

THE ROYAL COMMISSION

Officials of the Lands and Works Department All on the Stand. Surveyors' Payments Always for Longer Periods Than Spent in Field.

The inquiry into the allegations regarding the business methods of the lands and works department, which is being conducted by Hon. Mr. Justice Walkem, the commissioner appointed by the government, will in all probability be by far the shortest Royal Commission ever held in the province. Were it not for the fact that Mr. R. F. Tolmie, one of the witnesses, is in Nelson, to-day would be the taking of evidence is concerned. As it is one witness, Mr. F. G. Richards, on whose information the editor of the Times said on Tuesday that he based his article, will be examined this morning and Mr. Tolmie's testimony will be taken soon after he reaches the city, he having been telegraphed for.

Yesterday all the officials of the lands and works department, from the chief commissioner down to the junior clerk, with the exception of one clerk, Mr. Cuppage, who could not attend, were examined and one and all denied any knowledge of the alleged misconduct of business.

In opening, the commissioner pointed out to the editor of the Times that he had allowed him a very wide scope in giving his evidence. In fact he had allowed him to go beyond the question, which the commission called upon him to answer, and to discuss matters merely covered that part of the article of May 11 regarding the payment of fees expediting public business in the department.

The commissioner had prepared a list of questions which he asked the witnesses as follows: Have you ever, directly or indirectly, requested any fee, remuneration or reward of any kind for the purpose of expediting public business in the department? Have you ever been offered any fee of any kind for such purpose?

Have you ever heard of anybody in the department having requested or been offered a reward of any kind for such purpose? Have you ever heard of \$10 being offered in a jocular or other manner by Mr. R. F. Tolmie to Mr. Tom Kains, the surveyor-general?

To all these questions each and every one of the witnesses replied in the negative. They also replied, after the article had been read, that they knew nothing of the allegations contained therein.

The first witness was Mr. W. S. Gore, deputy commissioner of lands and works, who having answered in the negative the questions of the commissioner explained some of the other allegations made by the editor of the Times in his evidence. The editor of the Times had referred to an article of April 23, in which he was said to have been paid for eight months when he had been but four months in the field. His brother had worked every day for which he was paid, and other surveys had been paid at a greater ratio. Mr. Drewry, for instance, had been paid for nine months while the men who were with him in the field were paid for but five months and five days.

The discrepancy in the time the surveyors are in the field was explained. Before going out in the field a surveyor has a great deal of work to do and after his return he has to do a considerable amount of plotting and completing the survey. So that the time a man spends in the field is only a small part of the time he is working. All the other surveyors were paid in the same way, and it was so shown in the public accounts, but the name of Tolmie had been picked out with the evident intention of insinuating that he, witness, had used his position to advance the interests of his brother.

Hon. G. B. Martin, chief commissioner of lands and works, answered "no" to the questions of the commissioner. He had read the article and had seen the truth in the allegations made therein. In regard to his alleged conversation with Mr. Sorby about the officials leaving the office referred to by the editor of the Times, he would like to explain that for fifteen months the officials had been working an hour a day longer than required by the statute, for which they had not received any extra pay.

Mr. Tom Kains, surveyor-general, after answering the questions of the commissioner, said he had never received \$10 or any other sum from Mr. Tolmie. Mr. Tolmie might have mentioned \$10 and a jocular way of joking, but he was certain, he never received \$10 or any other sum from Mr. Tolmie.

Mr. E. B. McKay, chief draughtsman, answered in the negative to the commissioner's questions and to the editor of the Times. He had never received \$10 or any other sum from Mr. Tolmie. The commissioner—Nor to anybody else? Mr. McKay—Nor to anybody else.

The other witnesses were Messrs. B. H. Johns, chief clerk; T. C. Bolton, clerk; Thomas Bamford, draughtsman; C. O. Roberts, T. Phipps, Thos. E. G. Woloridge, Henry Cattar, Wm. Gordon, Alfred Hood, T. A. Pope and A. S. Gore, all employed in the lands and works department. They replied in the negative to the commissioner's questions. The commissioner will sit at 10 this morning to take the evidence of Mr. F. G. Richards.

Mr. R. G. Richards, upon whose information the Times based its article containing certain allegations against the lands and works department, gave his evidence yesterday before the Royal Commission, opening up a number of new questions, to answer which, several of the witnesses of the previous day had to be recalled.

In opening the proceedings Hon. Mr. Justice Walkem directed attention to the report in Wednesday's Times of that day's session, advising the reporter not to interpolate statements that were not made by the witnesses. At the opening of the afternoon's proceedings the Commissioner drew attention to another error in the Times. Mr. Graham, in his evidence being made to say that he had heard certain rumors from a Mr. Cotton, whereas Mr. Cotton's name was not mentioned in the witness. Mr. Richards was then called. It was

explained to him that the scope of the commission was confined to the allegations that money had been paid to officials of the lands and works department to expedite business. The witness said the first direct information he received about a fee being paid to an official of the department, he received from Mr. Pope.

The Commissioner—That is not direct information. The editor of the Times stated here that you said Mr. Tolmie had paid \$10 to Mr. Kains to expedite business. Mr. Richards—That is not direct information. The editor of the Times stated here that you said Mr. Tolmie had paid \$10 to Mr. Kains to expedite business.

Mr. Richards—I cannot say. Continuing, the witness said that Mr. McKay, an employee of the department, informed him that he saw and heard an agreement made between Mr. Kains and Mr. Tolmie, for which Mr. Kains was to receive and did receive \$50. This was told to the witness about two weeks ago, and Mr. McKay saying that it was one of many similar cases. Mr. McKay said that many complaints were received by the surveyors up country, who were not getting required information, and in order to get over this trouble it was necessary to introduce an amendment to the Mineral act, requiring the field notes of surveys of mineral claims to be filed at Nelson, so that the information might be obtained there without sending to Mr. Kains for the same.

At the request of the Commissioner, Mr. Gore, the deputy commissioner of lands and works, explained that such an amendment had been incorporated in the Mineral act. It required that the field notes of surveys on mineral claims should be filed at the office of the recorder as well as at headquarters. The reason it had been a great source of expense and trouble to supply the information required from the head office, and sometimes the information was obtained by the draughtsmen after hours, when they were allowed to receive payment for extra work they were credited to the government.

The Commissioner—There is nothing wrong about that, but it is a bad practice. Mr. Richards—I wish to be understood that you are laying charges against all the officials. The Commissioner—How long is it since you were in the lands and works office? Mr. Richards—About twelve years. The Commissioner—Have you anything more to say? Mr. Richards—There is something more, but I prefer not to state it. The Commissioner—Do you know it or were you told it?

Mr. Richards—It was just a conversation I had with Mr. B. H. Johns, who said it was well known that Mr. Kains had been receiving \$10 from Mr. Tolmie. Mr. Kains had done so for some time, and he had done so in his official position, and his influence with the Chief Commissioner, Mr. Tolmie, was of great value to him. He had been engaged for six months, by Mr. Tolmie, at \$125 a month, with prospects of a permanent position. Mr. Tolmie, Mr. Richards' chief engineer, had been engaged in doing certain work here, and he engaged me to take it up as he was leaving. I told him that before I could go to the lands and works department to do work I would have to get permission from the Chief Commissioner. Mr. Tolmie said that Mr. Martin, the surveyor-general, had given his permission for me to do the work, and had expressed his pleasure that I had got the work to do. He called at my house and said he was afraid it was "all off," the Chief Commissioner told me I had better go and see Hon. Mr. Martin. I went to Mr. Martin's room in the lands and works department, and Mr. Martin told me he had given his permission for me to do the work. I asked him for his permission to write me, and he said he would do anything in writing. I intimated to Mr. Martin that there was something more in this, and that he had refused the permission because of his opposition to the government. Mr. Martin said "How do you know that?" I replied because Mr. Tolmie was opposed to the government, and he said I had not expressed myself either way in provincial politics. Mr. Martin, however, withdrew for me to do the work, and as you may imagine, some warm words followed. Mr. Martin finally said "Well, if you ask me as an old friend, and as a personal favor, to give you permission, I might do so. Call again to-morrow, and I will give you an answer." I went the next morning, and Mr. Martin said he was opposed to the government, and cannot do any work in the department.

The witness expressed his opinion that Mr. Kains had exercised his influence to prevent him from obtaining the work. Mr. Kains had stated as much to Mr. Tolmie. The Commissioner—Of course what Mr. Tolmie told you is not evidence. The worst of it is that Mr. Tolmie is not here, and I cannot therefore examine him; besides, the question of your being kept out of the department has not to be inquired into by me.

Mr. Richards (to Mr. Kains)—I left the lands and works department in 1880; it was not possible when I was there for \$50 to be paid to expedite business without somebody else knowing it, because other officials shared the work. Mr. Kains—Money could be paid in those days to expedite business. Mr. Richards—And now too. (To Mr. Kains)—I cannot say what Crown grant it was that Mr. Cooper paid \$10 to have advanced. I honestly believe that you used your position to deprive me of the work.

To Mr. McKay the witness said—My conversation with you took place in the legislative hall. To the Commissioner—Mr. McKay did not mention the name of the party who paid the money, but did mention the sum of \$50; the conversation took place in the gallery of the legislative hall. We were sitting there for fully five minutes. The conversation arose out of an article that had appeared in the Times containing some questions about the lands and works department. I had been accused of writing the article, and expressed regret that anybody in the department some of whom I had worked with for many years, should think that I would write it. I had received a letter from Mr. Gore stating that I had been accused of writing the article in question, and to Mr. McKay I said I would not attack the men in the department in that way. Then Mr. McKay spoke of Mr. Tolmie, and he said it was a "d-d" shame the way business was conducted in that department.

To Mr. McKay—You gave me no names or dates in respect to the \$50 paid to Mr. Kains. To the Commissioner Mr. Richards said that the conversation he had had with Mr. Tolmie respecting the \$10 paid to Mr. Kains by Mr. Cooper, took place on the Yeeler dock in Seattle towards the end of March of this year. Mr. Tolmie was not joking about it. With regard to his having been prevented from going to work in the department for Mr. Heinze and Mr. Tolmie had said "We" (meaning Tolmie & Cooper) had a Crown grant in the department which it was necessary for us to have issued as quickly as possible. Mr. Cooper saw Mr. Kains about it, and asked him if it was ready. Mr. Kains said there was a lot of work on hand, and it would be some time before it could be issued. Mr. Cooper asked if \$10 would advance it. Mr. Kains said "Where is your ten dollars?" Mr. Cooper produced the \$10 and paid it to Mr. Kains and the next day the Crown grant was issued.

Mr. John having been sent for by the Commissioner, the conversation that Mr. Richards said he had had with him in which he (Mr. John) said it was well received over and Mr. John cross-examined the witness. The conversation, Mr. Richards said, took place about an evening, near the entrance to the Pacific Club, on Fort street.

It occurred," he said, "about the same time that I was talking to you about Mr. Tolmie, and I said to you, 'I heard that Mr. Kains was anxious for Mr. Leech to do the work, as he was to be paid \$100 a month, and you were to pay.' You replied that as to his getting a portion of the pay, you knew nothing, but he was not above it; he was in the habit of doing things of that kind. Mr. McKay was there and must have heard the conversation."

Mr. John being recalled said he had no recollection whatever of having made such statements as were credited to him by Mr. Richards. He met Mr. Richards at the door of the club one evening, and Mr. Richards told him that he had been refused permission to do some work in the department. Mr. Leech's name might have been mentioned.

The Commissioner—That was a rather extraordinary statement, that the Surveyor-General had secured employment for Mr. Leech, and was to receive part of the salary? Mr. John—I did not make that statement, nor did I say that it was common for Mr. Kains to receive fees. Mr. McKay, being also recalled, said that he remembered having a conversation with Mr. Richards in the legislative hall, and that he had seen Mr. Kains who he was. Mr. Richards took from his pocket a letter that he had received from Mr. Gore, asking him if he had written the article that had appeared in the Times in regard to the lands and works department, and also a letter that he had written to Mr. Gore in reply, in which he said that he had not given the information to the Times but he knew who had. The rest of Mr. Richards' statement in reference to the conversation was entirely inaccurate. Nothing was said about Mr. Kains; the conversation did not last more than two or three minutes. He also stated that conversation he and Mr. John had with Mr. Richards at the entrance of the Pacific Club. Mr. Richards came up to him rather suddenly, and used a rather strong language about his not being allowed to do certain work in the department; nothing was said about Mr. Kains—in fact, since he had heard that Mr. Richards had been refused permission to do work in the department, he had been rather guarded when speaking to him.

Mr. Kains, being recalled to the stand, said that when Mr. Tolmie asked him who would be a good man to take up his work, he strongly recommended Mr. Richards. He had nothing to do with the Chief Commissioner's decision to permit Mr. Richards to do the work. When Mr. Tolmie learned of Mr. Martin's decision he recommended Mr. Leech. He had never received \$50 from Mr. Tolmie, and he had not received any part of Mr. Leech's salary. He had never received fees from up-country surveyors for information about surveys of mineral claims. The Mineral act was amended for the convenience of the public, the amendment being the result of a resolution passed at the meeting of the association of land surveyors held at Nelson. They complained that when they wanted information they had to write to Mr. Tolmie, and the Commissioner knew, letters had to wait their turn to be attended to. The statement that he had received money was false. It was impossible for a man to receive a fee one day and issue a crown grant the next; the work had to pass through the hands of a number of men. If he wished to purchase a piece of land he would first have to go to the draughtsman, and, in fact, several of the officials would have to be consulted, which had under its control much of the wealth of the province, as well as a large patronage.

that he had heard such a rumor about the division of Mr. Leech's salary. The Commissioner accepted Mr. Richards' statement, but he would advise Hon. G. B. Martin, Chief Commissioner of Lands and Works, being recalled, the statement made by Mr. Richards respecting the withdrawal of the Chief Commissioner's permission for Mr. Richards to do certain work in the department was read over. The Chief Commissioner recollected having an interview with Mr. Richards, but the question of politics was not brought up at all. He had refused permission to Mr. Richards, but he absolutely denied that it was for political reasons. Mr. Kains had had nothing to say about it. There were matters which influenced him in refusing his permission to allow Mr. Richards to do the work. Mr. Richards—What were those reasons? Hon. Mr. Martin—I refuse to give the reasons why you were not allowed to do the work in the department. The executive was not consulted; it was a matter purely for myself to decide. It was not a personal matter, neither did it affect the honor of the government. The Commissioner—Of course this is not germane to the question; I was appointed to inquire into the allegations that money had been paid to officials of the lands and works department to expedite business there.

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Mr. Kains—Q. (to witness): Who spoke to you first about being employed by Mr. Tolmie, of the Columbia & Western railway? A. Yourself. Q.—What did I say? A. You said Mr. Tolmie was about to leave what he had been doing, and you were required to be done, and you could recommend me, and you introduced me to Mr. Tolmie, and Mr. Tolmie employed me. Q.—What did I say? A. I was paid by cheque from Kootenay. Mr. Graham—"I noted your remarks this morning, my lord."

The Commissioner—"I absolve you from all responsibility in connection with this matter" (meaning, as Mr. Justice Walkem directs me to say, the rumor promulgated by Mr. Richards about Mr. Leech), "as you had nothing to do with it. Mr. Graham—Thank you, my lord." Mr. Kains—Q. (to witness): "Was Frank Richards' name mentioned in connection with the bill?" A. No. Mr. Justice Walkem outside the hall.

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CERTIFICATE OF IMPROVEMENTS.—NOTICE—"Tye" mineral claim situate in the Mining Division of Victoria District, where located: On the west side of Mount Sicker, adjoining the "Tye" mineral claim. Take notice that J. Clemon Livinston, acting as agent for C. H. Dickie, free miner's certificate No. 8633 A. T. A. Wood free miner's certificate No. 8632 A. W. E. Birthe free miner's certificate No. 20,855 A. intend, sixty days from the date hereof, to apply to the Mining Recorder for a Certificate of Improvements, for the purpose of obtaining a Crown Grant of the above claim.

And further take notice that action, under section 37, must be commenced before the issuance of such Certificate of Improvements. Dated this seventh day of May, 1888. CLEMONT LIVINGSTON, Duncan, B. C.

NOTICE—"Herbert" mineral claim situate in the Mining Division of Victoria District, where located: On the west side of Mount Sicker, adjoining the "Tye" mineral claim. Take notice that J. Clemon Livinston, acting as agent for C. H. Dickie, free miner's certificate No. 8633 A. T. A. Wood free miner's certificate No. 8632 A. W. E. Birthe free miner's certificate No. 20,855 A. intend, sixty days from the date hereof, to apply to the Mining Recorder for a Certificate of Improvements, for the purpose of obtaining a Crown Grant of the above claim.

And further take notice that action, under section 37, must be commenced before the issuance of such Certificate of Improvements. Dated this seventh day of May, 1888. CLEMONT LIVINGSTON, Duncan, B. C.

NOTICE—"X L" mineral claim, situate in the Mining Division of Victoria District, where located: On the west side of Mount Sicker, adjoining the "Tye" mineral claim. Take notice that J. Clemon Livinston, acting as agent for C. H. Dickie, free miner's certificate No. 8633 A. T. A. Wood free miner's certificate No. 8632 A. W. E. Birthe free miner's certificate No. 20,855 A. intend, sixty days from the date hereof, to apply to the Mining Recorder for a Certificate of Improvements, for the purpose of obtaining a Crown Grant of the above claim.

And further take notice that action, under section 37, must be commenced before the issuance of such Certificate of Improvements. Dated this seventh day of May, 1888. CLEMONT LIVINGSTON, Duncan, B. C.

TRAMWAY INCORPORATION ACT, 1885, AND AMENDING ACTS. Notice is hereby given that the undersigned propose to build a tramway under the provisions of the above named acts from the head of Steamboat navigation on the west side of Telegraph Creek, to the head of the Stikine River, a distance of fifteen miles more or less, under the name of the Stikine River Tramway. The route of the tramway is shown on the plan deposited at the office of the Chief Commissioner of Lands and Works at Victoria, B. C., and described as follows: Commencing at a post marked "High Road" on the north bank of the Stikine River, thence north westerly to the head of the Stikine River, thence westerly to the western limits of the Province of British Columbia. BEN WILLIAMS, ALFRED A. HUGHES.

NOTICE is hereby given that two months after date I intend making application to the Chief Commissioner of Lands and Works for permission to purchase 20 acres, more or less, of land situate on an island, in the head of the Stikine River, adjoining the entrance to Disappointment Inlet in the head of a branch of the Stikine River in said district of Cassiar, thence westerly to the westerly limits of the Province of British Columbia. BEN WILLIAMS, ALFRED A. HUGHES.

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NOTICE IS HEREBY given that 30 days after date I intend to apply to the Chief Commissioner of Lands and Works for special license to cut and carry away timber from the following described lands, situate in the District of Cassiar, B. C., commencing at a post on the west side of Goose River at the mouth of the river: thence westerly 40 chains, thence southerly 12 1/2 chains, thence easterly 40 chains, thence back along the river to point of commencement, and containing 1,000 acres more or less. A. L. BELVEA, Dated this 10th day of May, 1888. m16 CHAS. J. MITCHELL.

NOTICE is hereby given that two months after date I intend to apply to the Chief Commissioner of Lands and Works to purchase six hundred and forty (640) acres, more or less, of land situate in Cassiar District in the Province of British Columbia, described as follows: Commencing at a post on the west shore of Taku Arm of Tagish Lake near the source thereof, thence north eighty (80) chains, thence east eighty (80) chains, thence west to shore of said Lake, thence following the shore said Lake in a westerly direction to the point of commencement, containing six hundred and forty