

# EVIDENCE

TAKEN BY THE

## SELECT COMMITTEE ON THE KOOTENAY (BOOTH) ENQUIRY.

The Select Committee appointed to enquire into any charges of malfeasance in office against the late Gold Commissioner at Kootenay, Mr. Booth. Such Committee to have power to call for persons and papers, and to report to the House all the facts and circumstances connected therewith.

The Committee met at the Library, on Friday, 21st February. Present—Messrs. Wilson, Williams, Evans, Smithe, McGillivray.

On motion, Mr. Wilson was elected Chairman and Mr. McGillivray Secretary.

*Resolved*,—That application be made to the Government for copies of affidavits containing charges against Mr. Booth, late Gold Commissioner at Kootenay.

*Resolved*, That Messrs. A. C. Elliott, Galbraith, and Gallagher be requested to appear before this Committee on Tuesday next, the 25th instant, to give evidence.

*Resolved*, That the Committee adjourn to Tuesday, the 25th instant, at 10 A.M.

WM. WILSON, *Chairman*.

The Kootenay Committee met at the House of Assembly Rooms, on Tuesday, 25th February, at 10 A.M. Present—Messrs. Wilson, Evans, Williams, Smithe, and McGillivray.

Mr. Harrison produced the following letter from the Attorney-General's Department:—

“VICTORIA, B. C.,  
“February 22nd, 1879.

“SIR,—The Honourable the Attorney-General has referred to me your letter of the 21st instant, applying, on behalf of your Honourable Committee, for affidavits of charges against Mr. C. Booth, of malfeasance by him in his office of Gold Commissioner at Kootenay; and I have the honour to state that, at the request of Mr. Booth, search was made some time ago for affidavits containing the charges above referred to, but neither then nor after the receipt of your letter, though further search was made, could such affidavits be found. I have, &c.

(Signed) “ELI HARRISON, JR.,  
“Solicitor, A. G. O.

“Wm. Wilson, Esq.,  
“Chairman of the Honourable Committee of Enquiry  
“into charges against C. Booth, Esq.”

Messrs. Harrison, Elliott, Galbraith, and Smithe were examined.

Mr. E. HARRISON was examined.

By Mr. Smithe—Are there any certified copies in the Attorney-General's Office of affidavits charging Mr. Booth with malfeasance in office at Kootenay, as Gold Commissioner? *Ans.*—I cannot say that there are.

By Mr. Smithe—Are there any papers purporting to be certified copies of such affidavits? *Ans.*—There are papers which I believe purport to be certified copies of such affidavits.

After Mr. Elliott was examined, Mr. Harrison appeared again before the Committee and said that since I left here I have ascertained definitely that there are no certified copies of the affidavits, or any documents which purport to be certified copies of any affidavits, charging Mr. Booth with malfeasance of office as Gold Commissioner at Kootenay.

By Mr. Smithe—Is there any document purporting to be a copy of any affidavit charging Mr. Booth of malfeasance in office? *Ans.*—There is a document purporting to be a copy. I do not know by whom that copy was made.

By Mr. Wilson—Did you make any charges against Mr. Booth, late Gold Commissioner, or did you ever hear or know of any charges made against Mr. Booth? *Ans.*—I never made any charges myself, or have I known of any charges made by any other person of my own knowledge.

(Signed) ELI HARRISON, JR.

MR. ELLIOTT examined.

By Mr. Wilson—Did you, when a member of the late Government, make any charges against Mr. Booth? *Ans.*—I never made any charges against Mr. Booth of malfeasance in office as Gold Commissioner at Kootenay.

Did any person make any charges to you against Mr. Booth? *Ans.*—Mr. John Galbraith, J.P., had conversation with me with reference to an affidavit of a Mr. Fernie, which Mr. Galbraith stated had been sent to me, and which he said contained serious charges against Mr. Booth. I am unable to remember now whether those charges were defined or not at the time. During the same session, Mr. Galbraith spoke to me on the same subject, outside the House. I noticed that he spoke excitedly on the subject, and not very clearly. I informed him that no such document reached me; that I searched, and caused searches to be made, in the two departments I presided over, without avail. I did not institute any enquiry at the time, as Mr. Galbraith promised to supply me with other affidavits, or secure me copies of the originals. In course of time I received, some few months after, a paper which professed to be a copy of the missing affidavits. My impression is it was not a certified copy, and would in that case be an informal document. I do not know in whose handwriting it was. I did not take action. I did not consider it of sufficient importance to go to the great expense of sending a Judge to Kootenay to make enquiry. I further considered, as the charge was made by an officer that considered himself discharged from Government service, and that the charge had not been made by him when in the Government service, that the information was unreliable; that a further reason why I did not take action in the matter was on account of the informal nature of the document with reference to the charges. Mr. Galbraith, J.P., spoke in general terms of condemnation of Mr. Booth in his official character, but I do not remember of any specific charges made by him; he exhibited strong animus against Mr. Booth. I do not think I ever had any communication from Mr. Fernie on this subject, and I certainly never saw him on the subject. I do not think I ever wrote to Mr. Booth on the subject; if I did it would be on file in either the Attorney-General's office or the Provincial Secretary's office. I had a private, gossiping letter from Mr. Booth, in which he alluded to the charges which he had heard that Mr. Fernie had made against him, and in which he expressed a strong desire to have those charges investigated. I am not certain as to date of Mr. Booth's letter; I rather imagine it was previous to my interview with Mr. J. Galbraith. I had no private communication with Mr. Booth on the subject. I do not know of any specific charges made against Mr. Booth, outside of the copies of affidavits already referred to.

(Signed) A. C. ELLIOTT.

MR. GALBRAITH examined.

In answer to Mr. Wilson—I have never made any charges against Mr. Booth, late Gold Commissioner at Kootenay. I have read charges against Mr. Booth at Kootenay.

I cannot say whether they were affidavits or copies. This occurred about three years ago. I cannot say whether I read those charges before or after they were sworn to. Those charges were made by Mr. William Fernie. I have no further evidence to give on the matter before the Committee of my own knowledge with reference to charges contained in affidavits. The papers I read in the House, the first Session of 1878, I think were certified copies of the original affidavits, and were forwarded to me from Kootenay; they are not in my possession now.

(Signed) R. L. T. GALBRAITH.

MR. SMITHE examined.

I do not know of any charges made against Mr. Booth, late Gold Commissioner, other than the charges read out in the House by Mr. Galbraith from papers which he stated were certified copies of affidavits made by one William Fernie.

I saw Mr. John Galbraith in the House during the Session of 1877, and, although he did not speak to me upon the subject of any charges against Mr. Booth, Mr. Elliott informed me that he had spoken to him about some affidavit, said to have been forwarded to the Attorney-General, containing charges against Mr. Booth, and that these affidavits had never been received by him. Subsequently, to the best of my recollection, the first I knew of any definite charges having been made, was about the date of Mr. R. Galbraith's arrival in Victoria, as Member elect for Kootenay, in the beginning of 1878. I was a member of Mr. Elliott's Government at that time, and Mr. Galbraith waited upon me in my office, and in conversation in reference to matters in general in Kootenay, he complained bitterly of the way Mr. Booth administered affairs in his office, and, among other things, referred to charges of malfeasance, which he stated had been sworn to by William Fernie, and forwarded to the Attorney-General.

The result of the conversation with Mr. Galbraith in my office was, that I enquired of Mr. Elliott if these charges had ever reached him, and was informed that they had not, but that a document, purporting to be a copy of an affidavit said to have been made by William Fernie, had been received by him. Mr. Elliott and I went through the paper purporting to be a copy of said affidavit, and read the charges therein made. I thought that the nature of the charges was such as to be easily accounted for and explained otherwise than by an assumption of malfeasance on the part of Mr. Booth.

By Mr. Wilson—Do you remember what the charges were in the purported copy of Mr. William Fernie's affidavits? *Ans.*—There were other papers purporting to be copies of affidavits besides Fernie's, and I am not now able, without reference, to distinguish between the charges said to have been made by Mr. Fernie and the others.

By Mr. Wilson—What were the charges in the affidavits collectively? *Ans.*—I cannot now from memory give the charges collectively.

By Mr. Wilson—Can you give any of the charges separately? *Ans.*—To the best of my recollection one was, that an Indian, or a Chinaman, who had signed a voucher for ten dollars had not received that amount; that is the only one that I distinctly remember, but I have an indistinct recollection of others, but not sufficiently distinct to give in evidence here.

By Mr. Evans—Did any one else, other than the two Galbraith's, speak to you or write about those charges, or, as far as you know, to the Government while you were a member of the Government? *Ans.*—To the best of my recollection no one spoke to me with reference to those charges, except Mr. Robert Galbraith, and no one wrote. I am not aware of other members of the Government having been spoken to or written to further than has already been given in evidence before the Committee.

By Mr. Evans—The two Mr. Galbraith's having drawn the attention of the Government to charges of a grave nature having been made against a public servant, why was he not even communicated with? *Ans.*—Any question with reference to my individual conduct on any public matter I can answer, but the Honourable gentleman, the Member for Cariboo, ought to know that no man can properly answer for others, to say nothing of the oath of office binding a member of the Cabinet to silence in such a case.

Did you enquire of Mr. Elliott if he knew what the charges were as he gathered them from Mr. J. Galbraith? *Ans.*—I do not remember whether I enquired or whether Mr. Elliott voluntarily explained the nature of the charges as he had gathered them from Mr. Galbraith. I do not remember from Mr. Elliott's explanation, as distinct from subsequent information I got on the subject, what the specific nature of the charges referred to by Mr. Galbraith were.

By Mr. Wilson—Did you urge the Government to communicate with Mr. Booth, and to have an investigation? *Ans.*—It is obvious that the only way that a member of a Government could urge upon the Government action in such case, would be to advocate in Executive Council action being taken, and I can only again call the attention of the Chairman to the fact that my oath of office makes it impossible for me to answer that question.

By Mr. Wilson—Was any action taken by the Government to ascertain the truth, or otherwise, of the charges supposed to have been made by Fernie and others? *Ans.*—I believe no steps were taken in the matter owing to the peculiar circumstances of the case, and for reasons, among others, which I was about to state when I was interrupted in my evidence by the foregoing questions being put to me.

By Mr. Wilson—In your last answer you referred to peculiar circumstances; does that refer to the peculiar and unauthentic way the charges were made? *Ans.*—If you will permit me I will give, in detail, the peculiar circumstances I had reference to:

First—The original affidavits not being forthcoming, and the only papers being uncertified copies thereof, which I was informed could not be proceeded on. Secondly—The fact that Mr. Fernie, according to his own showing from these papers, had known of the instance of malfeasance, before referred to by me, while he was in the service of the Government as a subordinate to Mr. Booth, and had not made the charges until sometime after, when he had left the Government employ. Thirdly—That from the statement of Mr. Robert Galbraith, M. P. P., I was impressed with the conviction that the strongest possible animus existed against Mr. Booth, and I was inclined to think that the charges were the result, in a great measure, if not entirely, of that animus.

By Mr. Wilson—What statement did Mr. Galbraith make that so impressed you? *Ans.*—That he came down here for the express purpose of getting Mr. Booth out of the position that he held at Kootenay. That he never would have entered the arena of politics if it had not been to accomplish that object. That in a pecuniary point of view it would be a great loss to him, but that he saw clearly that the only way that he could “get that man out of that,” was to come down here as a member for that District. That he had nothing particularly against the Elliott Government except that they retained Booth in their service, and that if Mr. Booth were removed, the position that he (Mr. Galbraith) would occupy with reference to the Government, might be entirely changed.

By Mr. Wilson—What was your object for calling for this enquiry? *Ans.*—I was asked to call the enquiry by Mr. Booth, and had no other object than to clear the whole matter up as far as possible.

By Mr. Wilson—Was the copy of Mr. Fernie's affidavit signed by anybody? *Ans.*—I do not think it was.

By Mr. Wilson—Do you know from whom it was received? *Ans.*—I do not.

By Mr. Wilson—Were the papers attached to the purported copies of Mr. Fernie's affidavits copies or original? *Ans.*—They purported to be copies, and were not signed by the person who made the copies.

By Mr. Evans—Do you consider it your duty to make investigation by a request of Mr. Booth, but not so when he was in the service and charges made by others? *Ans.*—I do consider it my duty to move for the present investigation. I have already given my reasons for not thinking it my duty to incur the great expense of sending a Judge to Kootenay to investigate the so called charges.

By Mr. Evans—Then in calling for the present investigation, do you think it can be done fully and satisfactorily while some of the most important witnesses are at Kootenay, out of the reach of the Committee? *Ans.*—I think that the investigation by the Committee cannot but be productive of good, in enabling the Government to determine whether it be necessary to take other steps to clear the matter up thoroughly.

(Signed) WM. SMITHE.

*Resolved*, That the Attorney-General be instructed to provide this Committee with the papers referred to by Mr. Harrison as purporting to be copies of affidavits containing charges against Mr. Booth of malfeasance of office while Gold Commissioner at Kootenay.

*Resolved*, That the meeting adjourn to meet again on Monday, 3rd March, 1879.

(Signed) WM. WILSON, *Chairman*.

The Kootenay Committee met at the Library, House of Assembly, on Monday, 3rd March. Present—Messrs. Wilson (Chairman), Evans, McGillivray, Williams, and Smithe.

The minutes of the previous meeting were read, and on motion adopted.

Messrs. Walkem and Gallagher were examined.

The Copies of affidavits were produced to the Committee.

Resolved, That the meeting adjourn, to meet again at the call of the Chairman.

(Signed) WM. WILSON, *Chairman.*

The Honourable MR. WALKEM was examined.

By Mr. Wilson—Has the Government, of which you are a member, any charges against Mr. Booth of malfeasance of office? *Ans.*—No.

By Mr. Wilson—Individually had there been any charges? *Ans.*—No; nor have I any individual charges to make. Searches have been made for documents, affidavits, or copies thereof, alleged to have been sent to Mr. Elliott, but none have been found, except the paper produced, which I believe to be in Mr. Fernie's handwriting from letters I have received from him some years ago.

By Mr. Wilson—Has any person, by letter or otherwise, made any charges against Mr. Booth since you have been a member of the present Government? *Ans.*—No.

By Mr. Smithe—Have any steps been taken by the present Government to investigate these charges? *Ans.*—In August last I made an appointment with Mr. O'Reilly especially to ask him if he could make it convenient to go to Kootenay to hold a Court there, and to investigate the alleged charges made against Mr. Booth; we concluded that he had no authority to hold a Court without the sanction of the Dominion Government, though he said he was willing to go anywhere that duty called him. Shortly after this, I asked for the documents that had been referred to indirectly in the House, but then none were found. Mr. Harrison has only lately found the document produced, the contents of which I have not had time to make myself acquainted with. I have an informal affidavit from a person calling himself Captain Braden, but the matter of the affidavit is quite foreign to this. From not being able to find the document I dropped the matter.

(Signed) GEO. A. WALKEM.

MR. GALLAGHER examined.

By Mr. Wilson—Did you ever make any charges to the Government against Mr. Booth of malfeasance of office as Gold Commissioner at Kootenay? *Ans.*—No.

By Mr. Evans—Did you have any conversation with any member of the late Government about those charges? *Ans.*—No.

(Signed) CHAS. GALLAGHER.

The Kootenay Committee met at the Library, House of Assembly, on Tuesday, 11th March, 1879. Present—Messrs. Wilson (Chairman), Evans, Williams, Smithe, and McGillivray.

The minutes of the previous meeting were read, and on motion were adopted.

MR. GALBRAITH was examined.

By Mr. Wilson—When you came to Victoria as the member for Kootenay, did you have any conversation with the ex-Finance Minister, Mr. Smithe, relating to the charges made against Mr. Booth, late Gold Commissioner at Kootenay, of malfeasance in office? *Ans.*—I have no recollection at present of having any conversation on the subject with Mr. Smithe.

By Mr. Smithe—Do you remember calling upon me in my office, at the Treasury, shortly after your arrival from Kootenay? *Ans.*—I remember going to the office, I

think with Mr. Gallagher, when I found Mr. Smithe and several other gentlemen present, among the number was Mr. E. Brown. I only remained a few moments.

By Mr. Smithe—Was that the only time you waited upon me in my office? *Ans.*—I waited upon you in your office again shortly before the adjournment of the House, and again shortly after the close of the Session.

By Mr. Smithe—Did you wait upon me at any time alone before the meeting of the House? *Ans.*—I have no recollection of having done so, I am positive I did not.

By Mr. Smithe—Do you remember, Mr. Galbraith, when you first made an application for a refund of certain taxes? *Ans.*—I do; it was on my second visit already referred to, shortly before the House adjourned.

By Mr. Smithe—Did you make application to me before the House met for the refund of those taxes? *Ans.*—I do not think I did.

By Mr. Smithe—Was it before or after the Estimates were brought down that you made application to me for a refund of those taxes? *Ans.*—I could not say.

By Mr. Smithe—Are you sure that you did not make application to me for the refund until about the close of the Session? *Ans.*—I have no recollection of having done so. The visit referred to was about the refund of Drover's Taxes paid by Messrs. Herseberg and Cohen.

By Mr. Smithe—What about the refund. *Ans.*—Application had been made to the Provincial Secretary about the refund of the taxes, and I was anxious to know what action the Government had taken in the matter.

By Mr. Wilson—Did you, when you called on Mr. Smithe for the refund, speak about Mr. Booth in reference to the charges against him? *Ans.*—I do not remember having done so.

By Mr. Smithe—Do you remember what answer I gave you when you called upon me about the refund? *Ans.*—That it was your opinion, after considerable discussion, that the refund could not be made on legal grounds.

Do you remember that I said whatever my private opinion might be, it was not my province to decide on the legal phase of the question, and that I would have to refer it to the Attorney-General for his opinion? *Ans.*—You may have said so, but I have no recollection.

By Mr. Wilson—Did you ever state to any member of the Elliott Ministry that you had nothing particularly against their Government, except that they retained Mr. Booth in their service, and if Mr. Booth were removed, the position you would occupy with the Government would be entirely changed? *Ans.*—I stated on the floor of the House, publicly, that I had no personal or unkind feeling against any member of the Elliott Government. I suggested to Mr. Elliott that the charges against Mr. Booth made by Mr. Fernie, should be investigated, and that an exchange with Mr. Vowell, or some other suitable person, would restore harmony in the District; and I at no time offered to barter my support for the dismissal of Mr. Booth, as it was known before I arrived in Victoria that I was a pronounced supporter of the Walkem Government, and was pledged to my constituents to give that support.

By Mr. Evans—In conversation with Mr. Smithe, did you say that you came down here for the express purpose of getting Mr. Booth out of the position that he held at Kootenay; that you never would have entered the arena of politics but to accomplish that object? *Ans.*—I never made such a statement to him.

(Signed) R. L. T. GALBRAITH.

*Resolved*, That Messrs. A. C. Elliott, Vernon, and Kelly be communicated with, requesting them to appear before this Committee, to give evidence, on Thursday, at 10 a. m.

*Resolved*, That the Committee adjourn to meet again on Thursday, the 13th instant, at 10 a. m.

(Signed) WM. WILSON, *Chairman*.

The Kootenay Committee met at the Library, House of Assembly, on Thursday, 13th March. Present—The Chairman (Mr. Wilson) and Messrs. McGillivray, Evans, and Smithe.



The minutes of the previous meeting were read, and on motion were adopted.

MR. A. C. ELLIOTT was again examined.

By Mr. Wilson—When Mr. Galbraith came down as member did he have an interview with you? *Ans.*—Yes.

What was the interview about? *Ans.*—It had principally reference to Mr. Booth.

When was that? *Ans.*—It was a few days previous to the sitting of the House.

Did Mr. Galbraith at that interview express a desire to have Mr. Booth removed? *Ans.*—He did.

Did you promise to do so if he gave your Government his support? *Ans.*—I did not.

Did Mr. Galbraith promise to support the Government if Mr. Booth were removed? *Ans.*—He said he had no fault to find with me individually or with the Government.

Did he say anything else? *Ans.*—He said he could not support a Government that would retain Mr. Booth in its employ, and our conversation bore on the Fernie affidavit. At that time I was in possession of the affidavit which purported to be a copy of Fernie's affidavit.

Is the purported copy attached to the evidence the one you received? *Ans.*—I believe it is.

From whom did you receive it? *Ans.*—I do not know. I suppose it came through mail. I presume it came from Kootenay.

Did any part of your conversation with Mr. Galbraith at the interview bear upon the Fernie charges? *Ans.*—Yes; he expressed his belief of the truth of those charges. Mr. Galbraith violently denounced Mr. Booth, saying that he was unfit for the office which he held. I told Mr. Galbraith that I could not come to any determination about Mr. Booth on the material of the charges which were made, referring to this paper and to the conversations of Mr. Galbraith and his brother John. I further stated that I could not and would not judge a man behind his back.

Did you promise to make any enquiry about these charges? *Ans.*—That I would take the earliest opportunity of investigating the whole matter.

Did you make any enquiry into these charges? *Ans.*—I did not, for the reasons I have already given on my previous examination.

Can you remember any other portion of your conversation with Mr. Galbraith? *Ans.*—He again expressed his regret, near the end of the interview, that he could not support my Government; and I said that it was a strange reason for opposing a Government because he had a dislike to one of its employés.

Was Mr. Smithe present at the interview? *Ans.*—He was not present at the interview; he might have called in, but I do not remember.

By Mr. Smithe—Do you remember you and me together looking over this paper purporting to be a copy of the Fernie affidavit? *Ans.*—I do remember looking over that document with Mr. Smithe.

Do you remember me speaking of the bitter feeling existing against Mr. Booth in the mind of Mr. Galbraith, and its throwing doubt on my mind as to the genuineness of these Fernie charges? *Ans.*—I remember Mr. Smithe expressing himself to that effect.

Do you remember me telling you of the complaints Mr. Galbraith had made to me against Mr. Booth? *Ans.*—I do not remember the particulars, but I remember your speaking to me of the complaints made by Mr. Galbraith against Mr. Booth.

Do you remember when that was? *Ans.*—I am certain it was subsequent to my interview with Mr. Galbraith; I believe very shortly after. I am not positive as to the exact date, but I believe it was previous to the sitting of the House.

(Signed) A. C. ELLIOTT.

MR. KELLY examined.

By Mr. Wilson—Did you ever make any charges against Mr. Booth? *Ans.*—No; never.

Were you ever connected in any way with charges against Mr. Booth? *Ans.*—No. Have you had anything to do with any charges against Mr. Booth? *Ans.*—No.

By Mr. Smithe—Did any person make any charges to you against Mr. Booth? *Ans.*—Yes; Mr. Fernie read the affidavit to me. I believe it was the original affidavit. I believe I was the first person that saw the affidavit after the Galbraith's.

By Mr. Wilson—Do you know what became of the original affidavit? *Ans.*—I do not know. That is all I know of the affidavit.

By Mr. Smithe—Do you know [of any other charges made against Mr. Booth? *Ans.*—I do not know of any other charges having been made against Mr. Booth on oath.

By Mr. Wilson—What were the nature of the charges contained in those affidavits that you read? *Ans.*—Mr. Booth was charged by Fernie of passing vouchers in to the Government for moneys which he did not pay. In the affidavit there was something about recording a claim illegally for his brother Harry. There was more contained in the charges, but I cannot now remember, it being a lengthy document.

Do you know in whose handwriting that paper is purporting to be a copy of Mr. Fernie's charges against Mr. Booth? *Ans.*—It is in Mr. Fernie's handwriting.

By Mr. Evans—Do you recollect if the affidavits were sworn to that you read at Kootenay? *Ans.*—I cannot say whether it was the sworn affidavit or a copy thereof, but Mr. Fernie told me that this is my affidavit about Mr. Booth. Mr. Fernie said at the same time that I must not say anything about it to any person except the Government.

By Mr. Wilson—Did you read the affidavit through? *Ans.*—I think I did not read the last page.

By Mr. Evans—Did Mr. Fernie point out to you the condition of cash book at the Government Office? *Ans.*—No.

(Signed) GEO. A. KELLY.

MR. VERNON was next examined.

By Mr. Wilson—Have you made any charges against Mr. Booth? *Ans.*—I have not made any charges myself.

Have you been instructed to make any charges? *Ans.*—No.

Will you now make any charges against Mr. Booth? *Ans.*—No.

Have you read any charges against Mr. Booth? *Ans.*—I do not know that I have read any, but I heard charges made in the House by Mr. Galbraith, of falsifying vouchers and of making charges for work that had never been performed.

By Mr. Evans—Were those charges made by Mr. Galbraith, or read as having been made by others? *Ans.*—That I could not say. Mr. Galbraith rose in his place in the House and spoke in a most excited manner, reading from some documents which he had brought from Kootenay. I believe these charges were in the documents, although I did not see the papers to read myself. The charges were either made by himself or were contained in the papers from which he read. My impressions are they were contained in the documents, and that he spoke in an excitable manner referring to the documents as affidavits and reiterating the charges.

By Mr. Wilson—Did the Government, of which you were a member, ever receive any affidavits containing charges against Mr. Booth? *Ans.*—Some papers were received by Mr. Elliott, Attorney-General, though I never perused them myself.

Do you remember when they were received? *Ans.*—A considerable period before the House met in the spring of 1878.

Did the Government have them under consideration? *Ans.*—The Attorney-General referred to the matter when the other Ministers were present, stating some of the circumstances of the case. He did not see how it was practically possible for him to take action in the premises.

*Resolved,* That the Committee adjourn to meet again to-morrow, at 11 a.m.

MARCH 14TH.

Present—Messrs. Wilson (Chairman), Evans, and Smithe.

MR. VERNON'S examination continued.

By Mr. Wilson—What were the reasons which induced the Government to take no action in the matter of these charges? *Ans.*—The expense that would be involved in sending a Judge to Kootenay; the irregular manner in which the charges were made.

By Mr. Smithe—Did Mr. Robert Galbraith ever say anything to you about those charges, before the meeting of the House in 1878? *Ans.*—He called upon me when he



came down first, and I had a conversation with him, in which he denounced Mr. Booth in strong terms, but I do not remember now whether he referred particularly to those particular charges or not.

Did Mr. Galbraith at that time intimate to you, or in any way lead you to think that if Mr. Booth were removed he (Mr. Galbraith) would be, or might be, enabled to support the Government of which you were a member? *Ans.*—In the course of conversation I said to Mr. Galbraith, I suppose you have come down to oppose the Government, as you were elected against us? Well, he said, that depends upon circumstances. I said, what circumstances? He said there were one or two things the people of Kootenay wished to have changed. I asked him if it was the construction of the bridge over the Kootenay River. He said no, that did not make much difference; of course that would be a good thing, but that was not the point. The great cause of complaint was Mr. Booth acting as Gold Commissioner at Kootenay, as he was most unpopular and tyrannical. I said to him, well, if Mr. Booth were removed, how could you support us when you were elected to oppose us? He said he knew the people of Kootenay well enough to know that they would support him in doing so if we removed Booth. I told him that, as a member of the Government, I could not entertain such a proposition at all, when I knew of no fault against Mr. Booth. Then, said Mr. Galbraith, it is no use talking any more about the matter, and left the office.

By Mr. Wilson—What action did you take with regard to any charges made against Mr. Booth with which you were acquainted? *Ans.*—I don't recollect that I took any action individually concerning the charges, but I had some correspondence with Mr. Booth for an explanation of some matter or matters, all of which will be found on record in the Lands and Works Office.

What matters? *Ans.*—Principally referring to public works and public expenditure, all on record.

Did any of your enquiries relate to any of the charges which had been made against Mr. Booth? *Ans.*—I cannot at this moment remember.

How is it you can recollect all Mr. Galbraith said about the Booth charges, but cannot remember what you did concerning them? *Ans.*—The conversation I had with Mr. Galbraith impressed itself very strongly upon my mind.

What was the date of the enquiries you made of Mr. Booth? *Ans.*—I had correspondence with Mr. Booth continually when in office, and cannot remember the precise date.

What explanations did you receive from Mr. Booth? *Ans.*—The explanations were of a satisfactory nature.

Do you remember when the explanations reached you? *Ans.*—I do not remember exactly.

(Signed) F. GEO. VERNON.

The Kootenay Committee met at the Library, House of Assembly, on Friday, 21st March, 1879. Present—The Chairman (Mr. Wilson), and Messrs. Evans, McGillivray, and Smithe.

MR. BOOTH examined.

By Mr. Wilson—You have been Gold Commissioner at Kootenay, have you not? *Ans.*—I have been.

Did you resign your position as Gold Commissioner at Kootenay? *Ans.*—No, I was discharged. There was no charge laid against me contained in the instructions I received from the Government that my services would not be any longer required.

Do you know of any charges having been made against you? *Ans.*—I never had any official notice of any charges made against me. I learnt through the public press, and otherwise, that charges were made against me in the House.

By Mr. Evans—Did you know of any charges previous to that purported to have been made by one Fernie? *Ans.*—I heard through Constable Kelly, a few days before the election of Mr. Milby, that Mr. Fernie had exhibited papers purporting to be affidavits of charges against me.

By Mr. Wilson—Did you write to the Government about the matter? *Ans.*—I am not positive now whether I did or not; I may have written privately to Mr. Elliott; I

relied more upon obtaining a public investigation into the matter, and I forwarded a communication to be published in the *Colonist* demanding such investigation; this was subsequent to the charges that were read and made by the member from Kootenay in the House. I did not take any action in the interval between the time Kelly informed me and the time when the charges were read and made in the House.

Did you receive any communication from the Government about those charges, or any member of the Government? *Ans.*—No, not to the best of my recollection.

Do you know the handwriting of this paper? *Ans.*—Yes; it is quite familiar to me; it is Mr. Fernie's; he was at one time constable at Kootenay.

What was the usual way of keeping prisoners at Kootenay? *Ans.*—I boarded them and charged the expense to the Government.

What rate per day did you charge? *Ans.*—The usual rate was \$1.50 per day, it being the rate charged before I went there, and I continued the same, with one exception—One Thomas Pierre from Washington Territory, a murderer, was arrested at my instance, and he remained in gaol about fourteen months; I charged at the rate of \$2.50 per day, and it was allowed to me, without any collusion with any person on my part. I made those charges as High Bailiff, it being the fees allowed by the Supreme Court.

By Mr. Smithe—Did Mr. Walkem, or any member of his Government, communicate with you at any time with reference to the aforesaid exceptional charge of \$2.50 per day, or object to the payment thereof? *Ans.*—Not to my recollection.

By Mr. Evans—Did you have any money transactions with Mrs. Hicks about this matter? *Ans.*—I cannot tell now whether I did or not; I had transactions and dealings with several persons at Kootenay in borrowing money often, to make Government payments, of different parties, and I gave the parties orders on the Government Treasury.

By Mr. Wilson—How did you take charge of the prisoner? *Ans.*—Mr. Fernie took charge of him when he was present, and when he was away on duty I took charge of him myself.

Did you make a charge of \$5 per day for taking charge of prisoner? *Ans.*—No; the charge shown in the bill was merely a guide to the Government in demanding indemnity from United States Government for the keep of the prisoner. I never received the amount, or did I charge it against the Provincial Government.

(Signed) CORNELIUS BOOTH.

*Resolved,* That the Committee adjourn to meet again at the call of the Chairman.

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# REPORT OF SELECT COMMITTEE

APPOINTED TO ENQUIRE INTO THE

## PROGRESS OF THE COFFERDAM CONTRACT.

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Your Committee have the honour to report that they have visited the Dock site and Cofferdam, and have obtained considerable information from various persons at one time or other connected with the work, as well as from the papers on the subject which have been laid before the House.

The contract for the construction of the Cofferdam was taken on the 24th January, 1876, and the work was to have been completed on the 18th of October, 1876; but, owing to apparently requisite alterations in the original plans and specifications, the time was extended, at the request of the contractors, to the 1st of February, 1877. A second extension, to the 31st of July, 1877, was asked for and given; but further extensions, though since applied for, have not been granted.

Making the utmost allowance for unexpected obstacles to rapid progress, your Committee regret to say that no valid excuse exists for the unreasonable delay which has occurred in the construction of so small a work. The Engineers-in-Chief assumed that three years would have been amply sufficient for the construction of the Dock itself, yet this time has already been consumed upon a mere preliminary work, which is even now far from being finished.

The Committee venture to think that the published correspondence between the Contractors' Agent (Mr. Dawson) and the Resident Engineer (Mr. Bennett) will convince any impartial mind that the work has been mismanaged, while the evidence of former workmen not only strongly supports this conclusion, but shows that negligence in the conduct of the work seems to have been the rule and not the exception.

If the testimony of witnesses be correct, and there seems no reason to doubt it, a large number of piles which had been condemned and marked by the Resident Engineer as unfit for the work, were, in the absence of that gentleman, used and placed at the shore ends and even in the centre of the dam by the employes of the contractors. The Government were charged with and paid for these piles as if they had been sound. Great irregularities are, moreover, disclosed by the evidence submitted.

On the 6th of December last, the Government stopped payments on the contract on account of its unsatisfactory progress. Your Committee consider that this was a judicious step, and believe, from a perusal of Mr. Bennett's letter of 1878, that it should have been adopted after the contractors had failed, in July, 1877, to fulfil their contract.

It seems incredible that a reputedly wealthy English firm, like Messrs. Reid Bros., should be unable to raise the small sum required to pay their workmen; yet such would appear to be the fact, as the work has been stopped within the last few days for alleged want of funds to pay wages.

The Committee consider that the Government should, as far as possible, enforce the contract, as every reasonable leniency has been shown in the past to the contractors.

J. S. DRUMMOND,  
*Chairman.*