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KAHEN ISLAND INVESTIGATION.

In dealing with this question in a comprehensive way, we propose to follow the lines laid down by the leader of the opposition and consider the presentation of the case step by step. We propose to show from the evidence that his premises are wrong and his conclusions wrong and misleading.

Since the McBride administration came into power the opposition have met with a series of disappointments that have tended to a state of desperation. Every effort made to discredit the government has proved abortive, and all preceding issues have been laid aside and forgotten. They raised an uproar over the disposition of the East Kootenay coal and oil lands. That is dead and buried. The government's financial policy was next attacked with great vigor, and an appeal was made to the country to resist taxation. The people understood the situation from a business point of view and failed to respond. No longer is the cry of "overburdened taxpayers" heard in the land. As the government was pursuing a cautious course in respect to the farmer, who continues to prosper like a green bay tree, so the government's timber policy was to have encompassed the destruction of the timber industry. It never was more prosperous in its history than at the present time.

The people were to have expressed their disapprobation and "hurled" the government from office upon the first opportunity available. Three by-elections have taken place, and in each the government was sustained, with evidence of increasing confidence. In the Alberni election the government won a seat from the opposition. So it has gone on from time to time. The government was to have been defeated on its railway policy. It is still surviving with good majorities. Nothing has stuck.

The next general election is approaching and the Kaheh Island scandal has hatched with the hopes of producing a "foul brood." We say "hatched," because the "revelations" have been incubating for some time. In metaphor, Messrs. Macdonald and Oliver have "sat" upon the Kaheh Island nest for months with grandmotherly care and persistence with what success we shall proceed to show. The public must not be deceived by so much "cackling," especially when Mr. Oliver does the "cackling." We can assure them that it is the false alarm that not infrequently proceeds from that gentleman's political poultry yard. In truth, the "sitting" was not real eggs at all. They are of the porcelain door knob variety, known as patent "nest eggs"—"mare's nest," eggs, so to speak.

Let us consider the serious propositions presented by the leader of the opposition. First, he submits that Kaheh Island was not included in the reserve placed on the Tsimpsan peninsula in 1891, and therefore, was open to the locations made by holders of South African scrip; who were thus deprived of their rights under the land. He submits that as an island, Kaheh Island was not part of the peninsula, and as far back as 1886 a document was filed in the lands and works office, containing a general definition of the boundaries of the land in the proposed Indian reserve. In this document, reference is made to "Kaheh Island" which must have then been known to exist. In Mr. Tuck's map of this survey of the Indian reserve in question which contains some 70,000 acres, a portion of Kaheh Island is also shown. He argues that the officials of the land department must have had knowledge of Kaheh Island from these official facts.

There are just two observations to make respecting this contention. The document of 1886 was filed to give notice of the proposed boundaries of the Indian reserve, and would not be closely scrutinized by the officials. In fact, it was the mere formal filing which takes place in the case of all Indian reserves prior to survey. Whether it was the duty of the officials to apprise themselves of all the contents, we cannot say; but whether it is, or is not, the plan of the survey made by Mr. Tuck of the Indian reservation was not filed until 1892, or the year following the placing of the reserve on the Tsimpsan peninsula.

Whatever may have been the facts contained in the documents filed in the lands and works department, it is evident that in 1891 it was not within the knowledge of the then chief commissioner (Mr. George Forbes Vernon), that there was a Kaheh Island as such. This is clearly shown by the evidence of Mr. W. S. Gore, the late deputy commissioner of lands and works. But Mr. Macdonald alleges that it was not possible to know what was in Mr. Vernon's mind so long ago. Mr. Gore, we may say, was the official expert of the department upon whose advice and report all such matters were decided. He therefore, knew what was in the chief commissioner's mind, because in a very special sense he was the official mind of the chief commissioner.

As far as the reserve itself is concerned, the real question, however, is: Was it intended that what is now known as Kaheh Island should be included in the reserve? Mr. W. S. Gore who above all other men should know, says it was. But we have the explicit terms of the order in council creating the reserve. The southern boundary was a line drawn due west from the head of Work channel, which it extended to the limits of the Indian reservation, includes all or nearly all of Kaheh outside of the Indian reserve. It must be borne in mind that at the time the reserve was created, 1891, there was no exact survey of the coast at that point, and that the old admiralty chart used by the department did not show Kaheh except as part of the continent, and must, as the lawyers say, be read into the interpretation of the order in council creating the reserve. There is, therefore, no doubt that Kaheh Island was intended to be, and was, included in the reserve. However, to remove doubts an order in council passed in 1904, especially reserved Kaheh Island.

We come next to the appeal on behalf of the South African veterans, who were located on South African scrip on Kaheh Island. One would imagine that the heroes, of whom we are all proud and to whom we would gladly do full justice in recognition of their worth, had been badly, scurvily treated, in order that "a band of adventures," might be favored. We have before us a list of those who held scrip, and who endeavored to locate it on Kaheh Island, and not one of the holders, with the exception of H. M. Daly, of Vancouver, had done service in South Africa. In each case the scrip had been purchased from others. Even in the case of Mr. Daly the land scrip used was not his own. In each case the holders of scrip was a speculator in the same sense that Larsen and Anderson were speculators. So that this plea of ill-requited patriotism falls to the ground. The legality of the land scrip stands and has been confirmed by the House in adopting the report of the investigating committee.

We have now to consider the public policy involved in the action of the government in dealing with the reserved area of the Kaheh Island by selling it under a section of the Land Act to the Grand Trunk Pacific for terminal purposes. The opposition hold that the government did not possess authority under section 39 to dispose of it, other than in the manner provided for in sections of the Land Act and in special acts with reference to South African scrip. In other words, they hold that the land in question was legally disposed of, that His Honor the Lieutenant Governor was wrongly advised and that the government obtained the order-in-council contrary to "both the spirit and letter of the law,"—probably the most serious charge in connection with the whole matter. And once again, if proved, would justify His Honor in acting independently of the fact that the government was sustained by a majority of the Legislature.

The "majority report" holds that the selling of such a tract of land to the railway company, notwithstanding that section 39 excludes the making of such grants by way of bonus for the construction of railways, was an inducement to the Grand Trunk Pacific to construct the railway to the particular point in question and in that sense was "a bonus to a railway." If the government, as is claimed, strained the law in the Kaheh Island case, the same strain would be placed on the law in the case of the Tsimpsan peninsula, which is a matter of great public advantage. It was in every sense desirable that a transcontinental railway should find the best possible site not only in its own, but in the general interest. It was the duty of this, or of any other, government to offer all the facilities possible consistent with public rights. A national railway, indefinitely extending its terminal purposes deserved consideration above private considerations, inasmuch as it affected provincial interests as well. Any attempt to have thrown obstacles in the way of the Grand Trunk Pacific on this matter would have been denounced as obstructing national enterprise.

Now, section 39 of the Land Act specifically states that it shall be lawful for the Lieutenant Governor in council to make such "special free or partially free grants of the unoccupied land or unappropriated crown lands of the province for the encouragement of immigration or OTHER PURPOSES OF PUBLIC ADVANTAGE, not being bonuses for the construction of railways," etc. Mr. Macdonald holds that according to the rule of construction expressed in the maxim "ejusdem generis," the phrase "for other purposes of public advantage," is governed by "immigration," or, as the maxim has it, "the same kind or nature."

No one will seriously contend that this is one of the cases where the rule in question applies. "Immigration," is a word which in itself is as comprehensive as is possible to make it, and the phrase "for other purposes of public advantage," undoubtedly refers not to immigration, but to any other purposes quite distinct from it, which the government in its judgment might consider to be of public advantage. Therefore, it is clear, from a legal point of view, that the grant is absolutely valid. Whatever grounds upon which the judgment exercised may be criticized, the legality of the act itself, is unquestionable. There is not a shadow of doubt about it.

It thus remains to discuss the judgment displayed and the nature of the bargain is determined by all the circumstances surrounding it. Judgment and common sense, as we ventured to remark on a former occasion, are relative in their merits. The point here is that, forgetting altogether for the moment the persons who figured in the deal, the government might have made an error in judgment, without its good intentions or the morality of the proceeding being called into question. Did the government make a mistake of judgment? Was the sale of Kaheh Island, upon the terms, not a good bargain for the country?

In determining that we have several matters to consider—the use to which the land was to be put, its present use and value, its isolated position, and the conditions attached to its disposal. In a measure, we have already disposed of the first consideration. The use to which the land is to be put by the Grand Trunk Pacific would, under certain conditions, have justified the government in making it a gift to the company. The conditions would have included a certain interest being retained for the province, regulations to be waterfront, etc., and in this connection we regret that the government did not stipulate for certain things such as the setting apart of grounds for public purposes, the width of streets, the character of drainage, and so forth; which in our opinion ought to be part of the provisions in connection with all townships. However, commenting upon the terms as they are, the government gets \$1 an acre for 10,000 acres, retains 2,500 acres as an interest, and makes certain provision for equal rights as to shore for the inhabitants of this future city. The value of these stipulations has to be considered in connection with the special circumstances of the case—the natural value of the land, its physical character and its situation. We need not emphasize the fact, so many times alluded to, that the value of the government holdings increased in value, and the importance of which this new city of destiny attains. The \$10,000 ceases to be of importance as compared with the possibilities of the future. What the government retains may yield a million or more.

But Mr. Macdonald says that if 2,500 acres prove to be worth a million or two millions, what would the whole 10,000 acres be worth? He forgets the old adage about not having one's cake and eating it. If the government retained it all the land would not be a township at all, and consequently be worth but little more than it is now. The Grand Trunk Pacific would have gone elsewhere for a terminus. He forgets that it is the fact of becoming a terminus that makes any of it valuable. In fact, Mr. Macdonald forgets many things that a business man should remember. He forgets that the land is wholly worthless for agricultural purposes, that it will be a very expensive converting it into a condition for residence, that much of it is worthless even as a township, that it will take a long time to build up a city there, as it has in Vancouver or Victoria, and that in the end the Grand Trunk Pacific will probably not make much more out of it than a fair silent partner, the province will continue to obtain the benefits of the "unearned increment" without assuming any of the responsibilities. The fact that a large city will be built up at or near this point will in itself be of great material benefit to the province, many times paying it for the lands if it made a free gift of them. But fortunately we are not left to recommend the bargain on such grounds. The government got \$10,000 for lands that are not worth \$1 an acre and never would be for other than township purposes. It stands to ultimately make a million dollars out of the deal, more or less, according to future developments. Had the railway gone to Port Simpson, which, of course, it may yet do, it would have had to deal with private parties, and the government would not have shared in the interest at present has. On this point too, Mr. Macdonald endeavored skillfully to mislead. He said that the government had still 4,000 acres at Port Simpson available as a township. It was pointed out to him by Dr. Young that the government land lay considerably back from the water and fronted on Work Channel, not suitable as a harbor and the shores of which were precipitous. The land itself was absolutely worthless, and had not been sold hitherto because it was worthless.

On every point, therefore, up to the present the opposition have failed to prove their case upon facts or upon evidence submitted to the committee. It is impossible, however, to deal with all the facts and circumstances editorially in a single issue, and we shall continue their consideration "in our next."

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