

FRIDAY, May 8th, 1903.

The Committee met at 3 p. m., pursuant to adjournment from the morning session of to-day.

MR. WILLIAM McNEILL in the witness box.

Mr. Duff: Did you bring your letter-books up? A.—No; but I have gone over every one of them.

Q.—Mr. Helmcken suggested that they should be brought here. A.—I believe Mr. Wells got a letter from Mr. Clifford about it. Here are two telegrams that Mr. Wells thinks may have a bearing (producing same); and here are copies of two telegrams which have already been presented.

Q.—What dates? A.—One dated December 1st, 1902, and the other 7th of November.

The Chairman: After looking at the documents, I do not think those are of any importance.

Mr. Duff: Are these all 1902, or 1901? A.—That would be 1901, and that would be 1901 (referring to the two telegrams).

Witness stands aside.

Mr. J. McB. SMITH being duly sworn, testifies:—

Mr. Duff: Would you mind letting me see the documents you produce? A.—There is nothing more than that letter (producing same).

Q.—I mean the letters you have, whatever they are. A.—I have only that one. It has no bearing on the subject, but it comes within this letter from the Chairman.

Mr. McPhillips: Your position is what in the Government employ? A.—Deputy Minister of Finance.

Q.—You were in receipt of a letter from the Chairman of the Committee to-day? A.—Yes.

Q.—And which reads:—

“VICTORIA, May 8th, 1903.

“To the Hon. the Minister of Finance,
“Victoria, B. C.

“SIR,—I am instructed by the Committee to request that you will appoint an official in your Department to search for and produce all correspondence, telegrams and papers, of any nature or kind, from 17th April, 1896, to date, having reference to the Columbia and Western Railway Company's affairs, particularly land subsidy matters. And it will be required of such official to state under oath before the Committee that he has made such search and production.

“I have the honour to be, Sir,

“Your obedient servant,

“CHAS. W. D. CLIFFORD,
Chairman.”

That letter was put in your hands by the Minister, was it? A.—I don't know who put it in my hands; it came to the Department.

Q.—Did you carry out the request contained in it? A.—Yes; made a thorough personal search myself. Not only this search, but had searched twice before.

Q.—And the result of your search has been what? A.—There has been no further correspondence found on the subject, except the letter there and two enclosures, which does not bear particularly on the subject, but still, as it comes within the instructions of this letter, I thought it better to produce it.

Q.—You produce copies of three letters? A.—Yes.

Q.—Bearing date the 20th of November, 1898; 8th of March, 1898; and 8th of March, 1898, respectively? A.—The purport of that letter there you will find in the Sessional book of 1901, page 623, in a Return to the House.

Q.—Which letter? A.—The whole of those letters, with regard to the \$75,000 of bonds there. You will find it in the Sessional Papers of 1901, page 623, the Return to the House.

Q.—You say that this is all the correspondence that you find in the office of the Minister of Finance? A.—Positively nothing more.

Q.—And that there is no other correspondence? A.—There is no other on record, I have searched through all the registers.

Q.—And you have examined the letter-books? A.—Thoroughly.

Q.—Both the outgoing letters and the incoming letters? A.—Yes. I have made a thorough search, there is no question about it, both coming in and out.

Mr. Smith—*Concluded.*

Q.—And the same with regard to telegrams? A.—Yes, telegrams and letters; all the same thing.

Q.—And the only thing you can produce is the one that you now produce? A.—That, and the one I have handed in before. This is the one I have handed in now, but there was one handed in before.

Q.—When you say you made a thorough search, in what way is your search made; in what way is it confined; it includes letter-books? A.—All letter-books, both official and semi-private letters; Mr. Turner's letter-book, and a private letter-book that the Ministers use occasionally; I searched in that. And there is nothing in them except what you have got.

Q.—The succeeding Minister to Mr. Cotton was who? A.—Mr. Turner.

Q.—And following him was another Minister? A.—I think Mr. Smith Curtis, was he not? The Chairman: I think he was Minister of Mines. A.—He was acting Minister of Mines; but Mr. Smith Curtis was Acting Minister of Finance as well.

Mr. McPhillips: But that of more recent date, say from 1900 to the present date? A.—Well, you have got positively everything on record in the Department, both public and private, that I can find.

Q.—Succeeding as Finance Minister at the present time is Mr. Prentice? A.—Yes.

Q.—Have you pursued the same course with Mr. Prentice; has he got a private letter-book? A.—Yes; he has.

Q.—Have you examined that? A.—There is no correspondence in that; that is his own particular business; I believe that is kept by the secretary.

Q.—You have not examined that book? A.—No; I have not touched that one.

Hon. Mr. Prentice: I am quite willing that Mr. Smith should examine in that letter-book. There is not a single line in it in connection with this matter.

Mr. Duff: Do I understand that you have produced all the letters that you found, including the letters in Mr. Turner's book? You examined Mr. Turner's private book? A.—Yes, sir.

Q.—And these were all the letters you found, including letters in his private book? A.—There was one handed in before this one. This one I found to-day.

Q.—Did you make a search before? A.—Yes. I am perfectly positive you have got everything.

Q.—Mr. Smith, where would the letter to which that was a reply be kept? A.—To which what was a reply?

Q.—The letter of the 2nd of August, a private letter addressed to Mr. Turner to which that letter of the 2nd of August was a reply (showing letter to witness)? A.—That I could not tell you. It might have been kept in some other Department.

Q.—I mean to say, if it were in your Department, assuming it were kept by Mr. Turner in your Department? A.—Well, I don't know anywhere else, unless it would be in Mr. Gosnell's office.

Q.—You think it would naturally be in Mr. Gosnell's office? A.—If anybody would have it.

Q.—That is a letter that we are anxious to get; and nobody seems to know where it is? A.—It certainly is not in the Treasury Department.

Q.—Speaking from recollection, could you say whether that letter was done in the Finance Minister's office or whether it was done in the Premier's office, the letter of the 2nd of August? Of course, this is a copy in Mr. Prentice's own hand-writing; but I am not speaking of this copy, of course, but from your recollection of the letter-press copy? A.—I could not tell you who wrote it.

Q.—Could you find that out? A.—If I could only find the original manuscript. I suppose the original manuscript has gone in the waste basket.

Q.—The original document, of course, Mr. Brown has; but I mean the letter-press copy. The letter-press copy would show all the original would. A.—I don't know that it would; for instance, he might write in pencil and Mr. Prentice might have copied it.

Q.—That is the original draft you refer to? A.—Yes.

Q.—You cannot tell from the press copy where that was done? A.—No.

Q.—We are quite anxious to get that letter, and to find where that letter was written, as a key to ascertain where it may be.

Witness stands aside.

The Chairman : Do you require Colonel Wolfenden ?

Mr. Duff : I think it might be well to have him to explain how these draft Bills are kept, and if there is anything peculiar as to Bill 87 disappearing. He states positively that 87 cannot be found. But the draft of Bill 113 was handed in. Those interlineations in it are in Mr. Maclean's handwriting.

MR. WILLIAM MCNEILL being recalled, testifies :—

Mr. Duff : Mr. McNeill, I understand you have now made a complete search ? A.—Yes.

Q.—Of both letters outwards and inwards ? A.—Yes.

Q.—And telegrams outwards and inwards ? A.—Yes.

Q.—Did you examine the register ? A.—We do not keep a register in my hands.

Q.—How do you keep a record of documents coming in ? A.—By the index files.

Q.—What do you mean by the index files ? A.—The files in which these letters are kept.

Q.—Are they kept alphabetically ? A.—Alphabetically.

Q.—Are they kept in subject files, or alphabetically ? A.—Alphabetically.

Q.—What have you looked under ? A.—I have looked under correspondence between Mr. Brown, Mr. Shaughnessy, or Mr. Taylor. And I have searched all the letter-books from the time that I came into the office.

Q.—Do you know who the Land Commissioner of the C. P. R. is ? A.—I have heard his name, but I could not tell you.

Q.—It is not Mr. Hamilton any longer, is it ? Have you looked under his name ? A.—No.

Q.—Do you know of any correspondence that ever passed between Mr. Wells and the Land Commissioner of the C. P. R. ? A.—I don't think—I am pretty sure nothing passed between Mr. Wells and Mr. Hamilton regarding the land subsidies of the Columbia and Western Railway.

Q.—Yes, I suppose so. But what about the British Columbia Southern ? A.—No ; I don't think so.

Q.—As a matter of fact, the correspondence since Mr. Wells has come into the office has come pretty well through your hands ? A.—Oh, no.

Q.—Wouldn't it ? A.—Oh, no ; the great bulk of the correspondence would come through Mr. Gore.

Q.—I don't mean that, but such letters as Mr. Brown marked personal, would they come through your hands ? A.—They might, after Mr. Wells had seen them.

Q.—You would not open them ? A.—If marked personal, no ; not except in Mr. Wells' absence.

Q.—You do not act as private secretary in the sense of attending to all Mr. Wells' correspondence ? A.—No.

Q.—Now, your search, however, has been confined to the books and records in your own office ? A.—Yes, sir. Mr. Gore, I understand, is making a search.

Q.—Yes. Now, I want to ask you about that letter of the 31st of July, which was handed to you by Mr. Brown, a little more fully than you have given evidence about. In the first place, is your recollection quite clear as to the date of that letter ? A.—No ; it is not absolutely clear.

Q.—What was it that enabled you to refresh your recollection with regard to that letter ? A.—The conversation that I had with Mr. Wells.

Q.—When ; I mean with regard to the date, Mr. McNeill, that is what I am asking you ; I do not mean the substance of the letter now, but the date. When you first gave your evidence here you said that letter was dated the 31st of July. Now, that letter was written about two years ago ; what enabled you, or what led you, to fix that date ? A.—As to the date ?

Q.—Yes. A.—I rather think I fixed the date in my mind probably by reading some of the newspaper evidence that has been submitted to this Committee.

Q.—What newspaper evidence did you read ? A.—Some of the evidence.

Q.—Were you called after Mr. Brown or before Mr. Brown ? A.—I really could not say.

Q.—Do you think it was anything stated in Mr. Brown's evidence ? A.—No.

Q.—What was it then ? A.—Well, I rather think that when the Committee first began its work that there was some reference to this letter.

Q.—Of the 31st of July ? A.—Yes.

Mr. McNeill—*Continued.*

Q.—You cannot say where the reference came from? A.—No; I could not.

Q.—But before this Committee began its work you would not have been able to speak of that letter? I would like you to think about that. I do not want to entrap you in any way, Mr. McNeill; because Mr. Turner's letter of the 2nd of August acknowledging the receipt of that letter fixes the date as the 31st; and it struck me that you, not having seen this letter of Mr. Turner's, as you stated, must have had some way of refreshing your recollection to enable you to state that that letter was written on the 31st. I would like you to try and recollect as closely as you can; because I don't remember anything in the evidence, except Mr. Brown's evidence, that fixes the date of that at all. But you might give us a clue to getting at the letter, or some trace of it? A.—Well, I don't remember.

The Chairman: It might be this, that he is referring to Mr. Brown's evidence, where he states the 31st of July.

Mr. Duff: I asked him, and he said he did not think it was Mr. Brown's evidence.

Q.—It might have been Mr. Brown's evidence, don't you think? A.—It might have been.

Q.—You cannot think of anything else, anyway, that operated on your mind with regard to that? A.—No.

Q.—I understand you, Mr. Brown brought that letter to you on the 31st? Do you remember about what time in the day it was? A.—I think it was about three o'clock in the afternoon.

Q.—Mr. Wells had been away since the 27th; that would be four days before that. Did Mr. Brown appear to know that Mr. Wells was away? A.—I cannot recollect that he did; because I think that he asked if he was in.

Q.—I see. Then you told him he was absent? A.—Yes.

Q.—Was the Executive then sitting? A.—Yes; I think it was.

Q.—Where? A.—I think in Mr. Turner's room; now Mr. Prentice's room.

Q.—And Mr. Brown asked you to take the letter into the Executive? A.—Yes.

Q.—Did he tell you to deliver it to Mr. Turner? A.—Either to Mr. Turner or Mr. Dunsmuir; I rather think it was to Mr. Dunsmuir.

Q.—Which you did? A.—Yes.

Q.—Now, what sort of a letter was it? Was it an ordinary letter in a small envelope, one of these (indicating), or was it a letter of some bulk? A.—No; I rather think it was about the size of an ordinary envelope.

Q.—As far as your recollection goes, it was not of the size which would contain documents? A.—No.

Q.—I would like you to think about it particularly, Mr. McNeill. I want your very best recollection on that. A.—Well, my very best recollection is that it was a small envelope.

Q.—You think it was a small envelope? A.—Yes.

Q.—Not an envelope that would contain this memoranda—you have seen the memoranda included in the Order in Council of the 10th of August? A.—Yes.

Q.—It was not an envelope that would contain those papers; A.—I don't think so.

Q.—That is your recollection? A.—Yes.

Q.—When did you see Mr. Dunsmuir—when did you have your interview with Mr. Dunsmuir? A.—I was sent for after the Executive meeting.

Q.—On the 31st? A.—Yes, on that same day.

Q.—Mr. Dunsmuir sent for you? A.—I took it, yes; whoever came said that Mr. Dunsmuir wanted to see me.

Q.—And you saw him? A.—Yes.

Q.—What did he tell you? A.—He gave me a message to the effect that I was to see Mr. Wells on his return and tell him that the subject-matter of this letter had been discussed in the Executive, and that Mr. Turner would give Mr. Wells instructions regarding it.

Q.—The impression you got from Mr. Dunsmuir at that time was that the matter had been dealt with by the Executive, was it? A.—I would say discussed.

Q.—Discussed. But Mr. Turner was to give Mr. Wells instructions, was he? A.—Yes; I am almost sure that that was the word Mr. Dunsmuir used—"instructions."

Q.—Now, were you told by Mr. Dunsmuir what the subject that was dealt with in that letter was? A.—No.

Q.—Then, when Mr. Wells returned—which was about the 8th of August, wasn't it? A.—I think about then.

Mr. McNeill—*Continued.*

Q.—You saw Mr. Wells and repeated the message? A.—I told him; yes.

Q.—But, I think you told Mr. Wells that the subject-matter being dealt with was the Columbia and Western subsidy, didn't you? I understood you to say, and Mr. Wells also to say, that at that time you knew what the letter dealt with? A.—I think I said that I thought that it dealt.

Q.—At all events, that undoubtedly was your impression at the time, that this was a communication on that subject? A.—Now, just when that impression came into my mind I really don't know.

Q.—You don't know? A.—No.

Q.—Did you have any discussion with Mr. Brown at all at the time? A.—No.

Q.—None whatever? A.—No.

Q.—Did you know that Mr. Brown was communicating with Mr. Wells on that subject? I don't mean by letter; I mean orally, or in any other way? A.—About the 31st of July?

Q.—About the time that you got that letter did you know that that had been a subject-matter of conversation between Mr. Wells and Mr. Brown? A.—I cannot say that I did.

Q.—Do you mean to say you cannot recollect, or do you think it was not? A.—I mean to say that I cannot recollect.

Q.—You cannot recollect about that at all. Now, Mr. Gore has told us that he is under the impression, or that he thinks that he got from you a draft memorandum of what was subsequently the recommendation signed by Mr. Wells to the Council upon which the Order of the 10th of August was founded; you know the Order I mean, don't you? A.—Yes.

Q.—What is your recollection about that? A.—That Mr. Gore got from me the draft on which the Order in Council was founded?

Q.—Yes. A.—I don't remember any draft; but that may have been so.

Q.—You say that may have been so? A.—Yes.

Q.—Well, this was a draft prepared not anywhere in the Government Buildings, but somewhere outside, Mr. Gore said. You think that he might have got it from you? A.—I may have been the bearer of that draft, if there was a draft.

Q.—Yes. A.—From the Chief Commissioner.

Q.—From the Chief Commissioner? A.—To the Deputy.

Q.—Did you get it from Mr. Brown or from anybody connected with the Canadian Pacific Railway Company? A.—No.

Q.—Are you quite certain about that? A.—Yes.

Q.—But you might possibly have taken it from the Chief Commissioner? A.—Yes.

Q.—And that is all you can say about that? A.—Yes.

Q.—Now, Mr. Maclean told us this morning that the draft of the Bill of 1902, Bill 87, dealing with the Columbia and Western subsidy—you remember what it was, you remember that Bill with respect to section 4? A.—Relating to the reinstatement of the rights in regard to section 4, yes.

Q.—Mr. Maclean said that the draft was handed to him either by Mr. Brown or by yourself; his impression seemed to be it was Mr. Brown. Did you give that to Mr. Maclean? A.—I have no recollection of doing so; but that is quite possible.

Q.—In what sense do you mean it is quite possible? A.—It is quite possible for these draft Bills to have first been submitted to the Chief Commissioner and that then I should be the bearer of that to either Mr. Gore, the Deputy Commissioner of Lands and Works, or to Mr. Maclean, the Deputy Attorney-General.

Q.—You mean to say you might have done it as a messenger from Mr. Wells? A.—Practically as a messenger.

Q.—Well, did you ever receive any draft of that kind from Mr. Brown, or take it to Mr. Maclean, on behalf of any person in connection with the Canadian Pacific Railway Company? A.—I don't remember.

Q.—Well, would you do that? A.—From Mr. Brown to the Deputy Attorney-General?

Q.—Yes. A.—No.

Q.—That in the ordinary course would not be done? A.—No.

Q.—And if it went to the Deputy Attorney-General through your hands, it passed through you as a channel of communication from the Chief Commissioner alone? A.—Yes.

Q.—I see. Now, Mr. McNeill, I come to the fall of 1900, when the granting of these deficiency blocks to the British Columbia Southern was under discussion. Were you present

Mr. McNeill—*Continued.*

at any interviews at all between Mr. Taylor and Mr. Wells with regard to that matter? A.—No.

Q.—Or between Mr. Brown and Mr. Wells? A.—No.

Q.—Did you ever have any discussion with either Mr. Brown or Mr. Taylor on the subject of those blocks? A.—I don't recollect ever having any discussion whatever.

Q.—Did you ever talk to them about it or they talk to you? A.—I don't think so.

Q.—You have no recollection of anything of that sort? A.—No. And my memory is further stimulated on that account by this fact, that in 1900, in the fall of 1900, I was practically new to the service in so far as the Lands and Works Department is concerned, and I had no knowledge whatever, and it would only have been wasted time to have talked to me.

Q.—At that time? A.—Yes.

Q.—You have heard of an Order in Council of December 19th, in which these lands were given to the British Columbia Southern; you remember that Order in Council being discussed before this Committee; you have known of it, I mean to say? A.—Yes.

Q.—Now, it has been stated here that a clause was inserted in the recommendation, by Mr. Gore on his own authority, with regard to surveys, and that some objection was subsequently taken with regard to that? Did you ever hear anything with regard to that? A.—No; my recollection is that I heard about that a day or so ago.

Q.—Only a day or so ago? A.—Yes.

Q.—You never heard any protest coming with regard to that from Mr. Taylor? A.—No.

Q.—Nothing whatever? A.—No.

Mr. McCaul: Mr. McNeill, you have no recollection, then, of handing the Bill of 1902, that has been referred to, to the Deputy Attorney-General? A.—No, no recollection; although it is possible that I did so.

Q.—It is possible; but you don't recollect ever having handed it to him at all? A.—No.

Mr. Helmcken: Did you ever see Mr. Taylor in your office? A.—Yes.

Q.—How many times, for instance? A.—I don't remember Mr. Taylor being in my office but twice.

Q.—What year? A.—I don't know whether it was in—I think it must have been, perhaps, 1901.

Q.—About what time of the year? A.—Summer time, I suppose.

Q.—June or July, somewhere around there? A.—Yes.

Q.—Did Mr. Taylor go into the Chief's room? A.—No. The time that I have a recollection of, he came to see the Chief Commissioner, and I don't remember whether the Chief Commissioner was in or whether he was engaged; but he came to see the Chief Commissioner, and incidentally mentioned to me that he had come to see him about a townsite matter on the West Fork of Kettle River. And I don't know whether he subsequently saw him as to that or not.

Q.—Well, a second occasion, when was that? A.—I think it was in reference to a matter connected with the E. & N. Railway lands.

Q.—I see. Well, on these two occasions, then, he did not see the Chief? A.—Well, the second occasion I won't say.

Q.—Do you know of any occasion when Mr. Taylor saw the Chief in his office down below here? A.—I cannot tax my recollection, although he may have done so.

Q.—Just think for a moment, Mr. McNeill. As a rule, all gentlemen desiring to see the Chief go through your office, or don't they? A.—Except Mr. Wells meets them in the hall some place and takes them through his own private door.

Q.—Yes; but the bulk of the people go through your office? A.—Yes.

Q.—Now, cannot you recollect more than two occasions in 1901 when you saw Mr. Taylor in your office? A.—No, I cannot.

Q.—And you saw him and he told you on those occasions what his business was? A.—On the first.

Q.—And the second occasion was in connection with the E. & N. A.—Yes.

Q.—When was that? A.—I think it was in reference to some client of his. I don't remember.

Q.—I say when was that? A.—I really don't remember.

Q.—Mr. Brown you saw a good deal of, didn't you? A.—Yes.

Mr. McNeill—*Continued.*

Q.—For instance, how often did you see him during the year? A.—Well, Mr. Brown was in my office and with the Chief Commissioner quite frequently.

Q.—Were you ever in with the Chief Commissioner and Mr. Brown in connection with the Columbia and Western affairs? A.—No; I don't remember to have been present at any interviews.

Q.—Or British Columbia Southern? A.—No.

Q.—Have you ever been instructed to do anything after an interview between Mr. Brown and Mr. Wells arising out of Columbia and Western matters? A.—Not that I can remember, except it would be from the Chief Commissioner to carry certain papers or documents to someone.

Q.—Well, can you tell us any occasion when that happened? A.—No, I cannot; I don't remember.

Q.—Well, this letter which you speak of, of the 31st of July, was a sealed letter addressed to the Chief Commissioner? A.—I believe it was.

Q.—And you say Mr. Brown asked you if Mr. Wells was in, and that you said no, that Mr. Wells was out of the city and would not be back for a few days. Now, how did it come about that you gave that letter to Mr. Dunsmuir? A.—At the request of Mr. Brown.

Q.—A letter directed to the Chief Commissioner? A.—Yes.

Q.—What were Mr. Brown's instructions, to deliver to Mr. Dunsmuir? A.—Asked me if I would.

Q.—But would Mr. Dunsmuir open a letter addressed to the Chief Commissioner? A.—Oh, I think the Premier would, if it was on public business, in the absence of the Minister to whom the letter was addressed.

Q.—Was there another letter in addition to this addressed to Mr. Dunsmuir? A.—Not to my knowledge.

Q.—Well, was there any request made by Mr. Brown to you that Mr. Dunsmuir should open this letter? A.—Evidently that was the intention.

Q.—No; but did Mr. Brown ask you to ask Mr. Dunsmuir to open this letter? A.—I don't remember, Mr. Helmcken, if you put it exactly in those words.

Q.—Well, what did he tell you? A.—As far as I can remember, it was to take this in and hand it to Mr. Dunsmuir.

Q.—But that letter was not directed afterwards to Mr. Turner, was it? A.—I don't know; no.

Q.—You have got no trace of that letter? A.—No; I have looked and made a thorough search, Mr. Helmcken, everywhere.

Mr. Smith: Was the letter sealed up when it came into your possession? A.—Yes.

Q.—I thought Mr. Gosnell said it was just an open letter when he took it.

Mr. Duff: Mr. Gosnell got it from Mr. Turner afterwards, and he says that he gave that letter to you—at least, he got a letter addressed to Mr. Turner, marked private, and he gave it to you, that you wanted it for the Executive; do you remember that? A.—I have no recollection of that. At what meeting of the Executive was that to be handed over?

Q.—He was not able to fix the date with any particularity. He thought it was about that time. Do you remember getting a letter addressed to Mr. Turner from Mr. Gosnell? A.—No; I don't recollect that.

Mr. McCaul: You joined the service in 1900? A.—In July, yes.

Q.—In Mr. Wells' Department? A.—Yes.

Q.—You don't recollect every person that passed in and out during that time? A.—No.

Q.—Mr. Taylor may have seen Mr. Wells many times and you not recollect, when he did not mention the subject-matter of his visit? A.—Easily.

Q.—Certainly. A.—Easily.

Q.—But you do happen to recollect two specific occasions when he happened to mention to you the subject-matter of his business? A.—Yes—no, one occasion.

Q.—There might have been many other occasions in which he passed in, without your recollecting? A.—Yes.

Q.—And there may have been many other occasions in which he saw Mr. Wells without your knowing it? A.—Yes. There are many times I am away on Lands and Works business.

Mr. McPhillips: You might read that Bill No. 87 through, to just grasp the general tenor of it, and I want to ask you a question or two about it (Bill handed to witness). Do

Mr. McNeill—*Continued.*

you remember anything about that Bill 87, Mr. McNeill, one way or the other; did you have any knowledge about it at the time it was introduced, or previous to its introduction? A.—In that form I cannot say that I do.

Q.—Do you remember it in any other form? A.—Now, if there was a typewritten form, I might be able then to say whether it had passed through my hands or not.

Q.—The Deputy Attorney-General, Mr. Maclean, has stated here that he did get that Bill, a typewritten form, from either Mr. George McL. Brown or yourself. Do you remember, on your part, whether you ever handed the Deputy Attorney-General, Mr. Maclean, a draft of that, in typewriting? A.—No, I don't remember; although it is quite possible that I did so.

Q.—Well, does the subject-matter of that Bill 87 remind you of any such draft, on or about May, 1902—I think that was about the time? A.—Yes, it does.

Q.—It reminds you that there was a draft? A.—Yes.

Q.—In typewriting, you think? A.—I think it was.

Q.—And you think it was in the Chief Commissioner's office? A.—Yes.

Q.—And came under your notice? A.—Yes.

Q.—Do you know who brought it there? A.—No, I cannot say.

Q.—Was it prepared in your office? A.—By me?

Q.—Yes. A.—No.

Q.—Or by the Chief Commissioner, to your knowledge? A.—I don't think it could possibly be prepared by the Chief Commissioner.

Q.—It is not the custom in your Department to prepare Bills, is it, to draft Bills. A.—No.

Q.—If you have a Bill which is to be brought down which affects departmental business, who does do the drafting of the Bill? A.—Well, now, it depends somewhat on the difficulty of the subject; for instance, if it is on certain—I have taken a hand at drafting Bills regarding timber, because I happened to come in contact with timber men and know a little about it. And then I think that these things would be taken in to Mr. Gore, and from him probably sent to the Attorney-General's Department.

Q.—Well, suppose you apply your mind, say to a Bill of this character. A.—Well, a Bill of this character, for me to have attempted a thing like this would be almost impossible, for I had not the information.

Q.—You did not draft it, and, to your knowledge, the Chief Commissioner did not draft it? A.—No.

Q.—But you do know of a draft which was in typewriting form? A.—Not positively, but I think there must have been.

Q.—You cannot charge your memory with being the person who handed it to Mr. Maclean, the Deputy Attorney-General? A.—No, although I may have done so.

Q.—Well, did Mr. George McL. Brown hand you any such draft of a Bill as Bill 87? A.—I don't remember his having done so.

Q.—Or discussing his desire to have such a bill passed? A.—No; there was never any discussion about it.

Q.—Well, you say, then, he did not hand you a draft? A.—I don't think so; although he may have handed me a draft Bill to have given to the Chief Commissioner.

Q.—You see, Mr. Maclean puts it that it was either you or Mr. Brown who handed him that draft Bill. A.—To tell the truth, around about this time in 1902 there were so many Bills and so many things coming up, that my recollection is not very distinct.

Q.—Well, we have the fact anyhow that such a Bill was brought down, Mr. McNeill? A.—Yes.

Q.—Now, you were the assistant of the Chief Commissioner of Lands and Works? A.—Yes.

Q.—Did not that matter come to your notice, either before or after it was brought down? A.—It need never have come to my notice officially.

Q.—Well, did it? A.—I cannot remember it.

Q.—You see, this is a very important matter. A.—Yes.

Q.—Dealing with the lands of the fourth section of the Columbia and Western Railway. A.—Yes.

A.—And would affect a large area of land. You say, as the assistant of the Chief Commissioner of Lands and Works, that the matter was not opened to you at all, either before

Mr. McNeill—*Continued.*

or after it was brought down in the House? A.—No; except as the Chief Commissioner cared to discuss it with me?

Q.—Well, did he discuss it with you? A.—Yes; I think he did.

Q.—You think he did? A.—Yes.

Q.—Would that be before or after it was brought down in the House? A.—I rather think it was while it was before the House.

Q.—While it was before the House? A.—It got to that length, didn't it?

Q.—Yes; it got into Committee of the Whole House? A.—And stayed there.

Q.—And stayed there, and was afterwards discharged. Well, what did the Chief Commissioner say about this Bill? A.—Well, this would practically be more or less in the nature of private conversations, but the general gist of the talk would be, I think, on the difficulties that lay in the way of this Bill.

Q.—You mean political difficulties, not others; as to whether it would pass or not pass, or as to the merits of the matter itself? A.—No; I rather think it would refer to the political difficulties.

Q.—Well, the difficulties would be what? A.—I cannot remember specifically.

Q.—Would one of the difficulties be this, that the Bill was so wide in its range that it might entitle the railway company to select lands—they were deficiency lands, you know—in locations other than in localities contiguous to the line of railway? A.—No, I don't think so, Mr. McPhillips. I don't think that ever entered into the discussion. I don't know that that was thought of.

Mr. McCaul: I do not know just what the scope or what the ruling of the Committee is with regard to these matters, but it seems to me a somewhat dangerous precedent to establish that a private secretary of a Minister should be questioned as to confidential communications or discussions which a Minister has had with him as his private secretary. If the private secretary of a Minister is open to examination and cross-examination as to what may have taken place between him and his Minister in discussing certain matters, it would certainly result in this, that it would be practically impossible for the Ministers to discuss with their private secretaries confidentially the subject-matter of any Bill or measure which is before the House. And I submit that, practically, the relationship between a Minister and his private secretary is such a confidential relationship as that existing between a solicitor and his client. I think it would be an extremely dangerous precedent to establish, that examination should be allowed with regard to what has taken place under those circumstances.

The Chairman: I think any member of the Committee has a right to ask any question he likes of any witness. That is my opinion about it.

Mr. McPhillips: You say that phase of the question did not come up, Mr. McNeill? A.—I don't think so.

Q.—As to where the lands might be taken, if that legislation was passed? A.—No.

Q.—You say that never came up at all? A.—I don't think it did.

Q.—And that that was not one of the obstacles in the way of passing the legislation? A.—No. I have no recollection of ever hearing Mr. Wells say that to me.

Q.—Well, what was the obstacle in the way, then? Was it merely that it seemed impossible to get the Legislature to assent to granting any lands in respect of the fourth section?

A.—Well, I would rather not enter into discussion as to what Mr. Wells told me on these matters, but, generally speaking, it was, to be blunt, it was a rough time in the House.

Q.—But you see, Mr. McNeill, your office is assistant to the Chief Commissioner of Lands and Works, as I understand it? A.—Yes.

Q.—And I submit that this Committee has a right to be advised, in a public matter like this, of everything that was transpiring affecting the public interest. I want to know whether Mr. Wells, directly or indirectly, in conversation with you, admitted that if that Bill became law it would be possible to give blocks 4,593 and 4,594 to the Columbia and Western Railway Company? A.—Never, directly or indirectly, did Mr. Wells admit that to me.

Q.—Or that that was the suggestion of Mr. George McL. Brown? A.—No.

Q.—Or that the Bill was drafted to accomplish that end? A.—No.

Q.—As assistant to the Chief Commissioner of Lands and Works, what did you understand you were going to do with the Columbia and Western Railway with respect to section four? A.—Well, I don't know that I understood anything, Mr. McPhillips, about it.

Q.—Well, there was a difficulty in the way of giving them lands for section four, wasn't there? A.—Yes.

Mr. McNeill—*Concluded.*

Q.—And what was being done in that regard at the time this Bill was before the House? What was the idea of it? What were you doing, what was being done? A.—Well, I don't know what the Executive policy was.

Q.—Well, you say on that, at any rate, that you did not draft the Bill, nor, to your knowledge, did the Chief Commissioner of Lands and Works? A.—Yes; I say that.

Q.—But you knew of a Bill being drafted, and eventually it was brought down, and eventually the order was discharged? A.—Yes.

Q.—And you say that Mr. Brown never opened the subject to you about what class of legislation the Columbia and Western Railway people wanted or desired? A.—No.

Q.—Who did Mr. George McL. Brown, then, have his dealings with during this rather acute time; with the Chief Commissioner? A.—Oh, yes; he would go directly to see him whenever he came.

Q.—Did you see the Deputy Attorney-General, or the Attorney-General, with reference to this Bill? A.—Not that I remember.

Mr. Helmcken: Mr. McNeill, there is a list of telegrams taken from the return of the Minister of Finance's office; could you look those up and see if they have any bearing on this question, or have you looked them up (handing documents to witness)? A.—I have looked up everything; yes, sir.

Q.—Every telegram? A.—Yes, sir. If I can have this list I will look again.

Q.—And here is another list, Mr. McNeill. You keep copies of all telegrams, don't you? A.—Yes.

Witness stands aside.

COL. RICHARD WOLFENDEN, being duly sworn, testifies as follows:—

Mr. McPhillips: Col. Wolfenden, you are the King's Printer? A.—Yes.

Q.—You produced Bill No. 113 with draft attached? A.—Yes.

Q.—Do you know from whom that draft came into your office? A.—No; I couldn't say from whom. It would either come from the Chief Commissioner's Department or from the Attorney-General's, I should imagine; but I could not say for certain.

Q.—Looking at the draft, is there anything to tell you where it came from? A.—There is something to tell me that it came from Mr. Maclean's office.

Q.—Why? A.—This red writing. The writing in red ink is in Mr. Maclean's hand-writing.

Q.—The red ink interlineations are in the hand-writing of Mr. Maclean? A.—Yes.

Q.—The Deputy Attorney-General? A.—Yes.

Q.—From that draft the Bill was printed? A.—Exactly.

Q.—Now, with respect to Bill No. 87, you might look at that, Col. Wolfenden (handing same to witness); that previous Bill was of the year 1901; this, now, is of the year 1902? A.—Yes, year 1902.

Q.—You produce that as a Bill printed by you as King's Printer? A.—Yes.

Q.—In the Session of 1902? A.—Yes.

Q.—Where is the draft of that Bill? A.—That I cannot say.

Q.—Have you made search for it? A.—I have made search for it three or four times.

Q.—Is it your practice or custom to keep the drafts of the Bills? A.—It is.

Q.—And are they filed away in that way? A.—They are filed away.

Q.—But you found no draft? A.—I can find no draft of this Bill 87. Sometimes the draft is sent back with the proof, and the draft may possibly not have come back to me.

Q.—Do you think now, Col. Wolfenden, that that Bill No. 87 may have come into your office, that is in the draft, from outside sources? For instance, I will put it hypothetically to you; may that Bill not have come into your hands through, we will say, a channel which would be the solicitors for the Columbia and Western Railway, and be printed and be handed out to them for correction, in that this Railway Company was interested in that land subsidy? A.—Well, I can tell you that the draft of this Bill was not handed to me at all. I am informed by my clerk, Mr. Scholefield, that it was handed to him.

Q.—Did Mr. Scholefield say who it was handed to him by? A.—Yes; he told me by Mr. George McL. Brown.

Q.—Now, what warrant, Col. Wolfenden, would you have for printing a Bill which was handed in from a source like that? A.—Well, I should understand that Mr. Brown would have the permission of the Government to have it printed.

Colonel Wolfenden—*Continued.*

Q.—To hand it in? A.—Yes.

Q.—That is, as a matter of fact, you would put enough reliance in a gentleman of Mr. Brown's standing to assume that he had the authority of the Government? A.—Certainly.

Q.—If he handed in a draft of a Bill like that to be printed? A.—Yes, certainly; and the proof would be sent to the Chief Commissioner's Department, and one to the Attorney-General's Department. That is the custom.

Q.—Yes. But wouldn't also it be likely that Mr. George McL. Brown or his solicitor might get a proof of the Bill too? A.—I think that Mr. Brown was given a proof.

Q.—That he was given a proof? A.—Yes.

Q.—And would not in ordinary course the proof go along with the draft? A.—The draft go along with the proof?

Q.—Yes, put it that way. A.—It might; but it is not the custom.

Q.—No; but it might have occurred? A.—It may.

Q.—In fact, that may be the explanation of why it is you have not got the draft? A.—It may.

Q.—Did you compare the Bill yourself with the draft; did you authenticate it in any way, to show that you have done that? A.—It is my practice to tick it off; I tick it at the top and my assistant, the proof-reader, ticks it at the bottom; and that is authority that we have it corrected.

Q.—Do you find any copy of the Bill marked that way in your office. A.—No; we don't keep them after the proofs have been corrected, only for a few days. The proof goes to the foreman, and he sees that all the corrections that are marked on the proof are made correctly. He compares it.

Q.—Now, how can you charge your mind with this fact that you printed that Bill 87 from the draft, and, so far as your office was concerned, it conformed with the draft; you can say that I suppose? A.—As a matter of fact, I was absent from the office when this Bill came in; I was not away from Victoria, but I was in this building. And when I got back to the office I found the foreman and Miss McCulloch, the proof-reader, reading the proof; and Mr. Brown was present.

Q.—Mr. Brown was present? A.—Yes.

Q.—And the proof was read there and then? A.—It was read there and then.

Q.—And it was approved there and then? A.—Yes.

Q.—Was Mr. Brown there by himself, or was anybody with him? A.—I think he was alone.

Q.—Would you say that he had or had not any solicitor with him there, or counsel? A.—I don't think so.

Q.—Well, who were present, now, when this was being done, this comparing? A.—Mr. Pottinger, the foreman, Miss McCulloch, the reader, and Mr. Brown, when I went into my room. They were all three present in my room.

Q.—In your private room? A.—In my private room.

Q.—That little room? A.—Yes, Mr. Pottinger was reading the proof because it was urgent, in my absence.

Q.—Then, did you check their work at all? A.—I did not on that particular occasion.

Q.—Can you say now whether it was necessary for you to reprint the Bill, or did it conform with the draft? A.—Well, I should say it did.

Q.—You have no recollection that you had to reprint the Bill in any form? A.—It was never reprinted. They were just finishing the reading of the proof, and I had sufficient confidence in my foreman.

Q.—At the time the proof-reading was done, I want to know if you can charge your memory with it, did the Bill, as printed, conform with the draft, so that it was not necessary to reprint the Bill? A.—I tell you I did not read the proof myself, I did not compare it; but I have no doubt it is an exact copy of the draft.

Q.—Can you say whether or not it became necessary to set that Bill up again, either in whole or in part? A.—I do not think it was amended in any way.

Q.—Speaking as far as you know, it was not amended in any way? A.—I don't think so.

Q.—The draft was there at this time, you observed, I suppose? A.—Certainly. I saw them reading it.

Q.—And all you can say about it is that you have not got the draft now? A.—Yes.

Colonel Wolfenden—*Concluded.*

Q.—And it is possible that Mr. Brown took it way with him? A.—I would not suggest it at all; but it is possible.

Q.—It is possible. He might not know that it was the habit in your office to keep the draft there. But, at any rate you have not got the draft now? A.—I cannot find it.

Q.—Can you say whether the custom that you speak of was followed on that occasion, and a copy of the proof was sent to the Chief Commissioner of Lands and Works and a copy to the Attorney-General's Department? A.—Yes; a copy of the Bill is sent to the Department in whose charge the Bill is, and one is always sent to the Deputy Attorney-General.

Q.—Did you ever get back from either of those Departments this draft in this particular case? A.—I know the Bill came down by Message the day it was printed and authority was given for its printing.

Q.—But you cannot say whether you got either of those proofs back that you sent to those Departments? A.—No; I cannot remember.

Q.—In fact, the matter was an urgent matter? A.—An urgent matter.

Q.—And all this was done in a moment. A.—In about half an hour, I should say.

Q.—Occupied about half an hour? A.—I should think so. You see the practice is when a Bill is coming down by a Message, to get authority for its being printed; some one will say it is all right, you can go ahead and print it; and two copies have to be supplied to the Deputy Provincial Secretary, one for Message and one to be kept on file.

Q.—Did you, Col. Wolfenden, have forwarded to you in any official way the authority for the printing? A.—It generally comes back "print," or someone says the Bill is all right. I frequently go to the Department myself and ask if the Bill is all right.

Q.—Have you any recollection of that instance, Bill 87? A.—No; I cannot say. It was done in such great hurry. The foreman probably might recollect it.

Q.—You cannot produce to this Committee, as King's Printer, any more authoritative document, we will say, than that you have got in your hand, of Bill 87? A.—That is all; except that we have an entry on the 22nd of May that the Bill came in to be printed. We keep a record of everything that is ordered to be printed.

Q.—That entry is in the books of your office? A.—It is.

Q.—You have looked at the entry lately? A.—I looked at it to-day.

Q.—Who made the entry in it? A.—My clerk, Mr. Scholefield.

Q.—Is he still a clerk in your office, your Printing Department? A.—He is; yes.

Q.—Then there is nothing else? A.—I don't know of anything.

Q.—Other than the Bill itself, as you have it in your hand, and this entry in the book? A.—That is all I can find.

Q.—The draft is absent? A.—The draft is absent.

Mr. Duff: Would anybody hand out a draft, Col. Wolfenden, except yourself? A.—Well, I cannot remember in this instance.

Q.—I ask you about the fact; I mean to say, who would have the custody of the drafts? A.—I have them in my office; in my room.

Q.—In your own room? A.—Yes; it is the custom, as soon as ever a proof is read and disposed of, to file away the draft.

Q.—Have you any idea of how many drafts would be absent of Bills that were printed during that Session? A.—Well, I should not expect any to be absent.

Q.—If the usual course had been followed and the usual state of things existed, that draft would be there now? A.—It ought to have been.

Q.—That draft might have been taken away by Mr. Brown at the time. But if anybody can throw any light upon why it was that draft did not remain there, it might be well to bring him.

Mr. Helmcken: Mr. Pottinger and Miss McCulloch.

Mr. McPhillips: I think it would be well to have Miss McCulloch, Mr. Pottinger, and Mr. Scholefield also.

Witness stands aside.

MR. OSCAR BASS, being duly sworn, testifies as follows:—

Mr. McPhillips: Mr. Bass, your position in the office of the Attorney-General is what? A.—Chief clerk.

Mr. Bass—*Continued.*

Q.—And as such, this letter of the Chairman of this Committee, dated to-day—— A.—
—was handed to me by the Attorney-General.

Q.—For attention? A.—Yes, sir.

Q.—And what have you to say with reference to it? A.—In accordance with the previous request of the Chairman of the Committee, I made a thorough search of the files, as I thought; and Mr. Maclean, the Deputy, wrote a letter to the Chairman, stating that the documents set out in that letter were all the documents we had. But the Attorney-General has been very particular to have us look over the files on several occasions since, and given us imperative instructions to not miss anything at all, and not to trust to one looking; and I have been looking occasionally since. And when this request of Mr. Clifford came in to-day, and the Attorney-General handed it to me, I looked, as a last resort, in the document file, where I never thought any of this would be. And I found this collection of documents. They do not belong to our department; and I think I can explain how they came in.

Q.—What are they? A.—Letters from Mr. Turner to the Lieutenant-Governor at that time, Mr. McInnes; a letter from Mr. George McL. Brown to Mr. Turner, I think, and a copy of a Minute of recommendation to Council.

Q.—They all are practically anterior to the matter in inquiry? A.—All in 1898, sir. We have searched our files thoroughly since 1896, and, in fact, before.

Q.—What you now produce is in the year 1898? A.—1898.

Q.—Since then you find nothing more? A.—Since then we find nothing more. Although these really do not belong to our files; they belong to Mr. Turner.

Q.—Well, you say, then, you have fully complied with the request? A.—Yes, sir.

Q.—And are unable to produce any other document? A.—Yes, sir; I looked very faithfully through all our files.

Q.—And was unable to find any telegrams? A.—No, sir.

Q.—Outwards or inwards? A.—No, sir. Everything we have you have got a copy of, with the exception of that, and that you have got the original.

Q.—In making this search, Mr. Bass, do you say that you searched in what might be called, I won't say exactly private records, but record or records, or at least among papers that come in on public business, but at the same time marked private or personal? A.—If a matter comes in on public business marked private on it, or personal, it is filed among the public documents.

Q.—You pursue that course? A.—Invariably.

Q.—So that you say then you have covered that? A.—Covered that.

Q.—In your search you have covered what? A.—We have covered our document files, our letter files and our subject files. We have a very perfect system of subject files, and it is almost impossible for anything to escape us.

Q.—So that anything that you have not been able to produce would be something that is absolutely private and which you have no opportunity to find? A.—Yes.

Q.—And for which a Minister would have to speak for himself? A.—In fact, I may say that Mr. Eberts and I went through his own private papers from 1895 up to date, to look for any possible chance of any public documents getting amongst them, and we could not find anything. I have Mr. Eberts' permission to say that.

Q.—Did you examine his private files? A.—Yes, sir. He was afraid that possibly some of the public documents might have got into them. But they have not.

Mr. Duff: Is there a private letter-book of Mr. Eberts himself? There is a letter-book here used by Mr. Turner, marked private, in which there were personal communications, as a private letter-book. A.—Every Minister that I have served under in the Attorney-General's office has had a private letter-book.

Q.—I am asking you if Mr. Eberts has one? A.—Yes, sir.

Q.—Do you take Mr. Eberts' personal letters as a usual thing? A.—I would rather Mr. Eberts would answer that himself.

Q.—But I think I have to ask you. A.—I will have to ask for the ruling of the Chairman.

Mr. Duff: I ask Mr. Bass if he is the stenographer for the purpose of taking Mr. Eberts' personal letters; if he acts as Mr. Eberts' personal secretary as well as the official secretary of the office.

Mr. Bass—*Continued.*

The Chairman: I do not see any objection to answering that yes or no. A.—Well, I have had the honour of his confidence in several matters.

Q.—I asked if you act as Mr. Eberts' personal stenographer? A.—I can say no or I can say yes to that.

Q.—Well, which do you say then? A.—I say no.

Q.—Do you take by dictation from Mr. Eberts letters on personal matters? A.—Yes.

Q.—And still you are not his personal stenographer? A.—No. There is a distinction with a difference there, and I should be allowed to explain it.

Q.—We will leave that for a minute. A.—No; let me explain it, please. The fact of a man being another man's personal stenographer embraces absolutely his private business. Mr. Eberts might trust me to-day with a private matter, and to-morrow he might not. He might give me half a dozen private letters to attend to to-day and give somebody else one hundred and fifty. And, therefore, I would not be his private stenographer, or private secretary; and I do not give it that title.

Q.—You occupy what position? A.—Chief clerk of the Attorney-General's office.

Q.—It appears to be quite clear, from what you say, that Mr. Eberts is in the habit of dictating to you personal letters? A.—At times.

Q.—At times. I do not say every personal letter he writes personal letters on public business and political business. A.—We have no personal letters on public business.

Q.—No personal letters on public business? A.—No. All our public business is on the files.

Q.—No personal letters on public business, Mr. Bass? A.—No, sir.

Q.—That is all right, if you say so. Then I will particularise a little more. Did you ever take from Mr. Eberts a letter addressed to any individual, marked personal, relating to any matter referring to the affairs of the Attorney-General's office? A.—Oh, yes; various little things.

Q.—That is the kind of thing I refer to as a personal letter on public business. Now, you were in the office in 1901, weren't you? A.—Yes, sir.

Q.—During the months of June and July? A.—June and July, 1901?

Q.—Yes. A.—Yes, sir.

Q.—Where are your note-books for that period? A.—Well, I keep no note-books really.

Q.—You keep no note-books at all? A.—No; I have not kept a note-book for I guess two or three years, except they are long matters, like reporting matters, delegations with the Executive, or something like that.

Q.—What do you do, then, with regard to your notes; are they simply taken on slips of paper? A.—Slips of paper.

Q.—And destroyed? A.—Yes, they are.

Q.—You never file them? A.—No.

Q.—So, apart from the letter-books, there would be no record of letters taken by you from Mr. Eberts? A.—No.

Q.—I mean to say, any letters taken in the office at all? A.—Well, we have a stenographer, a lady stenographer, who does the general correspondence of the Department.

Q.—But I understand from Mr. Maclean that she would not take confidential correspondence, as a general thing, for Mr. Eberts? A.—No. Well, I never took a note for Mr. Eberts in a book in my life.

Q.—All the stenographic notes you have taken from Mr. Eberts have been taken on slips of paper and have been finally destroyed? A.—As a matter of fact, Mr. Eberts would show me a letter and say so and so, and so and so, and I may take a note on the letter or on a slip of paper.

Q.—On the back of the letter? A.—Yes.

Q.—So that there would be no record of that kind kept by you? A.—No.

Mr. McCaul: Mr. Bass, do you say that all the personal letters which Mr. Eberts wrote which might have any connection with these sort of matters would be among public documents in the office? A.—No, sir

Q.—I did not understand you to say that. A.—No, sir; I don't think I said it.

Q.—There might have been personal letters written by Mr. Eberts which would not be among the official documents? A.—His personal letters are in his own possession.

Mr. Bass—*Concluded.*

Q.—I mean personal letters in connection with matters; for example, he might have written Mr. Brown in regard to certain questions connected with this subsidy, personal letters, that would not be among the official documents? A.—Oh, no, sir.

Q.—You only looked through the official letter-books themselves, the official files? A.—Mr. Eberts will tell you himself that we searched also through his private papers.

Q.—Did you search through Mr. Eberts' private letter-book? A.—Oh, yes.

Q.—For what letters? A.—In response to the request from the Chairman about certain telegrams in 1901.

Q.—Tell me what letters you were looking for? A.—We were looking for every letter relating to the subject-matter of this investigation.

Q.—Private or otherwise? A.—Private or otherwise; that was Mr. Eberts' instructions.

Q.—Did you find any letters written by Mr. Eberts to Mr. Brown, or copies, or from Mr. Eberts to Sir Thomas Shanghnessy? A.—No, sir.

Q.—On that subject or any other subject? A.—No, sir.

Q.—You looked for those, did you? A.—Yes, sir.

Mr. Duff: Or to Mr. Taylor? A.—Or to Mr. Taylor.

Q.—You searched under all those heads for those letters? A.—Yes, sir.

Q.—And you have produced all the letters here—all the documents and letters in the Attorney-General's office bearing on this matter? A.—Yes. Of course, if we find any more we will bring them, in pursuance of the request. We have been looking very industriously for them.

Q.—I see here in the telegraph accounts some telegrams of the 25th of November and the 22nd December, 1901, between Mr. Wells and Mr. Eberts. A.—I will look them up, sir.

Q.—Because it might be well for the Secretary or the Chairman, or one of the Committee, to look at those and see what they are. They might be purely political matters.

The Chairman: The Committee will look at them. Will you let me have them? A.—Yes, sir.

Witness stands aside.

Mr. JAMES POTTINGER, being duly sworn, testifies as follows:—

Mr. McPhillips: Mr. Pottinger, your position in the office of the King's Printer is what? A.—I am foreman.

Q.—Foreman in the office of the King's Printer, the Printing Department of the Government of the Province of British Columbia? A.—Yes, sir.

Q.—Do you recognise Bill 87 of the Session of 1902 (handed to witness)? A.—I do.

Q.—Would you tell the Committee the circumstances under which that Bill was printed in the office? How did it come there in the first instance; did you see the draft of that Bill? A.—I did.

Q.—Who produced it to you? A.—Well, there are so many—particularly last Session there were so many Bills, that I cannot remember trifling details like that, but, to the best of my recollection, the Bill came in typewritten; it was a typewritten copy; and it came like any other Bill would, and was set up.

Q.—Do you know who brought it there? A.—I do not.

Q.—Was it handed to you? A.—No; these things are usually left in the office downstairs, and simply come up with a ticket attached in the usual way, by the copy-elevator; we are not supposed to know where they come from.

Q.—Then you did not know from whom it really came, but it came to you in the ordinary course? A.—Came to me in the ordinary course.

Q.—And you think it was typewritten? A.—To the best of my recollection it was a typewritten copy.

Q.—Did you recognise it as coming from any Department of the Government? A.—I cannot say now.

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

Q.—In due course it was printed? A.—It was printed.

Q.—After it was printed, what did you next do in connection with it? Did you have anything to do with the comparing of it with the draft? A.—I remember about this Bill, because Col. Wolfenden happened to be busy that morning about something, and I went down-

Mr. Pottinger—*Continued.*

stairs and read the proof; Mr. Brown was waiting or came in while I was reading it with Miss McCulloch.

Q.—What Mr. Brown is that? A.—Mr. McL. Brown, of the C. P. R. He was very anxious to see a copy of this when it was printed; and so I went downstairs and read the proof with Miss McCulloch, the proof-reader.

Q.—Where did you read it? A.—In the private office, down-stairs.

Q.—In Col. Wolfenden's office? A.—In Col. Wolfenden's private office.

Q.—And who were present when the Bill was compared? A.—Mr. Brown came in, I think, during the time we were reading the proof, and, after it was corrected, I believe he got a copy, but I won't be positive. I think he did; I think that was what he was waiting for.

Q.—Previous to Mr. Brown coming into the room, who were in the room? A.—No one but Miss McCulloch and myself.

Q.—And whilst you were at this work, you say Mr. Brown came in? A.—He came in.

Q.—Did he take any part in the comparing? A.—No, no part. He simply took a seat and waited. And the proof with the corrections was sent upstairs and corrected in the usual way, and I think two or three,—of course, there was a revise taken of it, as usual, and compared by myself; and then, I am under the impression that he got a copy of the Bill as it was then.

Q.—Who do you mean when you say "he"? A.—Mr. Brown. To the best of my belief.

Q.—And what was done with the draft, to your knowledge? A.—Well, that is usually retained in the office downstairs; they file them away.

Q.—You left it there, did you? A.—I left it there, yes. It was left on the table there.

Q.—Who handed the copy to Mr. Brown, the final revised printed copy? A.—I don't recollect that.

Q.—Do you recollect if there were any corrections made in it as printed in the first instance? A.—Only typographical errors, whatever they might be; the usual errors.

Q.—There were no substantial errors? A.—No; no changes of any kind.

Q.—You would call them typographical errors? A.—Simply typographical errors. It was merely made to comply with the copy, that was all.

Q.—And you would say that the Bill, as printed in the King's Printer's Department, is a copy of the typewritten draft? A.—Exactly.

Q.—Now, when you saw that draft, you did not recognise that draft as coming from any public department of the Government? A.—I cannot recollect now.

Q.—Was there any writing to note that it had been in any Department; was there anything to show that it had been in the office either of the Attorney-General or of the Chief Commissioner of Lands and Works? A.—Well, from my own recollection, I really cannot say. I simply have a dim recollection of its being a typewritten copy, but further than that I do not recollect.

Q.—There were no interlineations in ordinary writing? A.—I cannot say.

Q.—As near as you can recollect? A.—As near as I can recollect.

Q.—And nothing to show you from whence it came? A.—Well, I might have some very uncertain recollection of something, but not that I would like to say positively. I simply, as I said, have a dim recollection that it was a typewritten copy, and that is about all I remember of it.

Q.—Now, you are clear upon it, Mr. Pottinger, that throughout this time you were comparing the proof with the draft, the only persons present in that room, other than yourself and Miss McCulloch, was Mr. Brown. A.—That is all. And Mr. Brown only came in incidentally while we were reading. He took no part and said nothing.

Q.—What did he say? A.—He said nothing; never took any part, simply took a seat and waited. Of course, we understood he was interested in this Bill and that he was waiting for it.

Q.—How did you understand that? A.—I don't know; I cannot tell you that. We naturally knew what the Bill was.

Q.—Well, that was from knowledge that you had yourself, was it? A.—I presume so.

Q.—That Mr. Brown was connected with the Canadian Pacific Railway; and the Columbia and Western, to your knowledge, was a company, with the Canadian Pacific Railway, interested in that Bill? A.—Well, I am not going into that; I simply understood—I knew what he was there for.

Mr. Pottinger—*Concluded.*

Q.—Although he never said anything ; how could you understand that ? A.—You can sometimes understand a thing without anything being said.

Q.—Well, there was no mystery in your mind about his being there, what his connection was ? A.—I cannot recollect now how I got the impression.

A.—Didn't he make an observation throughout the whole time ? say, "I would like to have a copy of that Bill," or anything of that kind ? Surely, he said something of that kind ? A.—I don't think he did.

Q.—Then, how did you know he wanted a copy of the Bill ? You say he got a copy of it ? A.—Well, I cannot recollect at this time what was said, exactly. He might have made a remark, yes.

Q.—That he wanted a copy ? A.—But somehow I knew ; I don't know how I knew.

Q.—Col. Wolfenden came in before you had finished with your work, did he, or did he not—do you recollect that ? A.—I think Col. Wolfenden was showing around some gentleman, some visitor, and he looked in, but he did not come in, as far as I recollect. I think he simply looked in.

Witness stands aside.

MISS JENNIE McCULLOCH, being duly sworn, testifies as follows :

Mr. McPhillips : What is your position, Miss McCulloch, in the office of the King's Printer ? A.—Proof-reader or copy-holder ; I read aloud to Col. Wolfenden from the manuscript while he is reading the printed copy.

Q.—You heard the evidence given by Mr. Pottinger ? A.—I did.

Q.—Is there anything in that evidence that differs from your recollection of what took place ? A.—No ; I remember the circumstance very well ; it is impressed on my mind. Col. Wolfenden was showing around Mr. Young, who was here at the head of a paper concern—showing him around the building, a Thursday morning. And this Bill came down—we have a proof elevator and an electric bell, which is rung when the proof is ready ; and the Bill came down.

Q.—That Bill in front of you, Bill 87 ? A.—Yes, that is the Bill, I think. As far as I can recollect, the Bill came down and we telephoned for Mr. Pottinger to come immediately, as Col. Wolfenden was out—as sometimes when the Colonel is out he takes the Colonel's place. We were reading it and Mr. Scholefield came in the office and said that Mr. Brown wished to come in ; Mr. Brown was at the door there. And Mr. Brown came in and sat down while we were reading the Bill.

Q.—Now, you read from the manuscript, you say, Miss McCulloch ? A.—Yes.

Q.—Do you remember in what form the manuscript was ? A.—It was a typewritten copy.

Q.—Typewritten ? A.—Yes.

Q.—Do you recollect whether there was anything to indicate to you that it came from any of the Departments of the Government ? A.—No ; nothing whatever ; it was just in the ordinary typewriting.

Q.—Did you recognize it as being typewritten in any of the Departments of the Government ? A.—No.

Q.—Your mind does not give you any impression on that at all ? A.—No ; none whatever.

Q.—Well, did you form any idea then that it came from any outside source ? A.—No ; it looked just as other Bills do that are brought in typewritten ; it looked just as every other Bill does.

Q.—Just as an ordinary typewritten copy ? A.—Yes, sir.

Q.—But still there was nothing to show from where it came ? A.—No ; nothing whatever.

Q.—Well, then, you say Mr. Scholefield said Mr. Brown wished to come in ? A.—Something to that effect. He introduced him into the room ; he came into the hall, I think, just at the door.

Q.—How far had you got in your work when Mr. Brown came in ? A.—I couldn't say ; we had not got very far.

Q.—You had not got very far ? A.—No.

Q.—And you continued it in Mr. Brown's presence ? A.—Yes ; while he was there.

Miss McCulloch—*Continued.*

Q.—Now, did Mr. Brown make any observation, so far as you know? A.—No; none whatever; I am quite sure of that.

Q.—Did he ask that he should be furnished with a copy of the Bill or proof? A.—He did not ask me.

Q.—Did he get a copy? A.—He did.

Q.—There and then? A.—Yes, after the Bill was read and sent up on the proof elevator, where the corrections were made on it upstairs; I waited at the proof elevator until a clean proof came downstairs.

Q.—And then what did you do? A.—I am under the impression that I handed a copy to Mr. Brown.

Q.—To Mr. Brown? A.—Yes; I think there were two struck off. There are generally two or three struck off.

Q.—Now, with respect to the manuscript itself, what did you do with that, the type-written draft? A.—As far as I remember, I did as I do with all the others; we have a file hanging on the wall, and we place them on this file, all the manuscripts, and keep them there until the end of the Session, when we file them away—take them right off that file and put them in a little case for filing.

Q.—You retain all these drafts in practically what we may call the archives of the office? A.—Yes.

Q.—They are kept there? A.—Yes.

Q.—Now, do you remember that you did that with this draft? A.—I was speaking about it this morning, and, as far as I remember, that is what I did with it. I am under the impression, to the best of my knowledge, that I did it—as I do with all the others. They may be on the table a little while, but our object is to put them away as quickly as possible, to get them out of the way of other things.

Q.—In fact, this is one of your duties? A.—It is one of my duties; yes.

Q.—And you think you discharged it in this case? A.—I think so; as far as I remember, I did.

Q.—When did you know it was absent and could not be found? A.—I did not know until this morning.

Q.—Did you make a search this morning? A.—No; Colonel Wolfenden searched. He went through the case three times. I was there at the time.

Q.—You were present when he searched? A.—I was the last time, not the first two times.

Q.—It is only this morning that you became aware that the draft could not be found. A.—Yes, sir.

Q.—Do you remember sending a copy of this Bill as you see, the final clean draft, to any of the Departments of the Government? A.—I don't remember in this particular case; but we generally send one to the Deputy Attorney-General for his looking over it.

Q.—But don't you remember in this case? A.—I don't remember; but I am almost sure two copies were struck off. In that case one would go to the Deputy Attorney-General.

Q.—And one you remember giving to Mr. Brown? A.—Yes; I remember giving it to him.

Q.—Do you remember whether Mr. Brown was alone there, or was in company with anybody? A.—No; there was no one in the room but Mr. Pottinger and myself and Mr. Brown.

Q.—And no one else was in the room while he was waiting? A.—No; no one was in the room.

Mr. Duff: About what hour of the day would it be when this occurred; do you remember? A.—Sometime in the forenoon, I think; it was the Gazette hour, I remember, when the Gazette was getting ready for publication; that would be about 11 o'clock.

Q.—The usual course with regard to those drafts is to file them? A.—Yes.

Q.—And the circumstance of one not being filed would be marked on your mind? A.—It could only arise from not doing it then; but we would always do it at the close of the day, when we were cleaning up the table.

Q.—How often does it happen that the draft is not at hand? A.—It never happens; they all have to be filed.

Q.—They all have to be filed? A.—Yes.

Q.—If you had received any instructions to act differently in this case, or been asked to act differently in this case, do you think you would have forgotten it? A.—Oh, no,

Miss McCulloch—*Continued.*

Q.—You have no doubt, then, that the draft was filed; that you did file it? A.—No; I am not sure that I did file it. I did in every other case; and if I did not in this, it would be something unusual. But, as far as I remember, I filed it.

Q.—Would the file itself indicate whether it is possible for the draft to be taken away? A.—The files are just hanging on the wall; we have three files; one is hanging on the wall marked "Bills"—

Q.—(Interrupting) And they were transferred from that into the case? A.—Lifted off and put inside of a case just in the order that they are put on.

Q.—Was a copy of the proof sent to the Chief Commissioner's Office in this case? A.—I don't know of it; I don't remember whether it was or not.

Mr. McCaul: All you recollect about it is, one copy was handed to Mr. Brown and one copy sent to the Deputy Attorney-General? A.—I don't remember about the copy being sent to the Deputy Attorney-General; but it is usual to send him one. I think there were two copies struck off.

Q.—If there were two struck off, when one was handed to Mr. Brown the other would go to the Deputy Attorney-General, if it went to anybody? A.—Yes; if he had not had it before, it would.

Mr. Helmcken: Do you say it was on a Thursday? A.—Yes. I remember it was on a Thursday, because it was the day of the publication of the Gazette; it happened the same day; the proof came along at the same time with the Gazette proof.

Q.—And do you recollect when that Bill was introduced? A.—No; I do not.

Q.—Would you gather it at all from reading the proof of the reports of the Proceedings? A.—No; I would not do that.

Q.—Did you happen to read the proofs of Votes and Proceedings? A.—We read them in the morning the next day.

Q.—There is the Votes and Proceedings; Thursday is the 22nd of May (showing book to witness). A.—Yes; Thursday the 22nd.

Q.—Does that give you any idea? A.—No; no; this would not give me any idea of what day it was. I only remember it being a Thursday from the publication of the Gazette.

Q.—And not the near approach of the Queen's Birthday? A.—No.

Q.—Because the House adjourned from that date to Monday. That does not call anything to your mind. A.—No.

Q.—Have you got any dates at all where you know these various matters are printed; do you keep a record? A.—Of these Bills when they are printed?

Q.—Yes, Bills or anything; the daily work? A.—Oh, yes; the work register would show that. The work register would show the day they are brought in.

Q.—Who looks after that? A.—Mr. Scholefield.

Mr. Duff: Miss McCulloch, do you know anything about what happened to that draft actually? A.—No.

Q.—You know nothing about it? A.—I thought until this morning it was filed.

Q.—Who would have access to these files? A.—Well, anyone in the Printing Office; they are on the wall, just hanging on the wall.

Q.—The drafts are, before the close of the Session, filed by hanging them up on the wall? A.—We have a file hanging on the wall during the Session; we have also one for Petitions, and one for Reports, and one for Bills. At the end of the Session, when the Bills are all finished, we take them and put them into the filing cases; we lift them right up—they are on wire stubs, as it were, and we lift them right up as they are, and pass them into this case and case them up and mark on the outside what they are; put them in the case.

Q.—Are they individually left as they are originally put on the file? A.—They are just lifted from one file to the other; they are not disturbed as they go in the case; they are just left in the same way.

Q.—Where is the case now? A.—In the back office, in our private office.

Q.—Colonel Wolfenden's private office? A.—Colonel Wolfenden's private office, back of the main office. But in recent months they have been in the hall-way, in a book-case that has been moved out to make room for some other things.

Q.—For some months they have been in the hall-way, in a book-case? A.—Yes.

Q.—And anyone would have access to them? A.—Yes, anybody that goes there; but as they hang in our room, no one but the ones in the private office.

Miss McCulloch—*Concluded.*

Q.—But since they were in the hall, anyone coming into the office would be able to get them, I suppose? A.—Yes, but we would see them there when they came in. It is right near our door, in sight of the office.

Q.—The door is sometimes closed? A.—Yes.

Mr. Helmcken: Could anyone enter and take it without asking permission? A.—No, sir. Not without permission of Colonel Wolfenden.

Witness stands aside.

MR. KENNETH SCHOLEFIELD, being duly sworn, testifies as follows:—

Mr. McPhillips: What is your position in the Department of the King's Printer? A.—Clerk.

Q.—And do you keep what is called the work register? A.—I do, sir. (Witness produces work register.)

Q.—Dealing with this Bill 87, is there anything in the work register to show you anything with reference to it? A.—Yes; it shows that the Bill was ordered.

Q.—What entry do you find? A.—It is No. 2,234; Legislative Assembly; Bill 87; 575 copies; date, 22nd of May.

Q.—Under the column headed "date of order" you find the date May 22nd, having relation to Bill 87? A.—Yes.

Q.—What does that mean? A.—The date that it is ordered to be printed.

Q.—By whom? A.—By me, from the office.

Q.—Well, you might look now at Bill 87 here. You identify it as having come from the King's Printer's office? A.—Yes.

Q.—And what had you to do with it, first? A.—Well, the Bill simply comes in to me to be entered before it goes upstairs.

Q.—In what form did it come to you? A.—That I cannot say.

Q.—You are not able to say? A.—I could not tell you whether it came in manuscript or how.

Q.—You had not printed it, up to that time, had you? A.—No; I don't remember that.

Q.—You don't remember that part? A.—No.

Q.—When you say it comes to you for an order to be printed, you give the order for the printing of Bills? A.—Yes, sir.

Q.—Did you do that in this case, in regard to Bill 87? A.—I certainly must have; there is the record of it there.

Q.—These Bills come in to you in what form? A.—In different shapes; sometimes in typewriting, and sometimes in writing or partly printed, and other times they are partly in writing and partly typewritten.

Q.—Government Bills do not come to you, as a rule, partly printed, do they? A.—Oh, yes; often they cut out different pieces, to save them typewriting.

Q.—Then they have been dealt with before? A.—Yes; in different ways.

Q.—But dealing with this particular Bill, you had not printed it in any other form before? A.—I don't remember it.

Q.—Do you remember, then, the form in which it came to you? A.—That is one thing I cannot remember.

Q.—You cannot remember whether it was in ordinary ——— A.—Whether it was typewriting, or whether it was partially in typewriting or printing, I cannot say.

Q.—Who did you receive it from? A.—Mr. George McL. Brown, I think.

Q.—Was he known to you at that time? A.—Oh, yes.

Q.—Do you know what position he occupied? A.—No.

Q.—Or what Company he was connected with? A.—Oh, yes; I knew he was a C. P. R. man.

Q.—And what were his instructions, if any, that he gave to you? A.—Well, as far as I can remember, that it was being brought down by Message; that it was to be brought down by Message.

Q.—That the draft Bill that he handed to you was to be brought down by Message? A.—That is as far as I can remember.

Q.—And he wanted what? A.—Wanted it printed.

Mr. Scholefield—*Concluded.*

Q.—Did he urge any haste or dispatch in that regard? A.—He said he would like it as soon as he could.

Q.—He said he would like it as soon as he could? A.—Yes; that he wanted to see a copy, or something, before it went up.

Q.—Did you then submit the matter to Col. Wolfenden? A.—No; I took it to Mr. Pottinger, or rather, sent it up in the elevator.

Q.—You sent it up to Mr. Pottinger? A.—Yes.

Q.—Without communicating to Colonel Wolfenden? A.—Yes.

Q.—Why did you do that? A.—That is the usual practice to do.

Q.—You see that Bill; if you notice on it, there is the name of the Hon. the Chief Commissioner of Lands and Works? A.—Yes.

Q.—That imported that it was a Government Bill, didn't it? A.—Yes.

Q.—Well, would you take a Bill in draft from an outside source like that, and assume that it was correct, and have it printed? A.—Well, I don't know; it happened in this case, at all events.

Q.—Then you assumed that Mr. George McL. Brown had sufficient warrant for what he told you? A.—Yes, sir.

Q.—And you acted on that? A.—I did.

Q.—Without communicating with the King's Printer? A.—Yes, sir.

Q.—And the Bill was printed, to your knowledge? A.—Yes; I think so.

Q.—Referring again to the draft, can you say whether it indicated in any way that it had been drafted in any of the public Departments of the Government? Did you note that at the time? A.—I could not say.

Q.—You could not say as to that? A.—No, sir.

Q.—There was nothing to show you that? A.—Well, there may have been on the draft; I don't know.

Q.—You cannot remember it now? A.—I cannot remember now.

Q.—In any case, you got it from Mr. Brown? A.—I got it from Mr. Brown, as far as my memory goes.

Q.—Did you, at a later date, relate the circumstances under which that draft Bill came to you, to Col. Wolfenden, the King's Printer? A.—Not until to-day.

Q.—Not until to-day? A.—Not to my knowledge; at least, I don't think I did.

Q.—Did you have anything more to do with it after you sent it up to Mr. Pottinger? A.—Except entering it again after it came down to the office.

Q.—And is there any other entry in the book? A.—Simply the charges on it.

Q.—I would like you to turn that up. A.—Here is the charges on the Bill; the cost of printing.

Q.—The cost of the printing is carried out here (in the work register)? A.—Yes.

Q.—That is for statistical purposes? A.—Yes, sir; this is only the office work.

Q.—And you say you had nothing whatever more to do with the Bill? A.—No, sir; I had nothing whatever to do with the Bill, after it passed my hand, until the entering up of the book when it came back to me.

Q.—When did it come back to you; that same day? A.—Well, it may not have come for two or three days.

Q.—The entries are carried out consecutively right across the book? A.—The entry of the date when it is received back I don't think is.

Q.—The "when delivered" column is not filled up? A.—No.

Q.—That is not your practice, evidently, to fill that up? A.—No, I don't very often fill that up.

Witness stands aside.

The Committee here adjourned until to-morrow, May 9th, at 10 a. m.