

FIRST SESSION OF ROYAL COMMISSION

Enquiry into the Matter of Sale of the Laurel Point Lots.

HIGGINS REFUSES TO ANSWER QUESTIONS Editor of Vancouver World Declines to Divulge Sources of His Information.

(From Tuesday's Daily.) The first session of the royal commission appointed to enquire into the facts concerning the sale of the Laurel Point property, and the alleged use of confidence on the part of some person in the lands and works department, took place yesterday forenoon in the main room in the parliament buildings.

Mr. Higgins was appointed official stenographer, and after the commissioner had read the appointment of the commission, Mr. Higgins asked what form the enquiry was to take.

Mr. Taylor put in as exhibits the tender from P. R. Brown, acting for W. J. Pendray, for lot 570 B, dated September 21, 1905, for \$2000; also the tender of Mrs. Logie for \$2100, dated October 1, 1905, and the receipt for \$10,000 crown grant fees.

Copies of the provincial Gazette and the Colonist containing the advertisement calling for tenders were also submitted. Mr. Higgins desired that the original tenders should be submitted and not copies, stating that it was very important that the facts should be ascertained as the result of the investigation might hinge on those documents.

Mr. Taylor suggested that if so much importance was attached to the documents they could have them prepared for inspection and photographed, and counsel could study them at their leisure.

The commissioner requested that a copy of the Colonialist with the advertisement calling the commission and a copy of the Vancouver World containing the article in reference to the transaction should be submitted. Mr. Higgins stated that he understood the enquiry was to get facts from the World to substantiate the statements that had been made in that paper. He did not wish to have the evidence taken in a haphazard way, and he thought that he should have the liberty to cross-examine on the whole scope of the investigation.

Scope of Commission The commissioner said that the enquiry was not to go into the working of the lands and works department, but to ascertain the facts concerning the sale of the Laurel Point property.

Mr. Taylor said that the commission directed an enquiry to ascertain the facts in connection with the tenders and the truth or falsity of charges of misconduct, and if Mr. Higgins intended to take up the time of the commission making accusations against the lands and works department, he should be asked to state in writing what he intended to prove, and in this manner follow out the precedent set by Sir Matthew Begbie in a commission against the corporation; and if the counsel had any charges to make, he should state them in writing and not refer to several newspaper articles.

The commissioner said he was prepared to receive into evidence the first and second of the charges contained in the editorial of the World and no further; and the enquiry would be brought down to specific charges, and not indefinitely. Hon. R. F. Green, chief commissioner of lands and works, was then called on for examination by Mr. Taylor, he said that he had charge of the department having control of the lands and works, and he had received tenders submitted by Mr. Pendray and Mrs. Logie. The tenders were rejected and the property was not sold and is still owned by the government. The reason for this was that the board of trade sent a delegation of shipmasters asking the government not to sell the property, pointing out that if the property was sold, a high building erected, vessels coming in and out, they would not see each other, and this would lead to collisions.

Continuing, he said he knew what Mrs. Brown's tender was, but had no conversation with anyone about the tenders. Cross-examined by Mr. Higgins, he said he received a tender from Mr. Brown handed him the tender in his (Mr. Green's) office. The envelope was opened and Mr. Brown showed him the amount of \$2000. Mr. Brown explained that Mr. Brown had called on him before the tenders were called for and asked if the property would be sold; and he took the matter up with Mr. Gore, who told Mr. Brown that tenders would be called for, providing they were given to understand that the figure would satisfy the government's requirements. He intended to sell the property unless the figure was a good one. It was for this reason that Mr. Brown submitted the tender open and he thought it was impossible for anyone to know the amount. The tender was in his drawer and he had placed it there. He could not remember if he had sealed the envelope before placing it in the drawer.

The tender was taken from his drawer about 1:20 o'clock October 7, and no one knew what the amount was unless they had unlocked his drawer with a key; otherwise it was impossible for anyone to know the amount. The tender was in his drawer and he had placed it there. He could not remember if he had sealed the envelope before placing it in the drawer.

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PROTECT THE JEWS. The International Alliance, whose headquarters has been moved to Odessa, has addressed a letter to Minister Bourgo, asking that ships be sent to Odessa for the purpose of protecting the Jews from the massacre. The sign of the letter include a number of the French Institute and French Academy. M. Bourgo very replied, but no ships can be sent to Odessa as the Dardanelles is closed to warships of foreign nations.

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sealed the envelope before placing it in the drawer. The tender of Mrs. Logie was received on October 7 and it was brought into the office by Mr. Gore. The tenders were opened and Mrs. Logie was present. He had not seen Mr. Brown or Mr. Pendray on October 7, but had received a telephone message from Mr. Brown asking if their tender had been accepted, and he told them it had not. Mr. Brown wished to know who it was that was higher, and how might his tender be accepted. He read the name to Mr. Brown, and he asked, "Is it a woman?" and Mr. Green replied that it was.

Mr. Brown then said, "I thought so because Mrs. James Anderson had been to his office, and from her remarks he was led to believe that she had tendered. Mr. Brown had objected to the tender being accepted, remarking: "You are not going to turn us down for that small amount?" The commissioner then told Mr. Higgins that he should confine himself more closely to facts. He pointed out that Mr. Green had said that Mr. Pendray and Mr. Brown had not suggested anything wrong.

Continuing, the witness said the delegation from the board of trade waited on him within a few days after the tenders were opened. He replied that he did not have the money, but said he knew where he could get it. He then met the attention from the hotel agent, Shesha, who accepted his advice and had her check marked at the Bank of Commerce for \$2100 and arrived at the department a few minutes before noon. He met a clerk in the office and got the information and got \$10 from Mr. D. Rogers to pay the crown grant fee.

The tender was made out and placed in the box about 12 o'clock, and he drew the attention of the clerk to the time. In reply to Mr. Higgins he said that he wrote the tender for Mrs. Logie and she signed it. He recognized the signature on exhibit. He said Mr. Anderson was not present when he spoke with Mrs. Logie that he knew nothing about the property. Mr. Anderson had been connected with the tenders it had nothing to do with the enquiry.

In reply to the commissioner, Mr. Green stated that he had tested Mrs. Brown's offer, received before tenders were called for, as a tender, and it was impossible for anyone to give out information unless his drawer had been opened. He was the only one in the lands and works department that knew anything about the tender, and any information given out could only have been given by Mr. Brown, Mr. Pendray or himself.

James S. Murray was then called on, and Mr. Higgins objected. The commissioner wanted to know what the objections were, and Mr. Higgins said that he desired to have the privilege of cross-examining him. He had not been allowed to cross-examine Mr. Green, as he had deposed in the evidence.

In reply to Mr. Taylor, witness said he was a real estate agent and was pretty well acquainted with the values of the property near Sehl's Point, as he had acted as the representative of the Sehl estate for the sale of the property near Sehl's Point. He said that he had taken a sketch of Laurel Point and was familiar with the values according to the estimate asked for by Mr. Sehl. He did not know the exact value of the property. He said that he was familiar with people putting in a tender, as he thought Mr. Pendray would get the property for about \$2000. In speaking to these gentlemen he had done so with the intention of interesting them in the transaction. He had spoken to several others, including Mr. Laird and Dr. Gibbs, and about two days before the tenders were opened he met Mr. Anderson and they talked the matter over; and he showed Mr. Anderson the sketch and then they stepped it off. Mr. Anderson then said that if he had time to go to Seattle he would get the money; and witness told Mr. Anderson that Mr. Pendray might get the property for about \$2000. He saw Mr. Anderson on Friday and Saturday morning, and he had not found anyone; but on Saturday afternoon Mr. Anderson told him that Mr. Harrison of the Driard Hotel had put in a tender.

Examined by Mr. Higgins, he said he was acting for Mr. J. Sehl and not Mr. Pendray. He knew that Mr. Pendray was the one who had the money, and was put out because Mr. Pendray completed the transaction for the Sehl property through Mr. Brown. He did not know that Mr. Pendray was selling for the Laurel Point property, but he took it for granted that Mr. Pendray would naturally want it. He said that it was not his intention to sell the property, but he might sell it to anyone. He said he had an idea that the government would play into the hands of Mr. Pendray, and he thought that the government was not mentioning the roadway, but he learned afterwards that Mr. Gore had told others about the roadway.

He did not intend to get the property, but he had never told anyone that he intended to do this. He was willing to sell to anyone, but did not intend to sell at a lower figure than what they had paid for it. Mr. Higgins asked if he contemplated that Mr. Pendray would buy the property. He replied that he thought he would at an advance on what he had paid for it. He talked the matter over with Mr. Laird, but they did not think that Mr. Pendray was the only one who might want to buy the property, and he thought that the conclusion would be that Mr. Pendray would buy it on the basis of his offer for the Sehl property. He heard that Mr. Pendray was to bid \$2000, but he thought that Mr. Pendray would bid \$2000. He saw Mr. Anderson about 11 o'clock on Thursday before the tenders were received, and he talked the matter over with him, and Mr. Anderson asked him what he thought Mr. Pendray's tender would be. Witness told him that it might be \$2000, and he thought that if he bid \$2100 it would be accepted. He was not anxious about what Mr. Pendray had bid, and he did not know where Mr. Pendray was during the morning, which was granted by Commissioner Peters; and Mr. W. J. Pendray was the next witness. Mr. Pendray put in his tender on the 21st of September for \$2100, and was questioned by Commissioner Peters affirmed that he had to take his chance with the rest of the public, receiving no inside information from the Hon. R. F. Green nor from any other source, neither had he discussed the matter of the tenders with anyone but his son, Mr. Green's statement of the facts was correct.

The next witness was D. W. Higgins, editor of the Vancouver World. "Com. Peters said he understood Mr. Higgins had published an article in the Colonist, saying the source from which the Commissioner wished to know from what source The World received this information." "Information received from proper quarters." The Commissioner.—"And what were those 'proper quarters'?" Mr. Higgins.—"I shall be betraying confidences if I name the party from whom I received the information."

The Commissioner.—"You must give this information." Mr. Higgins.—"I will not tell you unless I have to by law. I will not betray the confidences of a client. The editor that gives away the source from which he gets information, gets very little more."

The Commissioner then read to Mr. Higgins, section 12 of the Public Enquiry Act in which it is stated that "No person shall be excused from answering any question put to him by such commissioners as to the source from which he gets information, or on the ground that the answer to such question will tend to incriminate such person."

Mr. Higgins read the act carefully through. Mr. Frank Higgins on behalf of witness suggested that if Mr. Higgins could say he did not know the name of the party that gave the information in the first instance it would be the end of the question.

Mr. Higgins.—I do not. At this point the Commissioner at Mr. Frank Higgins' suggestion allowed the answering of this question to remain over to the next sitting. The witness-box, however, Mr. Higgins made this emphatic statement: "I will not give away office secrets, confidences of a client unless I am compelled to do so by law. I will prove that you can do that before the next sitting. The letter giving me the information was type-written, and I do not know whether the writer of that letter was my informant."

Mrs. Charlotte L. Logie's evidence followed in which she stated that she came to Victoria two years ago and now resides at the Hotel Driard as stenographer. She is possessed of considerable private means and Mr. Harrison acts as her adviser in its investment. On the 10th of October the Hon. R. F. Green, investing in the government lots was suggested by Mr. Harrison to witness. Mr. Taylor suggested that Mr. and Mrs. Anderson should be examined by Commissioner Peters said, "certainly," Mr. Taylor rose to say that the Andersons were at Seattle and would probably not be back until Wednesday next.

Mr. R. L. Drury, M. P., the next witness, no evidence of any importance was elicited, and the proceedings for the afternoon would have been wound up had it not been for the suggestion on the part of Commissioner Peters that all the officials in the lands and works department through whose hands the tenders for the government lots were likely to have passed should be examined.

Hon. R. F. Green, chief commissioner of lands and works, then sent out the following list of names: Hon. R. F. Green, chief commissioner; Henry Cathcart, chief clerk; Stanley Phipps, Henry G. Mason, P. R. Brown, M. P., and other permittees; Arthur Stewart, W. B. Green, Thos. Cecil Bolton, crown grant clerk; E. B. McKay, surveyor general; W. Williams, draughtsman. To these gentlemen he said some questions were put, "Do you know anything of or have anything to do with tenders for government lots?" To which in each answer he replied "No," nothing.

Mr. Frank Higgins also asked several of these witnesses whether they had often seen Mr. Anderson in the lands and works department, to which the witnesses replied that they had seen him occasionally once or twice, and that was all. The sitting then adjourned until tomorrow at 11 a. m.

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- How many Cakes of Golden West Soap will we sell between July 1st and December 1st, 1906, including both days? LIST OF PRIZES: Piano (Bell Art) Value, \$500.00 Lady's South Sea Sealskin Sacque " 325.00 Lady's Persian Lamb Coat " 170.00 Gurney Oxford Chancellor Range " 100.00 Wagon, Farmer's (Bain) " 90.00 Sewing Machine, any well-known make " 75.00 Couch, Leather " 65.00 Grandfather's Clock " 45.00 Morris Chair " 25.00 Baby Carriage " 25.00 Half-dozen Rogers "1847" Knives and Forks " 12.00 Carving Set " 10.00 Tea Set, Japanese " 8.00 A Bissell Carpet Sweeper " 4.00 Box Golden West Soap " 6.00 SPECIAL--A Pony (for School Children only, under 15 years of age) " 40.00

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Table with 3 columns: Name, Address, Amount. Includes Watson & Hall, Smith & Champion, C. A. Goodwin, Mrs. Grimmer, Mrs. D. A. McTavish, D. W. Hanbury, Rev. J. W. Laing, Mrs. Oliver, John Douglas, H. B. Robertson, McPhillips & Heisterman, A. J. Clyde, F. Foster, Mrs. Babington, J. B. McKillop, Madama Koche, J. E. Collier, A. F. Allan, Mrs. Marchant, Mrs. Simpson, Hitt Bros., Bodwell & McBride, A. Coombs, J. Sears, A. J. Mallett, Watson & McGregor, Rev. Father J. Nicolay.

Monotony Leads To Insanity Too much excitement—Too much monotony. Both these extremes are fatal to the nervous system. Diseases of the nerves often result from the excessive mental work and worry and the strife and turmoil of city life. But what leads to the paralysis, the locomotor ataxia and the insanity which comes frequently to the farmer or his wife living in rural sections, or to persons who work with machinery? It is the monotony. Whatever your circumstances, it is wise to be alert for symptoms which denote exhausted nerves, headache and indigestion, irritability of temper and weakness of body and mind, and to be sane at once the use of Dr. Chase's Nerve Food. Science has no more effective treatment to offer as a means of restoring vigor and vitality to a wasted, nervous system. Naturally and gradually the health of mind and body are built up by Dr. Chase's Nerve Food and weakness and disease are overcome; 50 cents a box, 6 boxes for \$2.50; at all dealers, or Edmondson, Bates & Co., Toronto.

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PUMPING PLANTS FOR IRRIGATION Scheme to Bring Large Areas in the Province Under Cultivation.

Mr. Maxwell Smith, Dominion Fruit Inspector, returned yesterday morning from a three weeks' trip in the interior, during which he visited all the fruit growing districts of the province, says the Vancouver News-Advertiser. His object was to report on the crop prospects for this year and the amount of fruit that would be delivered at addresses at meetings of the B. C. Fruit Growers' Association at Kaslo, Nelson, Creston, Cranbrook and Revelstok. He said that the fruit crop in the province was not so good as last year, but that it was not so bad as some people were saying. He said that the fruit crop in the province was not so good as last year, but that it was not so bad as some people were saying.

LIFEBOAT FUND. Meeting to Be Called for Purpose of Adopting Constitution.

The Lifeboat and Life-Saving Association of British Columbia having been duly incorporated by an act of the provincial legislature at its last session, a meeting is shortly to be called for the purpose of adopting a constitution and other by-laws, rules and regulations as may be necessary for the future governance and working of the society. For the purpose of holding the first meeting and all other preliminary matters prior to the adoption of the constitution that act stipulates that the society shall consist of the persons named in the said act and all other persons who shall have subscribed and paid a sum not less than one dollar to the funds.