April this year, at the time you first gave your evidence. A.—Yes.

Q.—Do you remember who met you at the boat when you came down? A.—I think Mr. Oliver did.

Q.—You walked up to the hotel with him? A.—I think I did.

Q.—You had some conversation with him with regard to these matters? A.—I think I did have some talk with him.

Q.—And you were examined the next day, was it, or shortly afterwards? A.—I don't know when I was examined; I don't know whether it was the next day or some days afterwards.

Q.—Or, was it the same evening you were examined? A.—Let me see, was it; Yes, it was.

Mr. Helmcken: 21st of April, 7:30 p.m.

Q.—When did you learn that it was the determination of the Government to withdraw the Bill of 1902? A.—To withdraw the Bill of 1902? I cannot recall.

Q.—Well, they did recall the Bill—Bill 87? A.—Yes.

Q.—How long before it was withdrawn did you learn of their determination? A.—I don't remember now.

Q.—Well, I suppose you asked for an explanation, didn't you? A.—I presume I must have done so.

Q.—Well, this letter is so, isn't it? A.—I suppose so.

Q.—There is no doubt about it. Did you ask Mr. Wells for an explanation? A.—Of the withdrawal of Bill 87? I don't know that I did particularly.

Q.—Did you ask Mr. Dunsmuir? A.—Now I recall the circumstances, yes; I asked all the Ministers.

Q.—Did anybody give you an explanation? A.—Just a general explanation; that they could not pass the House.

Q.—Just a general explanation that the Bill would not pass the House? A.—Yes.

Mr. Helmcken: Mr. Dunsmuir was not here at that time.

Q.—Would you say that you asked for an explanation from Mr. Dunsmuir? A.—No; not definitely; not personally.

Q.—Did you ask Col. Prior? A.—I asked them all; I cannot say particularly.

Q.—Did you ask Mr. Wells? A.—I presume I must have; yes.

Q.—Mr. Eberts? A.—I presume so; yes.

Q.—Does your mind enable you to recall the circumstances connected with any one of these interviews? A.—No; it does not.

Q.—What reason was given by Mr. Eberts? A.—I don't remember.

Q.—What reason was given by Mr. Wells? A.—I don't remember.

Q.—What reason was given by Col. Prior? A.—I don't remember, except the general tenor, that it could not pass.

Q.—Did you ask Mr. Prentice; did he give you any reason? A.—Not that I am aware of.

Q.—Now, coming back to your recent conversations with Mr. Oliver; do you remember telling Mr. Oliver, or giving Mr. Oliver a statement as to the grounds upon which the Government excused their withdrawal of the Bill at that time? A.—I do not recall it now.

Q.—You don't recall it? A.—I don't recall it.

Q.—I will go more specifically into it. Do you remember telling Mr. Oliver this: that you were informed by the Government at that time that the Bill was withdrawn because certain members of the Government refused to support it unless they received some personal consideration? A.—No, I don't remember saying that to him.

Q.—Do you remember saying anything like that? A.—No.

Q.—Did you? A.—I certainly did not.

Q.—What? A.—No, I am sure I did not.

Q.—You are sure you did not? A.—Oh, yes.

Mr. Brown—*Continued.*

Q.—Nothing of that sort was mentioned at all? A.—No, certainly not.

Q.—And if Mr. Oliver says that you did make a statement of that kind—— A.—Then he is mistaken.

Q.—then he is mistaken. Well, two weeks is a comparatively short time, Mr. Brown. Just think about it again. A.—I do, most certainly.

Q.—And your recollection is that that did not occur at all? A.—Oh, yes.

Q.—You are unable now to say why that Bill was withdrawn, excepting that the Government could not put it through the House? A.—Yes.

Q.—Now, did you make any inquiries yourself on that subject at that time? A.—How do you mean, inquiries myself?

Q.—I mean, did you take any steps to inform yourself on this point as to whether the Bill would have passed the House? A.—I knew that there were objections to it.

Q.—Now, who were objecting to it? A.—Oh, I don't know individuals; I never spoke to them that I know of.

Q.—Are you sure that you never spoke to anybody with regard to that Bill? A.—I spoke to the Government.

Q.—I mean outside of the Government. A.—I never spoke to anybody outside of the Government.

Q.—It is not your practice to make inquiries about that, of members of the House? A.—It is very seldom that I ask the individuals in that way.

Q.—Didn't you consider your position with members of the Government, or with anybody, as to who would or would not support the Bill? A.—Oh, no; those things I have invariably left with the Government.

Q.—Did you get any information on the subject from anybody outside of the Government? A.—No, I certainly did not.

Q.—And you mean to say, Mr. Brown, that in regard to this matter, this was a Bill with regard to which you had two promises; in the first place, you had the promise of the Premier, of the 15th of May, 1901; in the next place, you had the promise from Mr. Wells in his letter; and in the next place, you had the promise of Mr. Wells that, under that Bill, you would get those two blocks, 4,593 and 4,594; and do you mean that you let it go with the statement of the Government that the Bill could not pass the House? A.—I certainly did. If they could not pass it, I could not do anything.

Q.—I mean to say, you made no personal inquiries? A.—No.

Q.—You made no personal inquiries of any kind whatever? A.—No.

Q.—To find out whether that was correct or not? A.—No.

Q.—Now, Mr. Brown, did you make any statement of that kind to anybody else besides Mr. Oliver? A.—Certainly not.

Q.—Did you ever tell anybody the reason why the Bill was withdrawn? A.—Certainly not.

Q.—Did you communicate with Sir Thomas Shaughnessy on the subject? A.—Certainly not.

Q.—Didn't you explain to him that this Bill had been withdrawn? A.—Oh, yes, I certainly did that.

Q.—Well, where is that correspondence? A.—I don't know, I am sure, where it is.

Q.—Did you ask for that? A.—No, I did not.

Q.—Why? A.—Because I did not think it was necessary.

Q.—It is not here, and, of course, you cannot get it? A.—No.

Mr. Helmcken: Mr. Dunsmuir went away to England about the 7th of June, Mr. Brown. A.—Yes.

Q.—And this Bill was discharged, that Mr. Duff is talking about, on the 19th of June. So that Mr. Dunsmuir could not have had anything to do with that. A.—Oh, no.

Q.—Mr. Eberts was the acting Premier at that time. A.—I presume so, whoever it was.

Q.—Mr. Eberts was. Did Mr. Eberts ever tell you why that Bill had been discharged? A.—Political clamour, that is all I know.

Q.—What? A.—Because he could not pass it.

Q.—Give us exactly what he did tell you? A.—Oh, I don't recollect it now.

Q.—He told you something; he must have told you something? A.—Oh, no, I don't recollect what he did tell me.

Mr. Brown—*Continued.*

Q.—It was a matter of indifference to you? A.—Not a matter of indifference.

Q.—On the other hand, were you so hot with the Government, on having the Bill discharged, that you did not want to express yourself? A.—I have no doubt I did express myself.

Q.—Rather more poignantly than elegantly, I suppose.

The Chairman: I think it is only fair to Mr. McCaul to allow him to examine on this, if he desires.

Mr. McCaul: I don't think I could serve any good purpose in cross-examining on it.

Mr. McPhillips: Reverting to the Order in Council of the 10th of September, 1900, as you say, that Order in Council gave other lands; that is, did not include blocks 4,593 and 4,594 in South-East Kootenay. Then, later, we have the Order in Council of the 19th of December, 1900, in which the British Columbia Southern was granted these blocks; you are aware of that? A.—Yes.

Q.—Who was it that, from the 10th of September, 1900, until the passing of that Order in Council of the 19th of December, 1900, was pressing upon the Government such action by the Government, if there was any pressing? A.—I was.

Q.—And who was your counsel? A.—Nobody, that I know of.

Q.—You were acting without counsel? A.—I was acting without counsel, as I usually did.

Q.—Now, of course, on the question as to whether or not the Government was right in granting these blocks 4,593 and 4,594 to the British Columbia Southern, we have nothing to do as a Committee. It may be that the Government was quite right in that; but it is not a matter for us. You knew that, as a matter of fact, there was an Order in Council that went back as far as the 6th of May, 1891, wherein land which covers these blocks 4,593 and 4,594 was set apart for the British Columbia Southern, did you not? A.—Yes, I knew that.

Q.—But it might be one thing as to whether the British Columbia Southern Railway Company was entitled to these lands, and another thing as to whether the Columbia and Western Railway Company was entitled to these lands? A.—Yes.

Q.—But, in any case, so far as the British Columbia Southern Railway Company was concerned, there was a reserve set apart for it as long ago as the 6th of May, 1891, covering these two particular blocks of land? A.—Yes.

Q.—Now, when you were under examination before, Mr. Brown, at page 45 of your examination (p. lvii. of this Report), I will recall to you two or three questions I put to you: "(Q.) It is important for us to find out how it was that that matter first arose." The matter was these particular blocks 4,593 and 4,594. "At any rate, you say that you did not initiate the action of the Government in proposing to the Company the granting of those lands in South-East Kootenay?" Your answer was: "Certainly not. (Q.) You did not? (A.) I did not. (Q.) And you say that the Canadian Pacific Railway Company, so far as you know, were not the agents to provoke that action on the part of the Government? (A.) So far as I know, not. (Q.) You say it was proposed to the Company by the Government? (A.) It was proposed as settlement of the lands. (Q.) By the Government to the Company? (A.) By the Government to the Company." Do you adhere to that statement, Mr. Brown? A.—This, of course, is certainly an impression that was on my mind; and it is there to-day.

Q.—Well, you adhere to those statements made? A.—Not in that positive form. I say that impression is conveyed to my mind.

Q.—It still remains as an impression? A.—Yes.

Q.—But not so clear as when you were first examined? A.—But not so clear as when I was first examined.

Q.—But, that being so, it would be the Government that would propose these blocks being given to the Company, rather than the Company proposing to the Government? A.—Well, my impression is that it grew out of tentative discussions; it grew out of tentative and discussed negotiations pending.

Q.—Do you still say that the first move in the matter was that of the Government rather than that of the Company? A.—First official—it is my recollection; I am not very clear on it.

Q.—You cannot put it on any higher basis than that? A.—No.

Q.—Now, Mr. Wells went to Montreal—of course, you are familiar with that fact—with the Crown grants? A.—Yes.

Mr. Brown—*Continued.*

Q.—Did you see him a few days before he went to Montreal? A.—I must have; I probably did.

Q.—You went with him to Montreal? A.—Yes—well, no, I don't think we went to Montreal together. I am not certain about that; we went in that direction together.

Q.—Did you know that he had the Crown grants, inclusive of the Crown grants for 4,593 and 4,594, in his pocket? A.—So he told me.

Q.—You never saw them? A.—I never saw them; I don't know if he had them in his pocket, or where he had them.

Q.—Did he tell you he had them with him? A.—Yes, that he was taking them with him to Montreal.

Q.—He did not tell you that he had a string on them of any kind? A.—Oh, no.

Q.—He never discussed that with you? A.—No.

Q.—When did you first hear that? A.—When did I first hear that he had a string on it?

Q.—Yes; when did he claim that there was something that had to be done by the Company before they could be delivered over? When did you first hear of that? In Montreal, when he was there? A.—No, I never heard that until recently; I never heard that there was any condition.

Q.—I would like to know when you first did hear it. A.—I don't recall that I ever heard it really until—

Q.—Well, when was it made first known to you that there was some difficulty in delivering those Crown grants? A.—That was after Mr. Wells' return.

Q.—To British Columbia? A.—Yes.

Q.—Then, you never had an interview then with Sir Thomas Shaughnessy, the President of the Canadian Pacific Railway Company, after Mr. Wells had had his interview with him and had failed to deliver over those two particular Crown grants? A.—No.

Q.—You never did have an interview with Mr. Shaughnessy, I mean after that circumstance had taken place? A.—Not that I recall, beyond the fact that he told me that Mr. Wells was returning with those grants to Victoria.

Q.—Now, what did he tell you? I don't want to go over it at any length, but I would like you to tell the Committee the exact words used by Sir Thomas Shaughnessy, or as near as you can recollect, bearing on these two Crown grants for 4,593 and 4,594.

Mr. McCaul: Pardon me, Mr. McPhillips; does the Committee think it is correct that Mr. Brown should give hearsay evidence as to what Mr. Shaughnessy's interpretation of the interview with Mr. Wells was? I submit that, as Mr. Shaughnessy is coming here, his evidence is the correct evidence to get, and Mr. Brown's evidence is only hearsay.

Mr. McPhillips: We are not bound by the rules of evidence, as the Courts of Law are; and I, for one of the Committee, think it is fair and right in the public interest that we should elicit evidence, even if it is hearsay evidence. In Ontario, the other day, the Ontario Legislature found it necessary to even constitute a Court and give them those powers; we have all the powers independent of any Statute.

The Chairman: I do not at all pretend to understand the law of evidence myself and I do not propose to interfere with any member of the Committee, especially a lawyer, when he is asking questions. That point raised by Mr. McCaul is altogether a legal question; I could not decide upon that. But, at all events, I do not intend, as Chairman, to interfere with any question which sounds reasonable at all, that any member of the Committee may make to witnesses.

Mr. McPhillips: I would like, as shortly as you can put it, what Sir Thomas Shaughnessy said upon this point, of the non-delivery of the grants for 4,593 and 4,594? A.—Simply that he had allowed Mr. Wells, or was allowing Mr. Wells, to return with the grants, which were to be returned to him in thirty days.

Q.—So that that matter passed from your mind in that way? A.—Yes.

Q.—That that is what had happened. Now, following that up consecutively, Mr. Brown; when was it that you first heard that that apparently was not the view of the Government, or Mr. Wells, with regard to these Crown grants; the first time you got the intimation that that apparently was not— A.—I suppose, in or about the time of the rescinding Order.

Q.—In or about the time of the rescinding Order; that would be about the 18th of March? A.—Somewhere about that.

Q.—1902? A.—1902, yes.



Mr. Brown—*Continued.*

Q.—Now, before I go from that date, could you fix the time Sir Thomas Shaughnessy told you that, and where? A.—I cannot fix the dates.

Q.—Would it be in the Canadian Pacific office in Montreal? A.—Yes.

Q.—You cannot fix the date? A.—No.

Q.—Would it be shortly before you returned to British Columbia? A.—It would, probably, yes, before I returned to British Columbia. I presume so.

Q.—Then, how long before your return to British Columbia? A.—I could not say.

Q.—Was anybody else present when Sir Thomas Shaughnessy made that statement? A.—No.

Q.—Then you say the first time you heard anything which would disturb that view of the matter that you had formed on what Sir Thomas Shaughnessy had said, would be on or about the 18th of March, 1902, the date of the rescinding Order? A.—The date of the rescinding Order, about that time or later.

Q.—And would you be clear on that; was there not an occasion previous to the rescinding Order of the 18th of March, 1902, when you met with the Premier, Mr. Dunsmuir, and Mr. Eberts in Mr. Eberts' office, that is the Attorney-General's office, and the Premier made use of some expressions with respect to these particular grants, do you remember that occasion? A.—I have recalled that; that has been recalled to me.

Q.—When would that be; what date? You say on or about the 18th of March, 1902, that is the date of the rescinding Order? A.—About that time, yes.

Q.—Would you say it was that day? A.—I couldn't tell you, I am sure.

Q.—It must have been either that day or previous to that day. A.—I don't recall the date at all.

Q.—Would you say it was a few days before that, or not? A.—I could not recall it.

Q.—Do you remember what the Premier, Mr. Dunsmuir, said? A.—I have a vague recollection of that.

Q.—I would like you, just as far as you recollect, Mr. Brown, to state to the Committee what the Premier said. A.—I have a recollection that he told us substantially what has been stated. But I don't recall—it is in my mind that he did say, possibly, that Mr. Eberts and I were in it. But I don't recall his saying so.

Q.—Besides that, I want the manner in which Mr. Dunsmuir discussed the matter. What did he say? A.—Oh, he says, Mr. Wells says so and so.

Q.—Mr. Wells says so and so? But what did he say right on? A.—Well, I cannot—a report of the story; I don't recall it.

Q.—Give the effect of it. A.—The effect to my mind, that Mr. Wells had told Mr. Prentice that there was some land company to be formed, in which members of the House and Mr. Eberts and I were in.

Q.—Members of the House and Mr. Eberts and you would be in it? A.—Yes.

Q.—Did he mention the names of members of the House? A.—No, I don't recall; I am not satisfied that he mentioned even our names; it is possible, but I don't recall it.

Q.—Didn't he go on and say anything more? A.—Not that I recall, no.

Q.—And anything that he would do in consequence of that? A.—No, not that I recall.

Q.—He did not say that by reason of that he would do something? A.—No, I don't recall his doing so.

Q.—And he did not say that he was going to put a stop to that, and that he would make it impossible for any such thing to be carried out? A.—I don't recall it.

Q.—He did not say that he would have the Crown grants set aside? A.—I don't recall it.

Q.—Or the matter rescinded? A.—I don't recall it.

Q.—And left as it was before? A.—I don't recall it.

Q.—He did not say that he would cancel the Crown grants? A.—I don't recall it.

Q.—I don't want you to pin your mind to the word "cancelled"; did he say anything that would import to you at the time that the Crown grants would be annulled in any way? A.—I do not recall it, no.

Q.—Then you went away from that meeting with what idea? That the Crown grants would remain, or that they would be set aside? A.—I think that I then spoke to Mr. Dunsmuir—I did not think that he attached much importance to it.

Q.—Mr. Dunsmuir did not attach much importance to it. A.—Yes.

Mr. Brown—*Continued.*

Q.—Then you put it this way, that although the Premier, Mr. Dunsmuir, made use of this language with reference to this matter, that is, as to something Mr. Wells had told Mr. Prentice, yet, at the same time, he did not lay any stress upon it? A.—Yes.

Q.—And you did not expect for a moment, then, that these Crown grants would be set aside; you did not expect that? A.—I don't know that I did. I for some time had had doubts in my own mind.

Q.—But did you go away with the impression that the Crown grants would be set aside? A.—I don't know that I did.

Q.—Well, would you say that you did not expect that? A.—No, I did not expect that.

Q.—You did not expect that? A.—No, no.

Q.—Well, following that up, did you, at a later stage and before you knew of the rescinding Order of the 18th of March, 1902, have an interview with Mr. Eberts upon the subject as to what was going to be done? A.—I don't recall it.

Q.—Did you make no efforts to stay the hand of the Government in the way of setting aside these Crown grants after this interview in which the Premier had spoken as he did? A.—Oh, yes, I did; I went before the Cabinet.

Q.—Oh, yes; but I mean before the rescinding Order? A.—No; I did not.

Q.—You say that the impression on your mind was such that you did not find it necessary to immediately strengthen the Company's position by getting all the forces that you could together to prevent the setting aside of the Crown grants? You did not think that necessary? A.—I didn't know that the Crown grants were going to be set aside.

Q.—You did not think that was necessary, and, therefore, you did not do that. But the next thing you heard was the rescinding Order was passed? A.—Yes.

Q.—And when I say Mr. Eberts, I want you to cover Mr. Taylor as well. Did you see Mr. Taylor in connection with this matter before the rescinding Order of the 18th of March, 1902, was passed? A.—No, not that I remember.

Q.—You did not consult with him about the matter? A.—I think I carried the story to him, whenever the date was.

Q.—But you don't think that you interested him to prevent any such happening as the setting aside of the Crown grants? A.—No.

Q.—And you did not ask him to exercise his good offices to prevent any such happening? A.—No.

Q.—Well, then, the next thing you heard, Mr. Brown, was that the rescinding Order of the 18th of March was passed? A.—Yes.

Q.—Then, what would you do? A.—I protested to Mr. Wells.

Q.—Well, how did you become aware of the fact, first? A.—I really could not tell you.

Q.—The first thing you did after you did hear of it, was what—to see Mr. Wells? A.—To see Mr. Wells, I think, or Mr. Gore.

Q.—Either Mr. Wells or Mr. Gore? A.—Yes.

Q.—What did you say to Mr. Wells? A.—I went to Mr. Gore and asked him if it was so, and he referred me to the Chief Commissioner, and Mr. Wells told me it had been passed.

Q.—And what did Mr. Wells advise you? Of the fact that the rescinding Order of the 18th of March, 1902, was passed? A.—Yes.

Q.—And what did you say to that? A.—I said I thought it was unusual, that no notice had been received; a general protest.

Q.—A general protest? A.—Yes.

Q.—And subsequently you had an appointment made with the Government and you met the Executive? A.—Yes.

Q.—Did you appear there yourself, or with counsel? A.—Myself.

Q.—No counsel? A.—No counsel.

Q.—And what was the object of the meeting? A.—With me, it was a two-fold object; to protest against this rescinding Order—I must, first of all, tell you that I advised the President of the rescinding Order as soon as it came.

Q.—By wire? A.—By wire, yes; and I received a wire from him in reply. And my object in going before the Cabinet was two-fold; to protest against this rescinding Order, and calling attention to this rumour that reached me, this story that had reached me.

Q.—Did you receive any instructions upon which you acted, from the President of the railway, Sir Thomas Shaughnessy? A.—No instructions beyond a telegram which I read.

Mr. Brown—*Continued.*

Q.—We have had that? A.—Yes.

Q.—Then, following this, you had this meeting of the Executive? A.—Yes.

Q.—And you placed the position, I suppose, as strongly as you could, of the Company before the Government? A.—Yes.

Q.—Protesting against the action of the Government. And the result of the interview or meeting was what? A.—Nothing, that I know of.

Q.—The Government combatted your position? A.—No, they did not say anything.

Q.—Did they give you any further information? A.—No, they did not.

Q.—Did they give you any further reasons? A.—No, simply said they would take it into consideration.

Q.—Did the Government ever give you the reasons why the rescinding Order of the 18th of March, 1902, was passed? A.—Never gave me the reasons as a Government. This story—

Q.—I want to get at that; what reason, if any, was ever stated to you by the Government, collectively, or by any member of the Government, for the passing of the rescinding Order of the 18th of March, 1902? A.—My recollection of that meeting is this, that I called attention to this rumour, and said that my integrity and that of my Chief had been called into question, and I wanted them to investigate that; that I heard it was on account of this that the Order had been cancelled. And they assured me that there was no reflection.

Mr. McCaul: Assured you what? A.—That there was no reflection on myself and Sir Thomas.

Mr. McPhillips: Did the Government, sitting in Executive, or did any member of the Government, tell you precisely why it was that the rescinding Order of the 18th of March, 1902, was passed? A.—I don't recall.

Q.—Well, but now, it is most important for us to find that out; we want to know, in this Committee, why it was that that Order was passed? A.—As far as I know, officially, it was passed—well, I don't know, I am sure, why it was passed; I don't know that I have ever heard.

Q.—Did any member of the Government tell you why it was passed? A.—I don't recall.

Q.—The only deduction you can form is that it was passed because of this story that Mr. Dunsmuir mentioned to you? A.—Because of the story, and the fact, as Mr. Wells says, that he claimed additional conditions.

Q.—And that he claimed additional conditions? A.—Yes.

Q.—But now, on that question of additional conditions, Mr. Brown, these particular lands 4,593 and 4,594 were got in conjunction with other lands for admittedly a completed section of the Columbia and Western Railway? A.—Yes.

Q.—I mean they were proposed to be given? A.—Put that question again, please.

Q.—These particular lands, blocks 4,593 and 4,594, in conjunction with other lands, were proposed to be given by the Government for admittedly a completed section of the railway? A.—Yes.

Q.—Sections one and three? A.—Yes.

Q.—There was no question raised by the Government as to sections one and three, that there were conditions which would have in their train forfeiture of that particular land subsidy, was there; that is, unfulfilled work on the part of the Columbia and Western Railway? A.—Of the first and third sections, no.

Q.—It is common ground that the land subsidy for sections one and three were earned by the Columbia and Western Railway, and no question of forfeiture as to that, was there? A.—Oh, yes; that was it.

Q.—Rightly or wrongly, the Government were proposing to give lands for sections one and three; and what I want to bring clear to your mind, Mr. Brown, is this, that there was no such thing as the Government being able to say, "You have not done something which it is necessary for you to do under the Columbia and Western Railway Subsidy Act of 1896 to get any lands in respect of the subsidy?" A.—I did not catch that, Mr. McPhillips.

Q.—You know the question has arisen about section four; you were asking an Act for section four? A.—Yes.

Q.—But, so far as the land subsidy is concerned for sections one and three, the Columbia and Western Railway Company had earned those subsidies, had it not? A.—Yes.

Q.—And there was nothing that remained to be done to earn those subsidies, was there? A.—No.

Mr. Brown—*Continued.*

Q.—And I say, rightly or wrongly, whether the Government should or should not have given you blocks 4,593 and 4,594, there was not, so far as the Columbia and Western Railway Company Subsidy Act was concerned, any further condition that was compulsory upon the Company, was there? A.—No.

Q.—There was not? A.—Apparently not.

Q.—Well, now, when Mr. Wells raised this point with you about a railway, for instance, from Spence's Bridge to Penticton, or any of these further conditions, didn't you immediately say, "Well, that is an absurd proposition; we have earned the subsidy, and we are not proposing to build another railway to earn this subsidy"? A.—Oh, no; he never put it in connection with this subsidy at all.

Q.—He never put it in connection with this subsidy at all. In what way did he put it? A.—The impression he conveyed to me was that, as part of the Government railroad policy, the Company should build.

Q.—And that that would be another matter, another contract, another arrangement? A.—Yes, entirely.

Q.—He was not asserting for a moment, to you at any rate,— A.—No, certainly not.

Q.—that to earn the subsidy for sections one and three, you should comply with some further conditions? A.—Oh, no.

Q.—But that the Government were desirous of some further contract being made? A.—Yes.

Q.—Which would be a policy, I suppose; a railway policy, is that it? A.—That is it.

Q.—But when did you first hear, though, that that was one of the grounds upon which the rescinding Order was passed? A.—About the date of the rescinding Order.

Q.—About the date of the rescinding Order? A.—Yes.

Q.—Now, about this Bill 87, shortly, Mr. Brown. The Deputy Attorney-General said he never drew it; that is the one of 1902; he says that, as far as his memory carries him, you gave it to him, or Mr. McNeill. We have no evidence from the Attorney-General as to whether he did or did not draw it. We have this evidence, though, that it was in typewriting form; it was handed in, Mr. Scholefield says, by you to him in the King's Printer's Department, and that later it was compared in your presence, and a little later a copy was handed to you, and not a great while afterwards, it was brought down in the House. Now, Mr. Brown, I would like you to say, if you can, whether your solicitor drew that Bill or who drew it? A.—I don't recall it at all.

Q.—You see, the people that could have drawn this Bill are disposed of—we have disposed of Mr. Maclean already, Mr. McNeill, and you will soon be through; yet somebody must have drawn this Bill? A.—I don't recall the circumstances at all.

Q.—Well, if you took the Bill into the King's Printer's Department, who do you say drew the Bill? A.—I don't recall taking the Bill in to the King's Printer.

Q.—Will you say, Mr. Brown, that you never had your solicitors draw that Bill dealing with section four? A.—I don't think I asked them to; I don't recall.

Q.—This is a very important matter. It does not seem to me, and I don't think it will appeal to the Committee, that a Bill dealing with such an important matter as this could be practically drafted by no one and introduced with no one's responsibility in the House. A.—I don't recall it, Mr. McPhillips.

Q.—If you did get a copy of this Bill, do you remember you were present when it was compared? A.—I don't remember of those circumstances at all.

Q.—Well, was the Bill satisfactory to you? A.—When it was brought down?

Q.—Yes. A.—I presume it was.

Q.—I don't want you to presume. Was it satisfactory to the Company? A.—I presume it was; I don't know.

Q.—You must know a little more precisely than that, because you wrote a letter in which you asked the Chief Commissioner whether or not the Bill would be brought down as drafted. That must have had some meaning at the time, must it not? A.—It must have, yes.

Q.—Nevertheless, you don't recall it? Now, you must, when you carry your mind back to the time, be of opinion that you had some very clear recollection of the form in which the Bill was? A.—I don't recall it at all.

Q.—When you look at your letter? A.—I don't recall the circumstance.

Mr. Brown—*Continued.*

Q.—You could not indict a letter evidently laying stress on the fact that the Bill was to come in as drafted unless you knew the form of that draft, could you? A.—Oh, I must have seen the Bill.

Q.—And not only seen the Bill, but it must have been satisfactory to your Company? A.—I presume it must have, yes.

Q.—And who satisfied you as to its legal effect? A.—I don't know I am sure.

Q.—Wouldn't that be a natural duty cast upon you, an ordinary duty in your position, that the Bill should be satisfactory to the Company in its legal effect? A.—I presume so. I don't recall—

Q.—Your principals, the Columbia and Western Railway Company, or Canadian Pacific Railway Company, are careful about all matters of importance like that? A.—Oh, yes, they leave that—

Q.—Haven't they legal advisers from one end of the continent to the other? A.—They leave that generally to the Government.

Q.—No, but haven't the Company legal advisers, we will say, from one end of the continent to the other, and all matters of importance are submitted to them? A.—Oh, I think so, yes.

Q.—And don't you think that a Bill dealing with such a large acreage of land as this for the land subsidy for section 4 would be a matter of such importance that you would submit it to a solicitor? Don't you think the Bill would be, even if it was drafted by the Government? A.—I presume so; but I don't remember the circumstances of it at all.

Q.—Will you say you did not hand it to a solicitor to be drafted? A.—I don't recall any circumstances.

Q.—You say you don't remember giving that to any solicitor to draft? A.—I don't recall.

Q.—Did you draft it yourself? A.—I don't think so. I don't recall the circumstance.

Q.—Have you ever drafted Bills? A.—Yes, I have.

Q.—But do you think you drafted this Bill? A.—I don't know; I don't recall it at all.

Q.—Don't you think it extraordinary that this Bill should be drafted in some illusory way, we don't know anything about it, and yet it was satisfactory to your Company? A.—Well, I can give no explanation.

Q.—Will you say it was drawn by the Attorney-General, Mr. Eberts? A.—I won't.

Q.—You won't say. Will you say it was not drawn by Mr. Eberts the Attorney-General? A.—I don't know.

Q.—Will you say that it was drawn by Mr. Taylor? A.—Not to my knowledge.

Q.—Will you say it was not drawn by Mr. Taylor? A.—Not to my knowledge; it was not drawn by Mr. Taylor.

Q.—Not to your knowledge. It may have been drawn by Mr. Taylor? A.—I don't know.

Q.—Did you instruct Mr. Taylor to draw it? A.—No.

Q.—And you don't know whether he did draw it or not? A.—I don't know anything about it.

Q.—Well, would you say it was drawn by Mr. Davis? A.—I don't know.

Q.—If Mr. Davis was here it would have been a matter that you would likely have submitted to him? A.—I possibly would, yes.

Q.—You have no recollection that Mr. Davis drew it? A.—No.

Q.—You have no recollection of instructing him to draw it? A.—No.

Q.—You don't know whether he was here at the time or not? A.—No.

Q.—Well, would you say that any other member of the bar or solicitor in Victoria drew it? A.—I don't recollect it at all.

Q.—Or elsewhere? A.—Or elsewhere; I don't recollect it at all.

Q.—Now, dealing with that time, Mr. Brown; who would you say was the regular counsel for the Canadian Pacific Railway, on or about the 22nd of May, 1902? A.—Mr. Davis, I think.

Q.—Mr. Davis would be? A.—Yes.

Q.—In the absence of Mr. Davis being here at that time, whom would you consult if you needed advice? A.—I probably would have consulted Mr. Helmcken.

Q.—But you did not? A.—No; I don't recall seeing Mr. Helmcken.

Mr. Brown—*Continued.*

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Mr. Brown—*Continued.*

The Chairman here read telegram just received from Sir Thomas Shaughnessy, dated Montreal, May 12th, 1903: "Leaving by No. 1 to-morrow, Wednesday; due Victoria Monday evening."

Q.—Now, on your return to British Columbia,—can you fix the date when you came from Montreal? A.—I don't remember.

Q.—What we have been speaking of now was in March, 1902? A.—Yes.

Q.—Did you return, do you think, before Christmas, 1901, or New Year's? A.—I have really forgotten whether I had Christmas that year in the East or not.

Q.—You don't know whether you spent that time in the East or in Vancouver? A.—No.

Q.—Now, would it be a month before the rescinding Order of the 18th of March that you were here, 1902? A.—Oh, I imagine so.

Q.—About a month. Now, you were making some effort to have these Crown grants delivered over? A.—Yes; always.

Q.—Before the rescinding Order of the 18th of March, 1902? A.—Yes; right along.

Q.—How long would that be before the rescinding Order? A.—Oh, I couldn't tell you,

Mr. McPhillips.

Q.—A month or two? A.—Probably.

Q.—Who was it you saw first in that connection? A.—Mr. Wells, necessarily.

Q.—And what was his first objection, if any? A.—I don't think he raised any objection beyond the general objection that he wanted to hold them for the time being.

Q.—I want you to be clear on that. A.—Oh, I cannot be absolutely clear.

Q.—Did he offer any excuse at all for retaining them? A.—Well, all the excuse that was conveyed to my mind always was political expediency.

Q.—Political expediency? A.—Yes.

Q.—Well, did he explain that in any way? A.—Oh, applications coming in and questions being raised.

Q.—What applications coming in? A.—Applications for licences; I am speaking generally.

Q.—Applications for coal prospecting licences and petroleum prospecting licences? A.—Yes.

Q.—That must have been, then, bearing on the value of the particular block 4,593, I suppose? A.—Yes.

Q.—He was commencing then to indicate that you were getting too good a bargain; is that it? A.—Oh, I don't think so; that did not impress me.

Q.—If that was the Columbia and Western Railway Company's land, why should he be concerned about who were making applications? A.—Simply for political reasons he did not want to—

Q.—What I understand, Mr. Brown, is this, that Mr. Wells was commencing to have political fears that disposing of these two blocks, 4,593 and 4,594, would operate disastrously against the Government? A.—That was the idea.

Q.—That was what was conveyed to your mind; that, although they had done a certain thing, it might work disastrously politically; A.—Yes.

Q.—He never, for instance, suggested for a moment that you, on behalf of the Company, or anybody, had overreached the Government in the matter? A.—Oh, no.

Q.—That there was any improvidence in getting these lands? A.—No.

Q.—That you had perpetrated any fraud upon the Government? A.—No, certainly not.

Q.—That there was any misrepresentation on your part? A.—No, certainly not.

Q.—Nothing of this kind which would invalidate what was done? A.—No.

Q.—He was not urging anything of that kind? A.—No, certainly not.

Q.—Just talking about political expediency? A.—Not those words; but that was the impression on my mind.

Q.—As far as you could understand it, he had political tremors about the effect it would have on the public when it came out? A.—Yes.

Q.—Then, of course, did you go to some of the other members of the Government after seeing him? A.—Oh, I must have spoken to them all.

Q.—And kept urging that the grants should be delivered over? A.—Yes, should be sent to Sir Thomas.



Mr. Brown—*Continued.*

Q.—Do you remember going to the Premier, Mr. Dunsmuir? A.—Yes, I have spoken to the Premier lots of times.

Q.—And urging on him? A.—Yes, to have Mr. Wells send them on.

Q.—And what did the Premier say? A.—He always said he would see Mr. Wells and see why they had not gone.

Q.—And it was not until the 18th of March, 1902, or until the Premier broached this other matter? A.—Certainly not.

Q.—The Premier always before that said he would see Mr. Wells and have it done? A.—Yes

Q.—Have the grants delivered over? A.—Yes; I think, I am under the impression, on one occasion that he had told Mr. Wells to send them on.

Q.—When was it that Mr. Wells first said that he wanted your railway to build another line of railway, or proposed railway? A.—That was just before he went to Montreal.

Q.—Before he went with the grants? A.—Yes.

Q.—When was it after his return that he, for the first time, raised the point that before these grants would be delivered over your Company would have to make some further contracts with the Government? A.—Oh, he never raised that point with me.

Q.—He never raised that point? A.—He never raised that point.

Q.—That never was a point at issue between you? A.—No, certainly not.

Q.—Then you say the Premier, Mr. Dunsmuir, never broached this other subject until about the date of the rescinding Order, the 18th of March, 1902. Did you see Mr. Dunsmuir several times about getting the Crown grants delivered over? A.—Oh, yes.

Q.—And he used to always say that he would see Mr. Wells? A.—Yes, he would say, "I have seen Mr. Wells," or "I will see Mr. Wells."

Q.—Mr. Dunsmuir never raised the point that you could not have those grants except certain concessions were made by your Company? A.—Certainly not.

Q.—He never raised that point? A.—He never raised that point.

Q.—And the only point raised by him for the rescinding Order was this matter in which he contended that he heard that Mr. Eberts and yourself and other members of the Legislature were to participate in the land? A.—Yes.

Q.—Therefore, if the contention is put forward that you were not to have these grants for 4,593 and 4,594 unless the Company agreed to build from Spence's Bridge to Penticton, that point was never raised with you? A.—As far as I know; not at this period, I mean, before the rescinding Order.

Q.—No, not before the rescinding Order. You have heard of it since? A.—Oh, yes.

Q.—But it was never urged against your Company getting these blocks of land—4,593 and 4,594—that you were to give some further concession, or enter into some further contract? A.—No.

Q.—Except, of course, that you have heard it since the rescinding Order? A.—Yes.

Q.—Well, now, after you saw the Premier, Mr. Dunsmuir, and he said that he would see Mr. Wells, or had seen Mr. Wells, about delivering over those Crown grants, did you see Mr. Wells again? A.—Yes.

Q.—And what did Mr. Wells say? You were able to tell him, I suppose, "I have seen the Premier and he says you are to deliver those grants over." And what would he say? A.—He would always tell me not to worry.

Q.—He was still worrying himself, over the political situation; is that it? A.—Yes.

Q.—He was doing the worrying and he didn't wish you to worry. But this political worry of his you never thought for a moment was going to operate in the end to prevent your getting these blocks of land? A.—Oh, he always told me they would eventually come to the Company.

Q.—He always told you they would eventually come to the Company? A.—That the deeds would finally be sent to Sir Thomas.

Q.—Mr. Brown, you happened to mention one of my colleagues of this Committee, Mr. Helmcken, of course, who is also a barrister— A.—Yes.

Q.——that if you had had occasion at this time of the drafting of the 1902 Bill, No. 87, to consult counsel, in ordinary course you would have consulted him, in the absence of Mr. Davis? A.—Oh, yes.

Mr. Brown—*Continued.*

Q.—As a matter of fact, you never did consult Mr. Helmcken in relation to this matter?

A.—No, I don't think so.

Q.—In any professional way in regard to this matter, the subject of this inquiry? A.—Oh, no.

Mr. Green: Mr. Brown, referring again to that Bill 87 withdrawn from the House, a question that Mr. Duff asked you with reference to your conversation with Mr. Oliver—I want you to be quite clear upon that point. You say that you had no such conversation with Mr. Oliver; have you had any such conversation with anybody else? A.—No, sir.

Q.—At any time? A.—No.

Q.—Possibly not in those words; but have you never made such a statement to other people? A.—No, no; I think not.

Q.—Did you make such a statement as you would sooner have the Bill withdrawn than to divide up with those people? A.—No, I never did.

The Chairman: It is quite understood now that Mr. Brown's evidence is all in; no more questions to be asked?

Mr. Helmcken: Unless he provides us with his file of correspondence.

Mr. McPhillips: That is one matter I intended to go into.

The Witness: I have not got my correspondence.

Mr. McPhillips: A question or two on that. The correspondence you have produced, Mr. Brown, under what circumstances did you get it? A.—I found it in my mail on Sunday. I am trying to recall how it got there.

Q.—Were you over in Vancouver at the time? A.—Yes.

Q.—And you got it in your mail? A.—Yes.

Q.—Would you say from Montreal? A.—No; I could not say from Montreal; my impression is it was not from Montreal.

Q.—If you opened a letter containing this correspondence it would show where it was from? A.—Oh, no; my impression is—my secretary was here a short time ago and he went back, and my impression is that he found it among the papers that he had with him.

Q.—In Vancouver? A.—No; in Montreal.

Q.—After his return he found this correspondence? A.—I don't know; I am surmising.

Q.—And it came to you in that way? A.—Yes.

Q.—But cannot you recollect whether you opened an envelope addressed to you in Montreal? A.—You couldn't tell whether it was from Montreal or not; it is not stamped.

Q.—Your mail matter does not bear any postage stamp? A.—No.

Q.—Nothing to ear-mark it? A.—No; nothing to ear-mark it.

Q.—Don't your envelopes themselves import what office they come from? A.—No.

Q.—Aren't they marked in some way? A.—No.

Q.—Aren't they printed "Montreal," or anything of that kind? A.—No.

Q.—Nothing to indicate from whence they have come? A.—No.

Q.—But you surmise that it came in that way? A.—Yes; I surmise so.

Q.—Now, if your secretary was here and went East, you must have told him what to get, did you? A.—Oh, no; he was just looking through mail, and he knew of this investigation before he left.

Q.—But, surely, your secretary would not undertake to return you papers without some instructions from you in the matter? A.—He knew that I had asked for papers.

Q.—Had you asked him? A.—He sent the wire.

Q.—He sent the wire himself? A.—Yes; he knew that I was asking for papers, do you see, and he saw that that had bearing on it.

Q.—Will you say that you gave him any instructions on this subject at all? A.—No, I did not.

Q.—And did you get any letter from him since he went East? A.—No, I have not.

Q.—Nor any wire? A.—No.

Q.—And that is the explanation of your being able to produce what correspondence you have been able to produce? A.—Yes.

Q.—And you rely wholly on the wire that you sent? A.—Yes.

Q.—To have this correspondence here? A.—Yes.

Q.—When you sent that wire did you require everything to be sent here? A.—Oh, no; I just asked for certain things.

Mr. Brown—*Concluded.*

Q.—What did you ask for? You did not produce that wire to the Committee? A.—I don't know whether I did or not. I asked for a report, for letters that passed between Mr. Wells and myself, and my report of March, 1902.

Q.—But you did not get the report of March, 1902? A.—No.

Q.—Have you asked for it since? A.—No, I have not.

Q.—You expect Sir Thomas Shaughnessy to bring it? A.—I fancy it will be here.

Q.—You expect Sir Thomas Shaughnessy will have the correspondence and data dealing with these matters arising in this inquiry? A.—Yes.

Q.—You have no more that you can produce at present? A.—No.

Witness stands aside.

Mr. Duff: Perhaps it would be well to have this matter that Mr. Oliver has spoken of, disposed of at once.

The Committee so agreed.

JOHN OLIVER, being duly sworn, testifies as follows:—

Mr. Duff: You heard my questions put to Mr. Brown? A.—Yes.

Q.—And you heard his answers? A.—Yes.

Q.—You had some conversation with Mr. Brown about the 21st of April? A.—Some-where about that time.

Q.—About the time he was examined first before the Committee? A.—Yes, before he was examined.

Q.—You met him at the boat and walked to the hotel with him? A.—Yes.

Q.—And discussed Columbia and Western matters? A.—Yes.

Q.—Now, did you see him again? A.—Yes.

Q.—Before or after his examination? A.—Before.

Q.—Before his examination? A.—Yes.

Q.—Did Mr. Brown make to you any statement of the matters that I examined him on, with regard to the interview? A.—Yes.

Q.—State what it was? A.—Well, in conversation with Mr. Brown, I asked him the question, what reasons the Government gave for the withdrawal of Bill 87 last year; and in the course of the discussion that took place, Mr. Brown said that several supporters of the Government would not support the Bill unless there was something in it for them, or words to that effect. I could not positively state what the exact words were, but it was to that effect.

Q.—But the point I want to be clear on is, whether Mr. Brown stated that he had been so informed by the Government, or whether he gave that to you as information that he had from other sources? A.—Well, my recollection of the matter is that that was one of the excuses given to Mr. Brown by the Government.

Q.—Are you clear on that point? A.—Yes; positively clear.

Q.—I mean to say, on the point that that was one of the reasons given by the Government? A.—Well, that was the statement made to me by Mr. Brown.

Q.—But I am getting at what the effect of Mr. Brown's statement was. A.—That was the effect of it; yes.

Q.—That that was one of the reasons given by the Government to Mr. Brown? A.—Yes.

Q.—Now, Mr. Brown was afterwards examined before the Committee, and I think you took part in the examination, didn't you? A.—Yes.

Q.—Well, why was it that matter was not raised? A.—Well, I think the reason of that was, at the time I had this conversation with Mr. Brown, afterwards I weighed it over in my mind, and I came to the conclusion that as I had been pressing this matter on Mr. Brown to endeavour to find out what reasons the Government had given to him, that, possibly, he said it for the purpose of heading me off—jollyng me, as he puts it himself.

Q.—As a matter of fact, recalling the conversation with Mr. Brown, was there anything in Mr. Brown's conversation which would go to indicate that he was jollyng you? A.—Not apart from that; after considering the matter, I came to the conclusion that, possibly, he might have been doing so.

Q.—What reason had you for coming to that conclusion? A.—Well, for the reason that I have stated. I was endeavouring to elicit information from Mr. Brown, and I thought, possibly, that is the way he was heading me off.

Mr. Oliver—*Concluded.*

Q.—But there was nothing in his manner, or anything of that kind, to indicate that he was jollying you? A.—I don't think there was.

Q.—I mean to say, do you recollect that? A.—I didn't take it that way at the time.

Q.—You didn't take it that way at the time; it was only on subsequent consideration? And then, during Mr. Brown's examination this morning, you recollected the matter and mentioned it to me? A.—Yes.

Mr. Helmcken: Where did this conversation take place? A.—In the lobby; this particular conversation.

Q.—I understood you went to meet Mr. Brown at the steamer? A.—I did. I went there with the object of seeing whether Mr. Brown came over on the steamer.

Q.—Oh, you didn't go to meet him? A.—I didn't go purposely to meet him, although I went for the purpose of seeing whether he came off the steamer.

Q.—And that was given to you in the lobby here? A.—Yes.

Q.—On the same night? A.—No.

Q.—When? A.—I think in the morning, or about dinner time, to the best of my recollection, about dinner time of the same day that Mr. Brown was examined in the evening.

Q.—Anybody else present? A.—I don't think there was anyone taking part in the conversation at all.

Q.—It didn't make any impression on you at the time, did it? A.—In what way?

Q.—In any way. A.—The statement of Mr. Brown?

Q.—Yes. A.—Well, as I have told you, afterwards I considered the conversation over and came to the conclusion that possibly he made that statement for the purpose of heading me off.

Q.—Heading you off from what? A.—Well, I was trying to elicit information.

Q.—From Mr. Brown? A.—From Mr. Brown.

Q.—Why did you go to him particularly? A.—Well, as you will recollect, Mr. Helmcken, it was a very important question, and as these lands which were involved in the matter of Bill 16, which was then before the House, were supposed to be very valuable, I naturally came to the conclusion that the C. P. R. would not relinquish those lands without making a struggle for them, and I naturally connected Mr. Brown's visit here at that particular time with possibly an effort on behalf of the Railway Company to bring influence to bear to defeat that Bill in the House; and I was trying to get all the information I could as to what scheme they were working, if any.

Q.—And you imagined Mr. Brown was going to tell you? A.—Well, I didn't imagine that he would tell me anything of the kind willingly at all.

Q.—You are not very precise in your statement with regard to what Mr. Brown did tell you? A.—Not as to the exact words.

Q.—You used the expression "there was something in it," or words to that effect? A.—For the members who—as I told you, the effect of it was that the excuse given by the Government to Mr. Brown was that the several supporters would not support the Bill unless there was something in it for them.

Q.—Did Mr. Brown say who was the member of the Government that gave him that information? A.—No; I recollect he was speaking generally. He said "they" gave him that reason.

Q.—Oh, "they"? A.—Yes.

Q.—But no names were mentioned. A.—No.

Q.—It is most extraordinary in all these stories no names are mentioned? A.—I don't think that is extraordinary anything about it.

Q.—Do you think any of the supporters of the Government would want something? A.—I did not take that into consideration, Mr. Helmcken. As I have already told you, when I considered the matter afterwards I came to the conclusion that very probably he was jollying me, heading me off by making that statement.

Q.—Now, do you think he was not jollying you? A.—I have no reason to change that opinion, I think it is quite likely that he was.

Q.—That he was jollying you? A.—Yes.

Q.—And you have no reason to believe that anything you have stated here,—beyond the mere mention of the fact, you have no reason to believe that there is anything in that statement? A.—Not beyond what I have told you.

Witness stands aside.

The Committee here adjourned until 2:30 p. m. to-day (May 12th).