position, is it not preposterous that he should care one brass farthing what the public think? This man had a legal adviser beside him, but he had not moral courage; he had not stamina, or experience—I do not say he was dishonest. His whole training shows, and that answer was absolute evidence, that he was not fit to perform his duties properly and impartially. Then on page 246 we have a ruling. Now here is a

MOST EXTRAORDINARY THING.

Just where your interest is excited and you suppose now that you are going to get something important, the Commissioner shuts the whole thing up and there happens a blank, and he actually stops the stenographer.

I will have something to say about Judge Maguire; and I regretted very much when speaking on a former occasion in this House I had occasion to refer to him directly because in the paper I have read his name was incidantally mentioned. But this evidence shows an extraordinary condition of affairs in regard to Judge Maguire and Judge Dugas. They are advising most improperly—the Solicitor-General will agree with me; any lawyer in this House will agree with me—most improperly advising gold commissioners privately as to what they ought to do in a hypothetical, or in an actual case, cases that may come before them in a judicial capacity; and at the same time the evidence shows these gentlemen are going to the Gold Commissioner for mining claims. This commission, this very evidence, brings out what I never knew before, that Judge Maguire was a private counsel of Mr. Fawcett, and Mr. Fawcett, as Gold Commissioner, was giving Judge Maguire mining locations. While I am attacking this commission as a commission that ought never to have been organized because the man was not the proper man for it, there is in it for anybody who will read the evidence cause for the most serious alarm, and there is proof of the most nefarious conduct, conduct so nefarious on the part of officials right and left, that if I wanted a vindication for the suspicions I have expressed already on the floor of this House, there it is in the Ogilvy commission. But I say this is far short of what an enquiry ought to be. Listen to this evidence on page 246:

Mr. Fawcett—I have here the opinion of Judge Maguire, under which I acted in subsequent cases. That is Judge Maguire's decision in a similar case, in which the purchaser was recognized, although the claim was cancelled.

There is Judge Maguire's decision in a similar case. It is not in court, this decision is an opinion from the judge of the Superior Court. My contention is that if the judge had never been interested in mining claims it would have been wrong for him to give opinions to this official. Let any man in this House attempt to get an opinion from a judge in the province of Ontario and I can anticipate the answer he would get. But what would you think if an official opinion was given to you by a judge making application for claims later on? Then, coming down to the very core of the

MOST FEARFUL SCANDAL,

getting right into it, the judge asked to enquire into this matter, saying: "Stenographers will not need to take that down." However, take Mr. Ogilvie's own opinion of what this enquiry was. He had a little contempt for it himself. On page 196 he says:

The Commissioner—No one here can explain why it was done.

Dr. Bourke—I can explain why it was done, so can Mr. Fawcett.

The Commissioner—It is only a one-sided investigation. Some of the people are here and some are in Ottawa.

This is the great Ogilvie enquiry, stigmatized by the commissioner as only a one-sided investigation. Naturally he imagined, and you will see him cutting off the evidence right through, that it was his duty to put a stop to evidence implicating John Brown or Tom Smith if they were not in court. Take the

CASE OF MAJOR WALSH;

if anything came up against him, Major Walsh was not present. If anything came up against Mr. Wade, Mr. Wade had not arrived. If anything came up against any other officer—wait, these men are either out of the country or they are returning. So he understood or misunderstood his duties. If you read pages 12, 15, 72, 74, 75, 76 you will wonder as I did, who raised this question about the 25th of August, about this limitation, put off until they got the miners out of the way, until the Miners' Committees had withdrawn, and then overruled because Mr. Fawcett wanted to come to Ottawa, and they would overlook this difficulty, they would circumvent it by saying that witnesses would have given statements that were not on oath. But that was not until these men who had asked for the enquiry were practically bowled out of court by being told that wherever there was any evidence that related to an act before the 25th of August, 1898, there was no jurisdiction in the commission, the commission should not hear it. Mr. Ogilvie, before a man had raised a question as to the 25th of August, this limitation that turned out of court the real active men in the enquiry, and left in court Mr. Fawcett to conduct this thorough enquiry to suit himself. Mr. Ogilvie says more than once in these references that I have given that this question had been raised. Who raised it? It was not raised before him, it was raised as he tells the court when they talked about a mandamus application for a mandamus to Judge Dugas, and you will find in the evidence that he had been

CONSULTING WITH JUDGE DUGAS.

Now with whom else had he consulted? He had this legal adviser, and he had the free run of the judge, and the judge was interested in mining claims, as I will show, just as well as Judge Maguire. There was this little ring, and this advice that they could curb and nip this enquiry in the bud. Then we come to the report itself. I do not hesitate to say that, if I am endeavouring to speak within the bounds of moderation and fairness, in this matter, though, I confess that the condition of affairs that confronts me is appaling to my mind. At any rate what I say I endeavour to support by reference either to the facts or to information, and the House and the public can form their own opinion. I say that no man can carefully read the evidence and read Mr. Ogilvie's report, as I have read it, without coming to the conclusion that Mr. Ogilvie has wholly proved his unfitness for the position of weighing evidence, that he has not appreciated even what crime consists of, and matters which are criminal he passes over as matters about which there is no dispute. Take a case which is referred to on page 7 of the evidence. The first day was devoted to investigation of charges of corruption against officials in the gold commissioner's office for having accepted bribes for admission into the office. The result was that a doorkeeper named Villeneuve, who was employed as a special constable in the North-West Mounted Police srvice, and who had been for some time a dog-driver, had accepted money for admitting people out of their turn into the office. No one else was implicated in any way except that some of the evidence showed that clerks had received pay from outsiders for attending to work done before and after office hours. This was so usual an occurrence that it was readily admitted, no one attempted to deny it.

There is this general and extraordinary statement, that this crime of the most serious character, this general custom of taking money before and after office hours was an offence against the provisions of the Criminal Code, that it was such a usual occurrence that no one attempted to deny it, and it forms a most important part of the evidence against the whole administration in the Yukon, that everything was so arranged and there was so much confusion that we find these clerks taking this money before and after office hours, while the whole grievance was that you could not get your work done in office hours. Matters were so arranged that according to the evidence, as stated by Mr. Ogilvie, it was a simple thing to take pay for work after office hours. The bribe was there, and whether the bribe was there or not, the criminal offence was there. This man Villeneuve, that Mr. Ogilvie so lightly speaks of, was, according to the evidence, an illiterate man. He could neither read nor write. He was put into a position into Mr. Fawcett's office, without Mr. Fawcett saying aye or no or anything about it. He was a poor uneducated man who was need for the purpose of working the pass system there.

HE TOOK BRIBES.

This man went into the box and perjured himself before Mr. Ogilvie by swearing that he had not done what Mr. Ogilvy says he did do. Mr. Ogilvy passes over the perjury, passes over the scandal of his appointment, and the extraordinary conditions connected with Villeneuve and with Mr. Fawcett that I propose to refer to in connection with this matter so lightly mentioned by Mr. Ogilvie. At page 41 is the evidence that Mr. Villeneuve could not read, and in another place it is shown that this man who was posted there to pass men into the office was engaged as a dog driver. His accomplishments fitted him for that position. That he was employed as special constable in the Mounted Police does not appear, so far as I have been able to pursue this report, that he was a dog driver appears on page 43 of the evidence, and that he was employed as a janitor without the Gold Commissioner's authority, and not under the Gold Commissioner's control appears on page 56 of the evidence. He was placed in Mr. Fawcett's office. I have no reason to say more against Mr. Fawcett, according to my information than that his weakness all through was pitiable and deplorable. He was afraid not only of the whisper of Major Walsh, but of his shadow. He hardly dared to call his soul his own.

A WOMAN'S WHISPER.

Even a woman who would whisper in his ear any direction when she came to get a privilege through the order of Major Walsh was able to get it according to Mr. Ogilvie's report of the evidence, which goes to show that Major Walsh had sent her. They broke the rules and regulations, and Mr. Fawcett seems to have been simply terrorized by Major Walsh all through this unfortunate business. Here is evidence that the officers under the Gold Commissioner, appointed to attend to the public, that the man appointed to guide and regulate the entrance of the public and other officers were not placed there by the Gold Commissioner, that they did not act under instructions, that while they acted under instructions from him he knew nothing of their duties. At page 56 of this evidence you will find that Villeneuve, this man who was convicted of being paid in connection with these passes, according to the report of Mr. Ogilvie, was one of the appointees of Major Walsh, and was under Major Walsh's instructions. Mr. Fawcett did not know that passes were issued. As is stated in his evidence at page 67, Villeneuve was told to accept passes from men passing in and out of Mr. Fawcett's office. That appears on page 56. This man, of whom Mr. Fawcett knew nothing, had to do with what and whether the regulations as to the admission of miners to Mr. Fawcett's office, which appears by the evidence at pages 31 and 45. There are references in this report to these passes that are extraordinary. Mr. Fawcett says there was no pass system. That is in his evidence at page 59.

THE PASS SYSTEM.

Mr. Foster—What was the pass system?

Sir C. H. Tupper—This pass system appears from the explanations on the pages I have mentioned to have been a rule framed for the purpose of regulating the turns of men to go in or out of the office. The official explanation is given. That is the official explanation, but the charge is, a large part of which will be corroborated in this evidence, that it was simply a plan for fleecing the public. It is simply an excuse for bribery. A man named McGill was able to play a very sharp trick owing to the illiteracy of Villeneuve. He found out that Villeneuve could not read or write. He made a pass out on a bit of paper, like that which was used and he sold it to a poor miner, getting $10 for it—a most dishonourable trick. That man handed this forged piece of paper to Villeneuve and passed on. Mr. Fawcett says: "I knew nothing of the pass system, because there was no pass system." Villeneuve is convicted of having accepted money for admitting people out of their turn into the office, but poor Villeneuve, I do not think has been properly looked after or defended. He was working under Hurdman, as he says. He was told to take these papers and on one or two occasions, of course, he took the money instead of the passes. However, Fawcett says there was no pass system, but mark you Mr. Fawcett admits at the same time that Villeneuve was told to accept passes from Hurdman and Bolton, two of his clerks. If my recollection serves me right, this gentleman who exercised so high functions under Mr. Fawcett, Hurdman, who was delegated with all the powers of the Governor-General in Council, as well as the powers of the Minister of the Interior, was a $2 a day man. That was the amount we had to pay for an officer to discharge these high duties. Fawcett admits that Villeneuve was told to accept passes from Hurdman and Bolton, and I do not know how poor Villeneuve could tell the pass from one or the other, and McGill found out he could not, because it was one that was neither from Hurdman nor Bolton. Let us see about the pass system. It is a

MOST EXTRAORDINARY BUSINESS

and while Mr. Ogilvie in the innocence of his heart refers to it in the light manner I have mentioned, the charge is that all this was an organized system of corruption, and that not merely did McGill make money out of it but that men in the service of the Government made the money that induced them to stay there for $2 a day which everyone knows would not keep them in Dawson City. Bolton, one of the officers, says about the pass system, at page 63:

This poon illiterate wretch, Villeneuve who was proved to have been guilty of being bribed right and left, had, according to Frank Gibson, a clerk in the office, the regulation of miners to the office. Can it be doubted that there were not men behind him. You have the office presided over by Mr. Fawcett, but you have Major Walsh putting in charge a man who is permitted and enabled to manipulate and manage an affair of this kind and to make money out of it. I refer to pages 107, 108 and 123 of the evidence if they wish proof of this.

GAGGED WITNESSES.

I wish to call your attention, Mr. Speaker, to an extraordinary stop in the examination at this point. The commissioner passes it over lightly and as I have said he seems t have forgotten that the evidence which he passes over so lightly and which was well known to have occurred happens to constitute a crime under the Criminal Code.

On page 114 there is an extraordinary stop in the testimony which was leading up to an important fact, and a fact which I propose to charge. E. D. Bolton is being examined, and he admits a peculiar thing. I make the statement now that another private letter seems to have arrived which we have not had brought down to the House. Bolton states that the officers were told by Mr. Deville in a letter that they could not take up claims. I make that statement here so that it may be corrected if it is wrong. In view of the announcement by the Minister of the Interior that there were no instructions outside the conversations he had with Wade, I want it to be observed that one of the most curious things in the history of this whole business is not merely the private correspondence, but the keeping away from this House at this late period of the session the kind of information that this evidence shows did exist and is in existence and which would be most material. I refer to minutes of Council in the time of Major Walsh, and I have not seen one of them laid on the table of the House.

You will find Mr. Ogilvie interrupting the men who preferred these charges; you will find him confining them and limiting them; and you will find him asking questions right and left by way of cross-examination on the part of the defendant; but you will not find him assisting to find out anything. But I will do Mr. Fawcett the justice to say that he did

FASTEN UPON MAJOR WALSH

very effectively, so far as an enquiry of this kind could do it, in the absence of Major Walsh, a charge that was attempted to be put on his own shoulders. Again, there is an important reference on page 53 by one of these clerks as an excuse for all the irregularities, and troubles, crime and confusion that was permitted to exist in those offices. The charge of parties who owned interests there, intelligent men, was that the system was such that corruption was the easiest thing in the world, that men were able to charge for this, that, and every other item, because the system lent itself to such opportunities.

Now, I refer again to Mr. Ogilvie's report—and I think it is a matter for comment that in regard to a serious charge, this is what he says, and this is all he says:

"A charge was brought by the people of Nugget against Mr. Fawcett for having improperly issued a permit to prospect to Mrs. Emma Koch. The evidence shows that Mr. Fawcett misunderstood this woman, who didn't at the time she applied for the permit use very good English. The act of granting the permit was, we will admit, improper, but there was nothing to show that Mr. Fawcett in any way benefited by it, or any of his friends, Mrs. Koch being an utter stranger to him."

MRS. KOCH'S CASE.

I say that any man who has a head on his shoulders and is not biased, sitting down and reading the evidence in regard to that permit to Mrs. Koch, will say that Mr. Ogilvie, as he shows himself in that sentence, was absolutely biased, was not a man who should have been entrusted with this enquiry, and was endeavouring to shield not only the people immediately connected with that matter, but Major Walsh, who was connected with it in the most disgraceful manner, and even Mr. Fawcett does not come out of it very well. I will give you references to show that Mr. Fawcett first denied and afterwards admitted it, and when he admitted it he drope back the responsibility on to the shoulders of Major Walsh. It lets a flood of light into the system that prevailed under Major Walsh and shows the manner of man he was, the things he dared to do, the influence of this woman upon him, the manipulation he practiced, and the most arbitrary conduct on his part. It shows the fear and terror which Mr. Fawcett had of Major Walsh. Now, I will come to the evidence. Take first, the charge and the direct positive given by Mr. Fawcett. Then, when he found himself in such a position that a direct negative would not do, he comes finally to the man who is responsible; but the name of that man is not mentioned by Mr. Ogilvie nor is a suggestion made that there was anything improper upon the part of Major Walsh in this matter.

MAJOR WALSH'S CONDUCT.

I am going into this matter, for it is very important—one of the most important matters that has come up in the inquiry. The charge at the Interior will remember the case of Nelson & McDonald, and he will not be able to reconcile the evidence of Major Walsh in that trial with the evidence of Mr. Fawcett in this case as to who was responsible for the closing of Dominion Creek. We have Mr. Fawcett there putting the whole of that responsibility on Major Walsh, and we have Major Walsh in the case of Nelson & McDonald saying that Mr. Fawcett had acted and that he concurred in the action which Mr. Fawcett had taken. As I have a very long task ahead of me the shortest way is to stick to the very evidence. This is Mr. Fawcett's own statement:

"The facts of the matter are these: From the beginning there was a difference between myself and the commissioner in reference to the closing of Dominion Creek hills and benches. People had been permitted by myself to prospect these hills and have their applications at the office, nothing preventing them from renewing their certificates except that the returns of survey had not yet come in, and these returns would aid in identifying these hills to show where they were.

DOMINION CREEK.

Before going on I may say that I have no doubt, and I submit it to the lawyers of this House who have followed the regulations in this matter, that Mr. Fawcett was correct—that there was no authority to close these creeks, that the regulations contemplated nothing of the kind. If that may be correct, it leads itself to the imputation of corrupt motives on the part of Major Walsh; and of corrupt motives and corrupt conduct on his part I have not the slightest doubt after reading the evidence.

Mr. Fawcett went on to say:

"So that this lady comes to me on the 27th of May (I think some time then) one morning after I had had information about the closing of these hills and she says, 'Major Walsh says I have to have a permit to prospect on Dominion hills, creeks and benches.' Well I told her I knew about no permits; I had heard nothing about any permits. About an hour after, Major Walsh came to me and said 'I think we will issue permits for Dominion Creek, hills and benches;' that was the first intimation I had had of any permits being issued. 'All right,' I said. Of course I came to the conclusion that they concluded I was about right, and to prevent a hasty stampede they had accordingly decided to give a permit to any one who came.

About an hour later

MAJOR WALSH'S COOK

comes back and says, 'Major Walsh says I have to have a permit.' I was very busy at the time, and unthinkingly wrote on a piece of paper: 'This will permit the bearer to prospect any section of ground on Dominion hills and benches.'"

This is the way in which the business was conducted. The public were notified that not a soul could get in there, but a whisper from Major Walsh's cook was all that was required for her to obtain a permit of this character.

He would give Major Walsh's cook a permit, but when it came to giving his friends a permit, he said, I told her to bring me a written order from Major Walsh saying that a permit should be granted. And as near as I can remember, shortly after she came to get a permit for her husband or some other friend. I told her to bring me a written order from Major Walsh saying that a permit should be granted. I had had time to think the matter over a little. Major Walsh came down a few minutes later and he said: 'Did you give Mrs. Koch a permit?' I replied, 'She came and told me you said she was to have a permit.' He says, 'I will have to get it from her; we will have to appoint a time for the issuing of these permits, and there will have to be public notice given.'"

Do you suppose he got it from her. She not only kept the permit, but as the record shows the remonstrance on the part of Major Walsh was exceedingly weak and she followed the permit by a claim. She got all that she wanted.

Sir Louis Davies—That is not the evidence. Read a little further on.

Sir C. H. Tupper—I will come to that and am only too glad to be corrected.

Sir Louis Davies—I notice that just two lines below the evidence is directly the contrary.

Sir C. H. Tupper—By Mr. Fawcett.

Sir Louis Davies—Yes, the cook got nothing on her permit.

Sir C. H. Tupper—The hon. gentleman had better leave me alone, not that I complain of interruption—but if he is a friend of Mr. Fawcett he had better refrain from interrupting, because Mr. Fawcett admits that he was mistaken when he said in his evidence that she got nothing on her permit. I shall read the few lines to which he refers:

"So he departed and I expected, as he and Mrs. Koch seemed to be particular friends (I think she cooked for him) I thought she would get the permit from him. The end of it was that Mrs. Koch got nothing on her permit; she got no claim; she has received no claim yet on account of that permit. That is the full explanation of the matter."

The Minister of the Interior would not have made that interruption. Later on Mr. Fawcett admits that he was entirely mistaken and that she did get a claim recorded on that permit. Bear in mind that the cook of Major Walsh got this permit—for there were cooks and Indians and brothers of Major Walsh who all figured in this matter of taking up claims. This was his friend, the cook, but he had more friends than the cook. There was a Mr. Charbonneau, and there are Indians, and there are brothers who were benefited, and

I CHARGE THE MAJOR

with having been interested with the brothers, but whether that be so or not we have this fact that these people whom he took up, or whom he was the ruler, were manipulating claims and manipulating officers by whispering in the ear such as this cook did with Mr. Fawcett. Mr. Fawcett thought she got no claim, that she took nothing by this, but she knew a little better than that, and he admits she did, and when she showed him that she did get a claim.

Here Sir Hibbert Tupper quoted the evidence given by Mrs. Koch before the Commissioner of enquiry, in which she said that she got the permit from Major Walsh and that Mr. Fawcett did not want to record it.

FURTHER TESTIMONY.

There is further testimony as to how the public were treated in regard to this matter, showing most extraordinary conduct on the part of the authorities. From the quotations to which I have referred, it would look like an honest explainable transaction, but there was a most extraordinary course attempted. Mr. Fawcett placed the whole matter upon Maj. Walsh; and Maj. Walsh, on Nelson and Donald, who, as I recollect it, placed the onus upon Fawcett and Semple concurs in the main with Fawcett in the action he had taken. But the truth was that, contrary to the law, and contrary to the regulations, Major Walsh, or Mr. Fawcett, or both one says the other and the other says the one undertook to make a ukase, an order, that for a certain time, all the claims on a valuable creek should be withdrawn from the public.

Then some of these people, like the cooks and their employers and some policemen, I I recollect right—and I will correct my memory by referring to the page—got notice, and out they rushed—Indians in the employ of Major Walsh, interested with Major Walsh's brother, directly representing, as I believe Major Walsh himself, Louie who was away, and Phil, who was with him, and under written agreements—got notice ahead of other people that this embargo is off, that the creek is open, and when the advertisements are being prepared there is carelessness in the office, and the result is that this woman, this ignorant woman, is able to get great advantage over the general public, and as are others who are in the ring getting an advantage over the general public. If these facts are true—and I am referring now mainly to this evidence—a greater scandal could not have possibly occurred in the administration of the Yukon.

After recessfi Sir Hibbert Tupper continued his speech and said: On page 88 of the evidence I find this extract from the evidence of Mr. Fawcett:

Q—When was that privilege stopped on the Hillsides? A—The 30th of May.

Q—What led to it? A—A resolution by Major Walsh and his council.

Q—How was that council constituted? A—The commissioner was the council himself but there wer other members of the Administration when he parties in for consultation. He sometimes sent written requests that he should call upon him. On this occasion there were present Messrs. Wade, Bliss, McGregor, myself and Mr. Pretlulie, who acted as secretary for what ever was done.

Then on page 89 the following appears, speaking of the order that was posted up:

Q—Did you issue it? A—Well, on one occasion Mr. Pettullo came with a notice asking me to sign it. It was in relation to closing the Hillsides, but I objected on the ground that it considered there was no basis for the Hillsides being closed; I still maintained my objection to what had been done in council as gold commissioner and I refused to sign the notice.

From my point of view Mr. Fawcett was then acting with due regard to the law of the land, said Sir Hibbert.

Mr. Walsh went and summoned me before him and he gave me a very strong reprimand. As near as I can remember he said: 'Mr. Fawcett, I want you to understand that it is impertinent on your part to question anything that has been decided in council and when I sent that notice for you to sign, I want you to sign it.' On the spur of the moment I signed this notice without reading it.

Q—Were you not simple in not reading it? A—Yes, I was simple; I acknowledge this.

Q—Does you think you should have kept a copy for your own protection? A—I never thought of the thing at all.

Q—Do you think you should have made a copy of it before you let it go? A—Well, I never thought anything would arise out of it. I didn't think any blame or weight would be attached to me. I had no idea there was to be any change in what Major Walsh seemed to be so resolute in passing.

That was in reference to what has gone before, this extraordinary exercise of arbitrary authority on the part of Major Walsh in closing this creek. Then his equally extraordinary interference in opening it for his cooks and those who happened to be in his good graces.

Witness continued: I had no idea there was to be any change in what Major Walsh seemed to be so resolute in passing. When I signed that I thought I was carrying out what was passed in council.

These words "in council" are misleading, said Sir Hibbert. There was no council. These officers who were called in were nothing more than tools of Major Walsh. They were his subordinates and they were officers of very inferior position. They were under his authority and subject to his order and they went, this motly gathering called the council.

Then this evidence goes on to say: Q—What was in this notice. A.—It stated that on and after 11th July permits to prospect beach claims on Dominion creek would be granted for prospecting and staking, and I think there was something that applications would be accepted if approved of by the mining inspector. Referring to page 90 the commissioner asked: Q—It is necessary to get a copy of that notice; would you procure a copy of it, Mr. Fawcett? That notice, you say, was posted about the 30th of June. A.—Yes, I think it was posted about that time.

Q.—Was the intention of that notice carried out? A.—No, it was not carried out for this reason, I was under the impression that those people who had been permitted by me to take their claims and practically recorded them.

Mr. Foster—It must mean stake claims.

Sir Hibbert Tupper—It means stake. I suppose, but I am reading the exact report. To take their claims and practically record them would make a great noise if they were deprived of their claims there, and on issuing this notice which I think was about the sixth of July or about then, I saw that the entire responsibility seemed to rest upon my shoulders, the notice being over my name, and to relieve the responsibility from myself I wrote a letter to Major Walsh. A copy of that letter I have with me which I will put in evidence. The commission then adjourned for lunch.

NOTICE.

The notice recently issued regarding permits to be given on 11th July, 1898, is hereby cancelled, and the following substituted therefor: Hill and bench claims on Dominion creek are now open for location and prospecting by all free miners. Those claims shown in the appends sketch, with one exception, will be open only to those who made application for them prior to the completion of the survey, which application was filed at the office of the Gold Commissioner.

Dated at Dawson, Yukon District, this 6th day of July, A. D. 1898.

By Order,
THOMAS FAWCETT,
Gold Commissioner.

Dawson, 7th July, 1898.

Hon. J. Morrow Walsh, commissioner for the District of the Yukon, Dawson.

Sir,—Having considered from different standpoints, the proposed method of opening the hill and bench claims adjoining that portion of Dominion creek between upper discovery and 129 below, through the issue of permits, thus giving those who have but recently arrived and others who have never prospected, an equal chance of acquiring a claim with those who during the winter and early spring staked their claims with my permission, spent in some cases a considerable amount, in packing over their supplies, also weeks of hard labour prospecting, and who, on appearing at the office to record their claims had their applications noted, and were informed that they would be permitted to record as soon as the returns of the survey were so far completed that the position of the ground staked by them could be exactly determined in relation to the adjoining creek claims. Some of those persons complain very strongly, and I think with good reason and with both law and equity on their side, that if they are deprived of the claims which they consider they b right of staking and prospecting, through the permit system, they having to take their places in line with those who have been watching at opportunity of acquiring the benefit from their labours by making the journey more speedily than they are able to make it from Dawson, that they intend to carry the issue to Ottawa, and that they have had the assurance of their counsel that their case is a good one, I think myself that if the proposed plan is carried out it will work great mischief before the last is heard of it. I further think that on constitutional grounds it will be conceded that when a creek or hill claims are thrown open for location and recording and other permit than the miner's licence granted them under the mining regulations are required, to allow them to stake and prospect on any ground where they are not prevented by the mining regulations. Even now I am of the opinion that it would be advisable to protect the claim of those whose applications were accepted at the office, allow them to record without further staking, or give them some time to restake their stakes, and proclaim the balance of the hillsides open for prospecting and recording. It would be an easy matter to have the proclamation posted at this office and at the post office about the time announced for issuing the permits, and there could be no complaint that the people had not received due notice of the opening, the proclamation taking the place and answering the same purpose as the permits.

I have the honour to be Sir,
Your obedient servant,
THOMAS FAWCETT, Gold Commissioner.

MORE OF FAWCETT'S EVIDENCE.

Turning to page 92 and continuing the evidence of Mr. Fawcett he says: (taking the second notice): The words "The notice recently issued regarding permits to be given on the 11th July, is hereby cancelled" refers to the first notice; as far as I remember I put no date on it myself; the typewriter put a date on the notice. Of course what I said was in my mind, but it happened otherwise.

What was the date of the instance? Dated "Dawson, 8th July; by order, Thomas Fawcett, Gold Commissioner."

Later on—You didn't date it all? I didn't date it at all.

And the executive part of it you left to others? Yes.

Well, under that notice had you any knowledge of any one taking advantage of the terms of it? Well, at least, I heard some one saying people were starting for Dominion.

That is of Dominion Creek? And before this was published? The night of the 8th.

Was that published on the 8th?

I call your attention to this particularly, Mr. Speaker, said Sir Hibbert. It was published on the morning of the 9th.

Well, then, were they starting on the night of the 8th? So it would appear, people were on the trail, and over there already, thinking it would open on the 11th.

Did you have any knowledge of any one? I have no knowledge.

You didn't instruct any one? None and no one in connection with the office started.

You gave no advice? No.

Didn't suggest to any one to take advantage? No. There were two men working on my party who started about two o'clock on the 9th.

"Two men working on my party" I suppose said Sir Hibbert, that means working under his direction, officers in his employment. I do not know. The commissioner does not seem to have pressed to have that matter cleared up. I merely offer the idea that comes to my mind and leave it to the consideration of the House, Mr. Speaker.

How did the public come to the knowledge that notices were to be up before that time? I don't know.

That is all you know of the history of the case? As far as I remember. I know that Mr. Swineshat was in on the afternoon of the 8th of July; saw Major Walsh, and had a conversation with him when I was up-town. I think it could be ascertained from him that the notice was published by Major Walsh's instructions and arrangements made by him, and not by me.

MAJOR WALSH'S COOKS.

Some honourable gentlemen may not have followed this evidence quite as closely as I have, commented Sir Hibbert, and I would ask the House, Mr. Speaker, to recollect the entourage of Major Walsh, who had got in on the Dominion Creek, these cooks and others in his employ, and I would call their attention to the advantage obtained by these, who are very close to Major Walsh, in connection with Mr. Fawcett.

Do you remember your attention being called to the fact that notice was given to throw the claims open at the moment it was posted up? That was my understanding, that the moment the notice was posted up the claims were thrown open, but I didn't expect it would be posted up before the 11th. I understood that as soon as these notices were posted up these claims were thrown open, and not before, and at this was to take place by the permit it should not have been posted before the 11th. That was my understanding. That it was posted up before the 11th was a matter over which I had no control and no knowledge.

When did you learn it was posted up before the 11th? I saw one of the police.

I mention this here, said Sir Hibbert, because the evidence bears it out, based on that this was one of the men acting under Major Walsh directly.

I saw one of the police carrying a bundle down Saturday morning and posting them up; that was on the morning of the 9th, at nine o'clock.

On the morning of the 9th these notices were posted up for the first time? One at the office for the first time.

And you had expectations that they would not be posted up until the 11th? That was my intention, and my expectation.

Mr. Galpin—I would like to explain the position I took; if you had been here last summer, sir, there were about three or four thousand men all hot on this very question. They appointed a committee to make an interview with me. We had heard several rumours about the throwing open of these claims. I was on that committee, and am here to-day to carry out a promise I made to them that I would look into the matter to the best of my ability and find out why the saddle arose. Mr. Fawcett, how long would it take for a man to go and stake a claim on Dominion and come back to Dawson and make application?

Mr. Fawcett—That would depend upon the ability of the man. The shortest time I think would be twelve hours.

By the Commissioner—What would an average time be?

It would be hard to make it in one day; if they were not strong it would take two.

Do you think it possible to go out and come back in twelve hours?

I think not; I think twenty-four hours would be the shortest time.

Twelve hours you mean, one trip?

Yes.

Going out and coming back you think would be about twenty-four hours?

I think at least. Monday morning was the first time they appeared at the office to record.

Leaving Friday?

Leaving Saturday, of course the office wasn't open on Sunday; they might have been ready for anything I know.

By Mr. Galpin—This previous notice, a copy of which is not here, was sent, I believe, all over the country.

It was sent to Stewart River, and I know of people who came down from Stewart River to get a permit. They got here just as this notice appeared, saying that no permit was required.

Now, Mr. Fawcett tells us that this was dated 8th July. I think the paper says so. That was on Friday. They were not printed, I believe, until Saturday. On the 8th, on Friday, I suppose, Mr. Swineshat had them, and what was to prevent Mr. Swineshat from sending out a number of people on Friday when he had the manuscript in hand? Could Mr. Fawcett tell us if one of the Council did send out anybody, giving them information that these were thrown open?

I don't know; I don't know if Captain Bliss was on that Council.

I call attention again, said Sir Hibbert, to this description of the gentlemen whom Mr. Walsh called in on this occasion as "the Council."

CAPTAIN BLISS.

You don't know whether Captain Bliss gave that information to anybody?

No.

Was Captain Bliss on the Council?

Yes.

Mr. Galpin—I think I should have mentioned that I bought a claim on Dominion from a person, a man who has since left the country. He said that he was given information by Captain Bliss, and says others as well knew of it, and he met people going back. This was before the notice was put up.

The Commissioner—That is only a statement; we can't take it as evidence.

The Commissioner says: "That is only a statement; we cannot take it as evidence," repeated Sir Hibbert, and continued: And good man as the Commissioner was, he did not ask on any occasion that I can find that any one should be put in position to make that statement on oath, or, in the case of Pulford, to send him to gaol for not giving him full information on that subject. I will not go fully into the evidence, except to say that Mr. Fawcett is to be believed in regard to all the illegal conduct of closing Dominion Creek, he proved the act was done by Major Walsh, and in regard to the opening of this creek it shows that these gentlemen whom Major Walsh calls a council had a meeting, that they taked notice to open the creek, that people in close connection with Major Walsh got this information, that they staked and afterwards recorded claims in advance of any other people. On this subject I will have nothing to say beyond or wholly and apart from the evidence before that commission. I do not profess to have made a thorough examination of the evidence taken by Mr. Ogilvy, but I am giving a large part of it that seemed to me to be of importance. With the exception of the evidence that I will make to this commission in another connection my point has been to show three things in regard to it. First of all, the man who was appointed ought never to have been appointed; secondly, that he did not appreciate the position in which he was placed, that he was there to enquire and probe into these matters, and not to put men on their trial and to conduct a criminal court or a quasi-criminal trial with all the necessary precautions that surrounded the accused when he is properly put on his trial, and, third, that notwithstanding the manner in which that commission is constituted, there appeared the most extraordinary revelations, and we have got but just a peep into the condition of affairs that existed during Major Walsh's time.

One more reference to the evidence taken before this commission, and I will leave it for a moment. At page 94, after the commissioner said: "That is only a statement," Mr. Galpin said: "Applications were received on July 13th. That would give little time to go and come back, even though they knew on the 9th. The application for a claim I have was received on the 11th."

Mr. Tabor, who is acting for the Commissioner as counsel, said: You say this was given as an exhibit to Major Walsh and it should have been returned to you? Mr. Fawcett, not necessarily, it was made by Major Walsh's instructions for him.

I sent it simply sent it to him for his approval. It was his order, practically.

He had control of it after that? Yes.

AN ENGLISH OPINION.

Again showing the authority that was exercised by Major Walsh, who locally was responsible for so much of the misconduct and maladministration that occurred, but who, after all, can very well fall back upon the gentlemen who sit on the opposite side of the Treasury benches, who recklessly, who, regardless of every principle that ought to have influenced them in the organization of the government of this territory, disregarded their duty and in the most reckless manner clothed improper parties with authority to do all their wrongdoing under and remain wholly responsible. I wish to refer, not to some observations that have been made in connection with the constitution of this commission to prove my statement that it could not satisfy the public mind of the country and that it could not satisfy the intelligent critic in any part of the Empire, I shall quote from the National Review of May, 1899. I do not ignore with that Review, but I will say that on the whole their observations under the heading Greater Britain have been unduly favourable in my judgment to the Canadian Administration of the day. It may be that, like the London Times, their cue is to support whoever happens to be the existing administration, and so this article in Greater Britain has been exceedingly kind in its criticism to the Canadian Government. It has eulogized Mr. Mulock, for instance, and that is going a long way, if the National Review only knew all we know in regard to his administration. The National Review has in fact eulogized the Government as a whole, but just at the moment events that took place here this session, I will quote a few lines from the magazine of 1899, where it says:

"Sir Chas. Hibbert Tupper very rightly maintained the demand for a judicial enquiry, and was ultimately defeated by 101 votes to 48, confidence being confirmed in the Ogilvie investigation. From the point of view of the British investor this decision is regrettable. Commissioner Ogilvie is an upright and honourable man, but he is not strong enough, nor does he possess the necessary independent position to conduct the searching enquiry the occasion demands."

Mr. Speaker, I have made no attack and I desire to make no attack upon Mr. Ogilvie personally, but I think that crisp sentence in the National Review expresses, perhaps more happily than I can in the heat of debate may have expressed, my criticism in regard to Mr. Ogilvie. I do not withdraw in the slightest degree my animadversion upon what I think his cruel and harsh remarks to men untrained in law, to men who were not given the advantage of counsel, as in the Spinks investigation, in which the Government gave it to the complainants when they were endeavouring to state their case in proper language, and temperate language, against the view which the Commissioner took of the limited jurisdiction which particularly confronted the complaints and the petitioners, who put on foot this investigation at the outset.

MR. LEE'S TESTIMONY.

In a paper published by gentlemen who support the Administration, and quoted by the Winnipeg Daily Tribune, which I believe is edited, owned and controlled by a gentleman supporting the Administration, I find further evidence, and I ask the attention of the House to these quotations in order that I may not be considered as taking an extreme view in the criticism that I have made on this investigation. I ask the attention of the House to what was said by Mr. A. R. Lee, who was summoned before the Commission. The Edmonton Bulletin, published and, and the Winnipeg Tribune copied, the following:

A. E. Lee, formerly of Edmonton, writes from Dawson under date of March 7th, stating, in regard to the commission of investigation: I had the pleasure of waiting upon the court on the opening day in answer to a subpoena which turned out, however, to have been served on the wrong man, consequently—as I had walked sixty miles to attend court—it was of interest to know who would compensate me for the loss of time and out of pocket expenses incident to my journey to town. Mr. Ogilvie said he had no authority to pay witnesses their expenses even. Now, what is the use of "posters" setting forth Mr. Ogilvie's invitation to men who know of any malfeasance connected with Government officials to come forward and make their complaints known, in the first place, most people are under the impression that the investigation is only a trap whereby the Government can ascertain what claims have been procured illegally, and through collusion with Government employes, in order to deprive present owners of their property. I have never heard of such a general feeling of insecurity to property as prevails in this unfortunate territory, and I can scarcely realize that it is part of the British Empire. When this objection does not apply, is it reasonable to expect men to walk 50 or 100 miles, lose their employment (if they are working for wages) or their time (if working for themselves), expenses all the time they are kept in town, and receive no compensation whatever for all this, in order to get the privilege of telling Mr. Ogilvie that they were forced to pay someone at the post office $2 before they could obtain a letter or $5 or $10 to the doorkeeper of the Gold Commissioner's office in order to gain admission to that holy of holies? And I, myself, have conversed with gentlemen whose word I have no reason to doubt, who were, I believe, English gentlemen in the truest sense of the word, who told me of the necessity to bribe and to pay these fees over and above official salaries, but yet who, when I asked them: "Will you give me your names and the right to use your names, and the day and date when you did these things?" answered: "Why should I, with all my claims? I hold my property under the Government of Canada. The regulations surrounding my rights are made by order-in-council. There are, however, so many cases in which I must appeal to the discretion of the Gold Commissioner, or later on possibly to the discretion and judgment of the Minister of the Interior, and do you suppose that I am going to go to the expense of $100 or so