

# The Victoria Times.

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## EBERTS BROKE IN ON THE EXECUTIVE

### HE WAS NOT ASKED TO TAKE PART IN IT

#### The Attorney-General Checked in Giving What Took Place at Council Meeting.

#### Mr. Duff and Members of the Committee Satisfied There Was Nothing Improper.

(From Friday's Daily.)

Before the committee yesterday there was an exciting scene when Attorney-General Eberts proceeded to tell what took place in Mr. Wells's room just pre-

early settlement of the subsidy matter. It further stated that the matter was referred to Mr. Wells to make recommendation for action. Mr. Prentice left for Rosland on August 8th. This was probably connected with the letter dated 2nd August written by Mr. Turner.

He thought that at the executive meeting of 10th August, 1901, Mr. Turner, Mr. McBride, Mr. Wells and himself were present.

The minister's recommendation could reasonably have been expected to have come before the executive between August 2nd and August 10th as previous to August 2nd Mr. Wells was absent.

Prior to July 31st when Mr. Brown's letter was submitted to the government he could not remember any arrangement with Mr. Brown.

He could not say when he first heard of the suggestion of the transfer from the British Columbia Southern to the Columbia & Western. He did not know whether it was a proposal from the government or from the company. He got his knowledge of the matter as well as he could remember from the recommendations coming before the executive and the general talking over it in the executive.

He remembered one meeting in his room when he was lying on a couch with rheumatism. The members of the executive came there with plans. He understood that there was to be a large saving in acreage by this transfer. He under-

stood that his recommendation came really as the result of executive action. Mr. Duff pressed for an opinion as to that.

Mr. Eberts said he preferred not to answer it. It was a matter of recollection on the part of Mr. Wells and himself, and after two years' time it was difficult to say for certain what took place.

Mr. Duff called attention to the order-in-council of 10th August, 1901, being executed and signed on 28th August.

Producing the memoranda accompanying the order-in-council of 10th August, 1901, Mr. Duff pointed out that there were evidence of a press copy having been taken of these.

Mr. Eberts said that he never made copies of any such recommendations. He did not know that it was the practice of other ministers to do so.

Mr. Duff brought to the attention of Mr. Eberts that a dim copy of his signature appeared on the back of the last copy.

Mr. Eberts acknowledged that the impression was a copy of his signature. Mr. Duff pointed out that it was apparently impressed there in the Attorney-General's signature being taken off some other documents which had been in the same letter press. He was questioned closely respecting it, but the Attorney-General denied all knowledge of how it could be there. He had not spent, he said, since he became Attorney-General, a week altogether in the office of Eberts & Taylor. He had not even a table in the office. He could offer no explanation of how this signature could have come to be there, and he expressed a desire to know how it could have happened.

The day Mr. Wells went to Montreal he, Mr. Dunsmuir and Mr. Wells, had a conversation in Mr. Wells's own room. Mr. Wells said he was going to Montreal, and was taking the crown grants. Mr. Wells sent for Mr. Dunsmuir, it

line should be built by the company costing \$10,000,000. "The line to Spence's Bridge was one Mr. Wells always wanted. There was a great deal of friction in our ranks on the Coast-Kootenay road." He knew that when the matter came up in the House several men in their ranks took objection.

Mr. Helmecken called attention to the use of "men." It was usual to refer to them as "honorable gentlemen."

Mr. Eberts excused himself, and said he meant to say "members of the House."

It was deemed advisable to get Mr. Wells when he was in Montreal to bring up this matter of a line to Spence's Bridge. He never heard any suggestion as to the amount of subsidy to be given.

It was often spoken of as being advisable to give a subsidy because it would open up a fine tract of country—better than by the Hope mountains. He never remembered that it was suggested that the C. P. R. should be asked to build without a subsidy.

Mr. Wells came back in the early part of December. "I first heard of the crown grants being brought back after the House met," said Mr. Eberts. "Mr. Brown told me. He said Mr. Wells had not delivered the grants. I don't know that he asked me to see Mr. Wells or Mr. Dunsmuir about it. I spoke to Mr. Dunsmuir, and Mr. Dunsmuir spoke to me about it. I always believed the grants should be delivered, and I went to Mr. Dunsmuir. I repeatedly told Mr. Dunsmuir they should be delivered. Mr. Brown was pressing them all for the delivery. The House met 20th February. Mr. Dunsmuir did not say anything to me at the first interview about any conditions being connected with the delivery."

On the first occasion when he and Mr. Dunsmuir spoke about this Mr. Dunsmuir did not propose that he (Mr.

Mr. Brown said: "I assure you, Mr. Dunsmuir, that there is not a word of truth in it."

Mr. Duff asked how Mr. Brown could be supposed to know anything about this.

Mr. Eberts said he never understood that Mr. Dunsmuir charged himself and Mr. Brown with being in it. He did not go to Mr. Taylor after the first meeting and mention it to him. He did not go to Mr. Brown about it. "The first day Mr. Dunsmuir would not tell me who told him or the names connected with the stories. I understood that the stories reflected upon myself. I never understood that my name was implicated in these stories or that Mr. Brown was implicated in them."

"I told Mr. Dunsmuir I could not believe there was a word of truth in it, and I thought Mr. Dunsmuir did also. He gave me nothing to understand that he intended to take public action."

He thought this took place the day before the rescinding order-in-council. He was present at the executive meeting but a short time when the rescinding order was passed. He was not asked to be present at the meeting. He got no notice. It was in Mr. Wells's office. There were present Mr. Dunsmuir, Col. Prior, Mr. Wells and Mr. Prentice. "I went down to Mr. Wells's office on business. Mr. McNeill said the executive was meeting and I went in. I was not half a minute when Mr. Dunsmuir said to Mr. Wells: 'now tell Eberts what you told me.' Wells stuttered and stammered."

Objection was raised at once by Mr. Helmecken, who said that if what took place in an executive meeting was to be made known that the committee should know the business of all the executive meetings.

Mr. Clifford wanted it decided whether this was an executive meeting, as hither-

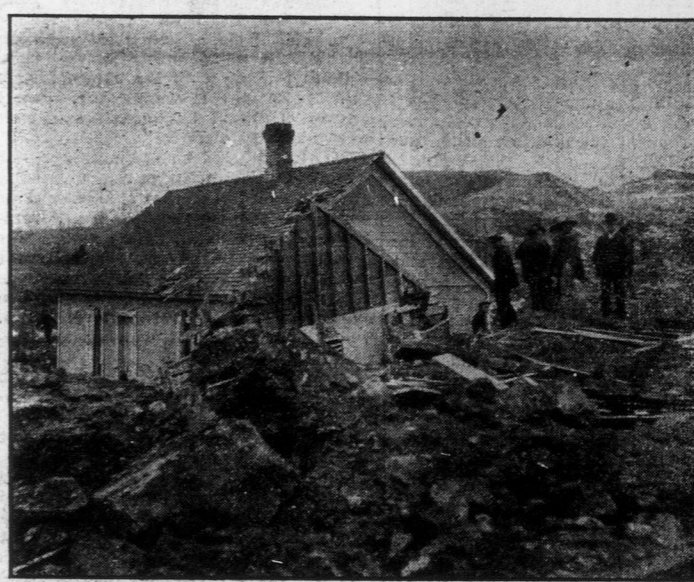
to a great many matters the ministers had discretionary power.

The commission adjourned until this morning.

At the opening of Friday's sitting of the Columbia & Western inquiry, Mr. Duff brought up the subject of Mr. Eberts's signature being impressed upon the last sheet of the memoranda. He explained that Mr. Eberts, after the committee rose last evening, brought to the attention of himself and others who were present an explanation of it. Mr.

Mr. Eberts said that was not exactly the way it came up. "I did not ask Mr. Wells. I told him I was going to tell Mr. Taylor."

Mr. McPhillips said he had made a



THE FRANK DISASTER—A WRECKED COTTAGE—SEEKING FOR ITS OCCUPANTS.



THE FRANK DISASTER—DIGGING OUT THE DEAD FROM THE RUINS.

vious to the cancelling of the crown grants. Exception was taken to the statement of what was regarded as taking place in the executive meeting. Finally Mr. Eberts said he would not make the statement.

The Attorney-General said that minutes were sometimes kept of the executive meetings. There was a difference in the policy of ministers in this respect. A recommendation of a minister when passed upon was signed by the president of the council.

Mr. Duff asked if Mr. Eberts remembered the executive meetings of 31st July and 2nd August, 1901, when the letter of Mr. Brown to Mr. Wells was considered.

Mr. Eberts remembered a letter of the character shown him coming before the meeting. He could not remember that Mr. Dunsmuir was present, but he thought he was as there was a very important matter concerning changes in the cabinet at the time.

About that time he recollects that Mr. Dunsmuir was preparing to leave for Alaska. This matter he thought was referred to Mr. Turner for action. Mr. Dunsmuir left on 5th of August, 1901.

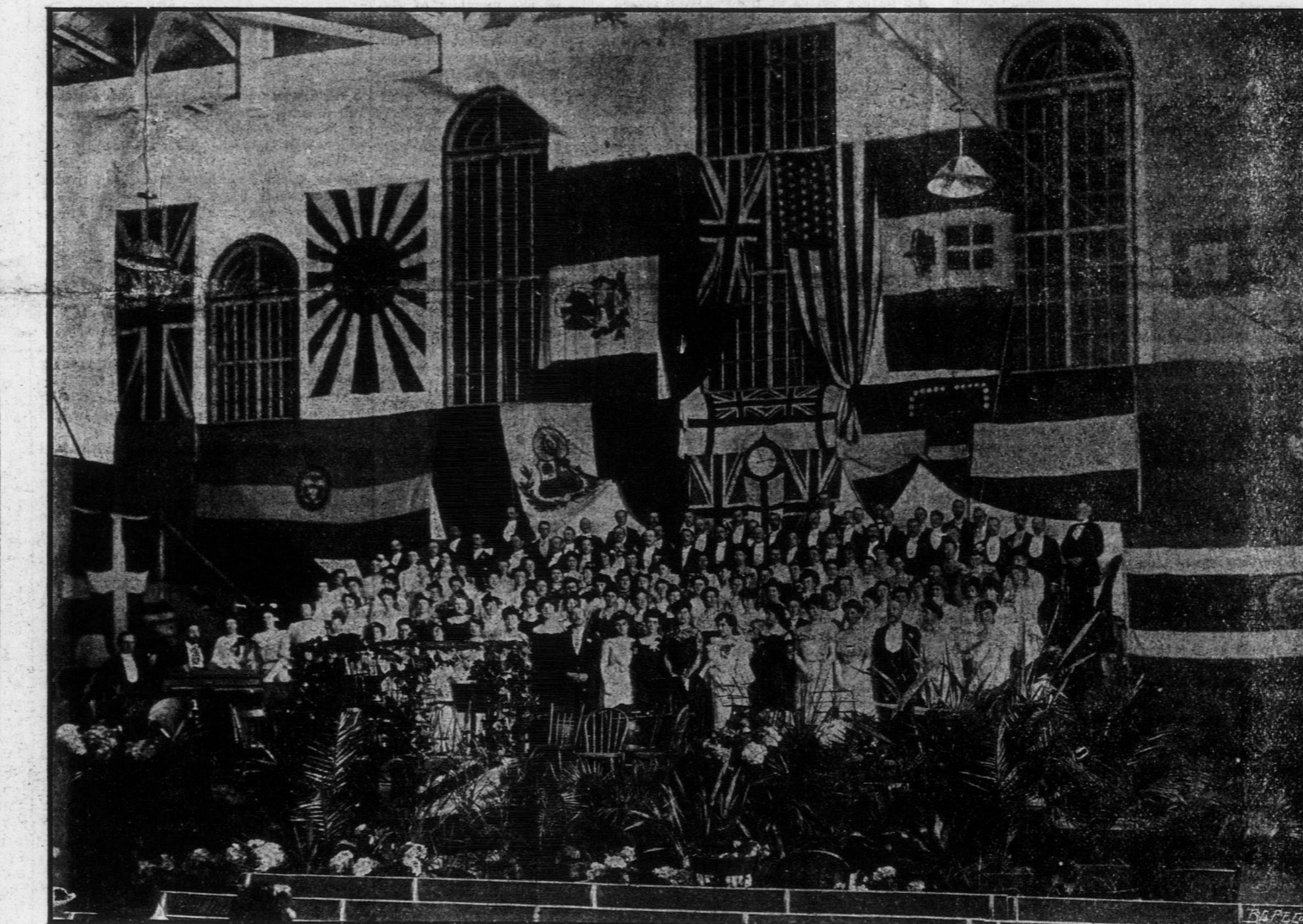
He had found a note without date which was in Mr. Prentice's handwriting. The memorandum said that a letter was received from Mr. Brown asking for an

stood that the saving would be 300,000 acres. That had considerable to do with its taking place. It might have presented itself to him and to other members of the government that these were virtually British Columbia Southern lands. The C. P. R. was well known to be the company interested. He thought that the British Columbia Southern being a part of the C. P. R. was brought forward as a reason for this transfer taking place. He made no inquiry as to whether there was any departmental information as to the value of these lands.

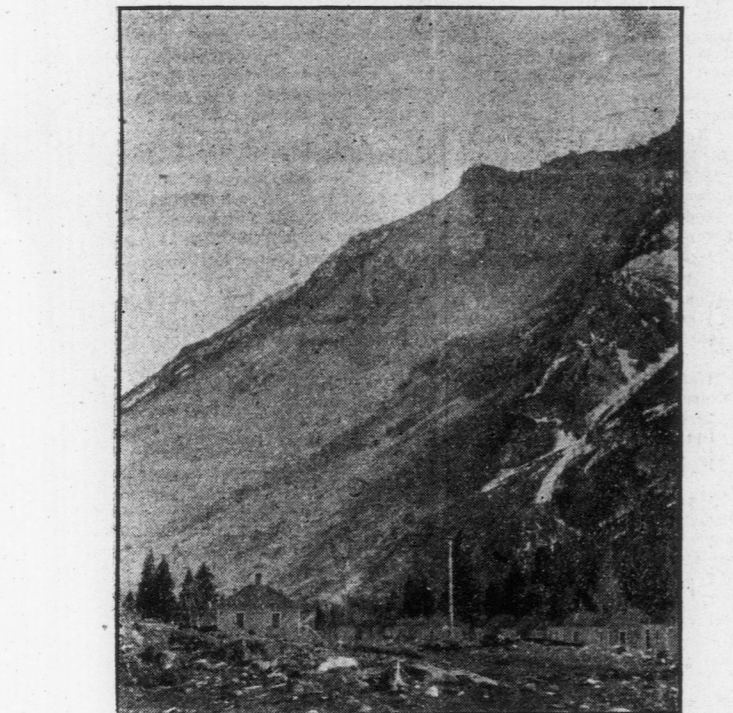
He was asked if he thought it was within the power of the executive to do this. He said that he thought it was. It then remained for the executive to decide upon the question of policy as to whether it should be given or not. That opinion might have been given before the 10th of August or at that meeting.

He had nothing to do with the recommendation of the Chief Commissioner. Sometimes the Attorney-General was asked to revise these if a question of law was involved. He was certain he had nothing to do with this recommendation.

He never saw it before it was made. Mr. Duff called to the attention of Mr. Eberts that Mr. Wells stated that the matter had been disposed of during his absence or 31st July or 2nd August, and



THE CYCLE OF MUSICAL FESTIVALS—FLASHLIGHT PHOTOGRAPH OF SIR ALEX. C. MACKENZIE—THE VICTORIA CHORUS.



THE FRANK DISASTER—THE SLIDE, SHOWING PEAK WHICH WILL HAVE TO BE BLOWN OUT.

was on the 24th day of October. At that interview the whole matter was taken up. All plans were shown, and exactly what Mr. Wells was to do stated.

Mr. Dunsmuir asked his opinion again if the government could make that grant to the Columbia & Western in that part of the country. He said as a matter of policy he did think they could. Mr. Wells said he had got Mr. Hunter's opinion, and it coincided with that given by witness. Mr. Dunsmuir seemed satisfied, and the meeting dispersed. He did not see Mr. Hunter's opinion at that time, and he did not know that Mr. Dunsmuir did.

At that interview there was no condition attaching to the delivery of the grants.

"What was Mr. Wells's reason for going to Montreal?" asked Mr. Duff. "I cannot say what Mr. Wells's reason was," replied Mr. Eberts. He believed Mr. Wells wanted to go to the East on private business.

The proposition to build to Spence's Bridge was discussed in the executive. It was believed that it would be a good thing to get Sir Thomas Shaughnessy to agree to build to Spence's Bridge.

He thought that Mr. Dunsmuir was sought in order that he might be led to give his assent to the matter. Mr. Dunsmuir expressed no dissatisfaction with it.

Mr. Eberts explained that it would be ridiculous to pass an order-in-council, issue crown grants for these blocks and send Mr. Wells to Montreal to propose that before delivery was made that a

Eberts) should see Mr. Wells. The matter to his recollection was not about that time brought up in executive.

He did not know that he ever discussed the matter of non-delivery with Mr. Wells. Mr. Dunsmuir never told him that the grants were not delivered because the railroad would not build to Spence's Bridge. He could not say when he got a reason for the non-delivery of the grants. He was not given a reason for the non-delivery of the grants before 18th March.

Mr. Duff asked if Mr. Dunsmuir ever told him that he was going to cancel the grants and to go to Mr. Wells and he would tell him the reason.

Mr. Eberts denied that Mr. Dunsmuir ever put it in that way.

"Did Mr. Dunsmuir meet you with Mr. Brown and tell you he was informed that Mr. Wells had been approached by Mr. Taylor with a proposition which has already been outlined here?" asked Mr. Duff.

Mr. Eberts replied: "Mr. Brown was not present when Mr. Dunsmuir told me about some stories that were going around. I tried to find out what these stories were. I asked him who told him. He refrained from telling me. Eventually he did tell me. I think it was the next day. Mr. Dunsmuir usually came to my office because he had not an office in the building. Mr. Brown was present, and I asked him again, and Mr. Dunsmuir told of Mr. Wells having stated that he was approached by Mr. Taylor."

"I turned to Mr. Brown and asked him if there was a shadow of truth in

to it had not been revealed. Considerable discussion followed as to whether the evidence should be taken or not.

Mr. McPhillips thought that the oath of office left a discretionary power with the ministers as to what they could reveal.

A copy of the oath being produced Mr. McPhillips doubted that the oath was legal. He did not know that there was any authority for such an oath being administered. There was, however, a clause at the close which put the discretion within the discretion of the minister.

Mr. Eberts said that every minister took that oath since the days when British Columbia was a crown colony. Mr. Helmecken said that if it was to be disclosed in one case it should be in others.

Continuing, Mr. Eberts said that as a result of what took place an order-in-council was passed cancelling the crown grants.

He understood the nature of the statement made by Mr. Wells to Mr. Dunsmuir. He saw Mr. Taylor about it after the 18th March. He told Mr. Taylor the story. Mr. Taylor was very angry about it.

"What did you tell him?" asked Mr. Duff.

The question again arose as to disclosing what took place in executive.

Mr. Helmecken thought that this having been told Mr. Taylor was a particu-

lar reason why the committee should have the information.

Mr. Wells arose and explained that when that conversation took place in executive Mr. Eberts turned to him (Mr. Wells) and asked if he could tell it to Mr. Taylor. Mr. Wells said he might do so.

Mr. Eberts said that was not exactly the way it came up. "I did not ask Mr. Wells. I told him I was going to tell Mr. Taylor."

Mr. McPhillips said he had made a

had made a letter press copy of this order-in-council a few weeks ago, and that therefore the impression was taken at that time. Mr. Duff said that he was perfectly satisfied from the explanation given that the impression had been made then and not at the time that the order-in-council was prepared.

The sheet from the letter press was produced before the committee to explain this.

Mr. Helmecken asked when this copy was got. He had had charge of the documents since the committee commenced the inquiry.

Mr. Bass said he got the copy since the matter came up in the House, but before the commission sat.

Mr. McPhillips said he had an objection to raise against the Colonist publishing in the proceedings something which did not come before the commission at all. He thought that it was wrong to put in the paper that the commission had satisfied itself that there was nothing improper in the matter when it had not passed upon it.

Chairman Clifford agreed that it was improper to have inserted that last evening. The commission had not decided upon the matter. It had now become satisfied.

Mr. Eberts raised the point that he did not know whether it was intended that the press should give in the headlines any comment upon the proceedings. He had been in the Council and represented by a headline this morning.

Chairman Clifford said the press had been warned of this. He thought that they would have to trust to the honor of the press representatives or exclude them all together.

Mr. McPhillips thought the press might have a sensational report.

Mr. Green thought the reports were very good, with the exception perhaps of the headlines.

On motion of Mr. Helmecken the commission proceeded.

Mr. Duff proceeded to examine Mr. Eberts. He asked what Mr. Eberts told Mr. Taylor.

Mr. McPhillips in support of his remarks as to what was allowed to be given out of council quoted from Magnus, in which it was reported that after the cabinet had decided to put the duty on corn that Lord Melbourne put his back against the door and asked what they decided to do, intimating that once they went out they should all give the



THE FRANK DISASTER—VIEW OF SLIDE FROM MAIN STREET.

Co. Ld. Shoes, s, Etc.

Kalambu Johnson Street.

Co., Ld., Johnson Street.

er Co. WORKS WITH August 1st, Con- MANAGER.

ce Bark Proof H. BOWES, CHEMIST, ent St., Near Yates St.

NOTICE. is hereby given that 60 date hereof we intend to the Chief Commissioner of Lands and Works for permission to following described tract of head of Works Canal, in Commencing at a post 8 1/2 S. W. corner, thence thence north 40 chains, thence along shore commencement, containing sixty acres more or less. February, 1903. GEO. RUDGE, WALTER R. FLEWIN. by given that sixty days end to apply to the Chief Lands and Works for purchase 140 acres (more or less) see Island, Rupert District, post planted on the islander Island, thence 40 of the island to the point at, including the whole area. EDWARD E. POTTS, gent, H. H. V. KOELLE, B. C., March 19th, 1902. By given that sixty days end to apply to the Hon- Commissioner of Lands and Workson to purchase the fol- lands situated on the escott Island, British Col- mencing at a post marked umber, thence north forty west forty chains, thence s, thence east forty chains commencement, and containing sixty acres more or less. P. RUDGE.