

The financial associates of Mr. Jenison, who were to invest the money for the development of his plans, conceived the opinion that Mr. Jenison had been too often before the Committee already, and it would be better if he should stay away. To this view he necessarily assented. But it will be seen in the report (Exhibit D) that the Committee were given anything but a flattering view of his case, of his record for good faith or of his plans.

Mr. Clergue, with his solicitor, Mr. Watson, appeared for the Kakabeka Company, the old-time adversaries of Mr. Jenison, and between them they took up nearly all the time of the hearing.

Upon reading the report (Exhibit D) and learning that Mr. Walter Barwick, K. C., appeared for Mr. Jenison's interests, the investigator may easily be astonished that statements so damaging to Mr. Jenison should have been iterated by Mr. Barwick, who repeated that "Mr. Jenison was not fair to the Committee, or he would have told the Committee last year, as the fact was, that he was not the owner of the proposition." This statement would have sounded harshly coming but once even from the opposition, for it was erroneous; but to be said twice by one's own advocate, it was more than a double misfortune. Mr. Jenison always has been, was, and now is the owner of the larger part of this property; he always told the Committee and everybody else that he had not the money with which to complete the enterprise; that he had associates who did not at that time wish to be known in the matter; that, as soon as he could remove the obstructions in his way, all of which were unjust, there would be plenty of money; but, even if it were as Mr. Barwick put it, it seems small reason to take away a man's property because he has no more besides.

As a matter of policy, looking backward over the eight years he has devoted to this water privilege, Mr. Jenison believes he made but one serious error. He should have compelled the Mayor of Port Arthur to do his sworn duty and sign the contract ordered by the Council and authorized by the rate-payers of Port Arthur.

PLANS OF THE ADVERSARY.

It is reported that the Kakabeka Company, perhaps in its own name, perhaps under an *alias*, will ask legislation giving it Mr. Jenison's rights. Let us note some of the obstacles in that Company's way, and see how soon it could relieve the needs of the towns, even supposing the legislative action asked for should be taken. The Company has not the money—must go to the people for it. Is there any hope of getting it, on the present recital of Mr. Jenison's case, and with Mr. Jenison's right of appeal to the Privy Council on the constitutional question of the right of anybody to take his property without compensation? Suppose investors get their money in, and Jenison should get a decision in his favor, would they desire to have their improvements on his property?

The Dartmouth College case, which was decided in the States, largely from English law, by which the principle of the inviolability of chartered property was fully established, was handed