

Hon. Mr. Eberts—*Continued.*

Q.—Well, Mr. Maclean would seem to leave the Committee of the view that possibly the interest of the public would be safeguarded at a subsequent time ; that although he did not draft it nor you did not draft it, yet at some subsequent time the interests of the people would be safeguarded. You don't remember that that matter was passed on by the Government? A.—I don't remember.

Q.—You don't remember that the matter was ever laid before the Government before it was laid before the House? A.—Mr. Maclean meant by that, that before it could be submitted to the House there would have to be an Order in Council passed to bring down a Message ; a formality of law. A formality of law. When a Bill like that deals with the property of the State it must be brought down by Message from the Lieutenant-Governor in Council.

Q.—But Mr. Maclean would lead us to infer that, if there was this apparent disregard of proper procedure in this case, that it would be cured at a later time, that is to say, that you, as a member of the Government, would pass on this matter at a later time. And you say you don't remember doing so? A.—I don't desire to shirk any responsibility that I have with reference to the Bill. I don't wish to hide behind anything with reference to the Bill.

Q.—As far as this Committee can find out, there was no one, apparently, except Mr. Brown, and possibly Mr. Brown's solicitor, who had given attention to the scope of this Bill. That is the way the Committee is left in this matter. You cannot give us any further information, Mr. Eberts? A.—I cannot; except, that is the Bill.

Q.—I want to draw your attention to one other matter. You considered that Bill No. 16 was ill-timed? A.—Well, I thought so.

Q.—But the Legislature was given what information? It was given the statement of Mr. Wells that the Crown grants were never delivered, that they never left his possession, was it not? And the Legislature passed that Bill. Don't you think, Mr. Eberts, that with the view that you had, and apparently have had for some long time, that it was a matter proper for the Courts, and also that there was a dispute on this question of delivery or no delivery—don't you think it was a proper thing for you to have advised, from your place as Attorney-General in the House, the Legislature of your view, and not to allow the Legislature to enact that measure on Mr. Wells' statement alone?

The Chairman: I don't think that this Committee is sitting on Mr. Eberts' conduct as Attorney-General. A.—I never understood that.

The Chairman: I think that is a question for the Premier and not for the Committee.

Mr. McPhillips: I submit that it is part of the *res gestae* of our inquiry.

The Chairman: I quite agree with you there.

Mr. McPhillips: And if Mr. Eberts had facts which contradicted facts which were brought out by Mr. Wells, the Legislature ought to have known those facts.

The Chairman: That may be our opinion. But I do not see why we have to ask Mr. Eberts why he did not do this and why he did not do that.

Mr. McPhillips: If Mr. Eberts does not care to answer that I do not press.

The Chairman: That is my opinion as a member of the Committee, that you are going a little too far when you ask that question.

Mr. McPhillips: That question will be asked by the people ; and we are here representing the people just now.

Q.—Now, I gather, Mr. Eberts, that this meeting that has been referred to, on the 24th of October, by the Premier, Mr. Dunsmuir, by Mr. Prentice and by Mr. Wells, may very well have been the meeting at which you were present on that day ; or do you think it was a different meeting? A.—I say that the day before Mr. Wells went away that Mr. Prentice was not there.

Q.—It was the day before he went away? A.—I have no means of saying that Mr. Prentice did not have a meeting on that day. But at the meeting I speak of, Mr. Prentice was not there.

Q.—It would be a little singular, though, that there should be two meetings at which discussions took place very divergent in their tenor, wouldn't it? As close together as that? A.—Oh, I have given you my view with reference to that, Mr. McPhillips. I said, I have always said, that the question of trying to get the road built up as far as Spence's Bridge was talked of.

Hon. Mr. Eberts—*Continued.*

Q.—But you have sworn here positively, Mr. Eberts, that Mr. Wells had no permission, at any rate, that he could found on the interview that you speak of, which entitled him to go to Montreal and claim of Sir Thomas Shaughnessy a concession, namely, the building of a line of railway from Midway to Spence's Bridge, before the Crown grants for 4,593 and 4,594 would be delivered over? A.—Would not that be most unreasonable, when you come to think of it?

Q.—He has sworn to it. A.—Well, you must admit when you remember that they are entitled to the lands, because, you see, the Crown grants are issued—having issued the Crown grants, issuing them under the Act of 1896, they must have thought that they were entitled to them from the fact that construction had been completed of the line as far as Midway; that does not deal with the building of a line to Spence's Bridge at all.

Q.—You of the Government evidently knew, but the people of the Legislature were kept in the dark, and they never knew of any Crown grants being issued. I proved to you that the questions were asked in the House, and answered in such a way that the Legislature never knew these Crown grants had issued. However, Mr. Eberts, you say that you would put it as late as the 23rd of October, or do you put it the 24th of October, that you had a meeting at which the Premier, Mr. Wells and yourself were present? A.—Mr. Wells left on the evening of that same day, the 24th of October.

Q.—The evening of that same day. The Premier, Mr. Wells and yourself were present; and no such condition was engrafted on the delivery of these two Crown grants? A.—That they were not to be delivered unless the road was built to Spence's Bridge?

Q.—Yes. A.—I never heard of such a condition.

Q.—You never heard of it? Well, you would say that certainly there was no such commission given Mr. Wells at that time? A.—There was not, that I understood. I never heard of, and I never saw—I never saw the suggestion as appeared in the evidence of Mr. Wells that he delivered to Sir Thomas Shaughnessy in Montreal.

Q.—That he did what? A.—I have his evidence here (referring to newspaper report).

Q.—You cannot rely on that. A.—You can rely on some portion of it, and you can rely on the papers that are filed here. Mr. Wells in his evidence said there was a memo. *re* extension of the Columbia and Western Railway.

Q.—Yes, he presented one to Sir Thomas Shaughnessy. A.—I say that there was no such a memo. ever placed before any member of the Government, I believe, before Mr. Wells went away.

Q.—I don't think he contended there was; he made that up in Montreal. Do you know, Mr. Eberts, that in that memo. as Mr. Wells put it to Sir Thomas Shaughnessy, there would be no land grant given also for section four unless a railway was built from Spence's Bridge to Midway? A.—It does not say that.

Mr. Duff: He called attention to the fact that the right of the subsidy was forfeited. A. (Reading).—"Your Company has earned the land subsidy for section four, say 900,000 acres, but is not entitled to a Crown grant until section five has been constructed." That was according to the Act of 1896, because you cannot give the lands for section four until section five was completed. Therefore, if the time was up to complete section five, to a certain extent they had forfeited their rights for getting the land under section four.

Q.—He says on the second page, "your rights to all land subsidies would terminate, excepting in respect to section four, but to which you would be entitled only upon construction of the Spence's road to a point at or near Otter Lake"— A.—That is no such thing; Otter Lake is away over in the Nicola country; there is no subsidy over the road to Spence's Bridge at all. Otter Lake is over in the Spence's Bridge country—away over in the Nicola country.

Q.—All I say is, that he engrafted a condition on the Company, then, with respect to section four? A.—Where is that condition?

Q.—There it is, right in his memorandum. A.—I can explain what that means there. You will remember Mr. Dunsmuir, who was Premier, made an offer by way of letter to Sir Wilfrid Laurier that the Province of British Columbia would go in with the Dominion of Canada and build a line of railway from the Coast in to where a line of railway would probably meet a line coming from Midway north to Spence's Bridge, somewhere in the neighbourhood of Otter Lake. I think that is what that means.

Q.—The Government of British Columbia and the Dominion Government? A.—That Mr. Dunsmuir, as Premier of the Province of British Columbia, wrote a letter to Sir Wilfrid

Hon. Mr. Eberts—*Continued.*

Laurier, of the Dominion Government, offering to enter into an arrangement by which the Dominion and the Province would build a line of railway from the Coast up to the Similkameen country.

Q.—Did you ever look with any seriousness, Mr. Eberts, on that letter? A.—Looked with this seriousness on it, that we were very anxious to have it done. We hoped that the Dominion would help us with a railway, and the Province and the Dominion would build a line from the Coast to where railways could come up from the south. Because it was expected that lines would be extended from the south up into the Similkameen country, and at that time we knew that surveys had been made from the line up north as far as Spence's Bridge by the Canadian Pacific Railway, and that there were valuable coal fields in the Nicola, and the country there to be opened up; and that if the Government could build a railway that would join with either of those, in Otter Lake or that locality, the Government would join with the Dominion Government to build that line from the Coast.

Q.—That was one of the numerous— A.—(Interrupting)—That was an offer made by the local Government to Sir Wilfrid Laurier.

Q.—A jug-handled offer, wasn't it; the Province would put up a dollar if the Dominion would give two? You never thought they would accept it? A.—I never thought it was a jug-handled offer, and I will tell you why. In 1897, if you will take the Bill of 1897, our Loan Bill of 1897, it sets out that fact completely. The Dominion getting what they did in revenue from British Columbia, it is only fair to the Province that in a matter of this kind the Dominion should give two dollars and the Province one.

Q.—You think that is a serious proposition? A.—It was very serious, and the Province made it, and they could not have receded from it if the Dominion accepted it.

Q.—It would have been a good thing for the Province perhaps. But I don't think the Province had the money to put even the dollar in? A.—That is another thing altogether; the people were for it, and they were bound to have that railway, and the Government were doing their best to get it done.

Q.—Do you say that Mr. Wells was authorised, at this meeting you speak of, to attach any term to the land grant for section four, such as he did attach to it in that memorandum? A.—With reference to the land grant for section four?

Q.—Yes. A.—Now you are changing your base. You have been cross-examining me relative to the delivery of those grants, which did not affect section four.

Q.—I am going into four now. Was he at this meeting commissioned to say to Sir Thomas Shaughnessy that they were not to get the lands for section four unless they built this road that he speaks of, from Spence's Bridge to Otter Lake? A.—I never understood it that way. I understood, as I told you before, that Mr. Wells was going to use his best endeavours to induce the Canadian Pacific Railway to build from Midway to Spence's Bridge. Because, if he had induced them to do that, it would be going through a fine portion of the country, and the question relative to the Hope Pass, which was a very burning question all the time, would be allayed.

Q.—Then you say, dealing with this interview you speak of, on the very day of his leaving for Montreal, that he should have delivered in the ordinary course to the Columbia and Western Railway Company these two grants for 4,593 and 4,594? A.—I thought he was going for that purpose and would have given them. I thought so. I had nothing to lead me to the contrary, Mr. McPhillips.

Q.—On this question of Spence's Bridge to Midway, you say that was mentioned, the building of a railway between Spence's Bridge and Midway, and that the C. P. R. were to be asked to do that—it was to be suggested that they should do it? A.—Suggested that they should do it or give some evidence that they intended to do it at a certain time, or something of the kind.

Q.—Don't you know, Mr. Eberts, that it was quite inconsistent with the policy of the Government, as stated in interviews that were given to delegations here, that the railway was to be built from the Coast into that territory, and not from Spence's Bridge? A.—I know there were delegations from the Coast in to see the Government, asking that the road should be built by way of Hope Pass.

Q.—Well, was not that a strange thing that the Government should have had another way of getting into that country and acceding to it apparently, and yet at the same time be making attempts to have it pierced by a very different line of railway? A.—Well, very well;

Hon. Mr. Eberts—*Continued.*

wouldn't it open up another part of the country altogether? Wouldn't it open up the Nicola Valley and the Aspen Grove mining camp, which have now no railway communication. And if that was built through the Hope Pass, as it was contemplated to be built by the two Governments, there would be a line running from Midway up through the Nicola, through Aspen Grove; there would be a line running up from the Coast through Chilliwhack and the Hope Pass to Otter Lake.

Q.—Don't you think it would postpone for a considerable time that other undertaking if this suggested undertaking had been carried out? It would have delayed the line from the Coast through that territory if the Government had undertaken their liability for the railway from Spence's Bridge to Midway? It would have made it very much more difficult to carry out a line for piercing the same country from the Coast? A.—The Coast-Kootenay line does not pierce the same country that the line to Spence's Bridge would.

Q.—Well, at that time the Government was being pressed to carry out a different policy—not to build the line from Spence's Bridge to Midway, but to build a line from the Coast in to Midway; wasn't that it? A.—Yes; and I believe that the people of the Nicola country were desirous that the Government should build a railway through the Nicola country to open up the coal fields in the Nicola country.

Mr. Helmcken: Mr. Attorney, has not the object of the Railway Company been, for some time, to get possession of 4,593 and 4,594? A.—Well, I think it must be their object, because they have brought actions to.

Q.—As a matter of fact, don't you know that that is their object; and the whole of their actions have been consistent with that view, that they wanted to get possession of lot 4,593 especially, and 4,594? A.—Well, even as far back as the year 1900, Mr. Helmcken, on the 19th of December, there was an Order in Council passed at that time to give the Railway Company tracts of land which were not described as 4,593 and 4,594, but which are now known as such tracts of land.

Q.—Previous to the year 1900, has it not been the object of the Railway Company to obtain possession of those very same lands? Previous to the 19th of December? A.—I don't know, Mr. Helmcken. I think in September they were advocating that, in the month of September, 1900. That is the time I speak of that Mr. McPhillips was there.

Q.—Precisely; that may have been one of the times, September, 1900.

Mr. McPhillips: If my name is brought into this thing, I submit, with all deference, that it must be cleared; I do not want my name to go into this record as if I had something to do with the matter we are investigating; it is not fair to me, nor is it right. My connection with the matter ceased; I was only engaged on one occasion; and an Order in Council was passed in September, 1900, giving very different lands. These lands were not given at all. It is not fair for me.

The Chairman: We all understand that.

Mr. Green: It seems to me there is an inclination to bring Mr. McPhillips' name in on every occasion, and I don't think it is proper.

The Witness: Speaking for myself, I have given what I believe Mr. McPhillips' true position with reference to that. I think, after one appearance by Mr. McPhillips in September, 1900, I never heard Mr. McPhillips' name in connection with the matter.

Mr. McPhillips: These blocks were not dealt with in that Order in Council that was subsequently passed; very different land was given. I went to England on the 3rd of October, and I never returned until the 28th of December. And, anyhow, I never had anything to do with it.

The Chairman: I understood that Mr. McPhillips' position was thoroughly explained; he just appeared that one time. A.—That is all.

Mr. Green: I don't think his name should be dragged in every few minutes as it has been.

Mr. Helmcken: The Order in Council referring to the meeting of September 10th, 1900, is here, and that is the plan before the meeting of the 10th of September, 1900 (showing documents to witness). Now, does it appear from that, Mr. Attorney, that the Railway Company wanted the area in which lots 4,593 and 4,594 now appear? A.—It appears by that they did not get it.

Q.—Did they want it at that time? A.—Did they want it? I know they were advocating to get it.

Hon. Mr. Eberts—*Continued.*

Q.—That was September 10th, 1900? A.—That is what I thought.

Q.—And you were present at that meeting? A.—Well, I think I was, Mr. Helmcken; I am not positively sure; I think I was there.

Q.—Well, do you recollect whether you were there? A.—I can only tell with reference to being before Executive meetings when I have refreshed my memory with reference to the notes taken at the meeting.

Q.—Well, have you refreshed your memory lately? A.—No, I have not got a memorandum of that meeting of the 10th of September. When I was refreshing my memory with reference to it, the Provincial Secretary was in a hurry to get to the Commission, and I took down some hurried notes. The notes themselves would show of the meeting, if there were any notes with reference to it.

Q.—I would like to find out definitely whether you were present at that meeting? A.—Well, I couldn't say; I cannot remember.

Q.—You have said your recollection is rather hazy about these things. What do you mean by hazy? A.—My recollection of what thing was hazy?

Q.—You have used the term, your recollection was hazy about these matters; now, what does it mean? That you have not a very good recollection of it? A.—About any of these matters?

Q.—Yes. A.—No, I would not say that; I have a very good recollection of some of these matters.

Q.—Have you got a very good recollection of September, 1900? A.—No. Have you got the notes of the meeting before you of the year 1900?

Q.—No. A.—If you will kindly ask the Provincial Secretary to get them I will tell you whether I was there or not.

Mr. Helmcken: Will the Provincial Secretary get the notes?

Hon. Mr. McInnes: I think it would be better for the Attorney-General to go with me and look at them.

Mr. Helmcken: Well, go and see; I would like to know if you were present. (Witness goes, as requested, returning shortly.) Did you find out, Mr. Attorney? A.—Yes; I refreshed my memory.

Q.—Were you there? A.—I appear to have been there on the 10th of September.

Q.—On the 10th of September. Had you any previous Cabinet meetings to the 10th of September dealing with this matter? A.—Well, I don't remember, Mr. Helmcken; I did not look.

Q.—You have already explained the connection of my friend, Mr. McPhillips, in the matter; he appeared there on behalf of the British Columbia Southern Railway? A.—He appeared at one time; I cannot say it was at this particular time.

Q.—Mr. McPhillips certainly was not there on the 10th of September. A.—I don't know whether—he might have been there on the 10th of September.

Q.—There is no note of it in the book? A.—There is no note in the book.

Mr. McPhillips: I was there on the 5th. I looked it up in my own books.

Mr. Helmcken: And you were there for the British Columbia Southern Railway Company?

Mr. McPhillips: Yes.

Q.—On the 10th of September, did any question come up with regard to the Columbia and Western Railway Company? A.—I don't remember.

Q.—It may or may not? A.—I don't think it did, from memory.

Q.—You are perfectly certain, at any rate? A.—Well, to the best of my recollection, Mr. Helmcken.

Q.—At that settlement of the 10th of September, 1900, what were the lands that were then in question? A.—The British Columbia Southern lands.

Q.—British Columbia Southern, pure and simple? A.—British Columbia Southern lands. This reads as the members present: Turner, Wells, Eberts, Prentice and McBride.

Q.—That is in the Order in Council? A.—Yes.

Q.—And those lands were deficiency lands of the British Columbia Southern Railway Company? A.—Well, I don't know whether they were all deficiency lands.

Q.—Well, this plan was before you at that time (referring to map before the witness)? A.—I cannot say whether these were all deficiency lands, because here are yellow lands too. These are not deficiency lands, are they?

Hon. Mr. Eberts—*Continued.*

Q.—No, the pink lands are deficiency lands. What I want to get from you, Mr. Attorney, is whether your recollection is clear with regard to what are the lands that were then being dealt with, and for what purpose? A.—I don't quite—do you want me to tell you the acreage of this land?

Q.—No, I want you to tell me what lands in question were dealt with by the Order in Council of the 10th of September, 1900? A.—I think the lands in question were the certain lands that were going to the British Columbia Southern Railway Company.

Q.—And had no possible connection with the lands to be given to the Columbia and Western? A.—I don't think at that time, no.

Q.—No question was brought up at that time with respect to the Columbia and Western? A.—I don't think so, as far as my recollection goes, and as far as I can see in the records.

Q.—Had there been any attempt to obtain the lands afterwards known as 4,593 and 4,594 by the British Columbia Southern Railway Company? A.—Oh, I think those lands were mentioned at that time; all the available lands there.

Q.—But were the lands now known as 4,593 mentioned at that time? A.—I think they were.

Q.—Do you recollect of another plan being handed in there on the 6th of September (shown to witness), dealing with that question? A.—I cannot remember. But I suppose it must be all right, because it bears the imprint of Mr. Prentice's signature.

Q.—That was on the 6th of September, 1900. So my friend Mr. McPhillips was not there at that time; he was there only on the 5th of September, and, as he tells us, in his capacity as advocate for the British Columbia Southern Railway Company.

Mr. McPhillips: Yes.

Q.—Do you recollect that plan being produced there? A.—I cannot say that I recollect it. But I have no doubt; it is dated on the 6th of September, 1900, and signed by Mr. Prentice.

Q.—And in the corner there you will recognise the magic initials? A.—Yes, "G. McL. B." are here.

Q.—That represented Mr. Brown? A.—Those initials are for George McL. Brown; I don't know whether that is his handwriting or not.

Q.—At any rate, it is marked "G. McL. B., 6th September, 1900," and there are lands there with reference to the Lots 4,593 and 4,594? A.—Blocks A and B.

Q.—Well, did anything come to a completion made on the 6th of September, 1900, by the Railway Company? A.—I could not say, Mr. Helmcken; I could not say.

Q.—You don't recollect? A.—I don't recollect that; and I don't know whether there was—I only went back there to look at a particular thing, I did not look at the other work that was done; that book might have told what was done that day.

Q.—Nothing came up with the Columbia and Western at that date? A.—Well, I could not say; but I imagine probably not.

Q.—No. You see you had not been in power very long, previous to September, 1900; Mr. Dunsmuir's Government came into power in June, wasn't it, or July; July of 1900? A.—19th of July, was it?

Q.—I couldn't tell you exactly. A.—19th of July, I think, Mr. Dunsmuir was called, 1900.

Q.—That is when it was. And in September, two months afterwards, the Government were called upon by the Company to deal with these lands on behalf of the British Columbia Southern Railway Company, that is just about it, isn't it? A.—I think they were prosecuting for that, yes.

Q.—Well, then, when you were in the Government with Mr. Turner, when Mr. Turner was Premier, they were also pressing, were they not, for their lands, the British Columbia Southern? A.—Well, I don't know that they were.

Q.—But were the Columbia and Western pressing for lands? A.—The British Columbia Southern, I think, in Mr. Turner's time they were; and, if I remember rightly, there was some correspondence, I think, on the subject, and I know there was a meeting with Mr. L. A. Hamilton at one time.

Q.—That would be in Mr. Turner's time? A.—I think so.

Q.—That would be in 1898 or previous thereto? A.—I think it was in 1897 or in 1898.

Hon. Mr. Eberts—*Continued.*

Q.—Now, the Columbia and Western Railway matters were also looked after by the Turner Government, were they not? A.—Well, the Columbia and Western was being built while the Turner Government was in power.

Q.—I am coming down to that agreement of the 8th of July, 1898, Mr. Attorney. That agreement, you have told us, you never saw until 1900, after your return to power? A.—Well, Mr. Helmcken, I said that, and I want to vary that to a certain extent; I spoke from memory then. Because that agreement never turned up, I think, until we came back in power again, and was found in Mr. Gore's office. Of course, that was five years ago; and, speaking of that transaction, I think there was an Order in Council which was intended to be passed in the year 1898 by the Turner Government. But I don't think—I cannot say from memory whether it was passed or not—but I think the Governor refused.

Q.—That was one of the Orders in Council that Governor McInnes refused to sign, but returned. A.—Returned them.

Q.—Now, can you go back and tell us whether that agreement was not produced to you at that time? A.—The agreement?

Q.—The agreement signed by Mr. Shaughnessy and Mr. Oswald, the 8th of July, 1898? A.—I may explain to you, Mr. Helmcken, and I was going to ask you to recall Mr. Bass with reference to that, the other day—have you got the papers?

Q.—There is what Mr. Bass produced to us, a file of correspondence, and I am certain, if you read them, you will see you are entirely mistaken with regard to your not having seen that agreement? A.—Well, I do want to correct my memory with reference to that. I gave an honest view of the transaction as it occurred to me at that time. Those papers were never before me since I have been in power. In August, 1898, we went out of power.

Q.—You went out of power on the 8th of August, 1898? A.—In August, 1898. And the Government, even last year, when those papers were lying in the Attorney-General's office—because Mr. Bass now tells me, when they were produced the other day, that they must have been there from the time Mr. Martin was there, and, questioning his memory, he told me that Mr. Martin had brought these papers in and they were left in the Attorney-General's Department, in the vault of the Attorney-General's office, at the time he was preparing a statement of a case for counsel as to the rights of the British Columbia Southern to get any land at all under their charter. And I told Mr. Bass to bring them in and hand them in to the Committee.

Q.—Of course these are original documents, Mr. Attorney? A.—Yes.

Q.—And I mark a passage here in a letter of Mr. George Brown, which was written to the Hon. J. H. Turner on the 6th of August, 1898:—"An agreement was duly drawn up on the 18th day of July and executed by the Company and forwarded to your Government, in order that the formal approval contemplated by the Order in Council of the 16th June might be obtained, and that this agreement might be executed in the usual form by yourself and the Attorney-General for the Province. The resolution which was adopted on the 11th of July at a meeting of the Board of Directors of the Company, duly called for that purpose, recited the Order in Council of the 16th June and authorised, among other things, the Company to give up its claim to the land grant mentioned and authority for the execution of the agreement provided for by the Order in Council. All of these papers have been duly forwarded, and I called upon your Attorney-General and learned that these papers, including the contract, had been submitted to His Honour the Lieutenant-Governor, but that no approval had been given to the Order in Council necessary in the usual course to empower yourself and the Attorney-General to execute the agreement on behalf of the Lieutenant-Governor in Council."

Q.—You recollect in your letter, Mr. Attorney, Mr. Shaughnessy was here in June, '98? A.—I think so.

Q.—That is in your letter which you wrote? A.—Yes.

Q.—And that certain negotiations took place between you, and that they went back to Montreal and put that agreement in formal shape. Now, isn't it a matter of fact that that agreement was before you before you went out of power, and some time before you went out of power? A.—Well, I think, when refreshing my memory from these papers, it must have been, Mr. Helmcken. But, of course, there was only just a few weeks at this time, when we were very much disturbed politically, and the elections were coming on—

Q.—That is right. A.—And I remembered the conversations and the interviews with Mr. Shaughnessy and Col. Baker and Mr. Turner, and I think Mr. Pooley was there, and I

Hon. Mr. Eberts—*Continued.*

know it was agreed on at that time, and I made a memoranda at that time of what was agreed, and I base my memory and refresh my memory from that. In so far as these papers are concerned, they only carry out exactly what I said. I have never seen these papers from that time until Mr. Bass found them; they were found in the vault where they had been left by Mr. Martin.

Q.—The first time you saw that agreement of July, 1898, was not in 1900? A.—I think I made a mistake in that; because from these papers I must have seen that agreement then. Because it is referred to, do you see, afterwards.

Q.—Yes, very well. That is an original letter signed by J. H. Turner and dated the 11th of August, 1898, isn't it (indicating)? A.—It is dated the 12th of August, 1898.

Q.—Now, do you recollect whether, when Mr. Turner's official head was decapitated, that he sent a letter of that kind to His Honour the Lieutenant-Governor? A.—Well, I don't remember the date in 1898; what day did he go out?

Q.—8th of August, 1898. A.—Well, I think he remained in power some time after that.

Q.—His wings were clipped and he could not do anything after the 8th. A.—I don't think Mr. Semlin was called in on the 8th.

Q.—However, that is when the Governor sent his official communication to Mr. Turner, on the 8th of August. Well, was that letter, then, ever presented? Because it is an original. A.—Which?

Q.—That letter from the Hon. J. H. Turner to His Honour; was it ever sent? A.—I could not say that. This looks like an original letter that had not been sent.

Q.—That had not been sent? A.—Yes.

Q.—Well, do you recollect anything about that, Mr. Attorney? A.—I cannot charge my memory with it; that is Mr. Turner's handwriting, and it looks like a letter that had not been sent, and he signs this as Premier on the 12th of August.

Q.—Now, how is Mr. Turner affected towards the Columbia and Western Railway Company? A.—I don't know.

Q.—Was he favourably inclined towards them? A.—Well, I don't know; they had not built much of their railway in 1898, you know.

Q.—What object could Mr. Turner possibly have, as Premier, in writing a letter of that kind to His Honour the Lieutenant-Governor, knowing that His Honour on the 8th of August had presented his compliments and stated he was no longer his adviser? A.—I don't know why he did that; I don't know what this is for; I don't know where it came from, except what I tell you.

Q.—George McL. Brown was here at the time; he was pushing the Government for a settlement of the Columbia and Western railway lands at that time in 1898? A.—Well, I don't think Mr. Turner had received his de-commission, because he signs himself Premier on the 12th of August, 1898.

Q.—He never believed that he had been decapitated, I understand. There is a letter of the 8th of August, 1898, page 881 (showing same to witness). A.—I cannot explain these letters at all, because I don't know.

Q.—You don't know anything about it? A.—Well, I see the letter of Mr. Turner there.

Q.—Well, he would hardly write a letter of that kind unless he had your advice on the subject? A.—I don't know whether he would or not.

Q.—Well, you are dealing with an Order in Council which you are very anxious that His Honour should approve of, and it looks like an Executive act, and certainly the Executive would have some knowledge of it? A.—It was approving of a recommendation for an Order in Council evidently passed on the 16th of June.

Q.—Yes. A.—I suppose an Order in Council was passed on the 16th of June.

Q.—And you wanted to get it amended in a certain shape; isn't that just about it? A.—It is to put in formal shape the agreement already arrived at.

Q.—Yes. A.—Well, that agreement was this: "On a memorandum from the Honourable the Minister of Finance, dated the 16th of June, A.D. 1898, referring to the provisions of the 'British Columbia Public Works Loan Act, 1897,' as amended at the recent Session, and especially to that portion of the said Act which provides a subsidy for a standard gauge railway from Robson to the Boundary Creek District, approximately 80 miles: The Minister reports that he is in receipt of an offer from the Columbia and Western Railway Company to construct the said lines, and that the Company has expressed its willingness to comply with

Hon. Mr. Eberts—*Continued.*

all the conditions laid down in said Acts.” That is the 16th of June—that is before the 16th of June. “The Minister especially refers to the condition enacted in sub-section (c) of section 8 of the said Act, as amended by the Act of the recent Session, and section 5 thereof, and remarks that a resolution of the Company, duly and formally passed, should be required in order to express the giving up by the Company of its claim to a land grant in respect of any portion of its line between Robson and the point where it connects with the railway from Penticton. The Minister further reports that the Company is desirous of reorganising its bond issue, and requires to that end to have possession of the full issue of bonds, including bonds to the extent of \$75,000 heretofore deposited with the Government as the security required by section 3 of the ‘Columbia and Western Railway Subsidy Act, 1896.’” In other words, that they were entering into an agreement to build the line of railway, and under the Act of 1896 they had to put up security to the extent of \$60,000 that they would build the railway; and just prior to their wanting to enter into an agreement with contractors to build the line from Robson to Boundary Creek District they would have to have a fresh bond issue from their Company; and they wanted to withdraw from the Government the \$75,000 in bonds of the Columbia and Western and substitute something in lieu thereof. “The Minister in this connection points out that, since the passage of the said Act, the railway has been completed between Rossland and Robson, and that by a contract entered into yesterday”—and that is the contract with Mackenzie and Mann—“the construction of that portion of the line between Penticton and the Boundary Creek District is secured.” That is the Mackenzie and Mann contract—which was to be given up. “There remains, therefore, only that portion which the Company propose now immediately to construct, and the security is no longer required, as the Company proposes to abandon its land subsidy.” By this Act they were to abandon their land subsidy altogether and take a cash bonus of \$4,000 a mile; therefore, they would not get anything at all if they did not build the line within the terms of the Act. And they were to abandon their land subsidy between Robson and Boundary Creek, and take in lieu thereof the \$4,000 a mile which had been agreed on by the Legislature in the spring of 1898 to go to any line that would build between those two points. “The Minister, therefore, recommends that the Columbia and Western Railway Company be designated as the recipients of the subsidy for the railway from Robson to the Boundary Creek District, conditionally upon their fulfilling the terms of the Act and furnishing a duly authenticated copy of their resolution giving up their claim to any land subsidy in connection therewith, as above pointed out.” You don’t know whether that was done, do you, furnishing a memorandum that they would give up their claim to the subsidy of the land? Things passed out of your hands then? A.—I think that that agreement of the 8th day of July would show that.

Q.—It hardly bears that out? A.—I think it does. Would you let me have that agreement of the 8th day of July. (Document handed to witness.) “The Minister further recommends, upon the Company entering into an agreement, in form as may be hereafter approved, to construct the said line, there be returned to the Company the said bonds to the extent of \$75,000 so deposited as aforesaid.” And the Company then would have entered into an agreement with the Government that they would build the line between Robson and Boundary Creek, and would take \$4,000 a mile in lieu of 20,000 acres a mile. This is the agreement that was sent on; I don’t know that I ever saw this agreement after the 8th day of July. It was not executed until after the 11th day of July, because they had not passed a resolution of the Company until the 11th day of July to execute it, in Montreal.

Q.—But Mr. Brown, in his letter of the 6th of August, says that he called upon you previously, and that agreement had come back, and you, evidently, were asking His Honour for authority to sign that agreement, but His Honour refused? A.—Well, he says in his letter—here is an agreement which was dated on the 8th day of July, and the resolution to authorise them to sign the agreement was not passed until the 11th day of July. “The resolution which was adopted on the 11th of July, at a meeting of the Board of Directors of the Company, duly called for that purpose, recites the Order in Council of the 16th of June and authorised, among other things, the Company to give up its claim to the land grant mentioned and authority for the execution of the agreement provided for by the Order in Council.”

Q.—That is the agreement in question? A.—This letter is dated on the 6th day of August; and if we were dismissed on the 8th of August—

Q.—These things must have been before you? A.—They might have been. I suppose they perhaps might have been before me a day; and I have to recall my memory five years

Hon. Mr. Eberts—*Continued.*

ago. And, as I tell you, these papers were in the Attorney-General's vault, although they do not belong to this Department, and my Deputy said that they got there by Mr. Martin when he was preparing an opinion with reference to the British Columbia Southern.

Q.—At any rate, that is an agreement you would have signed if you had had the power? If you had been authorised by His Honour the Lieutenant-Governor, that is the agreement you would have signed, that is printed there, the 8th of July. At that time was any question raised with regard to this area of land now known as 4,593 and 4,594? A.—Oh, I don't think there was.

Q.—So that, previous to your going out of office, it is quite clear that you had nothing to do with regard to the share of the Columbia and Western with reference to what is now known as Lots 4,593 and 4,594? A.—I think only with reference to the surrender of their land grants between Robson and Midway. That is as far as my memory serves me.

Q.—Now, when did this question first arise, then, with regard to the giving of the lands known as 4,593 and 4,594 to the Columbia and Western? A.—Well, I cannot give you the exact date. I cannot give you the exact date, but I remember the time when they were pressing very hard for a settlement of the land grants that had been earned by the Columbia and Western Railway.

Q.—When was that? A.—I think that was in the year 1901.

Q.—What time of the year? A.—Well, I think it was some time in the latter end of the month of July.

Q.—Latter end of July? A.—Or early in August.

Q.—Who were pressing? A.—The Executive Agent of the railway.

Q.—That is Mr. G. McL. Brown. In 1901? A.—I think that was the time. Yes, it must have been in 1901.

Q.—What was he asking for? A.—He was asking to get a settlement of the lands that had been earned by the Company.

Q.—By what railway, the Columbia and Western? A.—The Columbia and Western; and he was also asking to get a settlement of the lands due to the British Columbia Southern.

Q.—That is 1901? A.—1901.

Q.—Well, what was he doing in December, 1900? A.—He was evidently pushing forward to a settlement of the lands of the British Columbia Southern.

Q.—And not of the Columbia and Western? A.—I don't remember whether that was brought up at the time or not.

Q.—There is the Order in Council of the 19th of December, and also the plan of the 19th of December (handing document to witness). Now, was the land at that time only in reference to the British Columbia Southern? A.—Was that on the 19th of December?

Q.—Yes. A.—I cannot speak with any memory with reference to that; because, on looking up the minutes, I was not there on the 19th of December.

Q.—Where were you? A.—I was not at that meeting; I don't know where I was. But I find by the minutes I was not there.

Q.—Had you received the invitation to be present at that meeting? A.—I don't see how you can ask me that question.

Q.—You said on Thursday or Friday that you were not present at a meeting because you were not invited. A.—I only know I was not present by refreshing my memory from the minutes of the meeting.

Q.—That was an important meeting too. A.—I suppose it was; all meetings are important.

Q.—And have you, in your official experience, ever met with a more important transaction than the one we are at present engaged in inquiring about? A.—Have I ever met with a more important?

Q.—Yes, officially. A.—Well, that is a matter of opinion.

Q.—A matter of fact. A.—Not dealing with a land grant.

Q.—Did you ever have another such an important matter during the whole of your official experience as the land grant matters of the B. C. Southern and the Columbia and Western? A.—Well, I don't know; I don't know what you mean.

Q.—Well, from a point of responsibility, have you ever had such a transaction as that in connection with the proposed settlement of the Columbia and Western land matters?

Q.—Well, I have been in Governments where they have settled large land matters.

Hon. Mr. Eberts—*Continued.*

Q.—Any larger than these? A.—No, I don't think larger, no.

Q.—Nor equal? A.—The same kind of land matters.

Q.—But not the same amount of responsibility as in this? A.—You mean to say, as far as acreage is concerned?

Q.—No, as far as everything is concerned, acreage and terms and everything else. I want to know, Mr. Attorney, how it comes that on the 19th day of December, 1900, you were not present at that settlement? A.—Well, I cannot answer.

Q.—Is there any reason why you should not have been there? A.—I don't know; I cannot answer.

Q.—Did you know that that matter was coming up at that time? A.—I cannot tell you.

Q.—So that, so far as the meeting of the 19th of December, 1900, is concerned, you have really no recollection at all, and no knowledge of it? A.—I was not there, and so I cannot give evidence of what took place on the 19th of December.

Q.—Did you know what took place on the 19th of December subsequently to that; were you ever informed? A.—I don't remember; I don't remember what recollection I had of that matter at all, with reference as to what took place at the meeting of the 19th of December.

Q.—Well, George Brown was, at any rate, pressing you; do you recollect that? A.—When?

Q.—At that time? A.—I don't know that he was particularly pressing me; he was pressing the Government.

Q.—He was pressing the Government, and he would come and see you? A.—He would, yes.

Q.—And see each Minister with reference to this matter? A.—I think probably he did.

Q.—At any rate, he saw you very frequently in regard to that connection. Well, when can you tell me, then, did the Columbia and Western first come into consideration after December, 1900? A.—Well, if my memory serves me correctly, I think it was about the latter end of July.

Q.—Now, hadn't you been in Montreal previous to that? I will put it this way: had you not seen the C. P. R. people previous to that? A.—With reference to this?

Q.—Yes. A.—I certainly had not.

Q.—When you were east with Mr. Dunsmuir, did the C. P. R. people see you with reference to it at all? A.—With reference to this matter?

Q.—Yes. A.—They did not.

Q.—Had no interview with you at all? A.—They did not.

Q.—You were in Montreal at what time; this was with your Ottawa delegation? A.—I arrived in Montreal on a Sunday morning—no, I arrived there on a Saturday night, I think, 1901—perhaps I will be able to tell you—I have a very vivid recollection of what took place when I was in Montreal, when Mr. Dunsmuir was there. I arrived in Montreal, and I was feeling very unwell, and on a Sunday morning I sent for my nephew, who is superintendent of the Montreal General Hospital, and he ordered me to bed, took my temperature, and he said that my temperature stood 103, and I had a very serious attack of grippe. I remained in bed the whole course of the week until our appointment came up with Sir Wilfrid Laurier; our appointment was, I think, the following Friday, if I mistake not. I can probably tell you (looking at memo). We arrived at Ottawa on the 11th day of January, 1901, and arrived at Montreal on Saturday, the 12th; and I have got a memorandum there I was ill at the time. I never left the hotel; in fact, I never left my bed. When I had to go down with Mr. Dunsmuir to make this appointment with Sir Wilfrid Laurier my temperature had gone down somewhat, but I was told that I might go if I took very good care of myself. I had a very serious attack of grippe. And I went down to Ottawa and I was at Ottawa in bed there most of the time.

Q.—So that, during the whole time on your eastern trip you had not seen any of the C. P. R. officials and none of them had seen you with reference to the settlement of the land grants of the Columbia and Western? A.—Well, of course, I saw some of the C. P. R. officials, but I did not see them in connection with that matter at all.

Q.—I mentioned this specifically, whether during the whole of that time any of the C. P. R. saw you at all? A.—I saw Mr. Brown in Montreal; I met him when I was at the hotel; he was very kind to me when I was ill. In fact, I think Mr. Brown was ill also at the same time; he was taken down by grippe.

Hon. Mr. Eberts—*Continued.*

Q.—But during the whole of that time none of the C. P. R. officials saw you in reference to the settlement of the Columbia and Western Railway lands? A.—I never spoke to them about it at all.

Q.—Then you came back from Montreal, and the House met on the 20th of February? A.—The House met on Thursday, the 21st day of February, 1901. It met on the 20th of February the year before.

Q.—20th of February, 1900, and 21st of February, 1901. Now, when in that Session did Columbia and Western matters first come up between the Government and the Company? A.—In 1901?

Q.—Yes. A.—I forget exactly.

Q.—Was it during the Session? It must have been, Mr. Attorney, because there was an Act introduced at that Session. A.—I think it must have been during the Session. There was an Act introduced, I think, in the year 1901. And that was the Act introduced, I think—was it introduced and withdrawn?

Q.—I think the House scared you from introducing it so late in the Session. A.—Was that Bill 113?

Q.—Yes, 113; you recollect that? A.—Was that introduced?

Q.—No, it was not; we have the Order in Council accompanying the Bill. This is the one (handing document to witness). A.—That Bill is there, and it has been corrected by Mr. Maclean.

The Committee here adjourned until 2:30 p. m.

MONDAY, May 18th, 1903.

The Committee met at 2:30 p. m., pursuant to adjournment from the morning session to-day.

HON. MR. EBERTS in the witness-box; further examined by Mr. Helmcken:

Q.—We were at Bill No. 113 when we adjourned for luncheon. Can you explain to us the object of that Bill? A.—As appears on the face of it?

Q.—Yes. A.—Well, giving the Lieutenant-Governor in Council power to issue Crown grants in favour of the Columbia and Western Railway Company for lands earned by the construction and completion of the section four of the said railway, although the Company had not constructed the section five of the railway.

Q.—That Bill was not introduced into the House. How did it come about that the Government were willing to give a land subsidy for section four, although the Company had not earned it according to the terms of the Act? A.—In that recital?

Q.—As a matter of fact? A.—According to the terms of the Act, of the Columbia and Western Railway Act, their railway was divided up into six sections—do you want me to go over that again?

Q.—No, I want to know how it came about that the Government were willing for them to get a land grant for section four, although it had not been earned? A.—It does not say it had not been earned—it does say that the lands are earned there.

Q.—No. A.—“It shall be lawful for the Lieutenant-Governor in Council forthwith to issue Crown grants in favour of the said Company for the lands earned by the construction and completion of said section four of said railway, although the said Company have not constructed section five of the said railway.”

Q.—Yes, but what does the recital say, though? A.—“Whereas the Columbia and Western Railway Company have completed section four of their railway, mentioned in section 5 of chapter 8 of the Statutes of 1896, being the ‘Columbia and Western Subsidy Act, 1896,’ and have thereby earned the land subsidy provided by said Act: And whereas said section 5 of said chapter 8 provides that the said land subsidy in respect of said section four of the railway shall not be granted to the Company until section five of the railway shall be completed: And whereas it is deemed advisable to grant said subsidy, although the Company have not completed said section five of said railway:”

Q.—How does it come about that the Government are willing to give a land grant for section four when the Company had not earned them by the terms of their Act? Have you any recollection on that point, Mr. Attorney? A.—Well, I have not any particular recollection

Hon. Mr. Eberts—*Continued.*

of that, although that same question arose in the year 1898, when it was then agreed—when the contract was made between Mackenzie & Mann and the Government to build as far as Midway, the other people were to enter into a contract to build as far as between Robson and Midway also, and that they would take a money subsidy instead of land, \$4,000 a mile.

Q.—But that never became crystallised at all. How was it that in the latter part of 1901 Session this Bill was brought into the House, signifying that the Government were willing then to give them a land grant for section four when, according to the terms of their Act, they had not earned it? Can you throw any light on that? A.—Well, I don't know; the Act was never introduced into the House.

Q.—I say the Act was never introduced; but the measure was brought down by the Government. A.—Was it brought down in a Message?

Q.—Yes; that is in evidence here. A.—I don't remember at the time. Have you got the copy of the Message there?

Q.—There it is, sir (handing same to witness). A.—Yes; was the Message introduced or not?

Q.—The Message was not introduced, because the Minister who had it got scared at the clamour, I believe, raised in the House for the introduction of this Bill. A.—Is that what the Minister says?

Q.—So it is reported here. A.—The Minister said this during the Session?

Q.—Yes. Wasn't there at that time a dispute between the Government and the railway, touching their being entitled to a land grant? A.—For section four?

Q.—Yes. A.—Really, I cannot remember just the facts in connection with it.

Q.—I will call your attention to chapter 70 of the Statutes of 1901, if you will kindly look at that, Mr. Attorney, because you may recall. A.—I remember that Bill.

Q.—Look at it and you will see that the proviso is, "provided, however, that this section shall not be construed to extend the time within which the land grant mentioned in chapter 8 of the Statutes of British Columbia of 1896, might be earned if this Act were not passed." A.—Where are the Journals of the House for 1901? That Bill was never introduced, that Bill 113.

Q.—That is what we say, 113 was never introduced, but was brought down, but never presented. A.—Where is the Order in Council?

Q.—In the Message. A.—The Bill never was brought down. That is Bill No. 64. It came down as Bill No. 64, introduced by you—"An Act to amend the Columbia and Western Railway Company Subsidy Act, 1896," referred to the Railway Committee.

Q.—And returned by the Railway Committee with the proviso tacked on. A.—I don't remember that. (Reading same proviso).

Q.—That shows at that time there was a dispute with regard to whether the Company had earned the land grant or not. A.—It might have been a question of dispute.

Q.—That was brought in by the Railway Committee; and that is the shape the Act passed in. A.—The Act speaks for itself; there it is.

Q.—Now, up to that time there was a dispute. The Railway Committee put in, consequent upon the clamour, "This section shall not be construed to extend the time within which the land grant might be earned." A.—That is fairly the inference from this. I don't know who introduced that; Joseph Martin, wasn't it?

Q.—Joseph Martin was Chairman of the Railway Committee that tacked on that proviso. Now, up to that time, had there been any question with regard to these lots 4,593 and 4,594? A.—Not before me.

Q.—That is, up to 1901? A.—Not before me.

Q.—That is about May, isn't it? A.—May 11th that Bill was assented to.

Q.—The Royal assent on May 11th. Now, up to that time, Mr. Attorney, you say you know of no negotiations between the Company and the Government touching 4,593 and 4,594, or the lands afterwards known by those numbers? A.—Those lands were never described as that until the Crown grants were issued.

Q.—I am saying that, the lands afterwards known as 4,593 and 4,594, whether any negotiation was going on between the Government and the Company touching those lands? A.—As between them and the Columbia and Western or the British Columbia Southern, you mean?

Hon. Mr. Eberts—*Continued.*

Q.—As between the Government and the Columbia and Western? A.—I don't think so; I don't think so.

Q.—Do you recollect at all? A.—Well, I don't recollect any conferences between the Government and the Railway Company with reference to these lands in connection with the Columbia and Western.

Q.—Well, up to that time, may we take it that everything was done in connection with the British Columbia Southern Railway Company in these lands in question? A.—I thought this Act was for the purpose of changing their organic Act of 1896, wasn't it?

Q.—Which? A.—This one.

Q.—The extension of time? A.—Yes.

Q.—Yes, their own Act, that is right; the extension of the time. Everything up to that time, was it in connection with the British Columbia Southern Railway Company and these lands? A.—In reference to these lands?

Q.—Yes. A.—Well, if my memory serves me right, I think the question of these lands in connection with the British Columbia Southern came up in 1900. That is, in reference to my own knowledge. But, of course, I know by the records that it came up in 1891.

Q.—1891; that was in connection with what? A.—The reserve.

Q.—For the British Columbia Southern? A.—The reserve for the British Columbia Southern in the year 1891.

Q.—When did they first come up in connection with the Columbia and Western? A.—Well, some time during the year 1901.

Q.—About what time? A.—Well, if my memory serves me right, some time, I think, about the end of July or early in August; July or August, 1901, that was the first time.

Q.—Now, what was the object on December 19th of rescinding the Order of the 10th of September, 1900? A.—What is that?

Q.—An Order of Council of the 19th of December, approved on the 20th of December, is that the Order in Council No. 519, relating to the British Columbia Southern Railway land grant, which was approved on the 18th of September, 1900, be and it is hereby rescinded. A.—Well, the Order will show for itself.

Q.—Well, what is the object, I say? A.—Well, I cannot tell you the object. I suppose the object is this: would there be a change in the land?

Q.—I don't know what the object was in doing such a thing as that. A.—Well, I cannot tell.

Q.—You were present, were you not? A.—On the 19th of December?

Q.—Yes. A.—I have told you I was not.

Q.—Well, when did you first hear that this Order had been passed? A.—Well, I cannot remember, Mr. Helmcken; you cannot take me back two or three years and ask me that.

Q.—It is a very important matter, and didn't you follow it up at all? A.—I can only refer you to the more important matters of your own life and ask you what took place, and I think you would be in a very difficult position to attempt to answer.

Q.—Well, I don't know. A.—Well, I don't know, either. I am speaking for myself.

Q.—But I want to know, Mr. Attorney, as a matter of fact, if you have any recollection about this change at all? A.—I think it must have come to my knowledge that there was a change, Mr. Helmcken; I don't know.

Q.—Well, you could not say about what time the change did come in? A.—I have not examined the Orders in Council; I have never seen that Order in Council before.

Q.—Have you ever seen this Order in Council of the 19th of December, 1900? A.—Not to my recollection, until it was brought up here before me.

Q.—In discussing the matters in the Executive, weren't they all produced to the members? A.—The Orders in Council?

Q.—No; the recommendation? A.—It is the usual way; sometimes they are and sometimes they are not. Sometimes the recommendation of a Minister is a verbal recommendation, afterwards to be carried out; sometimes that will be taken.

Q.—But an important matter of this nature, wouldn't you all consider the recommendation by the Minister? A.—Why, you would consider it seriously, what the Minister says about the matter, and also his recommendation with reference to it.

Q.—Can you tell me, in 1900 was there any attempt made to obtain these lands for the Columbia and Western, shortly after the Order in Council of the 10th of September? A.—I don't remember about that.

Hon. Mr. Eberts—*Continued.*

Q.—Who first brought the matter to your attention, of the lands going to the Columbia and Western? A.—Who first brought it to my attention?

Q.—Yes. A.—I think that is some time in the month of August.

Q.—August of what year? 1901? A.—1901.

Q.—That is the date of the Order in Council, August, 1901. Now, you had other meetings previous to that—the 30th of July and the 31st of July and the 2nd of August. At any of those meetings was this matter discussed in connection with the Columbia and Western Railway? A.—Well, I cannot remember that, Mr. Helmcken. I gave you the best evidence I had of what occurred at those meetings; I gave you a memorandum of what was done at one of those meetings—at some meeting—I don't know which meeting it was, because it was undated.

Q.—How comes it that you recollect those dates so well, the 30th and 31st July? A.—I had it particularly noted 30th and 31st of July, because there was a change in the Ministry at that time.

Q.—July, 1901? A.—There was to be a change in the Ministry.

Q.—There was to be a change in the Ministry; but there was not, though? A.—It did not take place until a month later. Mr. Dunsmuir went away early in August, and when he came back the change took place. It was agreed at those meetings that Mr. Turner was to remain on until September.

Q.—Well, at that time Mr. Turner was well disposed, wasn't he, towards this claim of the Columbia and Western Railway Company? A.—I don't know particularly whether he was or not.

Q.—He had been engaged in that as Premier, and as a member of the Dunsmuir Ministry? A.—Mr. Turner probably knew a good deal about it.

Q.—And the object in retaining him, was it in connection with getting this matter through? Was the object in retaining him in the Ministry to enable this matter of the Columbia and Western Railway Company to be settled? A.—It was not.

Q.—It had nothing to do with it? A.—It had nothing to do with it.

Q.—Well, was this matter discussed at this meeting at the time? A.—With reference to Mr. Turner, whether he would remain in to get this thing fixed up?

Q.—No; was the matter discussed with regard to the settlement of the Columbia and Western Railway land matters? A.—I don't know whether it was discussed then or not. I think probably not.

Q.—On that letter of Mr. Turner, there is a letter of Mr. Brown which was discussed on the 31st of July? A.—Yes, that appears by those minutes; that I see.

Q.—And there is a letter written by Mr. Turner that Mr. Wells would receive instructions to expedite this matter and bring it to a close? A.—To bring in a report on it, wasn't it?

Q.—Have you got anything in mind with reference to those meetings with reference to a discussion of this matter? A.—No, I have not.

Q.—Well, Mr. Wells was not here at the time; do you recollect that? A.—I don't think Mr. Wells—Mr. Wells went up country I think a few days before the 1st of July, and returned—

Q.—This is the 31st of July. A.—I should say before the end of July.

Q.—And he returned some time after this. Now, can you give me any reason why this matter should have been taken up in the absence of Mr. Wells? A.—I could not.

Q.—Well, wasn't it a matter appertaining to Mr. Wells' own Department? A.—I thought the letter was addressed to Mr. Wells' Department which I read.

Q.—To the Chief Commissioner. And Mr. Turner says, "In the absence of the Hon. the Chief Commissioner of Lands and Works, it was decided to meet your views as to a speedy settlement. In the meantime your letter has been referred to the Hon. Mr. Wells, the Chief Commissioner, to arrange and report to the Executive at an early date." A.—I remember something to this effect, that before Mr. Dunsmuir went away Mr. Brown was after him to get a settlement of the British Columbia Southern and Columbia and Western matters. And Mr. Dunsmuir was intending to go away early in August, and, if my memory serves me right, he told Mr. Turner to get the thing fixed up in some way.

Q.—That is the remark Mr. Dunsmuir told Mr. Turner? A.—I think so.

Q.—Mr. Wells not being there. Now, what was discussed at that meeting? A.—Well, I don't remember that. I don't remember that there was any actual discussion about it.

Hon. Mr. Eberts—*Continued.*

Q.—Was it brought prominently to Mr. Dunsmuir's attention that these blocks, afterwards known and now known as 4,593 and 4,594, should be given to the Columbia and Western? A.—Well, I don't think it possibly could have been, because there were no blocks mentioned at that time.

Q.—Well, were the lands mentioned that they should have, lands in this vicinity? A.—Well, I couldn't tell you that, Mr. Helmcken.

Q.—What I want to get at is this, Mr. Attorney, was there a full discussion of this matter before the Executive touching the right of the Company to obtain lands in this direction? A.—I think probably not at that time.

Q.—Therefore, before Mr. Dunsmuir went away, he would not be in full possession of all the facts relating to this matter, would he? A.—He went away on the 5th of August.

Q.—Yes. Now, putting those dates together, and from your recollection of what transpired at these various meetings, can you say that Mr. Dunsmuir knew thoroughly what was being done with regard to this proposed settlement in reference to the lands? A.—I couldn't say what he understood.

Q.—Well, was there sufficient discussion that he should understand? A.—Well, I don't know whether Mr. Dunsmuir, just before he went north, was over to the Executive.

Q.—You couldn't tell whether he was at the Executive at all? A.—No, I could not. Mr. Dunsmuir was there on the 30th and 31st of July, but whether he was there after that I don't know.

Q.—Were you present at each of the three meetings? A.—On the 2nd of August?

Q.—And the 2nd of August. A.—I don't remember whether I was at the 2nd of August or not. I don't remember that. I would only have the opportunity of refreshing my memory by seeing it in the Executive private book. And there is the exact date of it there.

Q.—This matter came up again on the 10th of August, 1901? A.—I think it was on the 10th of August.

Q.—That is the Order in Council. A.—I take that from the Order in Council itself. It purports to have come up on that date.

Q.—Well, did it? A.—Mr. Helmcken, I could not positively swear it did; I suppose it did; I don't see any reason to say that the matter did not come up on the 10th of August. It probably did.

Q.—You have no reason to doubt it came up on the 10th of August? A.—No, I have no reason to doubt it did.

Q.—Now, on that day, Mr. Attorney, there is an Order in Council passed rescinding the Order of the 20th of December, 1900. Will you tell me why that Order was rescinded? A.—Was there any other Order passed on that day, the 10th of August?

Q.—Yes. A.—Let us see that.

Q.—Look at that Order (handed to witness); were you there? A.—This bears date the 10th of August; that is the recommendation.

Q.—There is the other Order of the 10th of August (handing same to witness). A.—There is a recommendation that bears date the 10th of August, also.

Q.—Were you present at these meetings, Mr. Attorney, on the 10th of August? A.—I am not sure, but I think probably I was, Mr. Helmcken.

Q.—Haven't you got a note of it? A.—No, I have not. I think I remember it; if the meeting was on the 10th of August, I think I remember. I was there when that subject-matter was spoken of and agreed.

Q.—Well, do you know who else was present at that meeting? Mr. Wells and Mr. Turner? A.—I think so.

Q.—Their names are attached there. Do you know anybody else? A.—I think Mr. McBride.

Q.—Anybody else? Was Mr. Prentice there? A.—I don't think Mr. Prentice was there. My recollection of finding out whether Mr. Prentice was there—I took occasion to find out where Mr. Prentice—I knew he had gone up country about that time and I took occasion to look at the newspaper, and I find that Mr. Prentice went up-country a day or two before that; and, therefore, I have reason to believe that he was not there; and Mr. Prentice said he was not there, I think, also.

Q.—At any rate, you and Mr. Wells and Mr. Turner and Mr. McBride—I don't know about Mr. McBride—but, at any rate, you were there? A.—Yes, I was.

Hon. Mr. Eberts—*Continued.*

Q.—Upon what basis did you come to the conclusion as contained in this Order of the 10th of August, 1901, giving the lands to the Columbia and Western Railway Company? A.—Well, I think, upon the representations made there that the Province of British Columbia was to save something in the neighbourhood of 300,000 acres of land.

Q.—Can you show it to the Committee how that was made up, how that was arrived at? A.—No, I cannot.

Q.—Because Mr. Wells states that, while he expected to make a saving of 300,000, it fell far short? A.—I think the representation made at that time was that it would be equal to in the neighbourhood of 300,000 acres of land.

Q.—Do you know by whom that representation was made? Was it apart from the representation attached to the Order in Council? A.—Well, I could not say that. Of course, we in the Executive would have to be guided to a great extent by the Chief Commissioner; because they have all the plans and matters in connection with that; we know nothing about those things at all.

Q.—Have you got any definite recollection of what did take place at that time? A.—No, I have not got a very vivid recollection.

Q.—Upon what authority would you, then, reach the conclusion that these blocks should be given to the Columbia and Western Railway Company? A.—Well, I suppose it was upon the representation that there would be a saving of that amount of land.

Q.—Was there any other question moving? A.—I don't think there was, Mr. Helmcken.

Q.—No question of value brought before you at all? A.—At that time?

Q.—Yes. A.—The question of value was not brought before us.

Q.—When was it brought before you? A.—Value?

Q.—Value. A.—I don't know now of the value of that. I don't think the question of value ever has, except that many people have staked land up there.

Q.—In 4,593? A.—Yes.

Q.—Nothing has been allowed, then, in 4,593? A.—Not yet; and many have staked on lot 4,594.

Q.—Yes, and a great many have got grants? A.—I don't think a great many. I think two grants have been issued—from that letter of Messrs. Davis, Marshall and Macneill, two South African war grants had been allowed.

Q.—With regard to Lot 4,594, was that not under reserve on the 10th of August, 1901? A.—No, it was not.

Q.—Was 4,593 under reserve? A.—4,593 was under reserve; but I thought, I must say candidly, that 4,594 was under reserve at that time also.

Q.—That is on the 10th of August, 1901? A.—On the 10th of August, 1901. And I never knew until about six weeks ago that 4,594 was not under reserve.

Q.—How did you ascertain that fact, Mr. Attorney? A.—Well, Mr. Wells told the Cabinet.

Q.—Was that the first time he knew that 4,594 was not under reserve? A.—I think he knew it before that.

Q.—Before? A.—He must have known it before; because, in December, 1901, he gave persons the authority to stake on 4,594, and if it had been under reserve he could not do so.

Q.—Did you know anything about that staking in December, 1901? A.—I did not.

Q.—The matter had never been brought up to you officially? A.—The matter had never been brought up to me officially until that question was brought up in the Executive by Mr. Wells, as to the advisability of intervening on behalf of Rogers. This letter came down to his Department in February of this year.

Q.—And that was the first time it was made known to the Cabinet that 4,594 was not under reserve? A.—That was the first time that it was made known to the Cabinet that 4,594—that is the lot west of Morrissey?

Q.—Yes. A.—I am just speaking from memory now. I remember at the time—it may have been, possibly, that some years before I knew something about these matters, but if I did that question has slipped my memory. I know when the matter was brought up I made the remark, and I know that Colonel Prior did too, that he did not know that 4,594 was not reserved before that—or, that is, the piece of land which is covered by 4,594.

Q.—Here is a letter from Mr. Gore to Mr. Armstrong of the 18th of June, 1902, in which he says that that land is open to application under the Land Act. A.—I did not know that.

Hon. Mr. Eberts—*Continued.*

Q.—You were not aware of that fact? A.—I was not. And this is the first time I have ever seen or heard of that letter, now.

Q.—You can look at it; it is a copy (handing letter to witness). So that when you were dealing with these lands in 1901 you were all under the impression that 4,594 was reserved? A.—We thought it was reserved for railway purposes.

Q.—And those railway purposes were for the Columbia and Western Railway Company? A.—I don't know.

Q.—It turned out finally that they were—the Columbia and Western got those lands? A.—Grants were made out in favour of the Columbia and Western.

Q.—I would like an explanation, Mr. Attorney, how it was that you consented, or the Government consented, to give the Railway Company those lands coloured pink on that plan attached to the Order in Council? A.—Well, I have given you that, Mr. Helmcken. I have made an explanation of that three or four times.

Q.—Had you seen Mr. Taylor previous to the 10th of August, 1901, with regard to matters in connection with the Columbia and Western? A.—No, I had not.

Q.—Had you seen Mr. George Brown in connection with the same matter? A.—Prior to what?

Q.—Prior to the 10th of August, 1901. A.—I should think probably I had; Mr. George McL. Brown was after the Premier some time prior to that time, in connection with the settlement of their lands; also the British Columbia Southern and the Columbia and Western.

Q.—Was he after you? A.—Not particularly; I think he was after every Minister.

Q.—He paid you particular attention? A.—I don't think he paid me particular attention; he paid me some attention. When a man is after something from the Government he generally takes up all the members of the Government—very tenacious; I have seen them come over here and sit on the steps and wait and wait.

Q.—And then probably not get you? A.—Well, probably not succeed.

Q.—Did Mr. Brown ever tell you that he had a conversation with Mr. Taylor with regard to the settlement of matters? A.—Mr. Brown did not.

Q.—You have never seen them together, Mr. Taylor and Mr. Brown? A.—Lots of times.

Q.—Have you been with them? A.—Lots of times.

Q.—And discussed this matter? A.—No, Mr. Helmcken. Do not try and lead me on that.

Q.—I want to get the facts, Mr. Attorney. A.—I have told you so. No, I never discussed the matter with Mr. Brown and Mr. Taylor, the question with reference to this matter. Mr. Brown and Mr. Taylor have been great friends for a great number of years, and Mr. Brown and myself have been great friends for a number of years.

Q.—However, you had no discussion about this matter. That took place in August, 1901. Do you recollect the Premier, Mr. Dunsnuir, writing to Mr. Brown with regard to the Bill of 1901, Mr. Attorney? A.—I think so.

Q.—That letter of the 15th of May—some call it the 15th of June, I don't know—15th of May, 1901 (handing letter to witness). Have you any recollection of the circumstances under which the Premier came to write that letter? A.—I think in that year, Mr. Helmcken—where is the original letter? Let me see it.

Q.—That would be in the Premier's office (sending for the letter). Did you say that the right to stake had been given in 1901 on Lot 4,594? A.—No, 1902. The letter shows for itself. I am referring to Mr. Rogers' letter; that is all the knowledge I have of the subject at all. In 1901 there was a Bill introduced on the 17th of April.

Q.—That was Bill No. 76? A.—Bill No. 76.

Q.—You see they amalgamated those two Bills, practically, Bill 76 and the one extending the time. That was a Government measure (handing Bill to witness). A.—Is that the Bill 76?

Q.—Yes. A.—Well, this Bill was withdrawn.

Q.—It was withdrawn because the proviso was added on to that Bill asking for time.

Mr. Green: Which Mr. Martin added the proviso there.

Mr. Helmcken: Yes; it came from the Railway Committee.

Mr. Oliver: That proviso killed the other Bill.

A.—The Bill became law. This other Bill was evidently withdrawn at a later date.

Mr. Helmcken (handing Mr. Turner's letter book to witness): Now, can you recall the circumstances under which the Premier wrote that letter of the 15th of May, 1901? A.—No, I cannot just now.

Hon. Mr. Eberts—*Continued.*

Q.—Had you an Executive meeting after the Session touching this particular matter? A.—Well, the Executive records would show.

Q.—Can you recall whether, immediately after the Session, Mr. Attorney, there was an Executive had with regard to the legislation of 1901, as affecting the Columbia and Western Railway Company? A.—I cannot remember.

Q.—And you don't know how it came about that the Premier wrote this letter? A.—Well, I don't know how it came about that the Premier wrote that letter—I think I do know, I think I know to this extent, that the matter was talked over.

Q.—That is what I want to get at. A.—I think the matter was talked over and the Premier concluded to write a letter of that kind.

Q.—Was it talked over in Executive or informally after the Session? A.—I cannot tell you that, Mr. Helmcken; my memory is—I cannot speak specifically.

Q.—Had Mr. Brown been speaking to you with regard to the legislation during that Session as affecting the Columbia and Western Railway Company? A.—I think probably he had. Because he had Bills before the House, there was a Private Bill and there was a Government Bill introduced on the subject in 1901, relative to the Columbia and Western lands.

Q.—Precisely; and he was disappointed in the legislation? A.—I don't know whether he was disappointed in the legislation; he probably was; he probably did not get what he wanted.

Q.—And, therefore, he came to the Government; and did the Government, as a matter of fact, promise to introduce legislation at the next Session, as evidenced by the letter of the Premier? A.—Well, I couldn't say that.

Q.—Have you no recollection at all? A.—I couldn't say that. There is no use of my saying something that I don't remember perfectly.

Q.—Well, what I want to get at is this, Mr. Attorney, whether Mr. Dunsmuir did that merely as Premier or whether he did it as an Executive act? A.—I couldn't say that.

Q.—You have no recollection of having an Executive where it was determined that a letter of this kind should be forwarded to the Railway Company? A.—I would not like to say that.

Q.—No. When next did you have any connection with these matters, Mr. Attorney? This is the 15th of May, 1901, we have been speaking about. When was your next connection with this matter? Did you look into that matter of land grants to the Columbia and Western for section four? A.—Immediately then?

Q.—Then or after that? A.—Oh, I had a good deal of knowledge, Mr. Helmcken, all the time from the year 1898 with reference to the land grant of the Columbia and Western, so far as section four was concerned.

Q.—Yes. Up to May, 1901, at any rate, your knowledge was that a land grant could only be given in respect of section four after the work in five had been completed? A.—I don't know that.

Q.—What was your knowledge, then? A.—My knowledge was that in 1898 it was arranged that when they had finished section four they would be entitled to their land grant to section four.

Q.—Arranged by a Statute? A.—No, it never came down by Statute.

Q.—What I want to get at is the arrangement arrived at by Statute. A.—There never was any statutory arrangement.

Q.—And this other arrangement by you was a distinct arrangement other than legislative authority? A.—I understood that.

Q.—There was no legislative sanction for an arrangement of that kind, and if an arrangement of that kind had been entered into, legislation would be necessary? A.—Possibly necessary in order to give them a perfect title.

Q.—Wouldn't it be necessary, in order to effect anything of that kind, anyway? A.—I think probably it would.

Q.—Yes. At any rate, apart from this agreement of which you are speaking, for which you had no legislative authority, the Railway Company could only get the land for section four after section five had been completed? A.—That is according to their Act of 1896.

Q.—According to their Act of Incorporation? A.—No, according to the Subsidy Act, 1896.

Hon. Mr. Eberts—*Continued.*

Q.—Well, both of them together. Will you tell me why, Mr. Attorney, there should be any attempt made to give them lands in respect to section four without the completion of five? A.—Well, speaking for myself, I always understood that they were to get the lands for section four, from the year 1898.

Q.—Well, apart from the agreement that you mentioned, how were they entitled to that? A.—I have explained that three or four times—three times to my knowledge—to this Committee.

Q.—Apart from the agreement, how were they entitled to that? A.—Apart from the Subsidy Act?

Q.—No; with regard to their Act of Incorporation and Subsidy Act, how were they entitled to the land for section four? A.—They could not get the lands for section four unless the Legislature would grant an Act to empower the Lieutenant-Governor in Council to give them the lands for section four.

Q.—How were they entitled to them, then? A.—Because there had been, as I said, a solemn agreement made in 1898 to give them their subsidy for section four when they had built section four.

Q.—But there was no legislative sanction for that. A.—But I am telling you the terms agreed on by all parties. I have explained the terms between Mackenzie & Mann and Sir Thomas Shaughnessy and the Government—and the changes made, by which they were to take money instead of land for the fourth section; that they would be preserved in their rights as to the fourth section, so far as their land subsidy was concerned. And you will see by that Order in Council drawn up—although not carried through—that it was agreed to because an agreement had been made with Mackenzie & Mann to build the section between Penticton and Midway.

Q.—Very well; but that is all apart from statutory authority. A.—Well, it was a policy of the Government; it was a policy of the Government. It was a policy of the Government that would have been carried out by the Turner Government, which they agreed to carry out. It was a policy of the Semlin Government; because they came down with the same Bill in the year 1899.

Q.—They did not get it through? A.—They did not get it through, because they were defeated on the 23rd of February, 1899. But they brought it down in the Speech from the Throne, that the Columbia and Western Railway Company had earned their full land grant between Robson and the Boundary Creek country, and were entitled to two and a half million acres of land.

Q.—But, apart from these agreements, the Columbia and Western were not entitled to a land grant in respect to section four? A.—What?

Q.—The Columbia and Western were not entitled to a land grant for section four? A.—Outside of these agreements?

Q.—Yes, apart from these agreements. Now, why should there be any attempt made to give the Columbia and Western Company their lands in respect of section four apart from the Statute? A.—Well, you could not give it apart from the Statute.

Q.—Well, you tried to do it? A.—In what way?

Q.—Under this agreement? A.—How do you mean?

Q.—What was the object of this agreement which was drawn apart from the Statute? A.—Oh, that was a tentative agreement; that had to be followed by legislation.

Q.—You will admit that that agreement was no use unless it was followed by legislation? A.—If you will wait I will tell you why it was. It was done, and it was done in the interests of the people of British Columbia, as I have always said. They were trying to get a railway built from the Coast in to Kootenay; and the only way that the Government could get that line built in to Kootenay would be that they would enter into an agreement with Mackenzie & Mann to build that line as far as Midway, and enter into an agreement with the Columbia and Western to build the line from Midway to Robson.

Q.—That was in 1898? A.—That was in the year 1898. And that solemn agreement was made in the year 1898; that agreement was entered into by Mackenzie & Mann, and it was believed by the Turner Government that that agreement would be carried out, and the Columbia and Western people said, “You will agree with us that you will protect us in our rights so far as section four is concerned, notwithstanding the fact that we are not to get anything under section four until we complete section five of the railway.”

Hon. Mr. Eberts—*Continued.*

Q.—You were acting then apart from the Statute, weren't you? The Statute protected the people of British Columbia, and this was a new policy conceived by Mr. Turner at that time? A.—That was a new policy.

Q.—Which you thought and believed to be in the interests of the country? A.—Well, that was the only way it could be built.

Q.—But, at any rate, that was not in accordance with the Subsidy Act or their Act of Incorporation? A.—We could not pass an Order in Council giving lands away for section four if the Act did not allow us to.

Q.—Why was there this eagerness to give land for section four? A.—Why was the eagerness?

Q.—Yes. A.—On whose behalf?

Q.—On behalf of the Company? A.—At what time?

Q.—At any time? A.—What was the eagerness to grant lands?

Q.—Yes. A.—Why, when they built their line they wanted their subsidy.

Q.—But they were not entitled to their subsidy until they had completed section five? Why was the eagerness to give them section four? A.—The agreement made between them and the Turner Government was that they were to get their subsidy when they had constructed their line as far as Midway; and that was completed to the satisfaction of the Government.

Q.—And that agreement was of no avail? A.—Because the Turner Government went out in 1898 and the Semlin Government went out in 1899.

Q.—That left the question open? A.—That left the question open, but the agreement still—

Q.—(Interrupting)—Where was the agreement between the Columbia and Western and the Government? A.—Don't you consider the agreement between Mr. Turner and the Columbia and Western Railway Company a good agreement?

Q.—Where is it? It has never been signed? A.—No.

Q.—It never had been signed? A.—It could not be signed, because Mr. Turner could not sign it.

Q.—There was no agreement as an agreement between the Government and the Columbia and Western? A.—No, but they—

Q.—(Interrupting)—You cannot say there was an agreement. A.—Well, there was—

Q.—(Interrupting)—There was an agreement signed by Sir Thomas Shaughnessy and Mr. Oswald; but that agreement had never been concluded by the Government? A.—That agreement had not been concluded by the Government, because the Government went out of power before it could be completed.

Q.—And then why should there be still that eagerness to give these lands for section four? A.—Because they said they would do it.

Q.—That is, the Turner Government? A.—Yes, they did.

Q.—And you were interested, as a member of the Dunsmuir Government, to see that that agreement was adhered to. Did you look at it in that light? A.—Well, I did look at it in that light. I did say that was the agreement; and I have always said so.

Q.—As a matter of fact, that has been your view all the way through these negotiations? A.—I have not changed my view, Mr. Helmcken, with regard to it.

Q.—You feel that what was done in 1898, at any rate, was binding on you, and as a public man you thought that you would adhere to those terms throughout all the negotiations? A.—I think that was an honourable agreement made at that time, and it should have been carried out.

Q.—Well, it was not carried out. It was not carried out, and why should you still attempt to carry out an arrangement of that kind? A.—Well, Mr. Semlin attempted to carry it out.

Q.—It don't make any difference about that; that Government did not live very long. A.—He thought that was an honourable agreement; he stated so.

Q.—Was that his agreement? A.—No, but he said, when I spoke to him at Ashcroft about the question, that he had tried to carry out an agreement of that kind; but he said it was only carrying out an agreement which was made by a prior Government.

Q.—Do you know at this date whether Mr. Semlin and Mr. Cotton ever saw that arrangement of the 8th of July, 1898? A.—Of the 8th of July, 1898? Well, I couldn't say whether they did or not. But I know that I produced a letter to this Commission here which

Hon. Mr. Eberts—*Continued.*

was filed in the Attorney-General's office, written by Sir Thomas Shaughnessy to the then Attorney-General, calling attention to this fact, that the thing had been arranged before that; the matter had been arranged.

Mr. Duff: Has that been produced? A.—I produced that the first meeting. I don't think you were here, Mr. Duff.

Mr. Helmcken (handing document to witness): Is that the agreement in question? A.—That is one of the sets of agreements.

Q.—Or is there anything in reference to the agreement with the Columbia and Western which was uncompleted by you? Any agreement with reference to the fourth section? A.—No, there is not. There is about the fourth section, to this extent; under the Act they were entitled to the lands under the first section and the third section when they built them; under the Act they were only entitled to the lands for the fourth section when they built the fifth section. Therefore, when this other agreement was made, it was an agreement made that they were to surrender all their lands between Midway and Robson and take in lieu thereof \$4,000 a mile. And, therefore, certainly it referred to the land of the fourth section.

Q.—But what effect would it have on the fourth section? A.—By that arrangement?

Q.—Yes. A.—They would take money at the rate of \$4,000 a mile instead of land.

Mr. Duff: In fact, making it payable before the fifth section was constructed. A.—I would like the Journals of the House, 1900.

Mr. Duff: Is there anything in that letter which would show that Sir Thomas Shaughnessy had at that time in his mind that arrangement that was made with you, about making it payable at an earlier time? A.—I quote from the Journals of the Legislature for the year 1900, when the Semlin Government was in power, and I find here in one of the paragraphs of the King's Speech: "The Columbia and Western Railway Company, having completed its line between Rossland and the Boundary Creek, has become entitled to a land grant of, approximately, 2,500,000 acres. Preliminary arrangements have been made between my Government and the Railway Company for the substitution of a cash subsidy for the land grant, on such terms as will result in a substantial saving to the Provincial Treasury, as compared with the plan adopted in regard to the payment of similar subsidies in the past. By the carrying out of this arrangement, it will be possible to throw open for settlement in the Boundary Creek District an area of about 4,000,000 acres now reserved. This would have a most beneficial effect on the development of the District, and will be a source of much satisfaction to the people of that locality."

Mr. Green: That was the mountain tops that they were talking about? A.—Well, that was the fine agricultural country they were going to open. I don't think two acres had been taken up, although the lands were open to farmers who were entitled to go in there; I don't think two acres had been taken up. The minerals were reserved. You have only to go over the country to know what the balance was for the Railway Company; the balance they would have is probably where the goats were living.

Mr. Helmcken: You know something about the value of that four million reserve, don't you? A.—What four million reserve?

Q.—Wasn't there a reserve put on there for the railway? A.—I believe there was; I heard Mr. Gore say.

Q.—In 1896 or 1897, when you were in the Government, wasn't there a reserve put on there for railway companies? A.—There might be—there was.

Q.—That is that four million acres? A.—I suppose it is.

Q.—That was put on by Mr. Turner's Government? A.—I suppose it was.

Q.—Was there any value put on those lands? A.—You could not get into those lands at all. I don't suppose white men have ever been through there.

Q.—Wasn't there a bargain upon that? Wasn't that under the Subsidy Act? A.—I think probably that reserve was put on on behalf of the Columbia and Western Railway.

Q.—In pursuance of the Subsidy Act? A.—I think the Subsidy Act says that it could be put on for that purpose.

Q.—And these lands were to be used for the Columbia and Western Railway Company? A.—And these lands were to be used for the Columbia and Western Railway, could be so used.

Q.—And there were enough lands there to satisfy all the lands that the Company were legally entitled to for the construction of the railway? A.—So Mr. Gore says.

Hon. Mr. Eberts—*Continued.*

Q.—You would not say Mr. Gore has made an error? A.—I am not attempting for a moment to say Mr. Gore has made an error. I have not gone into calculations of the number of acres of land that are there, and I don't know—I could not attempt to calculate the reserve; I don't know that.

Q.—Were you going to make a cash transaction for the Railway Company in regard to the lands the Company were entitled to? A.—We were going to give them the moneys that had been voted in 1898.

Q.—For what purpose? A.—From Midway to Robson.

Q.—Would that relieve the railway reserve? A.—That would relieve the railway reserve if they gave them \$4,000 a mile.

Q.—Which had been originally put on? A.—It had not been put on originally. Our tenders in 1897 only took us from the Coast as far as Midway. Mr. Mann came out in the fall of 1897 and made proposals to the Government that he would build the Coast-Kootenay line all the way through to Rossland, if the Government would give him \$4,000 a mile all the way through. Then the Public Works Act of 1897 was passed, and in the year 1898 the Public Works Act was amended to allow a further subsidy of \$4,000 a mile from Midway on to Robson.

Q.—Then, if you had carried out your cash transaction, you would have had all this land back again? A.—If we carried out the cash transaction, the \$4,000 a mile, these lands between Midway and Robson would have reverted to the Province.

Q.—And that would be in the neighbourhood of how many million acres? A.—It is 131 miles; 20,000 times 131.

Q.—Well, what value would that have been to the Province, if they had got those lands back? A.—What value?

Q.—Yes. A.—Would the lands have been?

Q.—Yes. A.—Well, I don't know, that is problematical; I couldn't say.

Q.—You don't know about the value of the lands at that time? A.—I didn't know; and I don't know yet.

Q.—You never concerned yourself with regard to the value of the lands of 4,593 and 4,594 or the lands of the reserve, Mr. Attorney? A.—I did not know the value of them.

Q.—What benefit was it to the Province that you should allow the Columbia and Western to take lands in 4,593 and 4,594 instead of out of the reserve? A.—Instead of where?

Q.—Out of the reserve? Lands were reserved for the Columbia and Western? A.—Yes.

Q.—But, under your arrangement, you did not propose to give them lands out of the reserve, but taking them out of lands elsewhere, that is, 4,593 and 4,594? A.—Yes; they took large quantities of land out of the reserve for sections one and three, a lot of land out of the reserve.

Q.—But there was sufficient left for any claim they might be entitled to, in the reserve. Why didn't you confine them to the reserve? A.—I don't know why that is.

Q.—But, as a member of the Government, don't you think it would have been right to inquire into that question, to see whether the land reserved pursuant to the terms of the Act was sufficient for satisfying the Railway Company? A.—Well, there was one thing that always was brought up; you will remember it was not like as if we were dealing with a different Company altogether, because we were dealing with the one Company; when the British Columbia Southern Company came before us it was virtually the Canadian Pacific Railway Company; when the Columbia and Western Railway Company came before us it was virtually the Canadian Pacific Railway Company; and when the Columbia and Kootenay Railway Company came before us it was the Canadian Pacific Railway Company; it was one line all the way through.

Q.—What difference did that make in the negotiations, the fact of the C. P. R. asking for it? A.—Well, I imagine that had some bearing on the negotiations when it was represented that we would save 300,000 acres in this.

Q.—But you cannot prove that; you simply say that you were told that, and you believed it? A.—I was told it and believed it; I think the Chief Commissioner believed it, too.

Q.—And it turned out afterwards that there was only a saving of about 167,000 acres. A.—When you commence talking about acreages in that country, it is an unsurveyed country, and you cannot just go and tell how many acres there are in a piece of land from the map of British Columbia; there is no topographical survey of British Columbia made; and it is not known.

Hon. Mr. Eberts—*Continued.*

Q.—Are you defining lands apart from rocks, or with the rocks included? A.—Just what you call land; I throw in the rocks with it. Not Hudson Bay land, like in the old times. They excluded rocks in the old times.

Q.—Now, tell us what reason there was for strenuously giving this land to the Columbia and Western? A.—Strenuously?

Q.—Yes; an Order in Council is about as strenuous a thing as there can be. Now, tell us why you were in favour of this? A.—Because I understood there was a saving of 300,000 acres of land.

Q.—Is that the only reason? A.—That was the only reason that prompted me at the time.

Q.—Nothing to do with the agreement that you spoke of, of the 8th of July, 1898? A.—Nothing to do with that agreement?

Q.—Yes. A.—That agreement never was raised again.

Q.—It was dead. A.—The question relative to taking \$4,000 a mile, I don't know—it was a question with a great many Governments whether they would give land; at one time it was the policy to give land, and another time money.

Q.—And your policy was to give them lands elsewhere for section four? A.—Not for section four at all; those lands have not been given for section four.

Q.—Are you not going to give them to them for section four? A.—I don't know whether they will be given for section four; the lands for section four have not been given to them; there are a million of acres still to be given for section four.

Q.—Where are you going to get those lands from? A.—I don't know where they will be got from.

Q.—What are you dealing with in your Acts of Parliament? What section are you dealing with? A.—I really would like to understand you.

Q.—Does the Act, Bill 87, refer to section four, Mr. Attorney? A.—I think it does.

Q.—Well, there is an attempt, then, isn't there, to give those lands for section four? A.—You said dealing with these Crown grants; I said those lands were taken up with reference to lands under sections two and three.

Q.—That may be; I am sorry I did not make myself plain to you. But dealing with Bill 87, that deals with section four? A.—That deals with section four.

Q.—Now, what did you propose to do under that, if that had not been withdrawn? A.—Give them 20,000 acres per mile.

Q.—And where were you going to get that land? A.—To get it in the Districts of Yale and Kootenay.

Q.—Whereabouts? A.—I could not say.

Q.—Well, what is the difference between this Act, as to their locality, and the Subsidy Act? Would not this Act extend the scope of the Subsidy Act? Would not Bill No. 87 extend the scope of their Subsidy Act? A.—Well, it might, Mr. Helmcken; it might extend the scope of the Act.

Q.—And if that Bill had become law, wouldn't it be possible for the Railway Company to have claimed these identical lands? A.—Well, it is a matter whether they claimed them or not; they could not have got those lands.

Q.—But couldn't they have made a claim to these particular lands? Isn't it possible that the Railway Company could have made a claim for these lands? A.—They may have asked for them.

Q.—Your friend Mr. Brown said he would have made a dead set for this lot 4,593. Don't you think they would? A.—I don't know what he said; I did not hear him say he made a dead set on these lands.

Q.—You were not here; I am telling you that Mr. Brown did say that they would have made a dead set on 4,593. Now, isn't it possible that, under the terms of that Bill, they could have got that? A.—If the Bill had passed and become law?

Q.—Yes. A.—And this Government stayed in?

Q.—Well, I presume it would. A.—No, they would not have got them.

Q.—They would not have got them. Now, then, I will put this: that Bill could not pass because you could not find support for it in the House; isn't that so? A.—I think I said that.

Q.—This Bill was not drafted by you? A.—It was not.

Hon. Mr. Eberts—*Continued.*

Q.—The provisions of this Bill were explained to a meeting of the Government supporters, as I understand? A.—No, that was not explained to a —

Q. (Interrupting).—You told us yesterday that you explained that Bill to the supporters of the Government before it was in print? A.—I told you that Bill I never had before the Government supporters, but that I had explained the general provisions of a Bill of that kind, with reference to giving them grants of land for section four, to Christina Lake.

Mr. Duff: Based on that Bill? A.—No, I did not say that.

Mr. Helmcken: That is what you told us here the other day. A.—No, I did not.

Q.—I wouldn't say that you did, but I have got a note of it, and I was surprised at it myself. At that time had you a draft of the Bill? A.—No, I had not.

Q.—Had you any memorandum relating to the Bill? A.—No; it was only the question relative to the policy of the Government as to whether they would introduce legislation of that kind; and I was asked to explain that matter to the followers of the Government.

Q.—Then at that time you had no Bill at all? A.—There was no Bill at all.

Q.—And the provisions of that were outlined to the supporters? A.—The general proposition as to what was going to be done with section four of the Act was outlined to the supporters; that is, legislation would be introduced.

Q.—You did that? Would you mind telling the Committee what you explained at that meeting? A.—If my memory serves me right, I explained to them what occurred in the year 1898.

Q.—Yes; anything else? A.—I think I drew attention to the fact that the matter had been brought up by the Semlin Government.

Q.—Did you explain to them the reason why you thought they would be entitled to legislation of this kind? A.—Well, I thought they were entitled to it.

Q.—You always have? A.—I always have thought so.

Q.—I admit that; but how did you explain to your supporters the object of a Bill to be introduced? A.—I did not explain the objects of a Bill to be introduced. I explained the objects of legislation which was to be introduced.

Q.—By the Government? A.—By the Government.

Q.—Very well; it must have been determined on at that time, the frame of that legislation? A.—Well, I don't know whether the framing of the legislation, nor the exact form of the legislation, was determined on at that time. I don't suppose it was.

Q.—May I put it this way: was the object of the legislation to be introduced afterwards put before the supporters? A.—Was the object of the legislation?

Q.—Yes. A.—You mean to say, in keeping with that Bill?

Q.—Yes. A.—I don't remember that it was put that way.

Q.—Can you tell me, then, upon what? A.—The principle was that the Columbia and Western were seeking to get their lands for the railway they had built between Robson and Midway; and one portion of that was section four of the line; and they wanted their lands for that.

Q.—And did you explain why they were entitled to section four? A.—I did.

Q.—What was your explanation, then? A.—Because they had built the line from Robson to Midway.

Q.—Well, did you explain to the supporters they were not entitled to that until they completed section five? A.—They knew that.

Q.—That was explained to them? A.—I think it was explained.

Q.—And was it then understood that the Government would introduce legislation? A.—I think it was agreed on that the Government would introduce legislation?

Q.—Hence Bill 87, 1902, was introduced; was that it? A.—Well, I don't know, but it was consequent upon that talk that a Bill was introduced.

Q.—Now, who drew that Bill? A.—I could not tell you.

Q.—Well, it is a Government Bill, Mr. Attorney? A.—It was in Mr. Maclean's hands, my Deputy.

Q.—Yes; how did it come there? A.—I could not tell you.

Q.—Well, did you know that anybody was going to draw the Bill? A.—I did not.

Q.—Would it be a usual thing for your Department to draft that Bill, in accordance with the explanation that you had given your Government supporters? A.—No, it would not—the Bill would not go through my Department at all, because it was a matter for the Land Department altogether.

Hon. Mr. Eberts—*Continued.*

Q.—I say that, so far as the Chief Commissioner is concerned. But wouldn't you undertake to settle that Bill before it was introduced into the House? A.—Well, I think probably I was asked at the meeting of the members to explain that, because I was the only member of the Turner Government who knew of the circumstances of 1898.

Q.—When did you explain the provisions of that Bill? A.—The provisions of which Bill?

Q.—87, of 1902 to the members? A.—I did not explain the provisions to the members. I never had that Bill before the members.

Q.—This Bill was never before a Government caucus? A.—No; never to my knowledge.

Q.—Well, it was an important Bill; and if I may put it this way, you actually had nothing whatever to do with the drafting, supervising or settling of that Bill? A.—I did not.

Q.—Did you see it in the meeting of the Executive before it was submitted for His Honour's signature? A.—Well, I cannot remember that, Mr. Helmcken. If you will remember, Executive work with reference to bringing down Messages of that kind, there is not always a full meeting of the Executive, because it is a formal thing to bring down a Message when once you agree upon a Bill.

Q.—Well, did this Bill carry out what you had explained to the supporters? A.—Well, it would carry out, yes.

Q.—This Bill would? A.—Yes.

Q.—And did your supporters agree to it? A.—Agree to that Bill?

Q.—Yes. A.—I did not have the provisions of the Bill before me when I spoke to our supporters.

Q.—Exactly. What I want to get at, Mr. Attorney, is this: You explained, as I understand from you, the provisions of some legislation that was going to be introduced in that Session of 1902, for the purpose of settling the land subsidy for section four? A.—Yes, so I understood.

Q.—And you think you do not appear to have taken any further step? A.—Well, it was not in my Department to take the step at all.

Q.—But this Bill of 1902 must have been explained some time or other to the supporters? A.—Well, I don't know; I don't remember whether that Bill ever came up before the supporters at all after that.

Q.—Of course, I cannot tell you; I don't know. But isn't it a peculiar thing that the provisions of that Bill, or the Bill itself, was not brought up before the Government supporters? A.—Was not caucused?

Q.—Was not caucused? A.—Well, I don't know. It is not usual to caucus every Bill you bring up, is it?

Q.—Well, my experience has been that every Government Bill is caucused. A.—Well, I probably would say that, in so far as Government Bills and caucus are concerned, that this matter did come up before a caucus of Government supporters, and the question was brought up.

Q.—This had been a long pending question, hadn't it, with regard to the settlement of section four? A.—I think it had; I don't know whether it was a long pending question about section four. When did the Columbia and Western finish their line?

Q.—That I cannot tell you. A.—Tell me that, and then I will tell you whether it was a long pending question.

Q.—But we know in August, 1901, there was an attempt being made to try and get the land grants for the Columbia and Western settled, wasn't there? A.—I think that was the year probably the Columbia and Western was completed.

Mr. Green: I think it was finished in 1900 or 1901. A.—Finished early in the year 1901; I am not sure.

Q.—In August, 1901, you were asked to make a settlement, then? A.—Yes.

Mr. Duff: There was a Bill brought down at the end of the Session of 1901; and there was a letter from the Premier. A.—A letter from the Premier on the 15th of May, 1901.

Mr. Helmcken: Then there was this attempted settlement on the 10th of August, 1901? I am right about that? A.—Well, I think that appears by the Orders in Council before you.

Q.—Now, can you tell us how many meetings there were between the 11th of May, the end of the Session, and Mr. Dunsmuir's letter of the 15th of May, 1901, to the 20th of February, 1902, touching the lands of the Columbia and Western? A.—I could not say.

Hon. Mr. Eberts—*Continued.*

Q.—Well, it had been an open question all that time? The House met in 1902 on the 20th of February. From the 10th of August, 1901, to the 20th of February, 1902, how many meetings had there been between the representative of the Railway Company and the Government, touching the settlement of this matter? A.—You say between August, 1901, and the time the House met in 1902?

Q.—February, 1902. A.—I couldn't tell you how many meetings took place.

Q.—There must have been several? A.—There must be; he was after the Premier in August, 1901, for a settlement of this; he must have been here during the month of August when this matter was squared up.

Q.—Yes; then right on, August, September, October and November? A.—I couldn't say.

Q.—Do you know how many meetings you had? A.—I cannot say; the records will show.

Q.—You cannot call to mind any particular meeting between the 10th of August and the 20th of February, 1902? A.—I remember one meeting.

Q.—When was that? A.—A meeting of the 4th of September.

Q.—What was done then? A.—I don't know whether anything was done with this matter.

Q.—But I am confining my remarks relative to settlements. A.—A very important meeting of the Cabinet on the 3rd of September.

Q.—Oh, yes; I recollect that. But I want to get at after the 10th of August; to the 20th of February, 1902, how many meetings did you have with reference to the settlement of this question? A.—I don't know whether there would be any meetings required, Mr. Helmcken, except to carry out the agreement made probably on the 10th of August.

Q.—Was there any meeting for that purpose after the 10th of August? A.—There would not be any meeting of that kind after the 10th of August. Because on the 10th of August it was agreed on to give those lands. It would be a question of detail after that.

Q.—To be settled by the Minister; is that it? A.—Settled by the Minister.

Q.—Yes. A.—The Crown grants would come down.

Q.—Did the Crown grants come down after the 10th of August, 1901? A.—I think you will find an Order in Council to say that they did.

Q.—When? A.—Some time in the month of September. Show me an Order in Council of September.

Mr. Duff: 13th of September, settling the Crown grants.

Mr. Helmcken: No. 432, 13th September, 1901; this is it, Mr. Attorney (handing Order in Council to witness). A.—Yes.

Q.—Did you settle the form of the Crown grants? A.—I did not, Mr. Helmcken.

Q.—So you had nothing to do with that? You were present at the meeting? A.—I think I was.

Q.—Well, wouldn't you run your eye over that at the meeting and see whether that was the correct form? A.—Well, I don't know whether—sometimes Mr. Maclean does that. I don't know whether I did; I couldn't say. But I remember that we looked into the matter of reservations—certain reservations.

Q.—For coal and petroleum? A.—Yes, about matters of that kind.

Q.—The 13th of September, 1901? A.—That appears to be dated the 13th of September, 1901.

Q.—Well, the Crown grants were not issued until when? A.—Well, they would not be issued until after that.

Q.—That is right; they were issued on the 3rd of October, 1901. A.—I don't know the exact date.

Q.—They are supposed, at any rate. Now, at that time of the passing of this Order of the 13th of September, 1901, and on the 3rd of October, 1901, did Mr. Brown see you and see the members of the Ministry? A.—Oh, I think Mr. Brown was in town at that time.

Q.—I suppose he knew of these Orders being issued? A.—I suppose he did; one of the Orders said that he was to have a copy of the Order.

Q.—This one does not, though. A.—This one, there was no necessity.

Q.—I suppose Mr. Brown, as a matter of fact, kept himself pretty well informed as to how things were going? A.—I suppose he pressed for the lands.

Hon. Mr. Eberts—*Continued.*

Q.—Did he complain to you that the grants were not issued in the terms of the Order?
A.—I don't know that he did.

Q.—Did he ever see you and ask you to see the Chief Commissioner, to have the grants issued? A.—I have no recollection of it.

Q.—When did you first hear of the grants being prepared? A.—I never heard of the grants being prepared.

Q.—What did you hear about that? A.—I didn't hear anything at all; it would not come through my Department.

Q.—This is a very important matter, and weren't you following it up with interest at all?
A.—In what way? Do you mean to say if I was in the Land Office pushing for the grants to be issued?

Q.—Not exactly making them out, but you might come down and ask the Chief Commissioner whether the land grants were issued or anything done? A.—That had nothing to do with me.

Q.—You did not take any interest in that? A.—I did not take any interest in that.

Q.—When did you first ascertain that the Crown grants were being issued? A.—Well, I did not know when they were issued. But I know it was talked about at the time when they were issued that Mr. Wells would take them with him.

Q.—Well, talked about with whom? Between your colleagues? A.—I think so.

Q.—Had you any Executive at that time? A.—Oh, there must have been Executives.

Q.—Well, do you recollect any Executive about that time? A.—No, I do not recall, Mr. Helmcken.

Q.—Not between the 3rd of October and the 13th of September? A.—No, I do not.

Q.—Do you recollect any Executive after the 3rd of October? A.—Well, I cannot attempt to charge my memory with when an Executive meeting took place.

Q.—Well, pertaining to this particular matter? A.—I cannot tell that.

Q.—Haven't you got a note of any meeting after that in October? A.—I have not.

Q.—What I want to get at is this: how do you recollect the 24th of October so well, Mr. Attorney, 1901? A.—Because that was the day that Mr. Wells went away—or the day before.

Q.—Well, are you certain; are you at all certain whether it was the day he went away or the day before? A.—It was the day before he went away; he could not get away until 2 o'clock in the morning, and that would be the following day.

Q.—You said you had a meeting on the 24th of October, 1901. I don't know whether that is an Executive meeting or just a meeting among your colleagues? A.—No, it was not an Executive meeting.

Q.—It was not an Executive meeting; you had a meeting, at any rate, on the 24th of October. But what object had you in going to Mr. Wells at that time, on the 24th of October? A.—I think Mr. Wells asked me to come down there.

Q.—For what purpose? A.—He was going away, and had brought Mr. Dunsmuir down there.

Q.—Was any other person there? A.—I don't think there was. I am satisfied there was not.

Q.—That was on the 24th of October. At that time had the Crown grants been issued?
A.—I had not seen them, but I supposed they had been issued.

Q.—Was it told to you by Mr. Wells that they had been issued at that time? A.—I think he did say.

Q.—You were satisfied, then, that everything up to the 24th of October, 1901, had been carried out as agreed to; is that it? A.—Well, carried out in the usual way.

Q.—That the Orders in Council had been carried out? A.—Well, I had supposed that they had been.

Q.—You satisfied yourself, didn't you? A.—Well, I didn't satisfy myself.

Q.—Well, you were satisfied that they had been? A.—Well, I had no reason to be dissatisfied.

Q.—You had no reason to think otherwise. Now, what was the necessity for Mr. Wells calling you and Mr. Dunsmuir in at that time, on the 24th of October? A.—Well, I don't know that there was any particular necessity.

Mr. Green: Were you looking for a railway policy?

Hon. Mr. Eberts—*Continued.*

Mr. Helmcken : Was Mr. Wells complaining about any doubt that he had entertained in the matter as to the legality of the transaction? A.—I don't know that he had.

Q.—Did he mention that matter at all? A.—I think Mr. Wells, during the course of this matter, either looked into the question or spoke about the question. We talked about it—the matter was brought up in Executive.

Q.—When had the matter been brought up in Executive? A.—I cannot tell you the exact date, Mr. Helmcken; I was asked, I know—Mr. Wells asked me—

Q.—When? A.—I cannot tell you when.

Q.—Was it a month or two months before that? A.—I cannot tell you, but I know Mr. Wells asked me my advice, my opinion, as to whether or not I was quite sure of the fact that the Government could, as a matter of policy, give these grants to the Columbia and Western. And I so advised him.

Q.—As a matter of policy; but as a matter of right, was that brought up? A.—If it is a matter of policy it must be a matter of right.

Q.—Are you satisfied that, from a legal point of view, such an arrangement as that could be entered into? A.—I have always thought so.

Q.—When did you give that matter your careful consideration? A.—How do you mean, my careful consideration?

Q.—You told us a moment ago; do you recollect giving that matter your careful consideration? A.—I always gave the matter my careful consideration.

Q.—I believe it; but you laid particular stress upon the expression "careful consideration." Was it in the month of June, July, August, or September? A.—I cannot tell the exact date.

Q.—Would it be in July, Mr. Attorney? A.—I couldn't tell you.

Q.—Would it be in June? A.—I think probably it would not be before August.

Q.—The end of August or the beginning of August? A.—I couldn't say, Mr. Helmcken.

Q.—Was there anybody present when you were looking into that matter, giving it your careful consideration? Did Mr. Wells ask you in the ordinary course, place the matter before you, and give you time to consider, and then you considered your opinion, is that it? A.—I don't know. I talked to Mr. Wells about the matter. I am sure I did.

Q.—You had a conversation with Mr. Wells touching that particular matter? A.—I think I did.

Q.—But you cannot tell me the time when you had it? A.—No, I cannot.

Q.—On the 24th of October, this particular time you are referring to, what was Mr. Wells' idea of sending for you, do you recollect? A.—I don't know the particular reason.

Q.—You recollect the 24th of October, 1901? A.—Yes. Mr. Dunsmuir went down there, and Mr. Wells was going away. Mr. Wells said, among other things, he was going away East —

Q.—And what did he say he was going East for? A.—I cannot tell you everything.

Q.—You knew what he was going for; what was he going for? A.—Well, he had some private matters on.

Q.—Yes, and what else? He had some public matters, hadn't he? Wasn't he going to settle the Columbia and Western Railway matters? A.—Yes; he was going to take those grants over.

Q.—If he was going to take those grants over you must have known they were issued? A.—I think I must have known they were issued.

Q.—Well, you knew they were issued? A.—I didn't know of my own knowledge they were issued, because I had not seen them; but I believed they were issued.

Q.—Certainly, you believed they were issued. A.—I am not trying to beat around the bush.

Q.—You might as well have said yes; you knew they were issued. A.—How could I say? You asked me what my knowledge is.

Q.—You were talking with Mr. Wells, and he was going East to take Crown grants, and they must have been issued. He would not be waiting another day to have them finished. Now, did he say why he was going to go? A.—Why, we knew perfectly well that he was going to take those Crown grants there, because it was suggested by him, some time before that, that when the Crown grants were ready he was going to take them over.

Hon. Mr. Eberts—*Continued.*

Q.—So far so good. Was there any discussion at that time about Spence's bridge, the building of that railway as a term of turning them in? A.—It was discussed, but not as a term —

Q.—Was that matter discussed at that time? A.—The question with reference to whether or not Mr. Wells would introduce the subject of going to Spence's Bridge was talked of.

Q.—Precisely; what was said about it, Mr. Attorney? A.—Well, Mr. Wells said that he thought he could do something with the C. P. R. towards getting them to build the line as far as Spence's Bridge, and if it could be done it would be a very beneficial thing for us, and would relieve us from the anxiety in connection with the Coast-Kootenay line. And he was going to do his best to try and get Sir Thomas Shaughnessy to give him a promise that he would do that.

Q.—Anything further? A.—To do that building at an early date.

Q.—Anything further? A.—I don't remember anything further than that.

Q.—Was Mr. Dunsmuir present during the whole of the time? A.—I think he was.

Q.—You remained there the whole of the time? A.—I think so.

Q.—Did Mr. Dunsmuir give him any instructions with regard to that particular matter, not to hand over the Crown grants until he had a definite arrangement with Sir Thomas Shaughnessy at that time? A.—No, he did not.

Q.—What time was this interview or conference that you had with him; what time of the day? A.—Well, I cannot remember that.

Q.—Was it in the morning or in the afternoon? A.—I cannot quite tell that.

Q.—Might it have been in the morning? A.—It might have been in the morning. Mr. Dunsmuir used to come over about twelve o'clock generally; sometimes he came over after luncheon.

Q.—This all took place in Mr. Wells' room? A.—This all took place in Mr. Wells' room, yes.

Q.—Cannot you tell me definitely what day this interview was? A.—Yes, I can; the day before Mr. Wells went away.

Q.—Now, let me understand what you mean by the day before. Was it the 23rd of October? A.—When I say the day before,—he does not leave here until two o'clock in the morning, and, therefore, it was the day before.

Q.—It was the 24th of October, 1901, you have told me that? A.—I think it was, Mr. Helmcken; I think that was the day.

Q.—Are you sure of that? Have you got a note of it in your diary? A.—I have not.

Q.—Might it vary, and have been the 23rd of October? A.—Well, I might be in error.

Q.—You would not like to say definitely, now, that Mr. Prentice did not have a meeting with Mr. Dunsmuir and Mr. Wells on that day that he left for Montreal? A.—If Mr. Prentice and Mr. Wells say that, I would certainly not like to contradict them.

Q.—I thought you would not. A.—I suppose they are trying to arrive at the truth as well as I am. But that was my opinion of the matter.

Q.—But, at any rate, you had an interview with Mr. Dunsmuir and Mr. Wells, at which Mr. Prentice was not present, either on the 23rd or the 24th? A.—I had.

Q.—But you cannot fix it definitely as regards the date? A.—Well, I think it was—if he went away in the morning it was the day of his leaving, that is the day the evening of which he left town.

Q.—Now, why didn't you send for Mr. Prentice? A.—Well, I don't know.

Q.—Wasn't it necessary that Mr. Prentice should be on hand? A.—I don't know; I cannot say why.

Q.—Were you on good terms with Mr. Prentice at that time? A.—Certainly.

Q.—And always have been? A.—I didn't understand there was any difficulty about the thing.

Q.—Mr. Prentice was in his office here, wasn't he, then? A.—I don't know; I couldn't tell you whether he was even in town or not; I don't know.

Q.—But you are certain there was no instruction given by Mr. Dunsmuir to Mr. Wells that the Crown grants should not be handed over unless there was this agreement entered into? A.—Well, according to my understanding, I never heard of such a thing as that.

Q.—But there was this matter talked over and discussed? A.—There was the talk of the desire to try and induce the C. P. R. to build from Midway to Spence's Bridge.

Hon. Mr. Eberts—*Continued.*

Q.—How long did that interview last? A.—How long were we there?

Q.—Yes. A.—Oh, I couldn't say; probably we were there half an hour.

Q.—Not more than that? A.—I couldn't say.

Q.—Was there time, after you had your interview, for Mr. Dunsmuir to send for Mr. Prentice to come in, notwithstanding your interview? A.—Well, it just depends upon what time of day I was there. If I was there the whole of the time, Mr. Prentice was not there.

Q.—You were only a half an hour in Mr. Wells' room? A.—Well, I think our talk was about half an hour.

Q.—Did you leave the room then, Mr. Attorney, or did you still remain discussing other matters? A.—I cannot just remember, Mr. Helmcken.

Q.—You have no distinct recollection about it? A.—I particularly remember the circumstance, because Mr. Wells spoke of having gotten Mr. Gordon Hunter's opinion. And that was the first time that I knew Mr. Wells had got that opinion.

Q.—Is that the way you fixed the date? A.—Well, I don't fix the date in that way; no, I do not. But that was the first time that I ever heard of Mr. Hunter's opinion having been got on the subject.

Q.—And you recollect Mr. Wells telling you he had got it? A.—Mr. Wells told Mr. Dunsmuir.

Q.—That he had got it or had asked Mr. Gordon Hunter for his opinion? A.—He had got an opinion from Mr. Gordon Hunter.

Q.—Now, Mr. Wells went away and came back in December. Did you have any conference with Mr. Wells in the month of December, after his return? A.—I must have had conferences with him.

Q.—Well, did you ascertain from him then the result of his mission to Montreal? A.—No, I did not.

Q.—Didn't you discuss it at all as a public matter? A.—No, I did not.

Q.—Wasn't it of prime importance to know what was done? A.—I don't recollect of having spoken to Mr. Wells or he to me.

Q.—Wasn't it a matter of consequence to you to know what had been accomplished? A.—There were many things to think about just then, if you remember; we were very busy with a good many matters about that time.

Q.—In October and December? A.—Yes, various matters.

Q.—What was it? It was pretty close to Christmas. A.—We were very short of Cabinet hands about that time.

Q.—In December? A.—I think so.

Q.—Well, you did not discuss it in December? A.—I don't recollect discussing it with Mr. Wells.

Q.—Was the reason why you did not discuss it because you were short in the Cabinet? A.—I wouldn't say that as an excuse.

Q.—And you did not feel inclined to discuss anything; is that it? A.—No, I would not put it that way.

Q.—Now, I think you discussed that, didn't you, Mr. Attorney; it was a matter of notoriety in the newspapers at that time? A.—About what?

Q.—The result of Mr. Wells' mission to Ottawa or Montreal. A.—Oh, I think we talked about that portion of it. I think I had some telegrams from Mr. Wells when he was away.

Q.—Where are they? A.—I produced those telegrams here.

Q.—They were private, though? A.—They were private political telegrams. They had nothing to do with this thing at all.

Q.—They had nothing to do with this particular matter? A.—Nothing whatever.

Q.—But you knew that those Crown grants had not been delivered over at that time, on Mr. Wells' return? A.—Well, I did not. I did not know that.

Q.—It was a matter of common notoriety? A.—Was it?

Q.—Yes. A.—Did you know it?

Q.—It was in the newspapers. A.—I did not know it.

Q.—You did not make yourself informed at all? A.—No; I did not.

Q.—You did not care. Now, the next thing was in January. A.—Where did you see it in the newspapers? I never saw it in the newspapers.

Hon. Mr. Eberts—*Continued.*

Q.—The papers were full of Mr. Wells' mission to Ottawa. A.—Not about this thing, I don't think.

Q.—I think, if you will look, you will see it in the newspapers, about the non-delivery. At any rate, you did not inquire? A.—I did not question Mr. Wells.

Q.—When did you bring up the question again of Crown grants with Mr. Wells? A.—I don't think I ever brought up the question.

Q.—Was not Mr. George Brown on your track again? A.—I think Mr. George Brown appeared on the scene some time after that again.

Q.—And he was after you to get those Crown grants delivered? A.—And he was after the Premier.

Q.—I admit, Mr. Attorney, when I single you out I mean as a member of the Ministry. A.—As a member of the Executive.

Q.—He was after the whole lot of you? A.—I think so.

Q.—From his conversation with you, did you then know that the Crown grants were not delivered? A.—I think I must have known it then.

Q.—Did you ask Mr. Wells why those Crown grants had not been delivered over? A.—No, I did not.

A.—You simply urged him to deliver them over? A.—I don't think I spoke to him on the subject.

Q.—You spoke to the Premier? A.—The Premier and I talked the matter over.

Q.—And you two came to the conclusion that he ought to deliver the Crown grants over? A.—I don't know about that.

Q.—What conclusion did you reach? A.—Well, Mr. McL. Brown was asking for the Crown grants; and I know he was after the Premier, and the Premier spoke to me about the grants, and I think the Premier spoke to Mr. Wells about the grants.

Q.—Mr. Brown saw you shortly after Mr. Wells' arrival in the Province, didn't he? A.—Oh, I don't think so. I didn't know for some long time after that. It was away probably after the Session commenced.

Q.—Well, you were getting ready for the Session; the Session was on the 20th of February. Now, between Mr. Wells' return and the 20th of February, didn't you discuss this matter of the non-delivery of the Crown grants? A.—With Mr. Wells?

Q.—Yes. A.—I don't think I did.

Q.—Had you discussed it with the Premier? A.—Well, I don't know whether I had—the Premier was away in the month of November and part of December.

Q.—Yes; well, was he away in January? A.—I couldn't discuss it with Mr. Prentice, because Mr. Prentice left, I think, sometime in the early part of December, and did not get back to the Province until towards the beginning of the year.

Q.—Then, in the month of January, 1902, didn't you discuss this matter with Mr. Dunsmuir? A.—I cannot state the exact time, but it was some time a month or two after Mr. Wells came back before the matter came up before me again.

Q.—And until that time you had not looked into the matter? A.—I didn't know how the matter stood.

Q.—And you were not concerned at all to know how it stood? A.—Well, I don't know where I was concerned in it at all.

Q.—As a member of the Ministry, it would have been a nice thing for you to have been able to arrange this? A.—Mr. Wells would have brought forward the report with reference to this.

Q.—Did you ask Mr. Wells? A.—I don't know that I did.

Q.—You had no conversation with him at all? In discussing the matter with Mr. Dunsmuir, what reason did you bring to bear on Mr. Dunsmuir that he should tell Mr. Wells to deliver these Crown grants? A.—I had no reason to believe that the Crown grants should not have been delivered.

Q.—Exactly. And, therefore, you were urging Mr. Dunsmuir to press Mr. Wells to deliver over those Crown grants? A.—Not necessarily urging or pressing Mr. Dunsmuir to do it.

Q.—But intimating to Mr. Dunsmuir? A.—Arguing that, when it became known to me that the Crown grants had not been delivered, I didn't know why they had not been delivered.

Hon. Mr. Eberts—*Continued.*

Q.—And you were asking, as you say, of Mr. Dunsmuir that he should tell Mr. Wells to deliver those Crown grants? A.—Well, I don't know that it went about that way, or whether he made an expression that he would see Mr. Wells about it.

Q.—You intended that the Premier should see Mr. Wells and ascertain the reason why the Crown grants would not be delivered over? A.—It was not a matter of my Department.

Q.—But it was a matter connected with the Government? A.—It was a matter connected with the Government.

Q.—In which they were very deeply interested? A.—Yes, they were.

Q.—And, as an energetic member of the Ministry, you wanted to see this properly carried out? And cannot I take it as a conclusion that you wanted the Premier to insist upon Mr. Wells handing over those Crown grants? A.—I don't know that you could, in that way.

Q.—It goes too far? A.—I should think it goes too far.

Q.—You intended to give Mr. Dunsmuir the benefit of your opinion, so that he would use that with Mr. Wells; is that not it? A.—I don't know. The Premier would have his own opinion on the subject; he knew all about the land grants.

Q.—Did he have any conversation with you with regard to the opinion at all? A.—The Premier knew about all these matters.

Q.—But he had a talk with you? A.—The Premier knew about these lands in December, 1900. He presided in 1900 when these matters were discussed in the Executive.

Q.—But about the Crown grants? A.—He presided in September of 1901, when the form of these Crown grants was agreed on. The Premier, Mr. Dunsmuir was there, and I suppose he understood something about it.

Q.—Why was the matter brought up and explained to him? A.—Explained to him? Does not every member of the Executive know when the whole matter is talked over? Are not all matters talked over in the Executive? A thing is not shoved down under your nose and say "sign that."

Q.—But Mr. Wells says he was asked to sign this very thing already prepared. A.—What is the use of saying that. I don't understand that at all. You mean to say a man brings down a recommendation in my Department and says, "sign that," and I go and sign it? It is not reasonable at all.

Q.—I know; but we just want to get the facts. A.—But I don't want you to think that Mr. Dunsmuir does not understand his work as Premier of the country.

Q.—Did Mr. Dunsmuir give you any reason why he thought the Crown grants should be delivered over? A.—He never alleged any reason why they should not be handed over.

Q.—At that time? A.—He did not.

Q.—But he alleged no reason why they should be? A.—Why, he had no reason to allege; no other reason than that they should be, from the fact that they were duly carried out.

Q.—Well, didn't he discuss the Montreal proposition with you at that time? A.—He did not.

Q.—He did not say anything about Mr. Wells' mission having been a failure and you could not hand those Crown grants over? A.—He did not. He never mentioned a fact when he spoke to me in reference to Mr. Wells' mission being a failure, or the fact that Mr. Wells had not delivered those Crown grants over because the C. P. R. would not enter into an agreement to build to Spence's Bridge; it never was talked of.

Q.—At any time? A.—At that time, no.

Q.—How often had the Spence's Bridge matter been brought up, Mr. Attorney, before Mr. Wells went to Montreal? A.—I don't know; it might have been brought up once.

Q.—Not more than that? A.—I don't think so; once or twice. Just generally talked of. It was more of a—

Q.—A little by-play? A.— —political proposition than anything else.

Q.—It was not brought up in serious earnestness? A.—Well, Mr. Wells thought that he could induce, or get some consolation from Sir Thomas Shaughnessy with reference to that line.

Q.—That would be on the 24th, when you were discussing, on the 24th of October, Mr. Attorney. At any previous Executive? A.—Not necessarily on the 24th of October.

Q.—Well, previous to that? A.—I think it was talked of once or twice.

Q.—Brought up by whom; by Mr. Wells? A.—I think it was by Mr. Wells.

Hon. Mr. Eberts—*Continued.*

Q.—So that what you want to tell us, on the 24th of October, it was nothing new about the Spence's Bridge matter; is that it? A.—About trying to get the C. P. R. to go to there?

Q.—Yes; it was nothing new? A.—No, it was not new.

Q.—And, therefore, was it reasonable that it should be entered into negotiation when Mr. Wells went over to Montreal? A.—I don't know that it should be entered into as a term of negotiation. As far as I understood, he was not clothed with any such power at all.

Q.—That is what you say. Now, then, how many conversations had you with Mr. Dunsmuir relative to the delivery of these Crown grants? A.—I couldn't say.

Q.—Mr. Wells says that pressure was being brought on him by the Premier to deliver those Crown grants. Had you anything to do with getting Mr. Dunsmuir to go and see him? A.—I think I spoke to Mr. Dunsmuir about the matter.

Q.—Yes, naturally enough. So that Mr. Dunsmuir had not got those Crown grants delivered over. Well, when they were not delivered over, did you take any step at all? A.—Oh, I think that was a very short time before the rescision Order.

Q.—The rescision Order is on the 18th of March. Now, when did you first hear of this Montreal incident? A.—When did I first hear of the Montreal incident?

Q.—Yes, with reference to Mr. Taylor and Mr. Wells? A.—I think that was just before the 18th of March.

Q.—That would be about the Saturday previous; is that it? A.—I think so; very close by there.

Q.—And you did not tell Mr. Taylor of the occurrence? A.—I did not see Mr. Taylor.

Q.—Because you had not the time to tell him? A.—I hadn't the time?

Q.—Yes. A.—I didn't say anything of the kind.

Q.—You hadn't seen him? A.—I hadn't seen him.

Q.—He was out of town? A.—I don't know whether he was out of town; he might have been; but, to my knowledge, I did not mention that to him at the time.

Q.—Now, Mr. Dunsmuir did tell you in the Executive, did he, why these Crown grants had not been handed over? A.—No, he did not.

Q.—Well, was there a meeting of the Cabinet or a meeting of the members, not an Executive, where Mr. Dunsmuir did tell you the reason why they had not been handed over? A.—No, there was not.

Q.—Did you have one meeting on the 18th of March? A.—Well, yes, we had a meeting on the 18th of March, certainly.

Q.—Was that an Executive? A.—Well, I don't know what you constitute an Executive.

Q.—Well, was it called as an Executive, Mr. Attorney? A.—I received no notice of it at all.

Q.—Do you know whether any of the others had received any notice? A.—I couldn't say.

Q.—Was it a peculiar thing that you had not received notice? A.—If it were an Executive meeting, of course it must have; it turned out to be an Executive meeting because they did do something.

Q.—Well, isn't it a peculiar thing that you did not receive an invitation to go to that meeting on the 18th of March, 1902? A.—I thought so.

Q.—And did you fail to express your opinion on such treatment? A.—Did I fail to express my opinion on such treatment?

Q.—Yes; to the Premier and the members of the Executive? A.—At that time?

Q.—Yes. A.—Well, I didn't know it was an Executive.

Q.—Well, what object had they in not asking you to be there? A.—I don't know whether they had any object in not asking me to be there.

Q.—What time in the day was that meeting held? A.—I think it was in the morning.

Q.—Where? A.—In Mr. Wells' room.

Q.—What time in the morning was it? A.—Some time after 10 o'clock.

Q.—That was after you got into the building. There was no notice in your room calling the meeting? A.—I don't remember.

Q.—No telephone message at all; but you came down to Mr. Wells' room? A.—I went there to see his private secretary, in his office.

Q.—Did you want to see him about some matter? A.—I was going to see him about some matter.

Hon. Mr. Eberts—*Continued.*

Q.—Did you telephone to find if he was there? A.—I did not.

Q.—Just walked in? A.—Mr. McNeill was there and told me that the members of the Government were inside.

Q.—You cannot tell us whether it was an Executive or not, that meeting? A.—Whether it was an Executive?

Q.—Yes. A.—It must have been an Executive.

Q.—You consider it an Executive? A.—They did work as an Executive there.

Q.—You consider it as an Executive? A.—Well, it turned out so, Mr. Helmcken. You don't have to actually write to each member every time you hold an Executive meeting; you may go around and tell the members that there is going to be an Executive at such and such a time, and if there is any business you can transact it. You may have an Executive at any house in town. We have had Executive meetings in the Driard. We have had Executive meetings, I think, at Colonel Prior's own residence.

Q.—Might word not have been left in your office asking you to come down to Mr. Wells' room? A.—Word might have been left; but I had no notice of it; that is all I know.

Q.—Well, we will treat it as an Executive. At that meeting, then, did Mr. Dunsmuir give the reason for the non-delivery of these Crown grants? A.—Well, I have told you what took place there.

Q.—He did give the reason for the non-delivery? And then you had an interview with Mr. Taylor immediately after that? A.—I did.

Q.—Would that be at luncheon time? A.—Well, I can't tell what time in the day it was; it must have been before the House met; probably before the House met.

Q.—What did Mr. Taylor say to you, Mr. Attorney? A.—Mr. Taylor was very indignant and said it was a lie.

Q.—Did he mention anything further than that? A.—Oh, I can't say what he said; it is difficult to say what he did say just at that time. He was very much put out about it.

Q.—Did he say anything further with regard to what really did take place in Montreal? A.—At that time?

Q.—Yes. A.—He said that the story that I had brought to him was a lie from beginning to end, and he would like to go before the Executive. And he expressed a hope that something like that would be said outside, so that he could take it up.

Q.—Well, did Mr. Taylor tell you exactly what did occur in Montreal. A.—Well, he spoke to me of seeing Mr. Wells in Montreal.

Q.—Precisely; and anything that Mr. Wells told him? A.—Something in the nature of the conversation that he has given here.

Q.—Yes; but what he tell you on that occasion? A.—Well, I forget just the words; that it was a different proposition altogether from that he had approached Mr. Wells. He led me to believe that it was the other way.

Q.—But you don't know exactly what Mr. Taylor did tell you? A.—I cannot remember the words. I know he was raging, anyhow; I had very little time with him, and I went back to the House in the afternoon.

Q.—Previous to that, had you had any conversation with Mr. Taylor as to what was done in Montreal? A.—I had not.

Q.—None at all? A.—Well, after Mr. Taylor came back from Montreal?

Q.—Yes, that is what I mean. You never had any conversation with him at all. A.—Well, I did.

Q.—Immediately after his return? A.—Well, some little time after he returned.

Q.—I mean apart from the incident that you are talking about now; had you any conversation with Mr. Taylor previous to that? A.—Yes, I had.

Q.—How long previous to that? A.—Well, I couldn't say how long.

Q.—Some short time? A.—I should think a month or two before that.

Q.—A month or two. Well, did Mr. Taylor tell you that the Crown grants had not been delivered? A.—No, he did not.

Q.—Did he tell you anything about what he had learned in Montreal? A.—He did not.

Q.—So that he never told you anything about meeting Mr. Wells over there? A.—Yes, he told me that he had met Mr. Wells in Montreal.

Q.—And anything in connection with the delivery of the Crown grants? A.—No, he did not.