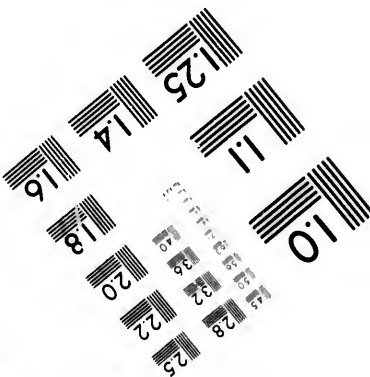
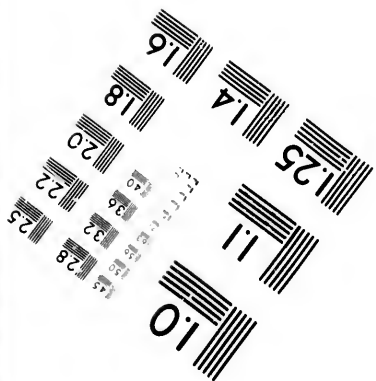
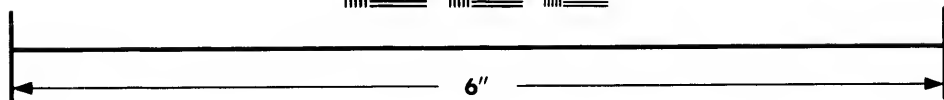
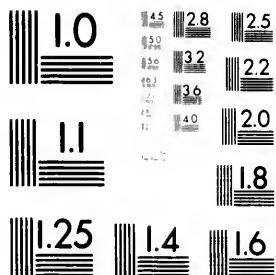


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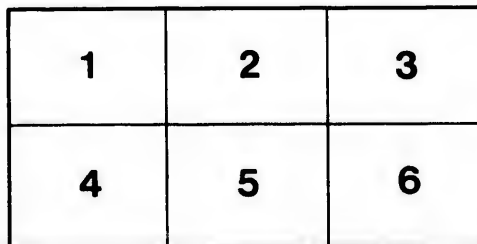
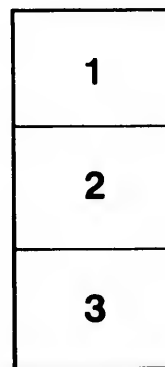
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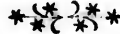
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AN OPEN LETTER

—TO THE—

HONORABLE EDWARD BLAKE, Q.C., EX-M.P.



(SECOND LETTER.)

SIR,—In the letter which I addressed to you in March last, I promised at a future time to deal more at length with the Cypress Hills timber limit investigation, in which you played the most conspicuous figure, the Minister of Justice ably assisting you in distorting the evidence and drawing conclusions which both of you well knew were not justified by the facts as presented to you.

You have not deigned to reply to my feeble effort to remind you of your vacillating course in respect to the charges made against me, or to clear your skirts of the several charges which I made against you. It was hardly to be expected that one who, in his own estimation, stands upon a higher pedestal of morality than other people, would for one moment condescend to notice so humble an individual as myself. Your dignified silence will not, however, prevent me from exposing the little game which you so successfully played, and in which you had so willing a coadjutor, as the gentleman, who first presented to the committee a report for its consideration which entirely exonerated me from any wrong doing, save the writing of private and confidential letters to a friend which were illegally dragged before parliament and with which parliament had nothing whatever to do.

The Ministerial press having been gagged for some unaccountable reason, and the organs which up to the fifth day of March were in sympathy with you having filled their columns with reckless and untruthful statements and charges against me, I am forced to deal with the action of parliament, for which you and the Minister of Justice are alone responsible, through the medium of correspondence which I do not pro-

pose to mark "private and confidential," like that which was unearthed and presented to the public, as I am informed, through the instrumentality of your office. One of the leading Grit papers of your city has suggested that you and I, having retired from parliament, our little differences should be buried, but I do not concur in that view, and shall not rest contented until I have thoroughly ventilated

THE DUPLICITY AND CUNNING

of yourself and others who took such a conspicuous course in trying to convince the people of Canada that I had been guilty of a high crime against parliament, although you laid down the broad proposition, in which they concurred, that unless I had been guilty of corruption in obtaining the limit for Mr. Adams, I was not within the bounds of parliamentary jurisdiction. You and the few insignificant members, who assisted you in violating every principle of evidence, may rest assured that I will not permit such an unjust sentence as the minority of parliament passed upon me, to remain unchallenged, without exposing your hypocrisy. If a mere tyro in the profession had so far displayed his ignorance of the application of facts to the law, or had exposed himself to the ridicule of every man of common sense in a matter similar to that with which I am dealing, you would have been the very first to condemn him, but when men of such distinguished ability as the Minister of Justice and yourself, and men, too, who have always prided themselves with having judicial minds, will for precisely opposite reasons, permit their names

to be appended to a report which on its very face carries its own condemnation, it is not to be wondered at that those outside of parliament should have their minds prejudiced against the supposed offender against the laws of parliament. The public will naturally look at the result without enquiring as to the means by which it was brought about, when they have before them the verdict and judgment of men who are entrusted with the high and responsible duty of protecting the public interests. It is because of this that I propose dealing with the report of the Minister of Justice which he, after a week's incubation, presented to the committee for its adoption, the report which you proposed in amendment thereto, and the compromise report of no less than thirty-two closely printed pages, which under ordinary circumstances would take not less than two hours to read, without even suggesting any amendments or alterations, but which was passed by the sub-committee within the space of twenty-five minutes or less and adopted by a non-quorum of the general committee without being read at length or even the eliminations from your report being read over or considered. I do not propose to find any fault with the less than one half of the members of parliament present when the report was adopted, because I know it has been the invariable, although

PERNICIOUS PRACTICE

of that deliberative assembly to adopt reports when unanimously concurred in by the leading members of both sides. I might with justice, if I felt disposed to do so, accuse four-fifths of those present when the report was adopted, with entire ignorance of the facts upon which that report was based and with not having informed themselves of the evidence in support thereof. In fact, I could go further and give the names of at least fifty out of the seventy-five members present when the report was adopted, who have told me that they had not read the evidence or report when action was taken by the House thereon.

It will be no reflection upon the action of parliament to say, that through your connivance, cunning and vindictiveness and through the desire of the Minister of Justice to prevent the government being

censured (as I shall hereafter prove) an unjust and illegal condemnation was passed upon one, who according to your very high authority, had offended against no law, and who had not by any act of his rendered himself amenable to its jurisdiction. If the evidence and report could be submitted to any court in the land for its adjudication, I am satisfied that the judgment would not only entirely exonerate me from the censure passed upon me, but would convince the public that I had been made the victim of a compromise. It is rather amusing to see the cordiality with which the whole Grit press joins hands with you and the Minister of Justice in my condemnation, but it is very singular that in their anxiety to convict the government of wrong doing, they condemn me for something from which the committee entirely exonerated me in obtaining the limit illegally and by corrupt means.

If the verdict rendered, viz: that the only corrupt act of which I was found guilty was the payment to one Muckle of \$5,000 to bribe his employers, the C. P. R., and the evidence in respect to this matter had been published, I would have no cause for complaint, for the very publication would have been my vindication. If you had a particle of generosity or honesty about you, you would admit that Mr. Muckle was correct when in his letter published in the Globe of May last, he characterized the report which you manipulated as an *unwarranted, gratuitous and infamous lie* from beginning to end, and the report lacking his evidence a farcical insult to the people of the Dominion, and Lincoln in particular.

THE FIRST REPORT.

I now propose to deal with the conclusions arrived at in the several reports to which I have above referred. First, that of the Minister of Justice declares:

(1) The committee find that at no time was the government or any of its members, or the department or any of its officers, influenced by any undue or improper means with regard to any of the transactions relating to the said timber limits, and that no attempt was made by Mr. Rykert or any other person to obtain the said limits or any concession in relation thereto by any undue or improper means or influence.

(2) In making this finding, supported as it is by the evidence of Mr. Rykert and of all the witnesses called at his instance, the committee are aware that such conclusion is opposed to many expressions which were used in letters of Mr. Rykert referred to the committee, and to many unavoidable implications arising therefrom, inasmuch as in some of those letters Mr. Rykert pretended to Adams that the limits had been awarded to Adams, and that the objections which arose from the interference of the two applications, and from the claims with the railway company, were overruled in consequence of the influence which he (Mr. Rykert) alleged that he had and was using with the department and the government, and in consequence of the influence of others which he was bringing to bear on the department and on the government.

Mr. Rykert has suggested that the statements of that character which appear in the correspondence may be regarded as an idle boast, but the committee consider them untruthful and reprehensible.

(3) The committee are unable to discover that in the treatment of Shortreed and Laidlaw's application there was any intentional wrong-doing, and they find that Mr. Rykert was not implicated as to the change of description which resulted so disadvantageously to Shortreed and Laidlaw.

THE WORK OF A MASTER HAND.

Secondly, your first report which you moved in amendment to that of the Minister of Justice, and which for manipulation, deceitfulness, distortion of evidence, duplicity and cunning could not be excelled by the greatest special pleader who ever received a fee to bolster up a bad case, declared:

(1) The *policy* of the department, as stated to Mr. McCarthy in January was not to issue timber licenses in the locality; and to apply, in case that *policy* should be changed, the principle of competition under the regulations.

(2) Shortly after, Mr. McPherson agreed at Mr. Rykert's instance to recommend the issue of a license to his client, Adams.

(3) A little later, when it was found that there was a conflict involving under the regulations a competition, the department promoted an arrangement for an adjustment of the boundaries so

as to do away with that competition, *in the interest of the applicants, and not, as the report shows in the interest of the department, that is, of the public.*

(4) The area of selection granted to Adams was as shown by the written and oral testimony, including that of Mr. Rykert, and of the then and of the present Deputy Minister of Interior, unusually large; *the latter stating that he could not produce any case of a like area under like circumstances.*

(5) No grounds for, or explanation of, the change of *policy* of the action taken for the avoidance of competition, or of the unusual size of the area appeared before us, *save those appearing in Mr. Rykert's letters.*

(6) *These letters claim that these results were due to Mr. Rykert's influence and persistence with the government; and we are unable to find those letters to be in that respect devoid of truth; though they are probably exaggerated.*

(7) The agreement made, or assumed to be made, as to the boundaries, namely, that Laidlaw should have the area of selection applied for by him and that Adams should not encroach upon it, *seems to have been made at a time when the departmental memorandum of a contrary tender had already been prepared, and to have been deceptive and illusory.*

(8) At any rate that agreement was not carried out, but the reverse. Adams was given that to which Laidlaw was entitled, which was the common object of application, and which turned out to be the only object of value; while Laidlaw was given something for which he had never asked, to which he had never agreed, and which turned out to be prairie and not timber land.

(9) The applications of Mr. McCarthy and of Laidlaw, made when some inkling of the facts had reached them, and before any license had been recommended, for a stay, for an appointment, and for an opportunity to be heard before any such action though based upon the allegations that a mistake, and later that a gross fraud had been committed, were not merely neglected, but were treated in a way calculated to lull their apprehension that a decision might be reached without their having the opportunity they asked; and meanwhile the recommendation for Adams was pushed through and his license was issued.

(10) On and after the 3rd April, that is, from a period anterior to all the difficulties narrated Mr. Rykert (who had had, as shown by the early correspondence, from the beginning accepted the relation of a person who was to receive compensation for his services) became, by means of the agreement made by Adams with Mr. Rykert's wife, through Mr. Rykert himself, which was witnessed by, and delivered to Mr. Rykert, and which was expressed to be in consideration of his services therefor voluntarily given in the matter, substantially interested in one half of the net profits of the expected grant; and all that was thereafter done by Mr. Rykert was done under the influence of that interest.

(11) Mr. Rykert did not divulge, but, on the contrary, concealed the existence of his personal interest, and assumed to be acting still only as the solicitor of Adams. The motive for putting the transaction in the form adopted, and for concealing the true relation of Mr. Rykert to the matter, we infer to have been two-fold: First, to avoid any possible impairment of the strength of his representations to the executive; and secondly, to avoid any damage to his standing as a member of parliament and a public man; and the existence of this second motive seems confirmed by the statement subsequently made by Mr. Rykert in his place in parliament, to which we must later on refer.

(12) We think it right to state the opinion *we have formed* that Mr. Lindsay Russell, the Deputy Minister of Interior, *was*, at the time of these events, in consequence of his impaired mental vigor, incapable of fully apprehending the proceedings, and subject to the influence and initiative of others; and is not obnoxious to the charges of conscious wrong-doing and neglect to which he would under other circumstances be liable.

(13) The payment of \$5,000 to Muckle was in our opinion, as shown by the correspondence in evidence, substantially a bribe to induce him to betray the interests of his employers, the Canadian Pacific Railway Company.

(14) We find that in fact no corrupt advances were made by Mr. Rykert to any minister, either directly, or through any relatives, or otherwise; and that his letters are in

this particular untrue; and we find that the relations of ministers mentioned were not offered, did not ask for, and did not receive any money in respect of this matter.

THE VICTIM OF A COMPROMISE.

I have italicized certain portions of your first report, and I shall also italicize those portions of your second report which were substituted for those struck out of the first report, which you at the instance of the Minister of Justice struck out of your second report, so that the government or its policy might not be censured, for the purpose of showing that I was right in the statement I made, that I was made the victim of a compromise and a scape-goat so that the government might escape the censure of the committee. The Minister of Justice, on behalf of himself and his colleagues on his bended knees begged for mercy at your hands and surrendered his mature judgment and verdict and permitted, as his report shows, an innocent man to be sacrificed in order that his government might go free, and that too at a time when he and his colleagues should have stood by and defended a policy which the Mackenzie government had initiated and which remained upon the statute books.

MR. BLAKE'S SECOND REPORT.

Your second or compromise report declared that:

(1) The *decision* of the department as stated to Mr. McCarthy in January, was not to issue timber licenses in the locality and to apply in case that *decision* should be changed, the principle of competition under the regulations.

(2) Shortly after, *it was decided* at Mr. Rykert's instance to recommend the issue of a license to his client, Adams, and *this was communicated by Mr. Macpherson to Mr. Rykert.*

(3) A little later, when it was found that there was a conflict involving under the regulations a competition, the department promoted an arrangement for an adjustment of the boundaries so as to do away with that competition *for the reasons appearing in the report of the Deputy Minister of the Interior, of August 31st, 1882.*

(4) The area of selection granted to Adams was, as shown by the written and oral testimony, including that of

Mr. Rykert, and of the then and of the present Deputy Minister of Interior, usually large.

(5) No grounds for, or explanations of, the change of the decision, stated to Mr. McCarthy in January, or of the action taken for the avoidance of competition, or of the unusual size of the area appeared before us.

(6) Mr. Rykert's letters claim that these results were due to Mr. Rykert's influence and persistence with the government; and we find that Mr. Rykert certainly used great persistence in pressing the claims of his client on the department and the government.

(7) There was a strong conflict of evidence as to the date at which the agreement made, or assumed to be made, as to the boundaries, namely, that Laidlaw should have the area of selection applied for by him, and that Adams should not encroach on it, was in fact made. But we are obliged to arrive at the conclusion that it was made after the 10th April, and therefore at a time when the departmental memorandum of a contrary tenor had already been prepared, and that Mr. Rykert was guilty of bad faith in this respect.

(8) Same as No. 8 in your first report.

(9) (Same as No. 9 in your first report).

(10) (Same as No. 10 in your first report).

(11) (Same as No. 11 in your first report).

(12) We think it right to state the opinion that there is some evidence to show that Mr. Lindsay Russell, the Deputy Minister of Interior, may have been at the time of these events, in consequence of his impaired mental vigor, incapable of fully apprehending the proceedings, and subject to the influence and initiative of others; and is not obnoxious to the charges of conscious wrong doing and neglect to which he would under other circumstances be liable.

(13) (Same as No. 13 in your first report).

(14) Same as No. 14 in your first report.

WHAT THE COMPROMISE WAS.

The public can now, by comparing your two reports, see what the compromise was which you and the Minister of Justice made.

Upon the only question which was submitted by parliament to you and the only one, according to your speech in parliament, with which it had anything to do, viz: Whether or not I was guilty of any corrupt act in obtaining the limit for Mr. Adams, you cordially agree. If you and the Minister of Justice had wanted to act an honorable part towards a fellow member, you would have stopped there and made your report. But no, both you and he seemed from the very outset most anxious to prolong the investigation by enquiring into a lot of irrelevant matter, against which I protested. The statement made in the report of the Minister of Justice that the boast of my influence contained in my letters was untruthful and reprehensible, is a piece of gratuitous impudence, with which neither he nor the committee had anything to do. If I did boast of having an influence with the government, what business was that of parliament? and how childish it was for a deliberate body to discuss the extent of my influence, particularly when it is known that every member of parliament, not even excepting the Minister of Justice, has frequently stated in his correspondence that he had or would use his influence with the government he was supporting. And pray, let me ask, who had a better right to suppose he had an influence with a government which for twenty-five years he had faithfully supported and defended than myself? But on the question of influence you and the minister do not agree, for you in paragraph 6 of your first report above quoted, say: "These letters claim that these results were due to Mr. Rykert's influence and persistence with the government, and we are unable to find those letters to be in that respect devoid of truth, though they are probably exaggerated." In your compromise report you very kindly drop the language I have just quoted and italicised, and say (in sec. 6), "We find Mr. Rykert certainly used great persistence in pressing the claim of his client on the department and the government." It is quite evident that the Minister having in his report accused me of untruthfulness felt that he would not like to take it all back, and consented to modify it by saying that I had used great persistence.

Dealing with the last finding of the

Minister of Justice, wherein he exonerates me from any wrong doing in connection with the conflict with Mr. Laidlaw, let me again repeat that you and the committee were guilty of

A GROSS ACT OF INJUSTICE

towards me in opening up the case after it had been finally closed, in order to curry a little favor with Dalton McCarthy, the legal adviser of and applicant for Laidlaw in respect to the limit. Where in the reference to the committee do you find any authority for dealing with this matter? You know you had none, but you hoodwinked the committee into taking up and discussing that irrelevant matter. You in your compromise report (Section 7) declare:—

“But we are obliged to arrive at the conclusion that it was made after the 1st April and therefore at a time when the departmental memorandum of a contrary tenor had already been prepared, and that ‘Mr. Rykert was guilty of bad faith in this respect;’”

and the Minister of Justice, notwithstanding his report above quoted, was founded upon the sworn testimony of every officer of the department, quietly permits you to wipe out its finding, and make him declare in effect over his own signature that Mr. Russell, Mr. Burgess and Mr. Ryley, three as honorable men as ever lived, and whose integrity has been rewarded by promotion in the department, were guilty of perjury. There is no denying this. The evidence is too plain, but the Minister of Justice was at your mercy and you made him swallow what Mr. Muckle calls “your infamous and lying report” as a condition precedent to your permitting the Government to go uncensured. Now, let me examine this matter a little further. The charge is that I induced the department to frame minutes for council prior to the time when McCarthy and I had agreed to leave the matter to Mr. Russell. You know that your charge and report are both false and in direct conflict with the evidence. Let it speak for itself and let the public judge what a vindictive, spiteful and reckless judge you proved yourself to be.

First we have the report of Mr. Russell, then deputy minister of the interior, in a letter addressed to the first minister, as follows:

Department of the Interior,

Ottawa, 31st August, 1882.

“Rt. Hon. Sir John A. Macdonald,

“K. C. B., Minister of the Interior,

“Riviere du Loup en bas.

“My Dear Sir John:—I enclose a letter from Mr. Rykert, representing Mr. Adams, respecting a timber berth near Cypress Hills, for which he had Order in Council to locate within certain limits.

“Messrs. Shortreed and Laidlaw, who were represented by Mr. Dalton McCarthy, had a like order for similar location in an adjoining tract.

“The latter complain that the choice made by Mr. Adams is within the bounds of the original application by them, to meet which the order in Council in their favor was passed, and affirm an official blunder in our having included in the tract within which Adams could locate ground which formed part of their prior application.

“The matter truly stands thus: Both parties filed applications of unreasonable extent, so much beyond anything that could in rule be granted that I assumed that their conflict on one side on which they overlapped each other, was of secondary importance, and also assumed as acting for you, the right to deal with them by a curtailment and re-adjustment in such wise as to do away with the overlapping.

“This action I clearly explained to Messrs. Rykert and Dalton McCarthy, at an interview which I had with them together, pointing out to them that the alternative would be, under the regulations, to make them compete for that part of the ground on which they both had application. They seemed fully to understand the the adjustment I proposed. So far from there being any difficulty, they proposed at act in harmony, by employing jointly with a view to economy, a surveyor to lay out their berths.

“I submit to you that inasmuch as under the regulations they would if each maintained his application in conflict with the other be obliged to compete and that in their interest, not that of the department, an adjustment doing away with such competition was made, of which both parties were cognizant, and that the adjust-

"ment was made in good faith, with-
 "out any knowledge as to location of
 "any valuable timber (for of this I was
 "as ignorant as I believe were the
 "parties themselves), and was therefore
 "impartial, they can now have no
 "ground for complaint even though the
 "hazard in the arrangement has, it
 "would appear, turned out to be much
 "more in favor of one than the other.

"It may be mentioned as additional
 "ground for maintaining the course
 "taken, that Mr. Adams has made a
 "most costly survey, of which the re-
 "turns have been filed, while the other
 "party, the one that complains, has,
 "so far as the department is aware,
 "done nothing in this direction.

"Respectfully yours,
 "(Signed) LINDSAY RUSSELL,
 "(Exhibit No. 9) Deputy of the
 "Minister of the Interior."

This report, made by a gentleman who had no interest in the matter, proves conclusively that Mr. McCarthy and I went before the Deputy Minister and agreed that he should make the adjustment, both of us being in ignorance of the fact whether there was any timber or not. Mr. McCarthy endeavored to prove, and you tried hard to assist him in his dilemma, that the adjustment was made behind his back, and that I had taken advantage of him, but the report of Mr. Russell sets that at rest unless you can show that Mr. Russell's report was erroneous. Fortunately, however, we have other evidence to corroborate my statement in opposition to that of Mr. McCarthy. On the same day (August 31st, 1882) that Mr. Russell made his report, I addressed a letter from St. Catharines to him, which letter appears on page 22 of your compromise report, and which is as follows:—

St. Catharines 31st August, 1882.

My Dear Sir,—Seeing by the papers that you were likely to be away for a time, I thought I might venture to ask you to endeavor to settle the Adams matter and if possible sign the license before you left. I assume that Sir John will, without any hesitation, confirm what has been done, and order the license to be issued. You will recollect that after it was determined to give Adams his limit it was discovered that one prior, that of Laidlaw, had been applied for and refused for part of the

same ground. You then asked me to see McCarthy, who told me that there was no use in applying any further; that it would not be granted. I told him I was certain it could be done. He then went with me twice to your office, and agreed upon the boundary and told you he was perfectly satisfied. In fact Laidlaw was so well pleased he offered to pay me for my trouble. It seems very strange that they find no fault until now. They have made no survey, have done nothing, but on account of a piece in the Winnipeg paper, stating Adams had all the timber (which is not true) they make a fuss. I sent Laidlaw's letter to Sir John which particularly states he is willing to purchase from Adams, but does not complain of any injustice being done. I hope you will stand by the Order in Council and not let any of this baby play intervene to prevent justice being done. Please telegraph me if all right.

Faithfully,
 (Signed) J. C. RYKERT.

A few days before writing this letter to Mr. Russell, I wrote to Sir John A. Macdonald, under date of August 28, 1882. (See report page 21) as follows:—

28th August, 1882.

My Dear Sir John,—Mr. Adams has made his survey in accordance with the Order in Council at an expense of \$5,000 in cash and I hope there will be no delay in having the license issued. Mr. Laidlaw has done nothing, has not made any survey, and now, through Mr. McCarthy, objects to Mr. Adams getting the license.

Before the Orders in Council were issued, McCarthy and I met Mr. Russell and we agreed upon the respective boundaries. Each party was quite satisfied. Mr. Russell will tell you that there was no mistake, no advantage taken, but everything done in good faith. It would be an outrage now to delay the license, especially after all the expense and trouble.

These letters not only corroborate the statement of Mr. Russell as to the matter being settled before the Order in Council was prepared, but show that McCarthy and I went to the Deputy Minister twice on the same business, which fact Mr. McCarthy denied under oath. You saw plainly from the evidence that Mr. McCarthy's recollection of the transaction was not very clear, yet you accept his explanation in op-

position to that of the officers of the department and myself, and charge me with deceitfulness.

THE EVIDENCE ITSELF.

In support of my statement and the report of Mr. Russell I will quote the evidence of Mr. Burgess :

(By Sir John Thompson. Page 60.)

Q. Were you at the time informed of the nature of the adjustment that was made to prevent interference? A. Yes.

Q. How soon after the interview did you know? A. I could not say. I was aware of the interview, and I was aware that there was at the time a memorandum prepared for council.

Q. You mean the report that was made for the Order in Council? A. Yes.

Q. Do you know anything of the correctness of the dates stated here; the date for instance on which that negotiation could have taken place as compared with the Order in Council granting Mr. Adams' application? A. I do not know anything personally as to dates, but I know that communication was made to me by MR. RUSSELL before the ADAMS' memorandum went to Council. He informed me before that memorandum went to Council that an adjustment had been made.

Q. This adjustment? A. Yes.

Q. He informed you of that before the Adams' application went to Council? A. Yes.

(By Mr. Blake :)

Q. When did the ADAMS memorandum go to Council? A. On the 10th April, 1882.

(By Mr. Rykert) Page 68 :

Q. Your recollection is clear upon the appointment, and Mr. McCarthy making the settlement with me before the 10th April?

A. My recollection is clear that Mr. Russell told me so.

Q. Did you see Mr. McCarthy and me in your office at any time? A. Oh, yes.

Q. You saw us how often? A. I could not say.

Q. More than once? A. Yes.

Q. You saw Mr. McCarthy and me more than once? A. Yes, I think I have a recollection of seeing you twice. That is my recollection at this moment.

Q. A letter of mine to Mr. Russell speaks of the fact. I was there twice with McCarthy. You recollect the fact that I was there twice with him? A. That is my recollection. Of course it is a long time ago. It may have been more than twice.

I will quote Mr. Ryley's evidence.

(By Sir John Thompson. Page 74.)

Q. Can you remember the time at which you were aware of the conflict; how did you become aware of it? A. I know there was a conflict and that Mr. Rykert and Mr. McCarthy came to see Mr. Russell about it.

Q. That would be a good many months after that. What was the first communication you had with Mr. Russell on the subject?

A. I cannot remember that. I expect I must have reported to him that the applications conflicted. I must have told him that.

Q. Soon after the date of that memorandum? A. Between that date and the date that Mr. McCarthy and Mr. Rykert came to see him about it.

Q. About what time would that be? A. It must have been before the 10th April, 1882.

Q. By that time had you plotted anything showing the interference? Had you plotted the two applications showing how they interfered? A. Yes.

Q. Was that plotting before Mr. Russell? A. When I went into the room where Mr. McCarthy and Mr. Rykert and Mr. Russell were together, Mr. Russell had a sketch in his hand showing the interference.

Q. Mr. Rykert and Mr. McCarthy were there then? A. Yes.

Q. Can you fix that date? A. I cannot. It was before the 10th April, 1881.

Q. Long before? A. I cannot remember that. I know it must have been before that date.

Q. What assists you in arriving at that conviction? A. The date of the memorandum to Council.

Q. It was drawn up after that? A. After the interview which Mr. McCarthy and Mr. Rykert had with Mr. Lindsay Russell.

Q. You say it was drawn up at that interview? A. No, after.

Q. Were you present at the interview? A. I remember distinctly being there, and Mr. McCarthy and Mr. Rykert left, Mr. Lindsay Russell explained to me the adjustment that had been agreed upon.

Q. Tell us what took place while you were present. A. They were sitting together and I was standing up at the time. They were talking to each other and when they went out MR. RUSSELL showed me exactly how the adjustment would be made.

Q. Do I understand from that that you did not pay attention to the con-

versation and did not follow it? A. I think I must have been there during the last part of the conversation only. I do not remember what was said.

Q. You took no notice of it? A. I might have at the time, but I know that after they went away Mr. RUSSELL explained to me the adjustment that had been made.

Q. What took place on that? A. Upon that he told me to prepare the description to be inserted in the memorandum to Council.

Q. Did you do so? A. I did so.

Q. And the report went to Council?

A. I consulted Mr. Russell about the description at the time as I had to take from the plan of record in the Department. I had to get the plan of record in the Department in order to ascertain about what section posts one of the boundary lines would come at, in order that anybody who made a survey of the berth would have no difficulty in doing so.

Q. As a matter of fact, who prepared the description?

A. I prepared the description and then explained to Mr. Russell what I had done.

Q. Then Mr. Russell instructed you what settlement had been arrived at?

A. Yes.

Q. You prepared a description and showed it to Mr. Russell?

A. Yes.

Q. Did you draw up the memorandum to Council? A. Yes.
(By Hon. M. Chapleau; p. 76.)

Q. When you saw Mr. Rykert and Mr. McCarthy together with Mr. Lindsay Russell, had they a map before them? A. Yes, they had a sketch.

Q. Were they talking about that sketch with the Deputy Minister? A. Yes, they were sitting on a sofa at the time and Mr. Russell was sitting between the two, and he had the sketch in his hands and I came in either by accident or he rang my bell and Mr. RUSSELL said they were arranging this matter and making an adjustment.

Q. There was a sketch in his hands and you say you did not hear any special conversation. You state also it was at the end of the interview. Did you understand by what you saw, by the little you heard, that it had been agreed to accept the sketch as finally arranged between Mr. Russell and them?

A. Mr. Russell told me that there

was to be no conflict between the applications, that Adams was to give up the southern portion of his berth and Shortreed & Laidlaw's application was to be moved down so that they would not conflict one with the other.

Q. You did not hear anything to that effect when the three were together? A. I do not remember them saying anything about that. They were talking together when I went in.

Q. Were they talking as people who differed or as a people who agreed? A. They agreed, certainly.

Q. You understand by what passed in your presence they then and there agreed, and immediately afterwards Mr. RUSSELL said this is arranged. A. Yes.

Q. Are you positive about that fact? A. I am positive, yes.

Q. You are positive the three had agreed, and immediately afterwards Mr. Russell said, this is adjusted? A. Yes.

Q. And the report was prepared and sent to Council? A. Yes.

WHERE IS THE CONFLICT.

And yet in the face of this evidence you have the audacity to report that there was a strong conflict of evidence as to the date at which the agreement between Mr. McCarthy and myself was made, but that you were obliged to arrive at the conclusion that it was made after 10th of April. You display your great impartiality as a judge do you not, in this conclusion? If a jury were to give a similar verdict on the same statement of facts, you would say, they had perjured themselves. This is a fair sample of the malice and spleen which you exhibited towards me throughout the trial, and shows clearly that you would resort to the most contemptible of means to crush a political opponent. But the most surprising thing of all is the humiliating position in which the Minister of Justice placed himself by permitting you to pass a report which he knew was not founded upon the evidence, and which is in direct conflict with the verdict which he had before pronounced upon the same statement of facts. The reason for the change will be apparent when the clauses seven of your first and compromise reports are fully examined. In the former you charge the Department with wrong doing and that the conduct of its officers

was deceptive and illusory. In the latter you withdrew the charge against the Department and throw the blame upon myself. What magnanimity you displayed towards the Government to gratify the Minister of Justice, and how readily he acquiesced in the condemnation of one whom before he had entirely exonerated, in order to please you and save the Department!! You also very kindly eliminated from clause three, of your first report, all reference to improper conduct on the part of the Department in order to gratify the Minister. In fact, if the clauses from 1 to 9 inclusive of your first report and those of the compromise report are carefully compared and the several portions which I have italicized noted, they will afford a key to the reasons for the sudden capitulation of the Minister of Justice. The public will be able to judge of the impartiality of two such eminent judges, when they note the fact that they are both prepared to condemn Mr. Russell, Mr. Burgess, Mr. Ryley and myself as perjurers and as men unworthy of belief, if the one can screen his Government from censure and the other can gratify his spiteful revenge towards a political antagonist who for many years has been a thorn in his side. If Mr. Burgess and Mr. Ryley swore to what was untrue, as your report clearly indicates and insinuates, why did you not report them to the House and recommend their dismissal? You knew that your report was untruthful so far as it reflected upon those gentlemen, and therefore you thought it unwise to say anything more so long as you condemned me.

But the meanest insinuation of all is contained in paragraph which I have numbered 12 of your report, wherein you state Mr. Russell on account of his impaired health was incapable of fully apprehending the proceedings and was subject to the influence and initiative of others. When you penned this lying statement you knew that the report of Mr. Russell was corroborated by the evidence of Mr. Burgess, Mr. Ryley and myself, and yet try to cast a slur upon me, by insinuating that I had unduly influenced and taken advantage of him. It is no wonder that Mr. Muckle characterized your report as: "an unwarranted, gratuitous and infamous lie."

Now, then, let me examine the evi-

dence upon which you declared that "the payment of \$5,000 to Muckle was in our opinion as shown by the correspondence in evidence, substantially a bribe to induce him to betray the interests of his employers, the Canadian Pacific Railway Company." But before doing so, let me ask you what right had the Committee to examine into or pronounce upon the payment to Muckle? You know it was never referred by the order of the House for the simple reason, as pointed out by you in the House when speaking of the Sands matter. You then declared that if I had robbed Sands, Parliament had nothing to do with it, and that the only question was whether I had been guilty of a corrupt act in obtaining the limit, upon which question you found by the report that I was not guilty. The only evidence as to the payment to Muckle offered was that of myself, which will be found at page 20, and which is as follows:

2. Who was Muckle? A. "He was the timber agent for the C. P. R. Muckle was the person who claimed an interest in this limit. He claimed that he first discovered this limit and gave Adams the information. He claimed also that Adams had agreed to pay him \$5,000 for the information, provided the limit turned out satisfactorily. I will be able to show that Adams paid the \$5,000 when the limit was sold. This same Mr. Muckle was out in that neighborhood when the survey was being made, and commenced to cut down the timber with a view to making the C. P. R. buy it. He claimed he had an interest in it with Adams."

At page 16 of your report appears a letter from Mr. Adams to myself under date of July 10th, 1882, in which he states: "I had to secure Muckle his \$5,000 and he will deserve it." This letter had reference to the original agreement made between Adams and Muckle in the fall of 1881, when Muckle gave him the information which enabled him to apply for the limit. Then again, at page 23 in a letter written by me on September 5th, 1882, to Sir John Macdonald I said: "There is no harm in stating that Adams had to pay the party who originally selected this limit \$5,000, besides the subsequent cost of survey, or in all, he is out \$10,000, about as much as the limit is perhaps worth." Now, that is all the evidence in relation to

the payment of the \$5,000. And what does it show? It shows that Mr. Adams himself had agreed with Muckle to pay him this sum for the discovery of the limit and the information which he furnished in order to enable him to make the application. It shows that this took place at a time long prior to the time when the C. P. R. put in a claim, which was not until January, 1883. It shows that this agreement was made long before the C. P. R. ever contemplated changing their line from Yellow Head to the Kicking Horse Pass, and at a time when they had no power to change the line. There is no evidence that I knew of this transaction between Adams and Muckle until a year after it had taken place; and yet you as an honest, upright judge had the impudence to declare by your verdict that I was guilty of a corrupt act in paying to Muckle money which you knew I never paid him nor had anything to do with. You knew when you penned that report that it did not contain one word of truth in respect to Muckle, and that there was not a particle of evidence to connect me with the transaction. Your report had its effect and it did its dirty work as evidenced by the leading article in Globe of May last, wherein it is stated that "Mr. Rykert stated before the committee that \$5,000 was paid by Adams to Mr. R. T. Muckle the timber agent of the C. P. R., in order to secure the release of the company's claim on the celebrated Cypress Hills Timber Limit." You read that article and you knew it did not contain one word of truth, and yet you were too cowardly to make the correction. You knew it would mislead the public and that was what you wanted. Again, I say, it is no wonder that Mr. Muckle in a letter published in the same editorial of the Globe, said: "I hereby characterize the statement with reference to me in the Rykert-commission report as an unwarranted, gratuitous and infamous lie from beginning to end, and the report lacking my evidence is a farcical insult to the people of our Dominion, and Lincoln in particular."

And yet, Mr. Blake, this is the only corrupt act of which you found me guilty. But admitting, for the sake of argument, that you were wrong when you stated in the House of Commons

that parliament had no right whatever to inquire whether I robbed Sands or any other person, or whether I had bribed any one, and that you were right in the conclusions which you drew in your report, that I had attempted to bribe Mr. Muckle to betray the C. P. railway, I would like to ask you if it were a decent thing for you to accept a fee, or what might, with greater propriety be called a bribe, from this same company to betray the interests of the Dominion in a matter which you had pronounced as a gross fraud, and on which you voluntarily held a brief on behalf of the people against the said company, and afterwards deliberately charge a fellow-member (without a scintilla of condence) with attempting to do something similar to that which you so successfully accomplished. Why do you not as an honest man come out over your signature and declare that you misled the committee of the House of Commons when you induced the minority of that committee to accept your report? Have I not just and ample reason to ask you to "speak now" and let the people of Canada know what a huge fraud you perpetrated upon parliament and what a grosse injustice you did to a fellow-member? I am afraid, however, it is useless to appeal to one whose whole life has been a mystery and an enigma which nobody can solve. You are too cold-blooded to repair an injury which you have done to anybody. I do not expect that you will have manhood enough to ask parliament to reverse its unjust and illegal verdict against me, although in applying the evidence to the principles enunciated in your speech on the appointment of the committee, you would be amply justified in so doing. You may however, rest assured that I will never permit the cruel wrong which you have inflicted upon me and my family to be forgotten, and that I will spare no effort to show the people of Canada that I have been made the victim of a compromise brought about through your spiteful vindictiveness.

I shall take the liberty of again addressing you upon the same subject, as well as upon other matters connected with your past political history, which require explanation. Yours truly,

J. O. RYKERT.

July 6th, 1891.

