

PROVINCIAL LEGISLATURE

Fourth Session of the Sixth Parliament.

FIFTY-SECOND DAY—Continued.

MONDAY, April 9, 1894.

[The following is the closing address of the hon. Attorney-General, on his motion for the appointment of a royal commission to inquire into the charges made with respect to the Nakup and Sloan railway.]

NAKUP AND SLOAN RAILWAY.

HON. MR. DAVIE.—Hon. gentlemen opposite have made a sorry spectacle of themselves to-night. They have been saying that the government propose to make a farce of this investigation; and yet, sir, what do they themselves propose but to make it a screaming farce. They propose that the government shall themselves appoint a commission to inquire into the charges made with respect to the Nakup and Sloan railway. Now, then, there is an example for hon. gentlemen opposite to follow, that is, a man who was always honorable in his methods in political matters, and was courageous and straightforward in his actions. They do not want a lawyer at the expense of the province. So now having told the hon. members of their privilege, I shall hope they will avail themselves of them.

Now, let us look at some of the objections raised. I shall take up the remark of my friend, Mr. Stoddart. I think that my friend, Mr. Stoddart, has exercised an admirable opportunity of seeing this amendment printed and considering at greater length the resolution of the hon. Chief Commissioner, the hon. Mr. Stoddart, proposed, and the amendment of the hon. Mr. Stoddart, proposed, he would not have been so slow in his own mind. Now, sir, the hon. gentleman says that he is quite sure that there are more members of the Nakup and Sloan railway company and of the Construction company than have been stated by the hon. Mr. Stoddart. Well, sir, if that is so, and there is any question of the Nakup and Sloan railway company, or the Construction company, or the Chief Commissioner gives exhaustive power of enquiry. Here is his amendment: "And that, and it is intended to be so. Whether corrupt motives, or any kind of interest, or by influence of his honor the Lieutenant-Governor in relation to the Nakup and Sloan railway company." Could language be more comprehensive than that? We want to find out whether there was any corruption at all. Now, if the hon. gentleman is so sure that there is no corruption, he is perfectly absurd for a government to select the charges upon which they will be tried, you never heard a prisoner selecting the charges he will be tried upon; the prosecution does that. But what did he do then, sir? Now, I will show you. It is just as well to refer to precedents, and I will show you exactly what the course of proceeding was. On the 20th February, 1874, Mr. Robson moved, seconded by Mr. Smith:

"Whereas certain statements have appeared in the public newspapers connecting the names of members of the late government, and of the present government, with proceedings of a questionable character in relation to the Nakup and Sloan railway, and whereas transactions are alleged to have taken place in respect to the Nakup and Sloan railway, and the public interest; be it therefore resolved: That a respectful address be presented to His Honor the Lieutenant-Governor, praying that he will cause a royal commission to be appointed, with full power to take evidence under oath, and send for persons and papers, for the purpose of inquiring into the whole matter, and reporting thereon to this house at its next session."

Now, sir, at that time Mr. Robson was in opposition, and a prominent member of the opposition; the hon. leader of the opposition here was then a member of the government, he was not the leader, Mr. Walkem was the leader.

MR. SEMLIN.—No; Mr. DeCosmos was the leader.

HON. MR. DAVIE.—Mr. Walkem was a member of the government at all events; I may be wrong in saying that he was leader. However, you have heard Mr. Robson's motion. There was no point of order raised against Mr. Robson's motion such as the opposition would now lead the house to believe would have prevented his moving for a commission in this matter. Now, Mr. Robson's motion did not suit his opponents, so it was defeated, whereupon the standing orders were suspended, and the hon. Mr. Walkem moved, seconded by the hon. Mr. Beaven:

"Whereas the honorable member for Nanaimo has stated in his place in this house that he was credibly informed that prominent members of the late and present governments were in a ring to acquire possession of the Nakup and Sloan railway, in a manner prejudicial to the interests of the public, be it therefore resolved: That a respectful address be presented to His Honor the Lieutenant-Governor, praying that he will cause a royal commission to be appointed, with full power to take evidence under oath and send for persons and papers, for the purpose of inquiring into the whole matter, and reporting thereon to His Honor the Lieutenant-Governor for publication."

Now, sir, there is a precedent set by the way these things shall proceed, by which you will observe that the hon. gentleman was not content to let the charges formulated by Mr. Robson, but distinctly formulated the charge himself upon which he was to be tried.

MR. BEAVEN.—Amplified it.

HON. MR. DAVIE.—No, sir, he particularly said it, and he selected the charge upon which he was to be tried.

Now, that is the commission. Hon. gentlemen opposite ask who is to propose it. Why, sir, those who bring the charges. Else, why do they bring them? The hon. leader of the opposition should know that, he has had experience enough in this line for upwards of twenty years; he has had experience enough to come out in a courageous manner and conduct his prosecution as Mr. Robson did then. And the hon. member from New Westminster and the hon. member from Nanaimo District, and any other members on the other side who made these charges, should come forward and conduct their own prosecution, and without any lawyer also. The hon. leader of the opposition as I have had occasion to remark before is excelled by few legal men as a constitutional lawyer, he does not need any lawyer. And we will see that it is a non-political case. And, similarly, other hon. members, who prosecuted in the Torda case—Did the government employ a lawyer to prosecute themselves, as suggested, by hon. gentlemen opposite they should do?

No, Mr. Robson, with a courage equal to his ability appeared, before the commission and presented the charges.

Here is what the report of the Royal Commission says referring to the attitude of the commission:

"That, at such sittings, the three Commissioners were all present, except on one occasion, viz., the 20th day of August, at Victoria, when an enquiry was held before the Hon. Mr. DeCosmos, Mr. Green and Mr. Gray, as to the mode of examination, by Mr. DeCosmos, a witness then

present, and read a third time the resolution of the house, and in order to do so he would have to move the suspension of the standing orders. The resolution to which he referred was as follows:

"Whereas by a convention between the United States and Great Britain, dated 18th April, 1892, it was, amongst other things, provided: 'That if the results of the arbitration be to affirm the right of British sealers to take seals in Behring sea within the bounds claimed by the United States, and if Great Britain for the use of her right during the pendency of the arbitration, upon the basis of such a regulated and limited catch or catches as, in the opinion of the arbitrators, might have been taken without an undue diminution of the seal herds, such amount to be promptly paid'; and whereas the results of such legal rights pertaining to British subjects; and whereas no such compensation has been awarded; Be it resolved, that this house ventures to express the hope that the royal assent will not be given to the bill now before the Imperial Parliament for giving legal effect to the foregoing claims, be previously acknowledged and placed in course for amendment by the government of the United States; namely: 1. That British Columbia sealers be compensated for illegal catches made from Behring Sea during the years 1891, 1892 and 1893; and 2. That British Columbia sealers be compensated for illegal catches made from Behring Sea during the years 1891, 1892 and 1893; and 3. That a copy of this resolution be telegraphed at once to the Secretary of State for Canada, with a request that he telegraph it to the Imperial Government."

Motion agreed to.

KASLO-SLOAN RAILWAY.

HON. MR. VERNON moved the second reading of the bill respecting the grant of land to the Kaslo and Sloan railway company. He explained that owing to the tortuous course of the road, and the mountainous nature of the country, it had been found impossible to locate the quantity of land granted as provided for by the act of last session, and the company had in consequence of the general stringency of the money market, been unable to finance their enterprise. They had now come to the government and asked to be allowed to locate elsewhere half the quantity of the land which, as had been explained they could not select in accordance with the act of last year, and this the government now recommended to the house. He did not consider that this was altogether a rival road to the Nakup and Sloan, as there are great quantities of the ore which are naturally tributary to the Kaslo road; but the company nevertheless complained that they have been hampered in their operations by the action of the government with respect to the Nakup and Sloan road. He thought under all the circumstances the legislature ought to grant the change asked for.

Bill read a second time.

It being 6 o'clock the Speaker left the chair.

After recess.

The reports from committee on the assessment act amendment bill and the railway bill were adopted, and the bills were read a third time and passed.

KASLO-SLOAN RAILWAY.

The bill respecting the land grant to the Kaslo and Sloan railway company was considered in committee, and the following amendment moved by Mr. Kellie was adopted: "That the land which may be granted to the company under section 3 of this act shall be open for purchase from the company by any person or persons upon similar terms to those provided for the acquisition of crown lands by the 'Land act amendment act, 1891,' save that the company may sell such lands at less than those provided in such act, either for cash or upon credit, at rates of interest not exceeding six per centum per annum. All the proceeds of such sales may be held and retained by the company for their own use."

An amendment by Mr. Horne providing for the substitution of other lands to half the amount, in all cases where the lands cannot be located in alternate blocks, or if so located would be practically useless, was also adopted.

Bill reported complete with amendments and read a third time and passed.

MR. KITCHEN.—Where did you get that? (Laughter.)

HON. MR. DAVIE.—"Never mind; I didn't parrot it. I came by it honestly." (Renewed laughter.) He continued that Mr. Kitchen seemed very anxious on the subject of the government and the municipal council about the full amount for the construction of the road, and wrote willing that in this case, where the circumstances are so much more favorable than those of the Nakup and Sloan and the road can be built so much cheaper than on a mountain line, that the cost should be placed at \$150,000 a mile.

MR. KITCHEN.—I never said \$150,000.

HON. MR. DAVIE.—Well, even putting it at \$140,000—

HON. MR. DAVIE continued that he had not heard Mr. Kitchen in his remarks take any exception to the contention made by the government. In fact, as stated yesterday, it is that the government, who are now in the position of carrying out the bill of last year, and asks why did they not do so. To this he (Mr. Davie) would answer in the hon. gentleman's own language, that they are "opposed to the idea of peddling interest-guaranteed bonds throughout the world and selling them at a heavy discount."

(Laughter.) Mr. Kitchen says the municipality were prepared last year to carry out the arrangement and the government refused; but while this was not the case, for the ratepayers would not have assented to the by-law if put before them, he wished to point out that if the municipality were prepared to pay for their share in the sacrifice of the interest-guaranteed bonds, such of more money they be in a position to go on with this new and business-like proposition, the cost of which will be considerably less. Mr. Kitchen had been loud in his protestations against the government securing the construction of railways and allowing them to be handed over to private individuals, but now is found advocating that very principle when his own district is concerned.

MR. BOOTH, after further discussion, said he had been struck with the silence of the member from Comox during the debate on the Nakup and Sloan bill, but the explanation was that he had taken the proper course. He had been struck with the silence of the member from Comox during the debate on the Nakup and Sloan bill, but the explanation was that he had taken the proper course. He had been struck with the silence of the member from Comox during the debate on the Nakup and Sloan bill, but the explanation was that he had taken the proper course.

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210,000 sq. ft. Has it ever been suggested in this house before now or is it the first time now charged that any member of the government had anything to do with the Three Forks? Has any one of the opposition pretended for a moment to say that there has been anything wrong about that so far as the members of the government are concerned? Not one of them. And without a single charge or suggestion on which to found it, the hon. gentleman now proposes, when the matter is all over, when the bill passed and everything done, to ascertain and inquire into something that has not been even suggested or intimated by anybody. I wonder if the gentleman does not have feelings of shame to put such a charge on the records of the house. I do not want a better document to show before an audience in any place, to prove that the opposition are trying to shirk the issue of corruption, which they have raised in respect of the Nakup matter. "Or, who may have any interest in the matter, the person or persons to whom the grant is to be issued, or from any person or persons to whom they have promised or agreed to transfer their right, or any part or interest thereof or therein." To find out who may have the promise, and who might that be? Well, sir, the hon. gentleman opposite might have a promise, or anybody on the other side, Tom Jones, Bill Sykes, or anybody else. He wants the commissioners to find out who has an interest in this. He would find Jones and Sykes, and there may be hundreds of them. And he wants to mix that up with the charge of corruption and bribery, and then he wants the government to tell me that there is any better position than many whose claims have been recognized by the house. Just what ought to be done is a matter for further consideration, but he would vote against the amendment and in favor of the resolution.

MR. KITCHEN spoke against the resolution.

The amendment being put was lost on division of 12 to 13.

After Mr. Grant had addressed the house the resolution was put and lost on division of 13 to 16.

NAKUP AND SLOAN RAILWAY.

HON. MR. TURNER moved the second reading of the bill respecting the Nakup and Sloan railway.

MR. SWORD again asked for the letter from Mr. Mohun referred to yesterday.

HON. MR. DAVIE said he now had this letter, and he would present it to the house, together with an affidavit from Mr. McGilivray, the contractor, as to the cost of rails delivered on the work.

The bill was read a third time and passed on the following division:

Ayes—Messrs. Adams, Anderson, Baker, Booth, Gorton, Croft, Davies, Fletcher, Hunter, Horne, Kellie, McKenzie, Rogers, Smith, Turner, Vernon, Walker, 17.</