# STRENUOUS TIMES IN THE HOUSE

## The Premier Dismisses Two Colleagues and Hon. McInnes Resigns—House Negatives Government's Motion.

## Mr. McBride Promptly Rushes to the Rescue and is as Promptly Turned Down—Col. Prior Left in Control.

From Thursday's Daily.)

A sitting of the legislature, which will be historic, was that of yesterday. In addition to announcing the resignation by request of Messrs. Wells and Eberts, the Premier conveyed to the House the news that Hon. W. W. B. McInnes had also seen fit to sever his connection with the government, while giving assurance of his assistance as a private member to the passage of supply before going to the country. Subsequently upon the motion preliminary to the motion for adjournment, want of confidence was formally expressed by 17 to 15, Mr. Dunsmuir voting with the opposition, and a few moments later want of confidence in the opposition leader, Mr. McBride, was similarly expressed. Hon. Premier Prior, despite the very evident feeling of the House that the estimates should be passed before the dismissal of the legislature, insists that the time for a compromised consideration of supply passed with the vote of censure, and that his course can only be to ask for the dissolution, which he asserts has been distinctly promised. The session so full of interest developed an intensity from the moment that Mr. Speaker took the chair. The business on the order paper was superceded by the announcement of the Premier as to the moving events of the past 48 hours. Hon. Col. Prior said:

"Mr. Speaker: Before the business of the House commences I wish to ask to be permitted to make a statement which is of great importance to the province, and especially to this House. In preface facing this statement I would like first to say a few words with reference to myself and my political career since entering provincial politics on the present occasion. In March, 1902, I was asked by the then Premier, Mr. James Dunsmuir to join his government upon the distinct assurance that he had a railway policy and that that policy called primarily for the development of the Northern portion of British Columbia. Such a policy quite met my views, and being heartily in accord with it I became a member of Mr. Dunsmuir's government. Railway construction, especially such construction as will open up the Northern portion of this province I then believed, and I still believe to be the most important matter that can be taken up by members of this House in British Columbia's interest. Until such construction is taken up, developing our Northern reaches of territory by railway construction, we cannot make anything out of the great natural resources of which we are undoubtedly in possession. During 1902 certain cash subsidies were voted with the object of securing railways in this province. But what do we find? While there were many complaints as to prodigal generosity in these subsidies, as to their being excessive, and for that reason not in the public interest, yet a year has gone and without a single sign of pick or shovel being used on a railway construction in British Columbia. I have, therefore, come to the conclusion that the subsidies given were not, and are not sufficient to induce companies to undertake the building of these roads. Exactly seven days after I joined Mr. Dunsmuir's government a matter came up which has been the cause of much comment throughout the province. That was the cancellation of the Crown grants for certain land that had been given to the C. P. R., or rather the Columbia & Western Railway Company. After that cancellation, with which I was heartily in accord, and which I still more heartily endorse today, and for a long time thereafter, I, with a majority of my colleagues was of the opinion that those lands were perfectly safe to the province—that they had been conserved for the benefit of the province, and that under no conditions could they be given the C. P. R. or the Columbia & Western. In November, 1902, Mr. Dunsmuir resigned the Premiership, and His Honor saw fit to call upon me to form a government. In January, 1903, this present year, I, in company with the Attorney-General, Hon. Mr. Eberts, proceeded to Ottawa to lay before the Dominion the claims of British Columbia for better terms from the Dominion, and incidentally to take up several other matters of great importance. Whilst in Montreal on that occasion, I had several interviews with Sir Thomas Shaughnessy, and in connection as a matter of course the question of these Crown grants came up. Sir Thomas Shaughnessy then assured me that the government was not as safe in its custody of these lands as I had thought, that the C. P. R. claimed them still, and that the company was preparing to make its claim good in the courts of the country. (Sometime after Mr. Eberts and myself returned the matter was taken up, and I then saw fit as Premier of the province to advise—with the hearty co-operation of most of my colleagues—that the House ratify by legislation the cancellation of those grants, and thereby make is impossible for these lands to be given away, as I thought to be given away in an entirely wrong direction. We had been asked to intervene in behalf of a man named Rogers, who had had Crown grants issued to him by the government, but upon whom injunction proceedings had been taken by the C. P. R., or more properly speaking, the Columbia & Western. Under the circumstances the government thought that possibly that would not be the best course, but that it would be better for us to take another course, which was subsequently taken in the passage of Bill No. 16 of this session. Bill No. 16 passed, and there is now no possibility for those lands being turned over to the C. P. R. As to Bill No. 16, and in connection with the cancellation of those grants, there was one gentleman in the cabinet who differed from the opinion to which effect was given. That was the Attorney-General, a gentleman learned in the law, a man of marked ability, and when his opinion was given in so decided terms it was hard for us to go against it, but I and the other ministers while giving the Attorney-General every credit for great ability, still thought that we were in the right, and went ahead, cancelling the Crown grants and presenting for passage the legislation ratifying that action. Afterwards as all in this House know, a select committee was appointed to inquire into the granting of these lands to the Columbia & Western, and all matters therewith connected. That committee sat and evidence was taken during many days under oath. I attended those meetings regularly, and heard all that was said, pro and con, all for and all against the government, and also the whole summing up of counsel engaged. I then saw that it was impossible for the different members of the government longer to sit together as an executive with such markedly divergent opinions, that it would be impossible for them to continue longer as members of one cabinet. There must be two distinct difference of opinion. No matter of importance is debated as a rule in government without some difference of opinion, but one could plainly see that more than ordinary difficulties here presented themselves. It was plainly to be seen that the confidence and mutual respect that should exist between the several members of a government were not present, and that the business of the country could not be carried on under such circumstances. I have therefore felt it to be my duty, and I most sincerely regret to say so to call upon two of my honorable colleagues to send in their resignations. These two are clever and able men, but I take it that when a Premier sees that there is not that confidence and good feeling among the members of his cabinet that should inspire it, he should, as I have, take the bull by the horns and thus endeavor to bring about a better feeling and a more substantial basis for government work. The resignations of the two ministers referred to have been received and accepted. Today I also have to announce to the House that the Provincial Secretary, Hon. W. W. B. McInnes handed in his resignation to me this morning. This I have not accepted, and I have asked the honorable gentleman to stay in the cabinet a short time. He had said that he would afford me his support until the estimates are passed, and with a few unopposed bills he is perfectly willing to give me such support as he can. I saw that we could not go on as a government in this fashion, and so I called upon His Honor and told him what I have told the House. He recognized with me that the government could not continue as at present, and I asked him if he would give me a dissolution. He said he would at any time that I asked, but that before doing so it would be well to get the House pass the estimates before going to the country, as otherwise the consequences would be disastrous. The regular supply had lapsed on the 30th June, and unless the estimates are passed the civil service salaries would be unobtainable, and the necessary public works will be at a standstill. It was usual under such circumstances for the opposition to join with the government in passing at least a certain amount of supply, or they may reduce the votes to what they regard as imperatively necessary. Having been assured by His Honor—

Mr. Martin interrupted to inquire as to the distinct promise given by His Honor in case the House voted want of confidence for example, did it include a dissolution under such circumstances?

Hon. Col. Prior, continuing: Under any circumstances. If I am defeated in the House I will still go to His Honor and ask him for a dissolution, and I will get it. I expect my right to appeal to the country to be recognized. It is not necessary for me to say exactly what His Honor promised. If the House likes to defeat me, let it do it. I will then go to His Honor and ask for a dissolution, and I can assure the House that I will get it. If the House sees it to pass the estimates, and a few private bills, as to which there is no difference of opinion, and I might ask them to pass also to Coal Mines Regulation Bill, based upon the report of the commission appointed, and having for its object the assurance of a greater measure of safety for human life, I can say that as soon as these measures are disposed of I will ask His Honor to come down and dissolve the House, and we will appeal to the people.

Hon. Mr. McInnes thought it proper to supplement what the Premier had said by making a brief statement as to his own position. During the morning he had tendered his resignation to the Premier. That resignation so far as he was concerned was final. He had said that he would assist to have supply passed though the House, and to that promise also he would adhere. The reasons actuating his resignation might be dealt with in detail on some later occasion. He thought that the House should pass supply, and then leave the matter in the hands of the Lieutenant-Governor and the Premier. If His Honor granted a dissolution to Premier Prior, then later had promised the House that he would appeal to the people forthwith. If not the election would be had anyway. Referring to the political turmoil which has long distressed the province, he had tried his best to keep the government together and capable of usefulness. It was evident now, however, that its usefulness as a government had gone, and there was only one thing for it to do, and that was to retire. If it was not in a position to carry on the government with dignity, it should step down and action be taken to facilitate an immediate election, and an election upon party lines.

"Here, here," said Premier Prior.

Hon. Mr. McInnes continuing, believed such a definition, and such action to be the only solution of British Columbia's difficulty. He would do what he could as a private member to assist the government in the passage of supply, and he felt certain that the majority of the House would agree with him that a certain portion of legitimate supply at all events should be granted—not necessarily all the estimates as presented by the government, as some might properly be contentious, but such as all would agree to be necessary, and having done this other matters might be left until a legislature could meet capable of carrying on the business of the people more satisfactory to the people.

Mr. Eberts, who had moved down and taken the place of Mr. Price Ellison in the private members' ranks, next addressed the House. He did not stand in a very enviable position, he observed, because he had been asked by his leader to tender his resignation, which had been done during the morning. He could not take this action before certain charges had been laid, and he as a member of the ministry felt that it was necessary for him to await the verdict of the inquiring committee. The Premier had said that he had opposed Bill 16, whereas a majority of his colleagues had been agreed that the course suggested by it was the right and proper course. He, Mr. Eberts, thought that the majority would agree that the course he himself had proposed was the right and proper course, but Rogers, whose title had been attacked in East Kootenay should have been protected in the courts, the government intervening in his behalf.

Hon. Mr. Prentice—You are the only man who knew anything about that.

Hon. Mr. Eberts continuing, said that the letter from the government agent at Fort Steele to the Chief Commissioner in this connection had been brought up in the executive by the Minister of Lands and Works. He insisted and would continue to insist that his was the true position that the government had no right to interfere with the sacred rights of other people. If the Columbia & Western had no rights in the premises, the courts should have been permitted to say so, and if they had rights the government should not take those rights from them without compensation or otherwise dealing with them. He had told the Premier that he could not vote for the bill or stand up for it, but he would hand in his resignation. This the Premier would not allow him to do. He had said:

Hon. Col. Prior—I did not. I told you you could do which you like. Continuing, Hon. Mr. Eberts said he asked no favor of anyone. He had hoped and expected that the Premier when he had agreed to the committee of inquiry would submit to the judgment of that committee. He (Mr. Eberts) did not yet know what the judgment of that committee was. He had been examined and re-examined and cross-examined by the committee and was quite willing to take its verdict. The Premier had been wrong in saying that he had taken the bull by the horns; it was not for him to be so independent of what the committee of the House would have to say. In so doing he would find the public opinion would not be with him. He quite sympathized with the committee sitting as a bench of judges in this matter only to have the Premier say that he had attended some of the sessions and this judgment must anticipate and override that of the committee. As for himself he asked no favors. He knew what he had done politically. He had tried to play an honest part. The Premier of the day had tried to heap encomiums upon him. These Mr. Eberts threw back. He did not want encomiums from him. He well knew that in his inmost heart Premier Prior did not view him as he had said at all; these compliments were only intended for the country. They would not deceive the country. The country quite well understood the relative positions of himself and his Premier from the first. He was a creature of circumstances from the first and was so today. But he stood before the people today not as one afraid. He did not know what the committee's report would be but he did know that the Premier had no right to anticipate it in the manner he had.

Hon. Mr. Prentice—If I were to say what I think of what has been done in the government since the 5th of September, 1902, the gentleman who has just sat down, the Attorney-General, would find the smallest kind of a hole as quickly as possible and sneak into it. On that date Mr. McPhillips and Mr. Geo. McL. Brown were urging the government to give those blocks to the C. P. R., Who was it that was most active in advancing their pace—the Attorney-General. Follow the whole course of the negotiations and who was the responsible one—the Attorney-General, and that nefarious partner of his, Taylor, the blackguard. (Cries of order.) Through the whole course of the proceedings to the 19th of September to the telegram from Montreal, from that very estimable young man, Mr. Taylor,

Mr. Speaker insisted that discussion of the subject matter of the committee's inquiry was not permissible.

Hon. Mr. Prentice continuing, held that the Premier had told the truth, and had acted consistently from start to finish, under great difficulties, as he had in his cabinet men who were unfaithful to him and to their trust, and who were cowards and liars.

Cries of order and Mr. Speaker's insistent demand that the language would be withdrawn, were followed by calls for an apology to the House: "I do withdraw the language," said Hon. Mr. Prentice. "I take off the s and with that amendment I apologize to the House."

Mr. Wells remarked that the Premier had informed the House that he had thought it necessary to call for the resignation of two members of the cabinet. As one of those members he bowed to the decision of the first minister. He was sorry that the debate had assumed such an acrimonious character, and as he thought that when members were forced to lay down the reins they should, as he preferred, to take the matter philosophically. So far as he was concerned he had no serious complaint to make. The action of the Premier had occasioned him considerable surprise, and he thought that this surprise would permeate the whole community. Inasmuch as the House had appointed the committee to investigate Columbia & Western matters, he concurred in the opinion expressed by Mr. Eberts, that the Premier should have awaited the committee's report. To do otherwise was to treat the committee with supreme disrespect, the House with discourtesy and the ministers interested with injustice. He did not know what the report of the committe might be, but it was good in one respect in that it was unanimous. The only reason that the Premier had given the House for his unusual action was that he had seen such variance between his ministers. He (Mr. Wells) believed that there was different ground for the action. With the permission of the House he would read a letter in which his own resignation had been asked for, the reasons therein recited being wholly different from those that had been given the House. The letter read:

May 26th, 1903.

Hon. W. C. Wells, Chief Commissioner of Lands and Works, City.

My Dear Sir,—The select committee appointed to enquire into the Columbia & Western land grants has now taken all the evidence they deem necessary, and they will, I presume, hand their report to the Legislature in a day or two. I have been present during the greater part of the enquiry and have formed my own opinion about the same. Without going so far as to say that you were to blame in the transactions that came under your jurisdiction, I am bound to say that the verdict showed, in my opinion, at all events, that some of the acts done by you were not in the best interests of the province, and that they cause me to feel that I cannot have the confidence in you as a colleague that I should have.

There are other matters connected with your department that from time to time have been brought to my attention that I did not meet with my approbation, and which tended to slacken my confidence in your administration of your department.

Under these circumstances, and as I feel that it is impossible for us to sit together in executive with the full confidence that a minister should have in another, I must ask you to hand me in your resignation as Chief Commissioner of Lands and Works of the province.

As you well know, you joined me under the distinct understanding that you were to hand me your portfolio at any time I asked for it. This I intended to do anyway at the end of the present session.

Personally I am sorry to have to send you this letter, but I believe it is my duty to do so.

Yours truly,
EDWD. GAWLER PRIOR,
Premier.

He thought it was quite plain to anyone that the Premier should not have come to the conclusion if they were as alleged until the committee had reported to the House. This would be concurred in by every member. He would like to know what was wrong in his department, and he had asked the Premier this question but obtained no answer. He demanded a single incident wherein he had been culpable in the administration of his department. He held that the history of his connection with the Dunsmuir government and all subsequent events had shown quite the contrary. He contended that Premier Prior had assumed full responsibility when he had retained Mr. Eberts and himself in the Cabinet. His action in taking the grants to Montreal and bringing them back had been endorsed by Premier Prior, the government and the House in the subsequent cancellation and the passage of bill 16. The only explanation that he could see of Premier Prior's action was that the Premier believed the report would be condemnatory of the government, and not wishing to be dragged down with two other members of the Cabinet, sought by this course to divert public opinion. He briefly outlined his position in the Columbia & Western matter as shown in his evidence before the committee, and closed with the reiteration of his confidence that the people would appreciate the part he had played and his own determination to take the matter philosophically.

Mr. McBride, whose rising was received with much opposition applause, paid particular attention to the statement of the Premier that he had been given definite assurance by the Lieut.-Governor that whatever action the House might see fit to take he would be given a dissolution. He had intended to earmark that statement, but had been anticipated in this by the member from Vancouver, Mr. Martin. He did not know of a more peculiar statement in the history of constitutional government under the British flag. Speaking for the opposition, he could not accept such trampling upon the constitutional right; he could scarcely believe that in the face of an expression of want of confidence by the people as represented in the legislature, His Honor could take the course which it had been declared he would. The present was a very peculiar political crisis. The House had witnessed the disruption of the government and had heard the lip testimony of the ministers. For the passage of the estimates a precedent might be found in the case of the Elliot government, but he was still of the opinion that a general election and on party lines, was what was needed, and at once. ((Here, here, observed Premier Prior.)

But if the House expected him to accept the statement of the Premier which would set at defiance all constitutional government, it would be disappointed. The country could not sanction the setting of such a ruinous precedent and such defiance of sound usage and constitutional law.

Mr. McPhillips urged at some length that His Honor could not have given such an assurance of a dissolution, no matter what opinion might be expressed by the House.

The debate at this stage dropped.

ROUTINE BUSINESS.

Proceeding to the business on the order paper, the Premier presented the annual report of the Minister of Mines of 1902, and a return of water records under the Water Clauses Consolidation Act.

Capt. Tatlow introduced his resolution for a return of all correspondence with respect to the amendments to the Boiler Inspection Act. He explained that it was desired to secure such improvement in this Act as would prevent its operating so hardly as it has up to the present.

Messrs. Gilmour and Hawthornthwaite supported the motion, which carried.

Mr. Clifford here presented the report of the Columbia & Western committee, which was read and at once received.

Mr. Helmcken asked leave to introduce a bill to enable the city of Victoria to submit a bylaw with respect to the securing of the tourist hotel. He pleaded extreme urgency.

Mr. Martin objected to a private bill coming in after the expiry of the time in that regard, and held that the government, if it were necessary, should pursue the same course as in the case of New Westminster.

Hon. Col. Prior accepted the suggestion, and the bill was introduced by him, receiving its first and second readings without opposition.

Upon the motion for committee, Mr. Smith objected to the principal involved, of bonusing one business interest as against others as unfair in the extreme. He would like to know how Premier Prior would like to have some other firm bonused with free site, free water and tax-exemption to come into Victoria and start a new hardware business in opposition to his own?

It was pointed out that the only power given by the bill was for the submission of a bylaw by the people of Victoria in a purely domestic matter.

Mr. Smith still objected, however, and so committee consideration of the bill could not be held.

Mr. McBride directed the attention of the Premier to an article appearing on the first page of the Daily Times with respect to Chimney Creek bridge, urging the necessity of an investigation. He did not make the charge personally that the first minister had been guilty of the suggested malfeasance, but brought the matter to Col. Prior's attention.

Hon. Col. Prior said that the first intimation he had in this matter was when he received a telegram of inquiry from the Vancouver World. When tenders had been called for in this matter the firm of E. G. Prior & Co. Ltd., had put in a tender, and as it was the lowest, the firm had got the contract. It was now supplying goods and that was all there was to be said about it.

Hon. Mr. Semlin insisted that the Premier and avoided the gravamen of the matter. The charge was that while acting as Chief Commissioner he had seen the tenders and had given his own firm the contract.

Hon. Col. Prior denied that he had opened the tenders or been instrumental in the awarding the contract.

The Premier then moved that the House at its rising do stand adjourned until 2 o'clock tomorrow.

It was noticed that Hon. Mr. Martin wanted to know just what was going on. The Premier had stated that he had lost control of the House. He had asked the opposition in effect if they would assist in securing the passage of supply before the imperative appeal to the country. He had said that in any event he could go to the Lieut.-Governor and get a dissolution—"His Honor authorized me to say so," interjected Premier Prior.

Mr. Martin, continuing, held that the country was entitled in the event of the Premier's suggestion not being fallen in with, would be left unprovided for as to funds for three or four months at best. If the motion which Col. Prior had made passed, it would be taken as an expression that he still controlled the House. Was it to be understood that those opposed to the government would fall in with the suggestion as to supply? They should either accept or refuse, the offer of the Premier as unless a guarantee was given in this respect, Hon. Col. Prior would be able to bring His Honor down and dissolve the House. It was impossible to suggest that a new government could be formed in the House by the leader of the opposition under which supply might be passed since Mr. McBride had made it impossible for the Lieut.-Governor to call upon him by saying an immediate election was imminent. Responsibility rested upon the opposition. He agreed that an election at the earliest possible date should be held, and that it should be on party lines (Col. Prior: Hear, hear.) Personally he was prepared to act on the proposal of the first minister and keep the House in session long enough to put through the special work outlined. With respect to the estimates the government was entirely in the hands of the opposition.

Mr. McBride discussed at some length the position of Mr. Martin in the House and with respect to the promise of dissolution, inquired how the Liberal leader could justify with constitutional principles the reputed position of His Honor?

Mr. Martin replied to constitutional objection to the Lieut.-Governor taking the course suggested by the first minister.

Mr. Curtis held that the House expressing want of confidence in Col. Prior necessarily meant a refusal to pass supply.

The House negatived the motion of the Premier and placed on record its want of confidence upon the following division:

Ayes—Messrs. Gilmour, Hayward, Martin, Helmcken, Prentice, Prior, A. W. Smith, Clifford, Houston, Hall, Rogers, Hunter, Dickie, Mounce and McInnes.

Nays—Messrs. Stables, E. C. Smith, Hawthornthwaite, Clifford, Garden, Fulton, Curtis, Tatlow, Green, McBride, Semlin, McPhillips, Taylor, Kidd, Patterson, Wells and Dunsmuir.

Mr. McInnes and Mr. Hunter did not vote until specially requested. Then they asked to be counted with the affirmative. Mr. Hunter observing I would like to see the country accommodated with a little money, but I can't say that I have much use for the government.

Hon. Col. Prior—As that undoubtedly is an expression of want of confidence, I shall go to the Lieut.-Governor tonight or tomorrow morning, and ask him to come down and dissolve the House.

Mr. McBride next assumed the responsibility of making the formal motion. He moved: "That the House at its rising do stand adjourned until 3 o'clock tomorrow."

Mr. Martin wanted it distinctly understood that he would not favor Mr. McBride being by the passage of such a resolution, accredited as controlling the House.

Mr. McBride's motion was defeated 16 to 13.

Then Mr. Martin moved that the House stand adjourned until 2:30. He did not claim to control a party in the House, but he held the position of leader of the Liberal party and he believed that party controlled the country.

If that motion passes, said Mr. Garden, it will be Mr. Martin who will control the House.

"Well, let's see whom Mr. Martin controls in the House, anyway," said Mr. McPhillips.

Mr. McBride held that the opposition more than anybody else had been shown in the pre-elections to control the country. He again devoted himself particularly to Mr. Martin and his roving element.

Mr. Hawthornthwaite as leader of the Socialist party, moved the adjournment until 3:15.

Mr. McInnes in vigorous and effective style, maintained that the House should pass supply and that this could be done by opposition and government coming together in a business way.

Mr. McPhillips cited Tasmanian President in the same behalf, and a cross-fired debate ensued.

Mr. Curtis proposed an address to His Honor, advising that the House should not be prorogued or dissolved until supply was passed. The fact of such a resolution passing would show His Honor that supply could and would be passed. He did not think that the present Premier was entitled to a dissolution, but that someone else might be called.

Mr. Martin held that this was the veriest nonsense. If the government went on with the estimates someone had to control.

Mr. McBride took the ground that after the vote of censure there could be no looking back. He held that there would be no great loss in withholding supply until a new House could be elected.

The other motions not being passed, Hon. Col. Prior moved that the House be now adjourned.

Mr. McPhillips—What will the effect be if the motion carries?

Mr. Speaker—The House will adjourn.

Mr. McPhillips—Until when?

Mr. Speaker—Until 2 o'clock tomorrow.

The resolution was then put and carried with 16 to 15, as follows:

Ayes—Messrs. Gilmour, Stables, Hayward, Martin, Helmcken, Prentice, Prior, A. W. Smith, Clifford, Houston, McInnes, Hall, Rogers, Hunter, Dickie and Mounce.

Nays—Messrs. E. C. Smith, Hawthornthwaite, Gifford, Garden, Fulton, Curtis, Tatlow, Green, McBride, Semlin, McPhillips, Taylor, Kidd, Patterson and Wells.

During the afternoon bills were introduced as follows:

By Mr. Martin, to amend the Land Registry Act and to amend Chapter 46 of the Statutes of 1902.

By Hon. Mr. Prior, "To amend the Coal Mines Regulation Act and the Bureau of Mines Act."

By Mr. Monroe—"A Bill for the Preservation of the Lord's Day as a Day of Rest."

By Mr. Curtis, "A Bill respecting Transportation."

By Mr. Hall—"To Amend the Provincial Elections Act."

# Findings Of The Committee

## Results of Investigation Into C. And W. Land Grants Reported to House.

## Passage of Cancellation Bill Fully Warranted By Facts Disclosed.

The report in finding of the Columbia & Western inquiry committee, unanimously subscribed to by the five members of that body—Messrs. Clifford, A. W. Smith, Helmcken, McPhillips and Green—as presented to the legislature yesterday is herewith given in full. The evidence making many hundred printed pages will follow in the course of a week or so:

To the Speaker of the Legislative Assembly of the Province of British Columbia:

Sir,—We, your special committee appointed to enquire into all matters connected with the granting or proposed granting of a land subsidy to the Columbia & Western Railway Company, beg leave to report:

1. That on the 7th day of April, 1903, a resolution was passed empowering your special committee to enquire into all matters relating to the granting, or proposed granting, of a land subsidy to the Columbia & Western Railway Company, with power to summon witnesses, call for papers, documents and records, and that the said committee shall report their findings or finding, and the evidence to the House.

2. Pursuant to such authority your committee held their initial meeting on the 8th day of April, 1903, and have held 33 sittings and examined 23 witnesses, whose evidence is submitted herewith, together with all exhibits or copies thereof.

3. Your committee report that by chapter 44 of B. C. statutes, 1888, the Crow's Nest & Kootenay Lake Railway Company was incorporated, and by virtue of chapter 56 of the statutes of 1891 the name of the said company was changed to that of the British Columbia Southern Railway Company, and that by the Railway Aid Act, 1890" a land subsidy was granted to the said Crow's Nest & Kootenay Lake Railway Company, which, by said chapter 56 was extended to the British Columbia Southern Railway Company, and on the 11th day of August, 1890, the following reservation of land was made:

Commencing at a point on the eastern boundary of the province of British Columbia, in the Crow's Nest Pass, thence southerly along the eastern boundary to a point on the 29th parallel of latitude; thence west along the said parallel 25 miles; thence in a northerly direction to the junction of Morrisey creek with Elk river; thence easterly to the point of commencement.

4. That on the 6th day of May, 1891, a further order-in-council was passed (174, 1891), whereby certain lands were set apart for the said British Columbia Southern Railway Company, which lands are described as follows:

Commencing at a point on the eastern boundary of the province of British Columbia, in the Crow's Nest Pass; thence southerly along the eastern boundary to a point on the 29th parallel of latitude; thence west along the said parallel 25 miles; thence in a northerly direction to the junction of Morrisey creek with Elk river; thence easterly to the point of commencement.

5. That on the 17th day of April, 1896, the Columbia & Western Railway Company was incorporated, and a Subsidy Act in aid thereof was also passed during the same session.

6. That your committee direct special attention to the following sections of the said last mentioned Subsidy Act, viz.: Sections 1, 5, 6 and 10, and as to the terms of obtaining the land grant.

7. That in the month of June, 1898, negotiations took place between the government of the time, which the Hon. J. H. Turner was Premier, and the Hon. D. M. Eberts was Attorney-General, and Mr. D. D. Mann, on behalf of Mackenzie & Mann, railway contractors, and Mr. Shaughnessy (now Sir Thomas G. Shaughnessy) on behalf of the Columbia & Western Railway Company, resulting, if is claimed, in an agreement being reached, and particular attention is directed to the last section of said agreement. Although the said agreement was executed by the said company, and duly forwarded to the government for execution, the said government was dismissed, and the said agreement was never executed by the government of the province of British Columbia.

8. On the 18th day of August, 1899, the British Columbia Southern Railway Company selected their initial block.

9. That in the year 1900, during the Premiership of the Hon. C. A. Semlin, it was intended to substitute a cash grant in lieu of the land grant granted to the said Columbia & Western Railway Company to effect a settlement of the said railway's claims, but the said government was on the 23rd day of February, 1900, defeated, and the said proposed arrangement was not accomplished. A copy of the proposed bill to effect such arrangement will be found among the exhibits.

10. That in the month of June, 1900, the Hon. James Dunsmuir was appointed Premier, who selected as his colleagues the Hon. J. H. Turner, minister of finance; Hon. D. M. Eberts, attorney-General; Hon. W. C. Wells, chief commissioner of lands and works; Hon. R. McBride, minister of mines, and Hon. J. D. Prentice, provincial secretary.

11. That on the 10th day of September, 1900, an order-in-council (519, 1900) was passed, approved on the 18th day of September, 1900, whereby lands described in the report accompanying said order-in-council were granted to the British Columbia Southern Railway Company.

12. That on the 19th day of December, 1900, an order-in-council (721, 1900) was passed, whereby the said order-in-council of the 10th of September, 1900, was rescinded.

13. That during the session of 1901, (chapter 70) the Columbia & Western Railway Company obtained an act amending their charter, but it was expressly provided that in granting time for the completion of their line of railway as therein is more particularly mentioned, the act should not be construed as extending the time for earning their land grant.

14. That on the 15th day of May, 1901, the Hon. James Dunsmuir, by letter addressed to Mr. G. McL. Brown, executive agent, undertook to introduce at the next session a bill to authorize the Lieutenant-Governor-in-Council to grant the land subsidy of the Columbia & Western Railway in respect of the fourth section of its railway, Christina Lake to Midway, which had been completed.

15. That at a meeting of the executive held on the 10th day of August, 1901, three orders-in-council were passed, numbered 393, 394 and 412, by which blocks 4,593 and 4,594 given to the British Columbia Southern Railway Company by order-in-council No. 722, 1900, were transferred to the Columbia & Western Railway Company, and the more northerly block was given to the British Columbia Southern Railway Company in full settlement.

16. That on the 30th day of November, 1900, an application for incorporation of the Pacific Coal Company was made, for letters patent under the Dominion Joint Stock Companies' Act; but it was not until the 31st day of August, 1901, that letters patent were issued, which were duly gazetted on the 5th September, 1901. The incorporators were some of the directors of the Canadian Pacific Railway Company.

17. That on the 3rd day of October, 1901, Crown grants in respect of lots 4,593 and 4,594 purport to have been prepared and signed.

18. That on the 24th day of October, 1901, it is alleged at a meeting, at which were present the Hon. James Dunsmuir, Hon. J. D. Prentice and the Hon. the Chief Commissioner, held in the office of the Chief Commissioner, that the said Chief Commissioner was instructed not to deliver up the said Crown grants unless the Columbia & Western Railway Company would agree to build a line of railway from Midway to Spence's Bridge.

19. That on the 24th of October, 1901, an opinion was obtained by the Chief Commissioner from Mr. Gordon Hunter, K. C., now the Honorable the Chief Justice, and on the same evening the said Chief Commissioner left for Montreal, having 25 Crown grants and certified copies of various orders-in-council, the said Crown grants for lots 4,593 and 4,594 being amongst the number.

20. That on the 21st day of November, 1901, the said Chief Commissioner met Sir Thomas Shaughnessy, and claims to have discussed the situation, and returned to the city of Victoria between the 11th and 15th days of December, 1901, and brought with him the said two Crown grants for blocks 4,593 and 4,594.

21. That the Premier on the 18th day of March, 1902, convened a meeting of his cabinet, which concluded to cancel the said order-in-council of the 10th day of August, 1901, number 393, and the word "cancelled" was, pursuant to instructions in that behalf, written across the face of the said two Crown grants by the Chief Commissioner.

22. That on the 22nd day of May, 1902, the government presented a messags from the Hon. the Lieutenant-Governor, which message remained in committee. It is known as bill No. 87.

23. That early in the month of June the said Premier left to attend the coronation festivities, and the Hon. the Attorney-General was the Acting Premier in his absence.

24. On the 19th day of June, 1902, the said Bill (No. 87) was withdrawn.

25. In the month of November, 1902, the said Premier, Hon. James Dunsmuir, resigned, and was succeeded by the Hon. Edward Gawler Prior, whose cabinet consists of Hon. D. M. Eberts, attorney-general; Hon. J. D. Prentice, minister of finance; Hon. W. C. Wells, chief commissioner of lands and works, and Hon. W. W. B. McInnes, provincial secretary.

26. That in consequence of certain proceedings being taken by the Columbia & Western Railway Company against certain persons to whom Crown grants had been issued in lot 4,594, application was made to the government to intervene by the parties affected, and filed by a member of the firm of the solicitors for the Columbia & Western Railway Company, but this application was not acceded to.

27. In consequence of the position being taken by the Columbia & Western Railway Company in this regard to the said two grants, which had been cancelled as aforesaid, the Premier introduced a bill validating the said order-in-council of the 18th day of March, 1902, which bill on the 4th day of May, 1903, received the Royal assent.

FINDINGS.

1. The committee find that the order-in-council of the 10th day of August, 1901, authorizing the purchasing of blocks 4,593 and 4,594 to the Columbia & Western Railway Company was not in the public interest.

2. We find that within the original Columbia & Western reserve there remained after deducting the alternate blocks approximately for the construction of the first section, and two projected land appropriated for the deficiency lands to which the company were entitled for the construction of that section, an area of land amounting to 2,600,000 acres. We also find that within the said reserve there was ample land available for the purpose of all that the company was entitled to receive for the construction of the third section, which reserve had remained set apart for the purposes of the company for a period of five years.

3. We find that the order-in-council directing the issue of grants for blocks 4,593 and 4,594 was fettered by no conditions of any kind whatever, and that under that order-in-council, assuming that the settlement had not violated the conditions of the Subsidy Act, the company would have been forthwith entitled to a delivery of the grants.

4. We find that questions pertinent to the matter we had to enquire into were asked throughout the session of 1902, as would appear by the journals of the House, and the government permitted answers thereto to be given that were not in accordance with the real facts.

5. We find that on the 5th day of May, 1902, a return, purporting to be a return of the order-in-council relating to the granting of blocks 4,593 and 4,594, and of all correspondence, etc. connected therewith, failed to refer to a number of letters that passed between the executive of the Canadian Pacific Railway Company and the Honorable the Chief Commissioner of Lands and Works, which although marked "personal," were clearly official letters, dealing with official business; and also failed to return a letter of 8th day of November, 1901, from the Deputy Commissioner of Lands and Works to the Government Agent at Fort Steele showing that blocks 4,593 and 4,594 were granted to the Railway Company.

6. We find that if Bill No. 87 had become law the Columbia & Western Railway Company would have had power conferred on them to claim blocks 4,593 and 4,594.

7. The committee have no difficulty in finding that the rescinding order-in-council of the 18th day of March, 1902, and Bill No. 16 were steps taken in the public interest as unquestionably the said lands, being blocks 4,593 and 4,594 were not and never could have been considered to have been within purview of the Columbia & Western Railway Subsidy Act, 1896, and it is unreasonable to assume that the Railway Company, advised at all times by eminent counsel, was not aware that such lands were within the purview of the statute. That being the fact, no matter what other cause moved the government in the matter, the rescinding order-in-council was right and proper as was also the legislation that followed—all being in the public interest—and viewing the matter in this way, we cannot see what ground of complaint is open to the railway company.

All of which is respectfully submitted.

(Signed), C. W. D. CLIFFORD,
Chairman.

Dated May 27, 1903.

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results of imperfect digestion pressing up against the heart, it excites alarming symptoms. Instant relief is afforded by taking half an hour after meals, ten drops of Polson's Nervoline in a little sweetened water. Nervoline aids digestion, expels the gas and imparts the sense of comfort. Nervoline is good for lots of other things, and wise people keep a 25c. bottle in the house for rheumatism, cramps, neuralgia, toothache Etc. Try it.

The miners' union of the Crow's Nest Pass Coal Co.'s corrieries have recently withdrawn their allegiance from The Western Federation of Miners and have affiliated themselves with the United Mine Workers of America.—Fernie Free Press.

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# RETAIL MARKETS

The prices in the retail market remain steady this week with the exception of butter, which has had a drop all round of 5c. to the pound. There is some exceptionally fine, pure maple syrup on the market. This syrup was got off the old Malleau homestead, near Ottawa, and was brought out by Miss Malleau, who is well known here. Eleven cases in all were brought, and it is put up for immediate use, as when it is in the pure state it won't keep long.

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| Wheat, per ton | $36 |
| Corn, whole, per ton | $25 |
| Corn, cracked | $26 |
| Corn, cracked, per ton | $25 |
| Oats, per ton | $28 |
| Oatmeal, per 10 lbs. | 45 |
| Rolled oats, B. & K., per lb | 4 |
| Rolled oats, B. & K. per 7-lb sack | 35 |
| Flour— | |
| Hungarian | $1.25 |
| Pastry | $1.25 |
| Feed— | |
| Hay, baled, per ton | $22 |
| Straw, per bale | 75 |
| M'ddlings, per ton | $26 |
| Bran, per ton | $25 |
| Ground feed, per ton | $26 |
| Vegetables— | |
| Cabbage, per lb | 2 to 3 |
| Cauliflower, per head | 15 |
| Onions, per lb | 3 |
| Carrots, per lb | 1½@ 3 |
| Beet root, per lb | 3 |
| Potatoes, per 100 lbs. | 60c to 75c |
| New potatoes, per lb | 5 |
| Sweet potatoes, per lb | 5 |
| Asparagus,