

the grounds of an agreement recited to had been entered into.

He was in Victoria in June last, after the cancellation of the grants. He had a conversation with Mr. Wells. He expected the protest against the grants being cancelled. He supposed Mr. Wells expressed the usual excuse that there was trouble in getting it through the House. He was not satisfied with that excuse. He then had the idea that the province would do its duty to the company. He regarded at that time that these lands should go to the company in consideration of building section 3.

His impression of bill 87 was that the company had the right to select lands in Yale or Kootenay, and that these blocks might be selected provided they were at the disposal of the government.

The grants were already made to them for this land. They had never held that the lands had passed from them at any time until the act of repudiation of this session. They were prepared to enter the courts at any time and test the validity of their claim.

He did not know of bill 87. He knew that a bill was introduced to give the lands for the building of section 4. He never for one moment understood that it was intended for any other purpose than to give them the subsidy for section 4 in view of the fact that he had never understood that it was for the purpose of getting these blocks for section 4.

The object of acquiring the lands was to open coal mines on the Columbia and Western. They intended, however, to dispose of the timber lands and sell the arable lands in the valleys. In the southeastern block Mr. Henetta was prospecting for them in that district and reported to them of the presence of coal.

They parted with the land to the Crow's Nest Coal Company because they did not regard it as nearly so valuable as it afterwards appeared to be.

The principal men who composed the company then were Senator Cox, Robt. Jaffray, Col. Prior, Mr. Hanson and Col. Baker.

A large subsidy had been paid for the building of that road?" asked Mr. Duff.

"Yes, I wish it had never been given," replied Sir Thomas.

"In connection with the means of working these coal mines, Sir Thomas said that there was no need of forming a subsidiary company. The land department of the railway could handle the blocks.

He had proposed to the company some years ago of the Pacific Coal Company to go outside of the present lands and purchase coal measures to be worked. The company was to be composed of Messrs. Taylor and Wells.

Mr. Duff thought that perhaps this was what he had referred to in speaking to Mr. Wells.

Sir Thomas said he had never referred to the formation of a subsidiary company. He would have meant the alienation of one acre of the lands in Southeast Kootenay. That could not have been what he referred to in speaking to Mr. Wells.

No proposal was made to form a company to work these lands. He had heard a little gossip of some such thing, to which he paid little attention. He might have heard of it in the office of Mr. Duff, but he does not remember of any one speaking to him about it. He did not remember of this alleged conversation between Messrs. Taylor and Wells in Montreal when he was in Victoria last year.

Asked as to whether Col. Prior had not mentioned it to him, Sir Thomas said he could not remember of it. Col. Prior never brought the matter before him in that way he was sure. He thought that Mr. Brown probably in one of his telegrams mentioned that a report was in circulation that undue influence had been used in connection with the transaction. The gossip did not impress him, and he paid no attention to it. He made no explanation when he came here, and he did not ask for any. No charge was made; if it had been it would have altered the matter.

Mr. Duff called attention to its being urged as a reason for the government cancelling the grants.

"No, it did not come to me in that way," replied Sir Thomas.

"Mr. Dunsuir urged it as the reason?" asked Mr. Duff. "No, not as I understand," replied Sir Thomas.

The copy of the report of Mr. Brown to his chief was here produced.

In reply to Mr. Helmecken, Sir Thomas said that he understood that it was premature for Mr. Brown to mention what took place at the meeting.

Mr. Wells, Sir Thomas explained, took the ground that this was a question of political expediency when he failed to hand over the grants. The Chief Commissioner said that he regretted that this was necessary. He never at any time, either before or after that date, urged any other reason for it. Last fall he informed Mr. Wells that the advice given by Mr. Creelman and others the company had come to the conclusion that the lands were vested in their company, and they intended to stand by it. Mr. Wells said that if that could be established the grants would be restored. He understood the Chief Commissioner to mean not an appeal to the courts, but that if they got legal opinion to satisfy them to that effect the grants would be delivered.

Mr. Wells's excuse for taking the grants back with him was that there were vacancies in the cabinet. He said it might be convenient to be able to say that these lands had not passed to the company, and promised that at any rate the grants would be returned inside of thirty days. Sir Thomas said he did not wish to embarrass the government, and was agreeable to his taking the grants back. He did not think that Mr. Wells had the grants in his hands at that time.

Mr. Duff asked whether Mr. Wells said to whom he would make the statement that the grants had not been delivered to the House or the country.

Sir Thomas replied that he did not so state. He added in reply to Mr. Duff that such a statement to the effect that the grants had not passed would not have been correct. He (Sir Thomas) did not consider that the grants had been delivered to him. Mr. Wells simply asked permission to retain possession of these grants.

"Did you at that time consider that the title had passed to the company?" asked Mr. Duff.

"I don't know that I gave much attention to that," replied the witness. He had in view, he said, serving a convenience with Mr. Wells, for political purposes.

Mr. Duff asked if he (Sir Thomas), knowing that Mr. Wells intended to make an incorrect statement to the House or to the public, was willing to

connive at such an act.

"I would be sorry to think that Mr. Wells intended to use it in that way," was the reply.

The witness said that he made a little speech. I must explain. He proceeded to say it should be taken into account that these grants should in the natural order have been delivered to the company. For reasons which he did not know, the government took the course of putting these patents in the hands of one of its members to deliver to him. This minister has thought it best for a few days was a courtesy he could hardly refuse. The information which he gave during the time the grants were in his possession and any statements he might make would surely be attributed to his company. They were not concerned in that.

Mr. Duff asked if after thirty days he had communicated to Mr. Wells about these grants.

Sir Thomas replied that the matter probably passed out of his memory, and he paid little attention to it. Mr. Brown afterwards telegraphed to him, asking for them, and Mr. Wells was putting him off. He presumed that it was probably a question of political expediency. He had no way of forcing them to get out of the hands of something of British Columbia politics? Did you not know that the government was in a very unstable position at the time?" asked Mr. Duff.

"I know it is a disease," replied Sir Thomas. He never told Mr. Wells that rather than embarrass his government the grants might be retained. Mr. Wells's opinion must have been faulty in that regard.

Witness had no intimation that a cancellation act was to be passed when he informed Brown that the matter should be communicated to the government until after the session was over.

When the Spence's Bridge was proposed to him he at once refused to entertain it. He told Mr. Wells of the evil of the government policy in subsidizing all kinds of lines. He remembered to be mentioned the Coast-Kootenay proposal, and pointed out that if the company built to Spence's Bridge that the cost of the railway would be a great deal less than the cost of the Coast-Kootenay line subsidizing.

His conversation about patents was on the afternoon of November 20th. On November 21st he talked of the railway policy of the C. P. R.

Shown the memorandum submitted by Mr. Wells regarding the Spence's Bridge extension, Sir Thomas said that he would have to accept it if Mr. Wells said that it was the original intention. He did not remember it, however. He was very sure that on the first day of these interviews there was no mention of the railway extension, and on the second day there was no mention whatever of the patents.

The question of whether the government had the right to select these lands was not mentioned by Mr. Creelman at present. The latter was very much in favor of the government having the right of selection. Mr. Wells said that doubts had been expressed. He did not say that he had been expressed, but only that such had been expressed.

Mr. Duff called the attention of witness to the references in the report sent to him by Mr. Brown, in which the mutual friends of the government and the C. P. R. was alluded to. Mr. Duff asked for an explanation of what this meant.

Sir Thomas replied that Mr. Wells was under no obligation to the railway company, and the company under none to Mr. Wells. Mr. Wells had always said that he was very friendly to the C. P. R., and that he had been very friendly to Mr. Wells.

"It was purely platonic?" asked Mr. Duff. Sir Thomas laughingly admitted that it was.

The cross-examination was then continued by Mr. McCaul, and Sir Thomas again outlined the main features of the agreement between the Crow's Nest Coal Company and the B. C. Southern, Mr. McCaul having been absent when his evidence in chief was given.

Mr. McCaul asked if the B. C. Southern had not agreed to not open any mines for a period of ten years. Sir Thomas replied that there was such an agreement. If the B. C. Southern acquired these lands, they could not operate coal mines. He did not think the agreement had been carried out, but on these lands unless it was established that the Crow's Nest Coal Company had failed to carry out its obligations. He did not think that a subsidiary company could be formed to operate these lands.

Asked by Mr. McCaul if another company could not have been formed to acquire these lands and operate coal mines, Sir Thomas replied that he preferred there was a legal question which he preferred should be answered by Mr. Creelman.

Mr. McCaul asked if he did not know of a company which was independent of the Crow's Nest Coal Company, and was closely identified with the C. P. R. which could do this.

Sir Thomas said that he certainly knew of a company composed altogether of C. P. R. directors founded in 1890 or 1900 to operate coal measures.

Witness could not recollect that he ever had a conversation with Mr. Wells in 1901 in which Mr. Creelman was called in and the agreement with the Crow's Nest Coal Company produced.

Mr. McCaul called the attention of Sir Thomas to the fact that on August 10th, 1901, these lands passed to the Columbia and Western; that on the 5th September, 1901, a company known as the Pacific Coal Company was incorporated for the purpose of carrying on coal mining and oil prospecting. Reading from the Canada Gazette he showed that the company was composed of C. P. R. directors.

Sir Thomas, in explanation, said that this company was formed not for the purpose of working these lands in Southeast Kootenay, but they had in view the development of properties more especially in Eastern Canada.

The committee then adjourned until this morning.

The following are copies of the telegrams referred to in Sir Thomas's statement yesterday afternoon:

Vancouver, Sept. 6th, 1901.

Sir Thomas Shaughnessy, Montreal:

Am not yet officially advised about or-

der-in-council providing immediate preparation B. C. Southern grants and including third section approved by government yesterday. Instructions (informers) prospect grants have been issued.

G. M. L. BROWN.

Victoria, Sept. 11th, 1901.

T. G. Shaughnessy, Montreal:

In response to my letter of 8th July, asking for settlement Columbia & Western land subsidy, first and third sections, received yesterday from Chief Commissioner copy of order-in-council setting out settlement determined by government. Order provides for immediate preparation of grants. Particulars by mail unless you wish them wired.

Victoria, 11th Sept., 1901.

T. G. Shaughnessy, Montreal:

Received to-day from Chief Commissioner copy order-in-council rescinding former order-in-council and setting out final settlement of the land subsidy as determined by government. It is same as that of order in secretary's office, except that most northerly deficiency block made smaller. This settlement provides full details of the arrangement, and gives something in excess. Order provides immediate preparation grant. Will be out of town until to-morrow evening.

GEO. M. L. BROWN.

Vancouver, 15th Sept., 1901.

T. G. Shaughnessy, Montreal:

Certified copy order-in-council and maps of Columbia & Western settlement, determined by the government will be delayed as I am making copies for file here. Columbia & Western settlement first section contains all the alterations, seven numbered blocks from 2 to 24 inclusive, and one for that section being made up of two additional blocks, one six by six miles and the other six by sixteen miles. Settlement section exhausts balance available under numbered blocks to Penton, leaving deficiency which government says shall be made up of two blocks, one the southeast corner of province, the other lying west of Elk river, bounded on west by eastern boundary of B. C. Southern, block 2.

GEO. M. L. BROWN.

Victoria, March 22nd, 1902.

T. G. Shaughnessy, Montreal:

Personal. Columbia & Western grant to block East Kootenay, cancelled without notice. Wells and other ministers explain political expediency, and now propose to accept alternate government blocks along line in settlement third section, that grant will issue at company's request. Asked as to whether any application for subsidy for that section, Sir Thomas said that he had no objection to the government's proposal, but that he was not sure that the government would accept alternate government blocks along line in settlement third section, that grant will issue at company's request. Asked as to whether any application for subsidy for that section, Sir Thomas said that he had no objection to the government's proposal, but that he was not sure that the government would accept alternate government blocks along line in settlement third section, that grant will issue at company's request.

Montreal, 24th March, 1902.

Geo. McL. Brown, Vancouver:

Understand from your message that government have cancelled order-in-council granting parcel of land in Southeast Kootenay as portion of Columbia & Western company's grant. I am sorry to hear of this. I do not propose to give land elsewhere, but I do not propose to give any means of forcing government to keep faith, and therefore we must accept situation as it is. Apparently politics permit with no methods that would destroy character in business.

T. G. SHAUGHNESSY.

Montreal, 7th May, 1902.

Geo. McL. Brown, Vancouver, B. C.:

Say nothing until provincial parliament prorogues. Then say to the government that we are advised the patent for the land in the southeastern corner of the province having issued with the grant attached, it could only be restored to the possession of the crown by a deed from the Columbia & Western Railway Company. We are further advised that in the case of a cancelled order-in-council, no required, but that if it were, it was only placed in his possession for a month, for reasons which he explained to me. He stated that there should be no such hint of this while parties are in session, otherwise they might introduce a revoking act.

T. G. SHAUGHNESSY.

Victoria, B.C., 27th Nov., 1902.

Sir T. G. Shaughnessy, Montreal:

Personal. Referring to my conversation with you when in Montreal regarding settlement of land matters, I am prepared to take this up with you whenever you are ready to do so. I am anxious to have the reserves removed as soon as possible, and do not wish to take any steps towards making a settlement with your company.

W. C. WELLS.

Mr. McPhillips said at the opening of the Columbia & Western inquiry Wednesday took exception to the Columbia's notice of his delaying the proceedings the morning previous. The Columbia in doing so, he said, was following its policy of dragging its participation into its matters, which was in strange contradiction to the policy of the press of the country. He explained also his reference a few days ago to the press falling to grasp the line of reasoning. He stated that what he intended was the telegraphic report should be referred to in getting at what took place. He had no intention of any disrespect to the press representatives.

Chairman Clifford thought that Mr. McPhillips had no reason to complain to me, but that he was making a mistake in not understanding the matter. He said he had been described in the Times as showing partisan spirit. He did not pay a great deal of attention to these matters, but in a question where the head of the company was a supporter of the government.

Mr. McCaul, continuing his examination of Sir Thomas Shaughnessy, called the attention to the notice of the 30th November, 1900, in the Canada Gazette of the incorporation of the Pacific Coal Company. On 19th December, 1900, these lands in question were allotted to the B. C. Southern.

A telegram dated Victoria, December

18th, from G. McL. Brown to Sir Thomas was read as follows: "Private; modified B. C. Southern settlement passed. After settlement necessary details will leave for East probably in a day or two."

Sir Thomas did not know of the lands going to the B. C. Southern. He did not know whether the suggestion to transfer it from the B. C. Southern to the Columbia & Western came from the government or from some one else.

Mr. McCaul stated that apparently some one was acting in the interests of the Columbia & Western in having the transfer made unknown to himself.

Mr. Dunsuir, in question, Sir Thomas said, was that the Crow's Nest Coal Co. could not have a claim upon the lands if it went to the Columbia & Western, unless on account of the B. C. Southern. He said that the Columbia & Western had no claim upon the lands if it went to the Columbia & Western, unless on account of the B. C. Southern, that there might be a moral obligation in the matter.

Sir Thomas went into the matter fully. He explained that whether for political expediency or otherwise, the government proposed to transfer the lands from the B. C. Southern to the Columbia & Western. He said that it did not matter a twopenny piece to either the C. P. R. or the people of the province that the lands should be transferred to the Columbia & Western. He said that it did not matter a twopenny piece to either the C. P. R. or the people of the province that the lands should be transferred to the Columbia & Western. He said that it did not matter a twopenny piece to either the C. P. R. or the people of the province that the lands should be transferred to the Columbia & Western.

Mr. McCaul asked if he did not think that some reference was made at the first interview of the proposal to build to Spence's Bridge.

Sir Thomas admitted that there might have been such a reference.

Mr. McCaul pressed that it would not have made any difference if the patents in a sealed envelope had been deposited in the company's office in Montreal or with the Bank of Montreal just as well as "carrying" them back to Victoria.

Sir Thomas said he did not know what purpose Mr. Wells intended putting them to in retaining them. He had told Mr. Brown that Mr. Wells had promised to return the patents inside of 30 days, before the cancellation order. He had himself probably forgotten it.

He thought he remembered with Mr. Wells with respect to the cancelling of the grants, when he was in this city last year. He saw Col. Prior, he thought.

He remembered Mr. Wells suggested the assistance of Mr. Greenhalgh on the 2nd evening of the 19th inst. Mr. Wells said that some doubt had been expressed as to the government's right to grant them. Mr. Wells suggested getting the opinion of Mr. Greenhalgh. He did not know what Mr. Greenhalgh's opinion was. He did not know what Mr. Greenhalgh's opinion was. He did not know what Mr. Greenhalgh's opinion was.

After the cancellation order he did not keep in touch with Mr. Brown as to land matters. He considered it was then a question for decision in the courts.

The rejection actions were taken not so much to trouble the parties located on these blocks as to enter an action before the legislature took any action before the courts.

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