

## PROCEEDINGS OF THE LEGISLATURE

### ROUTINE OCCUPIED MEMBERS YESTERDAY

Proposed to Summon a Newspaper  
Editor to the Bar of the  
House.

(From Friday's Daily.)

The sitting of the House Thursday was a short one. In committee on the bill to amend the Supreme Court Act, the members of the House were occupied with the routine business of the day. The day's business was one of routine, with an adjournment early in the afternoon.

Prayers were read by Rev. D. W. Scott.

Lord's Day Observance.

A petition from citizens of the province on the subject of Lord's Day observance, was received.

Withdrawn.

When the House reached Mr. Curtis's resolution "That it is highly in the public interest that the assent of His Honor the Lieutenant-Governor be given immediately to bill No. 16, passed this session," Mr. McBride said he had an amendment on the same subject, and though quite in sympathy with the resolution, he thought it was premature, and asked that Mr. Curtis withdraw it.

Mr. Curtis would not like to say off-hand that he would withdraw the resolution, but he might let it stand over.

The Premier did not think the resolution ought to be on the order paper, and the government would oppose it if it was gone on with. He considered the best way was to withdraw it.

Mr. Curtis explained that one of the reasons for the resolution was to discuss the constitutional questions involved, and another reason was to let the country see why the bill should be assented to. If he withdrew the resolution he would place it on the paper again.

Perhaps it would be best to force it in the face of the representations made, but he reserved the right to bring it up again.

The Premier said he would sooner see the discussion continued if the resolution was only postponed.

The resolution was withdrawn by permission of the House.

Newspaper License.

Mr. Clifford called attention to the article appearing in the Vancouver Province charging members of the House with being concerned in a big deal to get possession of lands in Southeast Kootenay. He desired that the parties concerned in this should be brought before the bar of the House. He hoped that justice would be done.

Mr. McPhillips wanted the announcement from the government in the matter. He referred to the statutes affecting such a case. It was the duty of the House to frown down the license of the press. He called up the attention to the Kennedy brothers' case, and the procedure at that time. He thought the government should move to have the editor of the paper summoned to make an explanation.

Mr. McBride thought it was a matter for the government to decide upon.

Mr. Houston hoped the government would do nothing of the kind. The legislature would gain nothing by this. Some members were extremely touchy in this matter of their honor. The members of this House were just as honest and incorruptible as the people who elected them. The case of the Kennedy brothers did not reflect any great credit upon the House, and he believed the Kennedy brothers came out a little the better for it.

He advised leaving the matter alone.

Premier Prior said that he had not seen the article in question, but the government would assuredly protect the members of the House if libellous articles had been printed. He said that there was a little too much license allowed the press in holding up to ridicule public men. He had no knowledge of any such transactions as were referred to.

Mr. Hawthornthwaite was opposed to surrounding the members of the House with a halo. The members had recourse to the courts if they felt that they had been libelled.

The matter was left in the hands of the government to decide.

No Further Information.

Premier Prior informed Mr. Clifford that he had been unable to get any further information with respect to matter of litigation of Capt. Geo. Cooper.

Questions and Answers.

Mr. Curtis asked the government the following questions: 1. Has the lawsuit continued on behalf of the province by the Martin government against the Vancouver Coal Company to set aside crown grant of fore shore and of land under the sea been discontinued? 2. If so, when and by whose order, and upon what terms? 3. Why was it discontinued? 4. Was it ever brought to trial? 5. Did the government ever have any independent advice that the province had no case? 6. If so, when, and whose advice? 7. How many acres were covered by the crown grant in question and was the land so granted supposed to contain coal? 8. Does the government consider it has any claim whatever on the fore shore and land under sea adjacent to the land granted as aly to the B. & N. Railway Company? 9. If so, does it intend to take any steps as aid to the B. & N. Railway Company?

Mr. Eberts replied as follows: 1. Yes. 2. Action discontinued on 7th September, 1900, each party to bear its own costs. The discontinuance was upon instructions from the executive.

from the executive. 4. No. 5. No. 6. Answered by answer to 6. 7. The grant was made in the year 1890, a confirmation to the New Vancouver Coal Mining & Land Company, Limited, of the 1894 and exclusive right to mine for coal under that portion of the sea adjacent to the lands of the company, said portion of the sea being the area colored red on the plan annexed to said grant. The said area is, approximately, 140 square miles. 8. The fore shore outside of harbors certainly belongs to the province and granted away. The ownership of land under the sea beyond the fore shore is about to be made the subject of a reference for the opinion of the courts. 9. Answered by the answer to No. 8.

Mr. Curtis asked the government the following questions: 1. Has George S. Russell been granted a lease of fore shore on Beecher Bay? 2. If so, what was the date of his application, and upon what dates did notice thereof appear in the official Gazette? 3. For how many years is the lease? What is the acreage leased, and what the yearly rental? 4. Does the government recognize assignments or transfers of mineral rights? 5. If so, under what circumstances already made, and will it in proper cases give leases to the transferees? 6. For what purpose was the lease to George S. Russell granted? 7. Do the leases of fore shore contain a provision preventing assignment or transfer thereof?

Hon. Mr. Wells replied as follows: "1. Yes. 2. Application was made on 12th August, 1902, by George S. Russell, in pursuance of notice appearing in the official Gazette of July 17th, 1902. Mr. Russell transferred his interest to Mr. Geo. S. Russell. 3. Five. The tidal lands, approximately, two acres. 4. Yes. Yes. 5. Salmon fishing. 6. Yes, unless the consent of the Chief Commissioner is first obtained."

Mr. Neill asked the Premier the following questions: Has the Dominion government, since the visit of the delegates to Ottawa in January last, taken any steps to get the local government relative to: 1. The readjustment of the boundaries of Indian reserves. 2. The working of minerals on Indian reserves, as alluded to in the report of the delegates recently laid before the House?

Premier Prior replied as follows: "1. No. The honorable the Minister of the Interior promised to communicate with the provincial government in regard to the matter. He has not yet done so. Mr. Vowell, superintendent of Indian affairs, but his appointment as Canadian agent in the Alaska boundary arbitration has probably delayed his reply. 2. Same answer."

Mr. McBride called attention to the acoustic properties of the chamber. He thought the government should take up the consideration of this question and see if something could not be done.

Premier Prior said the Chief Commissioner of the Interior was to see if anything could be done, and if it could it would assuredly be done.

Adopted.

The report on the bill to amend chapter 71 cited as the Special Surveys Act, 1899, was adopted.

Supreme Court Act.

The House went into committee on the bill to amend the Supreme Court Act with W. T. Paterson in the chair.

Hon. Mr. Eberts said he had not changed his mind with respect to this bill. The government had not stopped the building of this railway in Kootenay. The right of way to the railway company was given them by order-in-council. A press message brought the news that the government had granted the Phoenix would be proceeded with this spring, and that the surveys were not yet completed.

Mr. Curtis was amazed at the audacity of the Attorney-General bringing this matter up against the government. He refused to give the V. V. & E. railway a right of way from Grand Forks to Phoenix because the government said that it was over lands given to the C. P. R. That land was not crown granted to the C. P. R. The land from Phoenix to Grand Forks had been laid out by the Great Northern for a long time. The injunction prevented the company from going on with its work. The government was a party to the injunction. The Attorney-General afterwards withdrew, but the injunction stood. The Attorney-General had no right to become a party to it at the first.

Hon. Mr. Wells said the government had granted the railway the right of way over the only land it had the right to.

The Attorney-General called attention to the fact that the Great Northern's route ran through the United States from Phoenix.

Mr. Curtis contradicted this, explaining that he had seen the plans of the surveyor and that it was the intention to build a branch also altogether in Canadian territory by way of Eholt, Greenland, Midway and thence continue to the coast.

Hon. Mr. Eberts, depending upon the newspaper report, read again from the Colonist as to this route.

Mr. Curtis said the Colonist was reading the wrong report. He said that the Attorney-General was reading the wrong report. He said that the Attorney-General was reading the wrong report.

Hon. Mr. Eberts replying in the affirmative, Mr. Curtis continued: "Well, would you depend upon its columns?"

"Well, I think it is as reliable as your paper, the Rossland Miner, which you wrote the editorials for," said Hon. Mr. Eberts.

The committee rose and reported the bill without amendment.

Complete.

The bill intitled "An Act to amend the Companies Winding-up Act, 1898," was committed with Mr. Hall in the chair. It was reported complete without amendment.

Land Act.

On the second reading of the bill intitled "An Act to amend the Land Act," Mr. Rogers explained that it simply had bearing on the advertising question.

The bill passed its second reading, and was committed with Mr. Taylor in the chair.

The committee rose and reported the bill complete, which was adopted.

War Land Grants.

On the second reading of the bill intitled "An Act to amend the South African War Land Grant Act, 1901,"

the Chief Commissioner pointed out that its purpose was to extend the provisions of the original measure so that later takers from the province might take advantage of the provision.

Mr. McBride congratulated the government in doing justice to such a deserving class as those who had taken a part in South Africa. The opposition would support the measure.

Mr. Neill advocated the claimants being given an option of cash instead of land. Many of the men disposed of their property for less than \$50.

The Chief Commissioner, during the discussion, explained that timber lands had not been included in the lands available for this purpose. These had been withdrawn from sale at \$5 an acre, and would not be used for this purpose.

The House went into committee with Mr. Fulton in the chair, and rising reported it.

Port Simpson Hospital.

The bill intitled "An Act to incorporate the Port Simpson General Hospital" passed its second reading, and was committed with Mr. Munroe in the chair. The committee rose and reported the bill.

Second Reading.

The bill intitled "An Act to amend the 'New Westminster Act, 1888,'" passed its second reading.

Private Bills.

In moving the second reading of the bill intitled "An Act to incorporate the Anglican Synod of the Diocese of Kootenay," John Houston said the object of the bill was to give the good people of the Anglican church from the more or less good people of the same church down by the coast.

Mr. McPhillips brought the attention of the Attorney-General to the working of the Mortmain Act in connection with the bill. It might be working an injustice upon other churches.

Chas. Semlin and others spoke on the same subject, and it was decided to allow the matter to stand over until it was looked over.

After consideration in committee leave was asked to sit again.

Mr. Helmecken moved the second reading of the bill intitled "An Act to incorporate the Quesnais Railway Company."

The bill was committed with John Oliver in the chair. The committee rose and reported the bill complete, without amendment.

Mr. Helmecken introduced a bill intitled "An Act to amend the Society for the Prevention of Cruelty to Animals Incorporation Act." The bill was read a first time.

Return.

Hon. Mr. Wells presented a return of all correspondence between Joseph Colson and all members of the government; also, all correspondence between the chief boiler inspector and all members of the government, relating to the prosecution of Joseph Colson, a violation of Steam Boiler Inspection Act.

Mr. Oliver asked for a return showing the names of those who had staked petroleum or coal prospects in Southeast Kootenay with the addresses and occupations of these.

Mr. Houston said this was impossible as the records did not show the addresses or occupation.

Members of the opposition wanted to know why Mr. Houston should reply for the government, to the amusement of all.

The House adjourned until 2 o'clock to-day.

(From Saturday's Daily.)

Prayers were read by Rev. D. W. Scott.

Mr. Hunter presented a report from the railway committee stating the preliminary of the bill intitled "An Act to amend the Companies Winding-up Act, 1898," was committed with Mr. Kild in the chair.

The committee rose and reported progress, and leave was asked to sit again.

The bill intitled "An Act to amend the 'Land Act,'" passed its third reading.

Upon Mr. Curtis moving the adoption of the report on the bill intitled "An Act to amend the Companies Winding-up Act, 1898," Mr. Phillips moved for the addition of the words to the subsection providing that an ex parte injunction should not be allowed, unless it be reasonably apparent that irreparable damage will ensue."

This was accepted, and the report was adopted.

The report to the bill intitled "An Act to amend the Companies Winding-up Act, 1898," was adopted.

In passing over the adjourned debate on second reading, the bill intitled "An Act respecting Railway and Steamship Transportation in certain cases," Mr. Curtis said he had not intended to introduce it, but he had intended to introduce it, but he had intended to introduce it.

He was not particular which measure passed. The House adjourned at 4 o'clock.

ing out the work intended. He had no objection to a railway in that section of the country, but he thought the promoters should put up a substantial guarantee with the government that they would build this road.

The bill was committed, with Mr. Hawthornthwaite in the chair.

John Houston brought in an amendment intended to strike out powers under the Water Clauses Act, and the carrying on of telegraph and telephone business. His reason for doing so was that two companies had been granted charters in that part of the country, and in doing so had eliminated these powers. He did not approve of the company getting powers which the other companies did not get.

Attorney-General Eberts said that this was simply renewing the old charter and the elimination of these powers might injuriously affect that company. He was inclined to believe the old charter had not passed, but he was not sure.

Mr. Phillips wanted uniformity in the matter. He had been in favor of these powers being granted railway companies.

The Attorney-General said he understood from the member for Southeast Kootenay that the company had surveyors in the field.

Mr. Gilmour agreed with Mr. McPhillips if additional powers were to be given, this company then the House should grant other powers to the companies which had not been granted earlier in the session.

Mr. Eberts believed in keeping the railway companies strictly to their own business. They might get the additional powers in the regular way.

E. C. Smith said several thousands of dollars had been expended in surveying this road. The company had surveyed 2,258,133, leaving a deficiency of 1,248,146 acres, which would have to be added to another parcel, making a total deficiency on 10th September, 1900, of 1,119,901.

It was proposed to give them two blocks in settlement of that, which would make up that quantity, one block to the west of what already was selected and the north. On 10th September, 1900, an order-in-council was passed to give them these two blocks. They were marked deficiency blocks.

Subsequent to that on 19th December a proposal was made by B. C. Southern Company to substitute 4,593 and 4,594 for this northern block. The result of this was that the previous order-in-council was rescinded, and these two blocks substituted for the deficiency blocks. The province made a saving of 167,031 acres by this.

The whole matter then seemed to have remained in abeyance until the summer. The company then under the name of the Columbia & Western, came to the government and asked that these two blocks, 4,593 and 4,594, should be given as the Columbia & Western subsidy.

This proposition was accepted with respect to the two Crown grants. With respect to these two Crown grants, Mr. Shaugnessy said they would not be delivered upon the conditions previously arranged. He informed him of the conditions upon which they could be taken up—the extension of the road to Spence's Bridge. I outlined such an agreement as we might enter into. I left my hotel that day. I drew up a memorandum which I afterwards submitted to Mr. Shaugnessy. I have a copy of that."

The letter in reply, written by Sir Thomas Shaugnessy, was also read. This, as summarized in yesterday's Times, gave an outline of the objections to these restrictions.

In reply to Mr. Green, Hon. Mr. Wells said that Mr. Shaugnessy was definitely informed that these conditions were essential before delivery of the Crown grants.

"I saw Mr. Shaugnessy again after getting his letter," said Hon. Mr. Wells. "I informed him he would have to accept these conditions in order to get the delivery of the grants." Mr. Shaugnessy made use of an expression, said Mr. Wells, to the effect: "If these Crown grants are going to get your government or yourself into an embarrassment or trouble we don't want them."

"I don't know what he meant when he referred to getting you into trouble?" asked Mr. Green.

"With reference to the Crown grants being in the possession of the C. P. R., they never left my possession. The C. P. R. never saw them. I did not take them from my hotel," said Hon. Mr. Wells. "If we were in compliance with the government, I made this proposition. That I kept the grants in my possession as the custodian of the railway company, was nonsense." Mr. Brown came into my office afterwards to find if anything could be done to arrange the matter. I informed him that nothing could be done unless the proposals were carried out. I never made any promise to return the Crown grants to him or any one else in 30 days. I never made a statement to Mr. Brown that he need not be satisfied with the Crown grants in due order."

He believed he said in his statement in the House that the blocks were never accepted. He meant there was no express acceptance by which the company would be relieved with respect to the matter. He understood also that they wanted a petition of rights, though they had not made any formal application for it.

"How do you know that they wanted a petition of rights?" asked Mr. Helmecken.

Replying, Hon. Mr. Wells said: "I learned it from Mr. Eberts. I do not know that any decision had been arrived at. All that I understood was that Mr. Eberts was that a petition of rights was wanted. I don't know who made the application." He made a distinction between the petition of rights and the intervention asked for.

Questioned by Mr. Oliver, Hon. Mr. Wells said that there were conditions under which the company would receive the subsidy for section 4. The company had been relieved with respect to sections 5 and 6. An arrangement was made with Mackenzie & Mann by which the road was to be built from Midway to Penicton. An agreement was made. He believed that the government intended to carry out that agreement.

The government entering into a contract with Mackenzie & Mann to build a road released the C. P. R. from building sections 5 and 6. The C. P. R. could not, he thought, have prevented Mackenzie & Mann building to Midway. The agreement, however, among the parties interested, the two railway companies

## A SESSION FULL OF SENSATIONS

### Mr. Dunsmuir's Disclosures--Swears That Mr. Wells Has Offered 30,000 Acres for Crown Grants.

(From Friday's Daily.)

The select committee inquiring into the Columbia & Western subsidy matter examined Hon. Mr. Wells Thursday forenoon. In yesterday's edition the memorandum of the concessions asked of Sir Thomas Shaugnessy was given. The main examination which was crowded out is now given.

Hon. Mr. Wells, being sworn, said that he would have to go back further than the relation with the Columbia & Western in order to make matters clear. He would have to go back to the settlement of B. S. Southern subsidies.

That railway was entitled to 20,000 acres a mile. In 1899 the initial block was selected, 611,533 acres. They later selected three additional blocks, comprising 1,646,000 acres. This made a total of some time previous to 10th September of 1900, 2,258,133, leaving a deficiency of 1,248,146 acres, which would have to be added to another parcel, making a total deficiency on 10th September, 1900, of 1,119,901.

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The government entering into a contract with Mackenzie & Mann to build a road released the C. P. R. from building sections 5 and 6. The C. P. R. could not, he thought, have prevented Mackenzie & Mann building to Midway. The agreement, however, among the parties interested, the two railway companies

and the government, he thought constituted a release of the C. P. R. to build sections 5 and 6.

Being handed the draft agreement in 1898, which he understood would have been carried out if the government had been returned to power, and which was signed by Sir Thomas Shaugnessy and Mr. Oswald, representing the Columbia & Western railroad, Hon. Mr. Wells said that he thought the company was relieved from building sections 5 and 6 by it. He believed it was the duty of the government to carry out the purpose of that agreement, even though it was not fully executed. The government was in duty bound to carry out some agreement by which the company was to be given a subsidy either by land or cash for section 4.

"Are you proceeding under the Subsidy Act or this agreement in making the grant to the railroad company?" asked Mr. Oliver.

"To both taken together," answered Hon. Mr. Wells. There was a mutual agreement among the government and the two railway companies in this matter. Taking this in conjunction with an agreement entered into with Mackenzie & Mann, he thought this was borne out. The agreement was not drawn up by him. It was a verbal one. He thought in this draft agreement the C. P. R. was simply reserving its right in case Mackenzie & Mann did not build these sections.

Coming to the bill introduced a year ago to grant a subsidy to the Columbia & Western for section 4, Hon. Mr. Wells said in stating it that the company had forfeited this right to build the fifth and sixth sections, he was guided by what Mr. Turner and Mr. Eberts, who were in the government at the time, had told him.

Asked to the reason for allowing of lands for the subsidy being taken away from now or then, instead of as near as possible contiguous to the line of railway, he thought that it would be found if all was settled up there would not be lands enough near the railway.

Mr. Oliver asked if he satisfied himself as to whether there were lands sufficient or not.

Referring to the map he did not think there were lands enough. He thought he had inquired into the time last year. Mr. Oliver asked if it was not a fact that 4,440,000 acres were reserved for the railroad company.

Hon. Mr. Wells did not know that that was it. He supposed it was correct. The government set this aside that the railroad company should select its lands from these reserves. He thought, however, that the Subsidy Act gave the government the power to go outside of that reserve. They were held in connection with a subsidy for the C. P. R. The Columbia & Western was practically the same company, and if they asked for that he thought they might have it. This referred to blocks 4,593 and 4,594.

"If the bill withdrawn had passed, it would have been a fact that the company had the right to take sections 4,593 and 4,594 in selecting the lands?" asked Mr. Oliver. Hon. Mr. Wells thought that was only intended to carry out the original Subsidy Act.

Mr. Oliver pointed out that this bill would extend much further than the original act. Hon. Mr. Wells said he had been asked to state that the question was simply to reinstate the company under the Subsidy Act. The blocks were under reserve. They could not have been given unless the government chose to do so.

"Would the government have given them?" asked Mr. Oliver.

"I will not say whether they would or not," replied Hon. Mr. Wells.

Mr. Eberts' statement that it was one or two months after Mr. Wells's return before he knew of the Crown grants being brought back.

Hon. Mr. Wells said: "I must have communicated it to the government. Mr. Eberts says he did not know it, I suppose it was true."

In answer to Mr. Helmecken, Hon. Mr. Wells explained that the lands were never crown-granted to the B. C. Southern, but had by order-in-council been set aside for them.

Mr. Oliver wanted all communications which had passed between the past few days between Sir Thomas Shaugnessy and Hon. Mr. Wells produced before the committee. Hon. Mr.