

plete the road before winter sets

The Skylark mine, now owned by G. Ragino, of Butte, Mont., has about tons of ore ready to send out as a shipment. This property was bought in 1883 for \$5,000 by Howard C. alters. He afterwards leased it to the firm, who are stated to have shipped tons via Marcus, the shipment getting total value of \$1,474.

It was got up for the first time at Old Ironides mine, Greenwood, a few days ago. The new plant runs smoothly, and looks like giving satisfaction. Work will be pushed winter at both the Old Ironides and Hill, which adjoins. Sir Charles upper and Sir Mackenzie, who are stated to shortly visit these properties en route from Kootenay to the east.

Information has been received that Mr. Gray, of Grant Forks, North Dakota, will very soon be ready to start work on the Winnipeg mine, Wellington camp. The mine was purchased several months since by W. F. Honey and B. E. H. Fisher, who afterwards incorporated the mine under the name of the Winnipeg Coal and Iron Company. It is understood that financial arrangements are now complete, and that development work is being vigorously proceeded with.

A few weeks ago the editor was taken by a very severe cold that caused him to be in a most miserable condition. It is undoubtedly a bad case of influenza, recognizing it as dangerous, he took immediate steps to bring about a speedy cure. From the advertisement of Chamberlain's Cough Remedy and the many good recommendations included therein, he concluded to make a first trial of the medicine. To say that it was satisfactory in results, is putting it very mildly. It acted like magic, and the result was a permanent and speedy cure. It has no hesitancy in recommending it as excellent Cough Remedy to anyone afflicted with a cough or cold in any form. The Banner of Liberty, Libertytown, Maryland, for sale by Langley Henderson Bros., wholesale druggists, Canada and Vancouver.

CANADA'S BANKING SYSTEM.

Buffalo Banker Delivers Speech Eulogistic of It.

Buffalo, Oct. 7.—The speech of Wm. Cornwell, president of the City Bank of Buffalo, delivered at the annual banquet of the Bankers' Association, held at the Clifton House, Niagara Falls, this evening, was highly eulogistic of Canada's banking system. Among other things he said:

"You have had no collapse like ours in 1883. You have no money party, no silver craze, no yearning for international bimetalism; and the reason that Canada is enjoying entire freedom from these disasters is the fact that the currency of all over British America can be increased to any extent that the demands of business may require, while in the United States the only relief in the issue of bank notes, and the pressing demand of currency is always past before it can get into the hands of the persons needing it, and in far off or thinly settled districts they never get any at all. If the people in western and southern states could obtain money as reasonably and as expeditiously as the people of Europe, we would hear no more of 1890-1."

A RUN ON THE BANK.

A Mid Bank Seize in Montreal Yesterday.

Montreal, Oct. 8.—There was an unaccountable run to-day on the City and District Savings Bank, one of the strongest financial institutions in the city, and several hundred depositors withdrew their accounts. They were all promptly paid and this had the effect of quieting the apprehensions of many.

Major Wilson Smith addressed a couple of hundred depositors on a street corner, and reasoned with them with some effect. The bank manager says the conduct of the people was very foolish, but the bank will pay every one who comes.

Ottawa, Oct. 8.—Sir Richard Cartwright for the Hot Springs, Mount Clara, Michigan, next week for his health.

Mr. Allan, ex-M.P., is here looking after a senatorship.

CARTER'S LITTLE LIVER PILLS. CURE SICK HEADACHE. SICK HEADACHE and relieve all the troubles that attend a bilious state of the system, such as Dizziness, Nausea, Drowsiness, Distress, etc. Eating, Pain in the Side, &c. While these most remarkable success has been shown in curing...

THE SETTLERS' COAL CLAIMS

Continuation of the Evidence Before the Commission in Session at Nanaimo.

Interesting Points Brought Out in the Examination by Commissioner Rothwell and Mr. Pooley.

John M. Davis, sworn—I reside in Nanaimo. I am a miner. My claim is for the mineral right to the land contained in this deed. I am claiming on behalf of myself and William Morgan Thomas. The deed is a Dominion patent, and is dated 25th May, 1886, to Alex. Kennedy, of Cedar district, the whole of section 8 and a portion of section 7, range VIII, granted subject to the usual reservation. Mr. Thomas is Kennedy's son-in-law to the Union. We bought it from Alex. Kennedy. This is the deed under which we purchased, dated 17th July, 1886, conveying to us for \$2,000 the lands described in the patent to Kennedy, subject to the reservation contained in that patent. I did not see the patent before I purchased. I cannot say that I did not know of the reservation in the patent. The deed from Kennedy recites subject to the reservation in the patent. The mineral right might have been referred to. We bought what right Kennedy had. Regarding the mineral rights, he was not on shares with us, if we would go on shares for the mineral right. We refused to go on shares, and purchased everything as it was. I don't know of my own knowledge when Kennedy went to the property first. I am not sure I heard him complain about the nature of the patent. I would know Kennedy's signature if I saw it. The signature on the petition is Kennedy's. The property mentioned in the petition of 1882 to the Marquis of Lorne is the property I now own. When I was purchasing this property the question of the minerals came up in this way: That if we had any doubt he would go on shares; that was done away with because I would not have anything to do with shares on it. According to Kennedy's conversation, I believed that he had a right to the minerals. I cannot say where Kennedy is now. I have not put in any claim for these before, except by subscribing to send Mr. Patterson's name. Mr. Pooley—I cannot say when I last heard of Kennedy. The last time I saw him was some time about 1886, but I cannot say the date. I live in Nanaimo. I have some other land. Part of this I pre-empted it from the government—Thomas and I.

Samuel Bennie—(Witness for John M. Davis) affirmed—I live in Cedar district. I am a farmer at present. I knew Alex. Kennedy in 1881, when that petition was around to give satisfaction to the settlers, not the squatters, to see if we could get the right that belonged to us. It was within 150 yards from the outlet of Trout lake, according to the estimate of the government. He was living there before 1880. We parted in 1881. He was around with my paper.

Thomas Rickard, sworn—I reside at Wellington. I am claiming 174 acres of land, bottom and top. I mean the land without any reservation. I got my deed from the E. & N. Railway Company for lot 36, Wellington district. The deed is in Mr. Honeyman's possession. I went on the land in 1877. I think it was in 1881 that I applied to Mr. Fawcett, the government agent at Nanaimo, for permission to go on the land. It was a verbal application. I wanted to take the land up for a home and whatever was under it. I cannot say what Mr. Fawcett said, but he gave me good encouragement to go on it, and I went on it and built a house and started to clear the land, and built a fence. I received a certificate of improvement. I cleared fifteen or twenty acres. I paid for the land to Mr. Shaw, agent for the E. & N. Railway Company at Nanaimo. When I paid Mr. Shaw for the land, I considered that I was paying for all in the land, except the gold and silver. I got a deed from Mr. Trutch, land commissioner for the E. & N. Railway Company, dated 24th of March, 1891, from the E. & N. Railway Company to Thomas Rickard, conveying to him for \$174 lot 36, a mineral reservation in other deeds from that company. I received the deed shortly after getting it. I was not exactly satisfied with it, because I found that I did not have the mineral rights. I got my deed from the company about the deed. I don't know whether I protested or not, but no doubt, I remember whether I protested to the Dominion government by petition or not. I don't remember if I signed a petition to the Marquis of Lorne. My place adjoins Brennan's. The name on the petition to the Marquis of Lorne is mine. When I signed the petition I had read it. The words Brennan lake meant a description of my land. I must have been on the property at the time I signed the petition. I don't remember why I signed the petition. When I paid for the land I expected to get the surface as well as the mineral rights. I can't remember whether I protested to the Dominion government by petition or not. I don't remember whether he told me or not, but I don't remember whether I got the deed, because the minerals were reserved, and up to that time I expected to get the minerals. I have been dissatisfied with the deed since. I have heard that the land in the railway belt is reserved, but I went on it like lots of others did to make a home, and expecting I would get all these was there.

By Mr. Pooley—I reside on the land now. I took the land up for a home. It makes this much difference whether I have the coal rights or not—If I had them, and was leaving it would sell far better. I think it makes no difference in occupying it for a home. The mineral under the land does not make the crops grow better. I have been im-

proving it all the time. I have from 15 to 20 acres cleared. Nearly all the stumps are out. I have made a good log house 30x20 feet. They were put up four or five years ago—one was the other is over twelve years old. The deed is in the possession of Mrs. Honeyman. She advanced me \$500 on it. When I went to Mr. Fawcett I made a verbal application. I don't remember if he gave me any papers. If he did I have not got them. I applied to Mr. Bray for a pre-emption record. I believe I got a paper when I don't know when I signed the petition to the Marquis of Lorne. I don't remember exactly why I signed it. At that time it was rumored around that we would get the minerals. When I applied to Mr. Bray in 1884 I don't think I asked him if I would get the minerals. I can't tell whether Mr. Bray read from the Island Railway act or not. When I paid the money to Mr. Shaw in 1887, I don't think I asked him if I was going to get the minerals. I have no other land in this district.

By the Commissioner—I am a miner. I was a miner when I applied to Mr. Pooley. At that time when a man applied for land he got everything as far as I know. I cannot remember whether he made any inquiry with any government agent regarding the title to the land between the time I applied to Mr. Fawcett and the time I applied to Mr. Bray. I did not inquire from any government agent if I would get the mineral under the land when I got the patent for it, nor to the railway company or any of its agents. I paid for the land with the expectation of getting everything belonging to it. I never spoke to any agent of the railway company about the contents of my deed. The only protest was a general one through Mr. Patterson.

Mrs. Sarah Jane Barnes, sworn—I am the wife of Aaron Barnes and the daughter of the late Elijah Smithurst. I am claiming as an heir of the late Elijah Smithurst. I am claiming the minerals contained in the deed dated 5th of March, 1892, from the E. & N. Railway Company to Elijah Smithurst, conveying to him for \$165 lot 25 in Wellington district. My father died on the 15th of September, last year, leaving myself and one brother. My mother died on November 3rd last year. There was no will left by my father. My brother and I are the sole heirs of the estate. I know the property contained in the deed. I don't remember the exact date my father went upon the property. I lived on it with my father and mother. I don't remember when he died. I think it was before 1880. I cannot say how far back, as I can't remember. I can just remember going out there with my mother and father. I was about 9 years old when we went, and I am now 29 years old, so it was about 20 years ago since they went on it first. I think they lived on it about 14 years. They lived on it till I was married. I don't know anything about my father's application for the land except what my husband told me and what I got from Mr. Bray's office this morning. This document is an application dated 2nd of April, 1892, from E. Smithurst and George Shillito, under the law of 1875, for this land, coming to Nanaimo to record 320 acres. I got it from Mr. Bray, the government agent at Nanaimo. I don't know when my father paid for the land. I did not see the deed before he died. I heard him speak of it. I knew it was that deed because I had two of them. I had them from my father. I heard my father say positively that he had the deed at home. I cannot say positively when my father got the piece at Comox, but I think it was about nine years ago. I have heard any remarks made about this deed.

By the Commissioner—I cannot say when I first made a claim for the minerals under the land. I don't know if my father made any objections more than what I had heard him and my husband talking about. My husband is present.

Aaron Barnes (a witness in the Smithurst case) affirmed—I am the husband of the last witness, and the son-in-law of the late Elijah Smithurst. I know the property described in the deed claimed by my wife. I knew Mr. Smithurst when he lived on the land. I have known him since 1885. I know the improvements to some extent. There were in 1885 a house, a chicken pen, a hog pen and 10 or 12 acres slashed, and probably about half of that under cultivation. I was a friend of Mr. Smithurst's—friendly until his death. I knew him at the time he received the deed of his property. He made objections that he had the mineral and surface rights. He objected to me. I don't think he made any protest to the E. & N. Railway Company, nor do I know if he made any protest to the Dominion government by petition or otherwise. I would know his signature if I saw it. I identify the signature on the petition to the Marquis of Lorne. In claiming the mineral rights he claimed that he had paid taxes on the land. I saw the receipts—three of them—for the years 76, 77, 78. The receipts were produced, dated 22nd of February, 1876, and signed T. L. Fawcett, collector for Nanaimo district, next date 13th of September, 1877, signed by Mr. Fawcett, the third date, 20th of September, 1878, signed by Mr. E. C. Prior, all in favor of Elijah Smithurst. The amount of tax is one dollar, but the land is not specifically mentioned in any of them. I heard Mr. Smithurst object that he had these receipts for taxes paid on this land and that he would get the mineral rights in connection with this land. I don't remember the year Mr. Smithurst moved off the land. It was about nine years ago when he went up to Union. I don't know of any other protest made by him. He claimed to me that he would get these mineral rights.

By Mr. Pooley—I know Mr. Smithurst in 1885. I was married in 1880 at the time he received this deed. He was living at Union. I was there, too. Mr. Smithurst told me that he claimed the mineral rights prior to his getting the deed. I never heard him say that the old squatters had no rights to the minerals. He never told me that he had no right to the minerals. He told me that he had paid taxes on the land in 1876-77 and 1878, and he showed me one of these tax receipts at the time. He did not say why he stopped paying taxes after 1878. I saw those tax receipts in the life time of Mr. Smithurst. He went to Union about 1888 or 1889. It makes no difference to me. By the Commissioner—I don't know if Mr. Smithurst paid any other taxes prior to the issue of the deed, but Mr.

Cane has the receipts from 1885. I wrote for them to my brother-in-law at Union when I heard of the commission. He sent me what are here, but I know there are others up there. Neither I nor Mrs. Barnes have made any protest to the railway company. Mr. Smithurst's last occupation was as a police officer at Union. He was a miner before that and I believe he was at the time he made the application. He said he was a miner here in the early days. No person is living on the land now. It is not being cultivated. We intend to live on it in the spring.

Mr. Hanson (a witness in the Barnes case), sworn—I reside in the city of Nanaimo. I am provincial assessor and collector at the government office, Nanaimo and for the district, under the government agency for Nanaimo. My duties are in the district of Wellington, and am a justice of the peace for the province. I have been a collector of taxes for nearly 12 years for the district. As such assessor and collector I was acquainted with the papers that were filed in the office of Mr. Smithurst, known as lot 35 in Wellington district, and in my position I receive taxes for this property. I am an old resident and have been in this locality upwards of 40 years. I was well acquainted with the title to the land. I knew him ever since he came to the mine in 1862. I could not fix in my mind the year he went on this property, but I believe it was when he worked at Wellington's mine. Mr. Smithurst and Mr. Shillito took up the land together. I don't know what time. I have not the collector's roll for '76, '77 or '78. I don't know where they are. I believe they are before I went to the office at all events. I don't know if Mr. Smithurst owned any other property than that mentioned in the deed in this district. I don't think that he owned that property. The tax receipts shown to me should believe they were for real property, apparently for '76, '77 and '78. There is nothing to show the individual property paid for. I have no books of record or documents to show upon which these taxes were paid. I don't know if Mr. Bray has any papers that were in my office before I took charge. I heard Mr. Cane making some inquiry for the records. I do not know if any were found.

George Bowater, sworn—I reside at Cedar district on my own property—the property contained in the deed dated 10th October, 1896, from the E. & N. Railway Company, in favor of C. Bowater, conveying to him for \$88 the eastward section of section 11 and 36 in section 10. I don't know what part of section 10 it was. I sent the papers to Victoria to get the deed. The pre-emption record called for 123 1/2 acres and the deed calls for 88 acres. I had them for 123 1/2 acres. I got a receipt for the money when I paid for it. I don't know why I did not get the balance of the land over the 88 acres. I paid taxes on the land. I applied to Mr. Bray for a pre-emption record. They told me by letter that I could have a piece of land in Cranberry district. I don't know the section or range. When I received the letters Mr. McKenzie kept them for me. He never had granted to me any land in lieu of the 36 acres, and I have not received my money back from the company. My pre-emption record taken from the government agent is for 123 1/2 acres. It called for more than I got.

Mr. Pooley claimed that he should have had notice of this matter before. He was not prepared to go on at present. The commissioner agreed that notice should have been given, so the case was deferred until Friday morning.

Bartolo Corso, sworn—I reside at Boat Harbor. I don't know the district. I have the land contained in the deed dated 24th October, 1892, from the E. & N. Railway Company conveying to Ole Hansen for \$154 section 12, range 4, and fraction of section 12 in range 5, in Cedar district, subject to the usual reservations. I bought the property from Mr. Hansen gave me. It is dated 5th December, 1892, conveying from Hansen to Corso, subject to usual conditions and limitations in the grant from the crown. I don't know myself what I called for. I just claiming the same as the rest. I think the rest are after the coal, and I am after the coal, too. I know what I was paying for when I bought from Hansen. I paid for the land. I don't know what I was complaining about. I cannot make it out.

The commissioner explained that he was here to listen to the claims of parties and they ought to know what they were to complain about.

The witness resumed—I am claiming the same as the rest of the settlers. When I got my deed from Mr. Hansen I thought I was getting the same as the rest of the settlers. I did not read the deed. I can not read, and it was not read to me. When I bought the land the lawyer acted for me. I don't remember whether Mr. Simpson informed me that under the deed Mr. Hansen did not get the mineral rights under the land, and I would not get them, but when I bought from Hansen I expected to get the coal, because Hansen told me. I don't know how long Hansen had been on the property.

By Mr. Pooley—My own ideas told me to come and make a claim. Thos. Swan told me that the commissioner was here, and he told me to come. I guess I was satisfied with my land.

By the Commissioner—I first believed that I had rights to the coal under my land when I heard other people talk about it five or six years ago. It was after I bought the land from Hansen. When I bought the land from Hansen I intended to buy everything and the coal. I never made any complaint. The way it was stated in the deed I don't think that I have the coal. I never went to the railway company to ask if I had the coal

whether I have the coal or not. O. C. Hansen (witness in Conso case) sworn—I live at Gabriola Island. I know the property claimed by Mr. Corso. I received the deed from the E. & N. Railway Company. I paid for 153 acres. Mr. Simpson sent the money to Victoria. I got out a pre-emption record for the property in the fall of 1887. A man named Michael Manly had the property before me. I don't know when he went there, but it must have been ten years ago. There was a log cabin on it—very old—when I got the land. Only the stump and some of the logs have been done but it had grown up again. When I pre-empted the land I expected to get all there was, top and bottom. When I got the deed I did not read it nor was I present to accept the deed. I had the top and bottom. I don't know what I had when I sold to Mr. Corso. At the time of the transfer to Corso I was not there. I had heard some talk that I would not get the coal rights. I made no protest. No one came to me except the people were talking about it that thought we would not get the coal unless there was a new government. I could not say when I took it up.

Joseph Hosking, sworn—I reside in the city of Nanaimo. I have lived here four or five years. Before that I resided in Vancouver city for about twelve months, and before that I resided on my land in Wellington district. My claim is to try to get the coal right of the land described in that deed, dated 10th December, 1888, from the E. & N. Railway Company for \$164, lot 21, Wellington district, V.I., containing 164 acres, more or less, subject to the usual reservations of that company. My claim went up in 1878 as well as I can remember. It was taken up by my son. It might have been a year before, but I can swear he was on it in 1878. I came to Nanaimo in 1878. I don't know if I cannot say for certain. It might have been a year and a half or two years after '78. I cannot say if it was three years after. Mr. Bray was the government agent. I cannot say what was said. He took a book and struck out my son's name and put in mine. It has been in my name ever since. I did not take out a pre-emption record from Mr. Bray. I got a notice from some one to apply for the land. I don't know the name of the person. I cannot say if I did go in and apply for a pre-emption record. I got a certificate of improvement. Geo. Vipond and Peter Brennan made declarations for me. I can't remember if I brought them into Mr. Bray. If I remember right it was before I got the certificate that I and my son went to Mr. Bray. At any rate I was on the land before that. It joins the land that is Mr. Bray's now—then it used to belong to Mr. Harve's. Mr. Dunsuir's son-in-law—but when it was first taken up it belonged to John Brennan. The signature of Edward Hoekins on the petition to the Marquis of Lorne, now shown me, is my son's name. The land referred to in the petition adjoins the Harvey land—only a stream of water runs between the land. I cannot remember if I knew that my son signed the petition. At the time my son went to the land I lived in Wellington town. I went from Wellington onto Mr. Harvey's ranch. That was the land adjoining this property. I could not say what year that was. I don't know how many years ago that was. I don't know but I think that I resided on Mr. Harvey's land in 1882. I paid for this land myself. I paid Mr. Shaw. At that time he was station-master for the Esquimalt and Nanaimo Railway Company. When I paid for the land I expected to get a deed of the surface and of the bottom, too. I mean a deed without reservation. I was on it for three years before I heard anything about it being reserved for a railway. When I went to Mr. Bray with my son I cannot say what he said. I first learned that I would not get the coal and mineral right when I got the deed. When I paid Mr. Shaw for the land I don't remember that he said anything about the minerals being reserved. At any rate, the first time I heard of the minerals being reserved was when I got the deed. I don't know what I did not intend to do. I made no protest to the company nor to the provincial government. I and others signed James Patterson to protest to the Dominion government. He was present since that. I claim to-day that I am entitled to the coal and minerals under the land mentioned in the deed.

By Mr. Pooley—My son became possessed of the land in 1878. I cannot say how many years ago it was that I went to Mr. Bray. I did not become possessed of it in 1878. It was my son. I don't know if it was two, or three, or four years before I went to Mr. Bray. I never knew that the minerals were reserved under the land until I got my deed. I heard a great deal outside about the minerals being reserved, but that is not at all. When I paid Mr. Shaw the money I did not ask him if I would get the minerals. I had heard talk for years. I can't remember if I took out a pre-emption record. If I had not I would never have got the deed. I cannot remember going to Mr. Bray's office in 1884. I remember going to Mr. Bray's office when he put my name in the book instead of my son's. I have never seen it since. I cannot remember anything that Mr. Bray said at that time.

By the Commissioner—I own the land now. I am not living on it. No one is living on it at present. No person has cultivated it for me during the last 12 months. When I got it from my son there was a large root house and a cabin about it five or six years ago. It was after I bought the land from Hansen. When I bought the land from Hansen I intended to buy everything and the coal. I never made any complaint. The way it was stated in the deed I don't think that I have the coal. I never went to the railway company to ask if I had the coal

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By Mr. Pooley—My son became possessed of the land in 1878. I cannot say how many years ago it was that I went to Mr. Bray. I did not become possessed of it in 1878. It was my son. I don't know if it was two, or three, or four years before I went to Mr. Bray. I never knew that the minerals were reserved under the land until I got my deed. I heard a great deal outside about the minerals being reserved, but that is not at all. When I paid Mr. Shaw the money I did not ask him if I would get the minerals. I had heard talk for years. I can't remember if I took out a pre-emption record. If I had not I would never have got the deed. I cannot remember going to Mr. Bray's office in 1884. I remember going to Mr. Bray's office when he put my name in the book instead of my son's. I have never seen it since. I cannot remember anything that Mr. Bray said at that time.

By the Commissioner—I own the land now. I am not living on it. No one is living on it at present. No person has cultivated it for me during the last 12 months. When I got it from my son there was a large root house and a cabin about it five or six years ago. It was after I bought the land from Hansen. When I bought the land from Hansen I intended to buy everything and the coal. I never made any complaint. The way it was stated in the deed I don't think that I have the coal. I never went to the railway company to ask if I had the coal

whether I have the coal or not. O. C. Hansen (witness in Conso case) sworn—I live at Gabriola Island. I know the property claimed by Mr. Corso. I received the deed from the E. & N. Railway Company. I paid for 153 acres. Mr. Simpson sent the money to Victoria. I got out a pre-emption record for the property in the fall of 1887. A man named Michael Manly had the property before me. I don't know when he went there, but it must have been ten years ago. There was a log cabin on it—very old—when I got the land. Only the stump and some of the logs have been done but it had grown up again. When I pre-empted the land I expected to get all there was, top and bottom. When I got the deed I did not read it nor was I present to accept the deed. I had the top and bottom. I don't know what I had when I sold to Mr. Corso. At the time of the transfer to Corso I was not there. I had heard some talk that I would not get the coal rights. I made no protest. No one came to me except the people were talking about it that thought we would not get the coal unless there was a new government. I could not say when I took it up.

Joseph Hosking, sworn—I reside in the city of Nanaimo. I have lived here four or five years. Before that I resided in Vancouver city for about twelve months, and before that I resided on my land in Wellington district. My claim is to try to get the coal right of the land described in that deed, dated 10th December, 1888, from the E. & N. Railway Company for \$164, lot 21, Wellington district, V.I., containing 164 acres, more or less, subject to the usual reservations of that company. My claim went up in 1878 as well as I can remember. It was taken up by my son. It might have been a year before, but I can swear he was on it in 1878. I came to Nanaimo in 1878. I don't know if I cannot say for certain. It might have been a year and a half or two years after '78. I cannot say if it was three years after. Mr. Bray was the government agent. I cannot say what was said. He took a book and struck out my son's name and put in mine. It has been in my name ever since. I did not take out a pre-emption record from Mr. Bray. I got a notice from some one to apply for the land. I don't know the name of the person. I cannot say if I did go in and apply for a pre-emption record. I got a certificate of improvement. Geo. Vipond and Peter Brennan made declarations for me. I can't remember if I brought them into Mr. Bray. If I remember right it was before I got the certificate that I and my son went to Mr. Bray. At any rate I was on the land before that. It joins the land that is Mr. Bray's now—then it used to belong to Mr. Harve's. Mr. Dunsuir's son-in-law—but when it was first taken up it belonged to John Brennan. The signature of Edward Hoekins on the petition to the Marquis of Lorne, now shown me, is my son's name. The land referred to in the petition adjoins the Harvey land—only a stream of water runs between the land. I cannot remember if I knew that my son signed the petition. At the time my son went to the land I lived in Wellington town. I went from Wellington onto Mr. Harvey's ranch. That was the land adjoining this property. I could not say what year that was. I don't know how many years ago that was. I don't know but I think that I resided on Mr. Harvey's land in 1882. I paid for this land myself. I paid Mr. Shaw. At that time he was station-master for the Esquimalt and Nanaimo Railway Company. When I paid for the land I expected to get a deed of the surface and of the bottom, too. I mean a deed without reservation. I was on it for three years before I heard anything about it being reserved for a railway. When I went to Mr. Bray with my son I cannot say what he said. I first learned that I would not get the coal and mineral right when I got the deed. When I paid Mr. Shaw for the land I don't remember that he said anything about the minerals being reserved. At any rate, the first time I heard of the minerals being reserved was when I got the deed. I don't know what I did not intend to do. I made no protest to the company nor to the provincial government. I and others signed James Patterson to protest to the Dominion government. He was present since that. I claim to-day that I am entitled to the coal and minerals under the land mentioned in the deed.

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