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VICTORIA, B. C.

THE FERNIE LEDGER

VOL. No. I, NUMBER 33. FERNIE, B.C., WEDNESDAY, MARCH, 21, 1906 PRICE $2 A YEAR IN ADVANCE

IN AND AROUND FERNIE

Interesting Locals About Folks You Probably Know

PICKED UP BY OUR OWN BUSY REPORTERS

W. R. Ross, M. P. P., arrived home from Victoria Sunday morning.

The C. P. R. has ordered an additional 1000 cars to be ready for use on their lines this summer.

Mr. Webster, formerly manager for the Calgary Cattle Company here, came in from the west on Sunday evening.

H. S. Galer passed through town on his way to Coleman from Spokane where he had been on company business.

In another column will be found the proceedings of the last council meeting which was held over last week for want of space.

The play "Our Boy," will be given in Stork's opera house on Tuesday, March 27, curtain rising at 8 p. m. Be sure and come if you want agood laugh. Admission 50 cents; reserved seats, $1.00. Plan at Suddaby's. The proceeds will go to the Library fund.

We have been enjoying the most regular spell of weather for the last two weeks here in Fernie that has ever been experienced by the oldest inhabitant, but we would welcome some irregularity in that line if it would not inconvenience the weather clerk too much

The Macleod Gazette now 24 years of age, has once more changed hands and is now under the management of C. F. Harris, a well known lawyer, and resident of McLeod. The Ledger wishes Mr. Harris success in the new field and hopes to see the Gazette grow in patronage and in interest to its readers.

C. P. Ward, clerk and stenographer in the G. N. city office, leaves this morning for Spokane, where he has accepted a position as private secretary to Superintendent Morgan of the S. F. & N. Mr. Ward has been here for a little over four months and in this short time made many fast friends who will be glad to hear of his advancement. He was genial and obliging to a degree and is an exemplary young man in every respect.

Another awful accident occurred on the Denver & Rio Grand railway in Colorado, near Adobe, last Friday morning, in which some 20 people lost their lives and as many more injured. A large portion of the debris of the train was burned immediately after the collision, consuming many of the bodies of the victims. The collision was a head-on one between two passenger trains and occurred a little after midnight. Despatches indicate that the accident was caused by an operator neglecting to deliver orders to one of the trains when it passed his station.

Minard's Liniment Co., Limited:
Have used Minard's Liniment for croup; found nothing to equal it; sure cure.
CHAS. E. SHARP,
Hawkshaw, N. B., Sept. 1st, 1905.

Miss Inez Holbrook of Elko, is in the city to-day.

The editor is slightly indisposed this week.

W. W. Leach of Blairmore was in the city Sunday.

It is reported that John Galvin is seriously ill at Lethbridge.

O. L. Boynton returned this morn from a short business trip to St. Paul.

R. W. Couthardt is home again after a long tramp after purchasers of coaland coke.

J. N. Howbrook Sec'y of District No. 18 U. M. W. of A. left for Lethbridge Monday evening.

St. Patricks day was properly celebrated by Fernie Irishmen. Tom Whelan and little shamrocks were very much in evidence.

The Credit Mutual Bank of Moscow Russia, was robbed by masked men yesterday the robbers secured $126,000.

Gamard Sleep, charged with obtaining money under false pretence, was committed for trial by magistrate Wanklyn to day.

Miss Meikle, who has been visiting her brother J. L. Meikle, of the Gazette, Grand Forks, returned to her home here on Saturday.

Dr. Wilson is in town visiting old friends. The Ledger hopes the doctor will conclude to stay with the people of the Pass and become one of us again.

Settlement of the difference between the coal operators and the United Mine Workers of America was referred to the same committee as did Angelo yesterday.

An alarm of fire was rounded this morning at half past five and the boys turned out. The fire proved to be a small blaze in a little shack near the fire hall and was extinguished before much damage was done.

Don't judge our printing by the bill in blue in our window—we didn't do it. People who invite comparison should be prepared to demonstrate their point.

Owing to the council having to occupy the court house to-morrow night the president of the board of trade A. H. Creo requests us to announce that the annual meeting of the board called for to-morrow night, has been postponed to Wednesday night of next week.

J. Young Byers, traveling representative of the Calgary Herald is in the city, and gave the Ledger a friendly call just as the paper was going to press. Mr. Byers represents one of the live papers of the west and is out for the good of his business.

The bankers over in Edmonton have decided to call a halt on lending money on present high values of real estate. This is hard on people who are trying to make capital out of the capital prospects of the city.

Mr Andrew Hamilton is now having his innings at Albany and was cheered the other day while before the legislative committee when he got back at the trustees, calling them curs and other inelegant names

E. A. Lively night operator at Adobe, Colorado takes upon himself entire blame for the head-on collision which occured between that Station and Willows but pleads over exhaustion from long hours as extenuation. It is now estimated that at least 36 people lost their lives by the wreck.

Mrs. Todd is busy to-day entertaining her many callers and showing her elegant new lines of ladies head gear. She has brought back from the east all the latest styles and showing some of the finest hats and trimmings ever seen in this city. Read her ad in another column of todays Ledger and get wise.

J. M. Proctor has sold his fine residence to Mr. Huntington of the Trites-Wood company.

Mrs. Rev. Robson expects to go to Calgary on Thursday next and spend a week visiting her brother.

Married,—At the residence of Mr. A. White, 246 Victoria avenue, Mr. Sam Kee, of Hosmer, to Estelle Allen, of this city, on March 21st, in the presence of a few friends.

ADDITIONAL LOCALS.

New laid eggs at 30 cents a dozen at Blundell's.

Let us make you a fancy vest from one of those choice new patterns. Come in and see them. J. Carmichael, the tailor.

Carmichael, the tailor, has just received the nobbiest stock of tweeds for spring suits and overcoats ever brought to Fernie.

A hotel that furnishes quiet commodious accommodations for its patrons is a source of pleasure to the travelling public. Such a one is the King Edward Hotel, of Fernie, corner opposite the post office.

Spalding's studio is turning out work that compares most favorably with any eastern studio, and his prices are reasonable. He carries a large stock of views, which make nice room decorations. We recommend you to call and see for yourself.

CENT A WORD ADS

CLASSIFIED ADVERTISEMENTS under this heading inserted at the rate of one cent a word each insertion.

TO LET

TO RENT—THE UPPER FLOOR OF the Carosella block.—Apply to Philip Carosella.

WANTED

YOUNG GIRL WANTED TO HELP with house work, Apply R. W. Rogers, Palace Meat Market.

MONEY TO LOAN

TWO thousand dollars to $3,000 private funds to loan on improved City property. Apply Mott, Son & CO.

TWO THOUSAND DOLLARS PRIvate funds to loan on improved city property—Apply to MOTT, SON & CO.

FOR SALE.

FOR SALE—A VALUABLE RANCH of 378 acres, situated in one of the most favorable spots for fruit growing, gardening, stock raising and poultry growing in the Kootenay country. This ranch is all fenced contains 64 acres of first-class bottom land, 25 acres of which is in a good state of cultivation, 7 acres of good bench land suitable for fruit growing and gardening, and in fine state of cultivation. There is a good log house of four rooms, with shingle roof, stabling for 8 horses and 9 head of cattle, two good henhouses and a good root house. This valuable property can be had for $5670.00 cash, if taken soon, and is the best bargain for anyone desiring to go into ranching that can be found in East Kootenay For further particulars apply to Mott, Son & Co, Fernie, B. C.

HOUSE AND LOT FOR SALE IN West Fernie. Lot 50x132; Good four room house. This is a snap if taken at once. Easy terms.—Apply to MOTT, SON & CO.

THE FOLLOWING PRINTED CARDS are for sale at this office, price 25 cents each—"Rooms to Let, Apply Within." "Furnished Rooms to Let, Apply Within."

ONE STORY FRAME BUILDING

AN EXPLANATORY APOLOGY

Nanaimo, B. C., March 12.

The Fernie Ledger:

Dear Mr. Mott,—I believe you are the proprietor, manager or editor, or perhaps all three, of the Fernie Ledger. If my surmise is correct you have permitted yourself to be most grossly imposed upon.

In a recent issue of the Ledger appeared an article upon the condition of this company's Nanaimo mines. The telegraphic information from Victoria that you based your article upon and the comments made by you thereon are both entirely false and so vicious in nature as to admit of only one construction, i.e., the intention not only to injure this company's this community.

Our legal advisers state that the article is libelous.

The workmen here were so wrought up by the article that to place the matter before the public in a true light a committee of workmen examined the mine, and their signed report was handed to me and also to the local press, and a signed copy sent to the minister of mines. I am sending you a true copy. Will you be good enough to publish the report with the same prominence you did your article sending to me a copy of the issue in which it appears.

With kind regards, I am

Yours very truly,

THOS. R. STOCKETT,
Manager.

Following is the report of the workmens' committee referred to above:

Nanaimo, B. C., March 10, 1906.

To Whom it May Concern:

In view of the impression created before the legislature of the province and the following press despatch from Victoria to the Montreal Daily Star, viz:

LIVES OF HUNDREDS IN DANGER.

Special to the Montreal Star.—

Victoria, B. C. March 6.—Huge reservoirs of gas accumulated in the submarine workings of the Western Fuel Company collieries, at Nanaimo, imperil the mines and the lives of hundreds of miners. The government promises peremptory action.

And which despatch is being copied by the press generally throughout the country, thereby reflecting upon the intelligence of the employees of the Western Fuel Company and their examining committee, we, the undersigned committee of employees, have this day made an exhaustive examination of the underground workings of the south side of No. 1 mine, Nanaimo, the section of the mine the statement referred to, and find that the workings are in good condition and the work of opening this section is being conducted in a safe and workmanlike manner. We found at one point, given off as the water recedes; this gas is conducted direct to the returns. The intake and returns are in good condition and the ventilation ample. The returns being separate and distinct splits of the ventilating currents from other portions of the mines. The work of reopening this section is in the hands of experienced and practical miners who are using safety lamps, and no work is being carried on except removing the water and cleaning up and repairing as the water recedes.

We authorize the sending of a signed copy of this statement to the honorable minister of mines, Victoria, and request the press to give it the same publicity as the despatch referred to.

GEO. JOHNSTON,
RICHARD POOTH,
GEO. R. HARRISON,
JOHN JOHNSON,
JOHN W. GRAHAM,
J. H. McKENZIE,
Examining Committee.

The Ledger takes great pleasure in laying before its readers a letter from our former townsman, Mr. Thos. R. Stockett, now manager of the Western Fuel Company, of Nanaimo, B. C., and who while a resident of our city, occupying a similar position with the Crow's Nest Pass Coal Company, won the confidence and respect of our citizens to a marked degree. Mr. Stockett's letter and the report of the examining committee of miners which accompanies it, constitute a complete refutation of the statements contained in the communication from Victoria, published in the Ledger of the 7th, inst. Mr. Stockett is however mistaken in stating that the editor of the Ledger commented upon the telegram. The article as it appeared was communicated in full by our Victoria correspondent. It would appear from the article that it was based upon statements made in the provincial house by the member for Nanaimo, Mr. J. H. Hawthornthwaite, and if he has been misquoted then the Ledger's apology extends to and includes that "gentleman." But if Mr. Hawthornthwaite made such statements as are credited to him by our Victoria correspondent and which, according to the report of the examining committee of miners, are without foundation, then these men whom Mr. Hawthornthwaite pretends to look after with the tender regard of a foster mother, should see to it that he is relieved at the earliest possible moment. The Ledger hopes that the miners of Nanaimo who are so deeply interested in the proper care of their own lives and the company which Mr. Stockett represents, will accept the above apology of the Ledger in the spirit in which it is made, and that Mr. Hawthornthwaite may be able to satisfy his constituents and the public generally that he was not to blame in any way for the statements out of which much harm might have grown.

THE COAL OUT-PUT

The coal output for week ending Friday March 16th, was as follows:

	Tons.
[illegible]	[illegible]
Michel	6,730
Coal Creek	7,[illegible]
Carbonado	[illegible]

ANOTHER BY-LAW

SIDEWALK QUESTION GETS GOOD HEARING

Minutes of the city council meeting held Thursday, March 8th, at at 8.30 p. m.

The mayor and all the aldermen were present.

The minutes of the previous meetings were read and approved.

Under the head of communication a letter from the provincial attorney-general was read asking the city to vacate the rooms now occupied by the city clerk and the police. After some discussion a resolution was adopted instructing the property and works committee to look up suitable quarters as it was learned from Ald. Tuttle that all the room in the fire hall would be required by the fire department as soon as the equipment ordered arrives.

A communication from A. H. Creo stating that the insurance on the office furniture was past due and the matter was referred to the finance committee to be renewed if necessary.

A notification that the applicants for a charter for the Calgary & Fernie railway was received and filed.

The secretary of the school board presented the annual statement of receipts and expenditures of the school board for the past school year, and the board's estimates of the requirements for school purposes for the coming year.

The report was laid over for future consideration.

The clerk then reported the receipt of five different tenders for the debentures which had been offered for sale, and the council went into committee of the whole with Ald. Trites in the chair, and the tenders were opened and discussed. It was found that Jno. Nuveen & Co., of Chicago, had submitted the highest tender, which was accordingly accepted and the clerk was instructed to notify the Chicago firm by wire of the acceptance of its bid.

This bid was $95,750 for the issue of $45,000, a premium of $750 over the face value, the firm also agreeing to furnish the blank bonds free of charge.

The Bank of Commerce bid 98 cents or $90 less than par value.

There was a lengthy discussion over the city printing. Mr. Nunn stated that several lines required by the city were getting low and a new supply will soon be needed. It was finally decided to have the clerk call for new tenders along the line adopted by the Ledger in its bid and adding several lines not specified by the Ledger.

Ald. Biggs inquired as to why the obstructions on the streets had not been removed, and the mayor stated that the chief of police had considered it better to delay the removal until the snow had disappeared.

Upon inquiry by Ald. McIntyre, it was learned that the duties of the city clerk did not include those of returning officer and the subject of remuneration was left over for future consideration.

The clerk then read the result of the voting upon by-laws 30 and 31. As by-law No. 30 had received the necessary three-fifths vote it was reconsidered and finally passed. This was the by-law authorizing the issuing of debentures to pay off the bank overdraft.

By-law No. 31, asking authority to issue debentures to raise money to pay for sidewalks built by the last year's council not having received the necessary three-fifths vote could not be further acted upon. A lengthy discussion took place upon this vexed sidewalk affair in which Ald. Tuttle used some pretty plain language.

Ald. Trites stated that he was ready and willing to hand the city treasurer his cheque for his portion of sidewalk laid down in front of his property and thought others would do the same, but such a course was evidently impractical and was not seriously considered. Nearly $2000 of the $5000 was expended by the city for crossings, which in any event would have to be paid by the city, inasmuch as the old council had put down walks where not asked for, and had laid down 6-foot walks when 4-foot ones were asked for and had done all this before a sidewalk by-law had been passed, acting against the advice in so doing of both Mr. Alexander and Mr. Lawe, the city is left to seek a position as to have to pay for all the walks by borrowing money by by-law enactment or of becoming parties to a suit against the old council for debts illegally contracted by that body. The new council took the only practical way out of the difficulty and submitted by-law No. 31 which was defeated by the efforts of those who should have been most active in its support. Mr. Kerr was present and urged a settlement of his claim, as he had been greatly inconvenienced by this unexpected delay in the payment of his account. [illegible] only way out of it was to resubmit the by-law and Solicitor Lawe confirmed this statement and cited the law which provides that after 60 days the council if petitioned by not less than 15 per cent of the voters [illegible] some purpose.

Ald. Beck thought that some other way might be found as the by-law might again be defeated.

Some talk has been indulged in to the effect that Ald. Tuttle is to blame for having accepted faulty sidewalks, but the truth of the matter is that the sidewalks were accepted at the last meeting of the old council in the absence of Ald. Tuttle at the citizens' meeting in Miners' Union hall, he being the only one of the six to face the people on that occasion while the remainder were busily engaged in accepting faulty sidewalks for which they do not now seem willing to pay upon the ground that the money should be raised by frontage tax, a method rendered impossible by their own blundering against the advice of their solicitors.

It is to be hoped that the by-law will be again submitted and that it

AN UNCERTAIN CERTAINTY OR A CERTAIN UNCERTAINTY

A gasoline engine is a contrivance intended to keep the mind, body and soul of its owner or operator from getting into mischief or meddling in other people's business.

There is an erroneous idea prevailing in the minds of people who don't own or operate these bad smelling, noisy, greasy, contrary-minded little imps of perdition that they are made to furnish power with which to run printing presses and other things necessary to the comfort and enlightenment of mankind, but this is a mistake.

They don't run printing presses or typesetting machines or job presses, except when they forget themselves for a few moments and allow the operator to turn them with a crank But as soon as they come to life sufficiently to kick back, they do it with a vengeance which would make Maud the traditional prude, blush for shame.

The ten commandments were invented a long time before gasoline engines and it is a self-evident fact, that the inventor of these straight-jacket guide boards to moral health had no idea that the devil would circumvent him by inflicting upon humanity through the medium of some long-haired human monstrosity mistakenly called a genius, such a thing as a gasoline engine It is up to the author of the moral code to revise it or demolish the engines.

There is no possibility of man, born of woman, being able to follow along the road fenced off by the ten commandments so long as gasoline engines, especially the kind that are painted red, are allowed to occupy the fence corners by the wayside.

The engines or the commandments must go, or be so modified as to make human life bearable to those who are brought in contact with these modern combinations of air-gas and lightning designed especially to bring damnation into the life and language of the operators.

One of these infernal machines will stir up more cussedness, cause more hard feelings and suspicions between fellow friends, start more profanity floating around and cause more honest people to break into the lying only than the original inventor of sin has been able to turn out in any other way since he hung out his shingle and announced that he was ready for business.

The McBride government has withstood Mr. Macdonald's searching inquiry into the transfer of some acres of dirt and the linguistical thumping of John Oliver, and are still doing business at the old stand, but if it can be arranged to let the Ledger set up its little red gasoline engine on the floor of the house next winter it will guarantee to put McBride and Hawthornthwaite out of business in less than a week.

Hon. Mr. McBride's nice curly hair would look like an uncombed kitchen mop, and Hawthorathwaite's gas would be sure to have too much air or not enough lightning to keep the thing going, and the smell would be so overpowering that even Mr. Bowser would have to hold his nose or fly to the lobby to join Macgowan and Ellison.

If any of our readers should happen to notice a man wandering about town looking as though he had just killed his grandfather with a club, poisoned his mother-in-law or divorced his wife, we hope they will not take steps to have him lodged in jail. He has only been fooling around the gasoline engine in the basement of the Todd block and is in no way responsible for his murderous appearance.

The old idea that there is nothing so uncertain as life is all rot. From the standpoint of a gasoline engine victim. That little red colored combination of iron, brass and steel down in the cellar could make uncertainty so uncertain that it would resolve itself into positive certainty and go out of business.

The little red demon has started off at a pace so regular, so musically as to insure confidence in the breast of everybody about the shop, even to the devil, and then it would balk, kick and splitter for hours without any apparent cause until everybody was ready to join the anarchists and kick the poor little devil out of the cellar.

One gasoline horse doctor says the thing don't get enough air; another says it gets too much; a third says the starter don't work right, and still another thinks that the thing leaks. The owner thinks they are all correct and is thinking seriously of having it consigned to Bean Bros.'s scrap heap.

One of the boys talks of the point of greatest compression until the spirits of the others get down to the lowest point of depression and then there is an explosion of a mixture of gas and profanity shocking to smell and hear.

None of the employees of the shop are allowed to go to church or Sunday school, but they should fall asleep and give voice to technical expressions which would not be understood by church and Sunday school people and consequently cause confusion.

All the omissions and commissions to be found in the Ledger during the past two or three weeks are directly chargeable to this modern invention of his Satanic majesty, and no one who has had anything to do with the machine is responsible for what he may or may not write or utter.

FERNIE'S MEMBER RETURNS

W. R. Ross, M. P. P., arrived home last Sunday evening looking well and seeming glad to get back to the high altitude of Fernie once more.

Mr. Ross's many personal friends are glad to see him once more in his usual haunts and however hard the Ledger has tried to oppose his political views to how the province should be governed it harbors no personal feeling of ill will for Fernie's good-natured supporter of the McBride government and is glad to see him at home once more and looking

FRANK.

From the Frank Paper—

General Manager Fernau of the metal company visited Frank the first of the week.

The week has seen the worst cold spell of the winter. Friday an east storm set in which only broke this morning when the wind shifted to the west. At times the mercury went to 20 degrees below zero. It is reported that the storm was severe on young stock which had already commenced to come. The storm was general throughout the southwestern part of the province and extended into British Columbia.

Whiskey was the death of a man at Lille this week. His name was Griffiths, and was a lumberman employed by the West Canadian colliery Co., in its lumber department at Lille. Last week he left camp and went to Lille where he got drunk and provided himself with a gallon of whiskey and several bottles of beer, he started for camp. He evidently continued to drink and either fell and could not get up or sat down and went to sleep. Saturday morning he was found lying in the snow, terribly frozen. He was taken to Lille hospital where he died on Monday. He was buried on Wednesday at Lille cemetery.

MORRISSEY MINES.

From Our Own Correspondent—

The schools here are to be closed this week, preparatory to Dr. Morgan leaving.

The Fernie second hand man was here again and bargained for another batch of furniture.

Deer on the east mountain side are very tame and are often seen in bunches of three or four.

The C. P. R. agent here keeps on issuing tickets for far-away places.

News here becomes very limited, as post cutting becomes the most pronounced enterprise at the junction here.

A post cutter named Strachan became rather rotious under the influence of liquor, in the post office, and as there is very little help to be got to keep the peace, so Mr. Illingsworth had to undertake a rather disagreeable duty, and finally outwitted the whiskey carrier.

On the evening of the 16th a grand masked ball was held at the Alexandria hotel, at Morrissey Mines. It turned out a most enjoyable affair to every one except the handshaking to those going away from the mines at Carbonado. It is pretty much all Slavs there now who are coal digging.

BLAIRMORE

From the Times—

A. Carney, of Kaslo, B. C., was a visitor to Frank the first of the week

J. Emerson, secretary in the coal company's office here, expects to leave on a visit to his old home in England in a few days.

Wednesday.

HOCKEY CHAMPIONSHIP.

A week ago today the final game to decide the championship of the Crows Nest Hockey league was played at Coleman between the McLeod and Pincher Creek teams. After a most lively game in which extra time was played to break a tie, Macleod won by a score of 9 to 8.

The lineup of the teams was as follows:

Macleod		Pincher
Grier	Goal	Looper
McSweeney	Point	Guan
Wilson	Cover Point	Ormond
Bell	Rover	Moore
Sherman	Centre	Scougall
Scheer	Right Wing	Perkins
Murphy	Left Wing	McKenzie

Referee—W. Young.
Umpire—S. Lewis.

THAT BALLOT BOX INCIDENT.

There seems to be a widespread misapprehension in many quarters as to the part played in the election of the member for Fernie by his business partner. However the Ledger may differ with Mr. Ross, M. P. P., as to his support of the provincial government has never believed that result was of preconceived actions either of Mr. Ross or Mr. Alexander We have always believed that although Mr. Ross did not receive as many votes as did Mr. Smith if the evident intentions of the voters had been considered, yet legally Mr. Ross got the seat and however strongly it may be felt that he was not entitled to it, legally he has it and that should be the end of the matter.

If the government had seen fit to have arranged the election laws as proposed by the leader of the opposition during the last session, a long step in the direction would have been taken which would have rendered a repetition of such an incident impossible. Mr. Ross or Mr. Smith would have had to secure 51 per cent of the votes cast to have enabled either to hold the seat if such a law had governed at that time, and the people of the whole province would be much nearer having what is intended, a member instead of a factional government. It must not be pleasant for a member to be subjected to allegations upon himself or his partner as to his right to sit in the house Mr. Ross must have trouble enough in keeping on his unwavering support of the government and however the Ledger may disagree with him and the government it does not feel that it is fair to him to keep the member-elect office of his election at the time before the public in an endeavor to discredit him. It was unfortunate that the election was called so as to come just in the dull season

IN NEIGHBORING TOWNS

What is Considered Important Enough to Print

SPECIALLY CULLED FOR THE LEDGER

LETHBRIDGE.

From the Herald.—

Mark Drumm, of the Frank Paper, was in town today.

Miss Andrews, a Lethbridge old timer, has accepted a position in Sage's book store from Monday next.

The price of coal is going up. It is now selling at $4 and may reach a higher figure. Two tons were sold by one firm today for $5 per ton.

Hon. W. H. Cushing made a remarkably able speech at the banquet in Calgary on the occasion of the convention of the Alberta municipalities. He expressed one fine sentence when he said: "If we are to build up a strong, healthy provincial life in the west, we must work. This government is a human institution, and therefore is a human institution, and therefore it has many of the weaknesses of the human being. We can not please all the opposition, and perhaps not all the supporters of the government, but the work that is done I am sure will be done honestly. What we need in this country is honest and true men. It is a great privilege we have of taking part in the developing of this great country. In all these things we want men, good, strong, honest men. They are coming to us from all countries and the obligation of every Canadian is to show these new citizens an honest, true, Canadian manhood."

The appointment of Dr. De Veber to the senate is a distinct honor, not only for the estimable and worthy doctor, but also for Southern Alberta It shows that southern Alberta is recognized by the Dominion government as a growing and important section, and is entitled to representation in the upper chamber. Dr. De Veber, as we said last week, is eminently equipped for service in the senate. He is a pioneer in this country. He knows the needs of all classes of our people, and legislation of a character detrimental to our interests, will find in him a strong and capable opponent. At Ottawa the senator will be in touch with all the departments of the government and that fact in itself is important to this section of the country, which frequently requires proper representations to be made about public matters. As we have several times declared, Dr. De Veber was entitled to the appointment. He has given long and faithful service to the Liberal party, and if ever a man deserved this it was the doctor and it was the doctor.

CRANBROOK.

From The Herald.—

W. Colpman of Cowley, was in town this week.

Mr. Miller, of Fernie, will probably be placed here as agent during Mr. Hillier's sickness.

James Fleischman, of everywhere, is in town today. Mr. Fleischman is a man who has friends everywhere he goes and is a man whom it is always a pleasure to meet.

James Ryan has returned from his trip to Calgary. Mr. Ryan says that Calgary is making wonderful progress and is destined to become one of the great towns of Western Canada.

George Hillier, agent of the C. P. R. at Cranbrook, was taken seriously ill this week with hemorrhage of the stomach and is still in a very critical condition. Dr. McKidd, of Calgary, was called here in consultation with Dr Green, and as a result Mr. Hillier after a few days in the hospital here to gather a little strength will be taken to Rochester, N. Y., for an operation. Mr. Hillier's illness has given rise to a general feeling of regret, for among the business men and the people generally he was a great favorite, and all join with the Herald in wishing him a speedy recovery.

Dr. J. H. King, the member for this district, returned this morning from Victoria. The doctor is looking badly after his spell of sickness at Victoria but is feeling very well and will soon be all right in the climate of Cranbrook. The session was a strenuous one. As Liberal whip the doctor had his hands full. Cranbrook has no reasons to feel badly over the appropriation made this year for this town, and although a strong delegation went down from here, yet no doubt much was due to the persistent application of Dr. King, who always insisted that Cranbrook should have what was coming to her as one of the leading towns of the district and as a district that paid in revenues for more than was being returned in the way of improvements by the government.

T. G. Procter, one of Nelson's 20,000 club was transacting business in Cranbrook Monday.

Just see March rush his tail, growl and destroy all of "Old Man Simpson's" banana trees.

M. B. King is at the hospital this week suffering from a severe attack of inflammatory rheumatism.

M. Metz, president of the Fort Steele Brewing Co., of Fernie, was in Cranbrook on business on Monday.

Every decade brings shorter hours for those who merely work, but for those who succeed there is no time table.

Rev. W. G. W. Fortune was at Fernie last Wednesday attending a meeting of the directors of Knox church in that city.

The Mystery mine on Alki Creek though in its infancy, is making a wonderful showing. The vein has 6

THE FERNIE LEDGER

TWO DOLLARS A YEAR IN ADVANCE

Issued every Wednesday from office of publication, Todd Block, Victoria Ave., Fernie British Columbia.

D. V. MOTT EDITOR | G. G. MEIKLE MANAGER

COAL AND COKE

Low temperature and the possibility of a strike have done much to stimulate the coal trade, current consumption expanding because of the former and the latter influence tending to increase forward business. This is especially notable in the inquiry of manufacturing concerns for bituminous coal, it being deemed the part of wisdom to stock up as fully as possible This tendency has steadied prices and in some instances produced advances, but it is claimed that soft coal quotations are still below those prevailing in 1903. The outlook was improved by the letter of President Roosevelt urging peace, which resulted in calls for another meeting on March 19. Is this eventuates in an agreement in the soft coal fields there is reason to believe that friction at the mines may be averted. Output of coke has not diminished and the ample supply of cars facilitates shipment. Prices were prevented from declining by the coal strike talk.—Dun's Review.

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NOTICE

TENDERS will be received by the undersigned for the grading and widening of the Football Field at Coal Creek. Ground to be 100 yards by 65 yards. Tenders to be in not later than April 1st 1906. Lowest or any tender not necessarily accepted.

THOS KEITH
Secy C. C. L. and A. A
Coal Creek B. C

NOTICE

NOTICE is hereby given that one month after date an application will be made to the Governor in Council by Valentine Hyde Baker, James Ryan, Charles D. McNab and Charles George Lyttleton, Viscount Cobham, under the provisions of Chapter 92 of the Revised Statutes of Canada, for permission to construct dams, booms and other improvements logging and sawmilling purposed in the Kootenay River in South East Kootenay, British Columbia.

The plans of the works proposed to be constructed and a description of the site thereof as required by the said Act, have been deposited with the Registrar of Land Titles at Nelson B. C. and with the Minister of Public works at Ottawa, Ontario.

Dated at Cranbrook B. C. this 16th March 1906.

W. F. GURD,
Solicitor for the applicants.

NOTICE

NOTICE is hereby given that 30 days after date I intend to apply to the Chief Commissioner of Lands and works for a license to prospect for coal and petroleum on the following described lands situate about one mile North of Morrissey Townsite on the West side of the Elk River, East Kootenay District; Commencing at a post planted on the West bank of the Elk River about one mile North from the North-east Corner of Morrissey Townsite, thence North one mile following the line of the Elk River, thence West one mile, thence South one mile, thence East one mile to the point of commencement.

J. A. KENNING
—35 per A. J. FARQUHARSON,
March 10th 1906. Agent

NOTICE

NOTICE is hereby given that 30 days after date I intend to apply to the Chief Commissioner of Lands and Works for a license to prospect for coal and petroleum on the following described land on the West side of the Elk River in East Kootenay District:—Commencing at a post planted on the West bank of the Elk River about one mile South from the North East Corner post of Morrissey Townsite, thence South one mile following the line of the Elk River, thence West one mile, thence North one mile, thence East to the point of commencement.

J. BURNS
—35 per A. J. FARQUHARSON,
March 10th 1906. Agent

NOTICE

NOTICE is hereby given that 30 days after date, I intend to apply to the Chief Commissioner of Lands and Works, for a license to prospect for coal and petroleum on the following described lands situate on the West bank of the Elk River in the East Kootenay District:—Beginning at a post marked J. Burn's S. E. Corner" thence South one mile following the line of the Elk River; thence West one mile; thence North one mile, thence East one mile to the point of commencement.

F. E. HARRISON
—35 per A. J. FARQUHARSON,
March 10th 1906. Agent.

NOTICE

NOTICE is hereby given that 30 days after date, I intend to apply to the Chief Commissioner of Lands and Works, for a license to prospect for coal and petroleum on the following described lands situate in the District of East Kootenay:-Beginning at a post marked "J. A. Kenning's S. W. Corner"; thence West one mile, thence North one mile, thence East one mile, thence South one mile to the point of commencement.

O. PLUNKETT
—35 per A. J. FARQUHARSON,
March 10th 1906. Agent.

SYNOPSIS OF CANADIAN NORTH-WEST MINING REGULATIONS.

Coal.—Coal lands may be purchased at $10 per acre for soft coal and $20 for anthracite Not more than 320 acres can be acquired by one individual or company. Royalty at the rate of ten cents per ton of 2,000 pounds shall be collected on the gross output.

Quartz—A free miner's certificate is granted upon payment in advance of $5 per annum for an individual, and from $50 to $100 per annum for a company according to capital.

A free miner, having discovered mineral in place, may locate a claim 1,500 x 1,500 feet.

The fee for recording a claim is $5.

At least $100 must be expended on the claim each year or paid to the mining recorder in lieu thereof. When $500 has been expended or paid, the locator may, upon having a survey made, and upon complying with other requirements, purchase the land at $1 an acre.

The patent provides for the payment of a royalty of 2½ per cent on the sales.

PLACER mining claims generally are 100 feet square; entry fee $5 renewable yearly.

A free miner may obtain two leases to dredge for gold of five miles each for a term of twenty years, renewable at the discretion of the Minister of the Interior.

The lessee shall have a dredge in operation within one season from the date of the lease for each five miles. Rental $10 per annum for each mile of river leased. Royalty at the rate of 2½ per cent collected on the output after it exceeds $10,000.

W. W. CORY
Deputy of the Minister of the Interior

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7.00 a m	SPOKANE	8.25 p m
5.45 p m	Everett	9.10 a m
7.30 p m	Seattle	8.00 a m
10.00 p m Arr	VANCOUVER	Lv 4.00 p m
10.40 p m Arr	St. Paul	Lv 10.30 a m

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20

FULL TEXT OF MINORITY REPORT

Interests of Province Recklessly Dealt With and Sacrificed to a Band of Adventurers.

Law Set at Defiance and Governor Wrongly Advised—Facts Brought Out Tersely Stated,

The report of the minority of the select committee of the legislature appointed to investigate the Kaien island scandal:

To the speaker of the legislative assembly of the province of British Columbia:

Sir,—We, the minority of your special committee appointed to inquire into all matters connected with the alienation by the crown of 10,000 acres of land on Kaien island, beg leave to report:

That by an order in council, dated the 12th day of October, 1891, a reserve was placed upon a portion of the Tsimpsean peninsula, which reads as follows:

Reserve—Coast District.

Notice is hereby given that all the vacant crown lands which is situated on the Tsimpsean penfusula, and which lies to the north of a line drawn due west from Work channel, is reserved from sale or preemption until further notice.

F. G. VERNON,
Chief Commissioner of Lands & Works

A large number of applications for land on Kaien island by the holders of South African war scrip were refused by Hon. R. F. Green, chief commissioner of lands and works, on the plea that the said reserve covered a portion of Kaien island.

The excuse given for this contention was that the government of the day in 1891 were under the impression that what is now known as Kaien island was part of the peninsula, in other words, that the island at that time was not known to exist.

In support of this contention Mr. Gore, late surveyor-general, and who was deputy chief commissioner of lands and works in 1891, and connected with the department for many years anterior to that date, was called to testify before your select committee, Mr. Gore produced an old admiralty chart made in 1867, which, however, was not official, in support of the above contention, but on careful examination of this chart it appears that while neither Kaien island nor other islands were traced on it, yet unexplored channels are indicated, showing that the chart was not intended to show more than the general outline of the coast without particular reference to the islands. Moreover, another copy of the same chart which has been in use in the department for many years as a working plan or map of the north coast, was brought up from the department, and this shows many reserves marked on it by the department, and also shows Kaien island traced in blue ink. Mr. McKay, the present surveyor-general, informed your select committee that Kaien island was so marked out at least four or five years ago, and perhaps earlier.

Mr. McKay also produced what is known as "Amended Decision No. 2" a document relating to the boundaries of Tsimpsean peninsula Indian reserve, prepared by Mr. P. J. O'Rielly, then Indian reserve commissioner, and which distinctly mentions Kaien island. This document was dated 1896, and was filed in the department the same year.

Following the same document Mr. McKay produced the field notes and the sketch map of the said Indian reserve, also filed in the department. The survey, 6according to the field notes, was commenced in September, 1887, and both the field notes and the sketch map distinctly mention and show Kaien island or a portion of it. On the outside of the cover of the field notes is written in large letters the following:

"Zimshian Indian reserve duplicate field book No. 8, contents 19-92 Kaien island, part of reserve No. 2."

This field book was filed in the department on the 3rd of February, 1892 after the survey was approved and accepted by Mr. Vernon. The Indian reserve covers a portion of Kaien island but not the 10,000 acres granted to the Grand Trunk Pacific.

In the face of these facts it is not conceivable that the lieutenant-governor in council was not aware of the details of so important a matter as the delimitation of the Indian reserve the largest in the province, or that the ministers of that day had something different in their minds to that which they clearly expressed in the order in council creating the provincial reserve in 1891, as above recited.

As far as the evidence before your select committee shows, the first application for land on Kaien island is dated in October, 1903, and was filed in the department of lands and works on the 29th of October, 1903. A large number of other applications followed later, a number of them in March 1904, and amongst them was one by Harold M. Daley, who was among the volunteers who went to South Africa. There was also an application by the owners of a mineral claim under the provisions of the mineral act. All these applications were refused by the chief commissioner of lands and works on the pretense that the lands were reserved by the before mentioned reserve of 1891.

Apart altogether from the documents in the surveyor-general's office, above referred to, we think the chief commissioner of lands and works should have given the ordinary interpretation to the words creating the reserve of 1891. That reserve applies especially to lands on the peninsula and not to lands on contiguous islands.

The evidence before your select committee was that in the summer of fall of 1903 Messrs. James Anderson and Peter Larsen conceived a scheme to obtain for speculative purposes the land most suitable for the Grand Trunk Pacific company's western terminus and for the townsite. Mr. R. V. P. Bell was connected with the scheme, but claims he was acting solely as Mr. Larsen's solicitor. Mr. Bodwell and Mr. Anderson had several conversations with the premier and with Hon. R. F. Green, the chief commissioner of lands and works, which led up to a proposal which Mr. Bodwell put in writing in the form of a letter to the chief commissioner, dated the 19th day of January, 1904, in which Mr. Bodwell says:

"From inquiries which I have caused to be made I understand that a tract of suitable land can be obtained from the crown lands surrounding Tuck's Inlet, on the Tsimpsaen peninsula, which are now covered by a reserve. I suggest that my clients form a company to acquire the lands, say 10,000 acres, including foreshore, and waterfront, in blocks of not less than one half mile square. A grant of the lands to be made by the crown to the company, and the latter undertaking to negotiate with the Grand Trunk Pacific for the establishment of their western terminus, subject to the following conditions:"

The letter then contains an offer of $1 per acre for the land, and that if the company fail to secure the western terminus to be established on these lands within twelve months, the land shall revert to the crown and the company shall have no claim against the government for the expenses of surveying, etc., but the government shall refund the $1 an acre. Then follows the concluding paragraph

"The company will, if required by the government, deposit a reasonable sum as a guarantee of good faith, and are prepared to give you in confidence certain assurances of their ability to carry out the negotiations which they have indicated, and to perform any covenants which they may undertake in the premises."

In the same letter appears this statement:

"The company will not bind itself to procure the establishment of the terminus on the site selected, but will guarantee to use its best efforts in that direction, and will pledge itself not to dispose of the lands or any part of them for any other purpose whatever."

This proposal of Mr. Bodwell was freely discussed by Mr. Bodwell, Anderson and others in the scheme, with the chief commissioner and with the premier. The character of these discussions may not unfairly be indicated by quotations from the evidence of Mr. McBride and Mr. Green. Speaking of conversations with Mr. Bodwell on the subject, Mr. Green says:

"My recollection is that it was not more than two or three weeks before the date of the letter of the 13th of January."

Question—Had you no word at all with Mr. Anderson before you met Mr. Bodwell in connection with the transaction?

Answer—No talk or conversation with Mr. Anderson till after I had talked with Mr. Bodwell.

Q.—Did you have any conversation with Mr. Anderson before the 19th of January, 1904.

A.—Is that the dat? of the letter?

Q.—Yes.

A.—Well, I do not recollect it at all.

Q.—Mr. Anderson is a married man isn't he?

A.—I guess so.

Q.—Now, did you ever have any talk with Mrs. Anderson about this Kaien island matter?

A.—No.

Q.—You did not?

A.—No.

Q.—That is to say you had never spoken to her about it and she had never spoken to you about it?

A.—She may have spoken to me in a casual way about it.

Q.—No, but long before this matter came up, in the beginning of 1903.

A.—She may have spoken to me.

Mr. Green then says:

"I want to answer the question I'm asked as fairly and accurately as possible, and I will say that I have been spoken to on this matter by a great many people in a jocular or enquiring way and any conversations I have had with Mrs. Anderson were conversations of this description."

Q.—Well, where did these conversations take place that you had with her in an enquiring or jocular way?

A.—I do not know that they ever took place, but if they did take place it was either on the street or at Mr. Anderson's house.

Mr. McBride said:

Q.—I suppose Mr. Bodwell's verbal proposals was somewhat similar to the proposal he afterwards reduced to writing, or is your memory definite enough to say?

A.—I cannot say. It likely was, however.

Mr. Bodwell's proposal was, as he himself says, substantially accepted, and it was arranged to keep the matter secret, and Mr. Anderson was sent up north to have some preliminary surveys made to designate the lands so that the order in council could be passed.

Mr. Bodwell examined on this said:

Q.—And how long after that letter was written to the chief commissioner and was in his hands did you have your next interview with the premier or with the chief commissioner?

A.—It was very shortly.

Q.—And the terms of this letter were practically agreed then?

A.—Substantially, I do not think the order in council was drawn up, but it was practically agreed in accordance with that letter that the project would go through.

Q.—What do you mean by saying shortly afterwards?

A.—Some time after, probably two weeks.

Mr. Bodwell further stated as follows:

"The order in council was not drawn up then, although the terms were settled. There were reasons why this was not done. I know what was in my own mind; I thought it better that the matter should not be made a matter of remark at that time, because the Grand Trunk Pacific engineers were being followed around step by step wherever they went *** And if the newspapers published the fact that an order in council had been passed there would be pressure brought to bear on the government to lift the reserve. I did not know whether the government would be able to stand that pressure and if not a'le the land would be staked all over by individuals."

But again Mr. Bodwell says:

"The lands were designated, and then the time for the order in council to be passed had arrived according to our arrangement with the government. So that it appears that from the very beginning the government were well aware of the real nature of the transaction, and were parties to it.

A most extraordinary statement appears in Mr. Bodwell's evidence and which no member of the government has attempted to explain away. This is what Mr. Bodwell stated, speaking of the other places at which the Grand Trunk Pacific might establish their townsite.

"That if the company had not settled on any terminus it was evident these other places would offer an inducement, and if the Grand Trunk Pacific could make an arrangement with the government they would be more likely to go there than to Port Simpson, other things being equal, if they could have a good proposition from the government. If Mr. Green did not know I told him, but I think he knew it. Anyway, I think it was common ground, at any rate, between us, that Mr. Larsen stood on very good terms with most of the large corporations, that he was a large railway contractor, and I thought if anybody could bring the company and the government together on favorable terms he would be able to do it."

The meaning of this is perfectly obvious, the friend of powerful corporations and the railway contractor was to be the middle man between the Grand Trunk Pacific and the government and this was common ground between Mr. Green and Mr. Bodwell.

The evidence is most curious and conflicting. According to Mr. Anderson he and Mr. Larsen were in a joint speculation for their own benefit with Mr. Bodwell as their solicitor. Here is what Mr. Anderson says:

Q.—What was there in it for you?

A.—Simply the speculative part that I was to go up there and take an interest.

Q.—So that he and you came to the conclusion that it would be a good chance for a speculation.

A.—Yes.

On the other hand it is represented that Larsen did not want to make anything out of the scheme, exceptin' that he wanted to get on friendly terms with the Grand Trunk Pacific people. Here is Mr. Bodwell's conception of Mr. Larsen's position:

"Mr. Larsen and I discussed the thing frankly and his idea was not to try and make a profit out of the deal. He was too far-sighted for that.

In the same connection Mr. Green says:

Q.—Did you know that Mr. Larsen was to do all this for the purpose of getting on friendly terms with the Grand Trunk Pacific people?

A.—I may have known of it, but I have no recollection of Mr. Bodwell mentioning that to me.

Mr. Bodwell again says:

"The desire was to make a great deal for the government and a satisfactory arrangement for the company and Mr. Larsen considered that if he did he would form a connection of friendly association that would be of very great advantage to him in the future.

But the strangest part of all is the philantrophy of Mr. Bodwell; here is what he says:

"As far as I was concerned I had no interest at all except that I was glad to be connected with a transaction of that kind, because it brought me into close connection with the Grand Trunk Pacific railway company. The Grand Trunk Pacific would have paid me had I been their solicitor in the matter, but I was not their solicitor and had no bill against them. Insofar as Mr. Larsen is concerned I did a great deal of business for him, and as a matter of fact did not render him a bill in the matter, and really I am out of pocket for disbursements."

Members of the government when called to testify before your select committee took the ground that they declined to deal with these speculators, but had insisted on dealing directly with the Grand Trunk Pacific company.

They were forced to admit that they knew Mr. Bodwell was in the beginning not acting for the Grand Trunk Pacific company, but as stated in his letter of the 19th of January for some persons other than the Grand Trunk Pacific company whom he denominated "my clients," and who were to endeavor to induce the Grand Trunk Pacific company to establish its terminus on Kaien island.

They are forced to admit that the government had no communication either verbal or written with the Grand Trunk Pacific company.

They say that before the order in council giving these lands for $10,000 was passed, Mr. Bodwell showed them a telegram from Mr. Hays to Mr. Bodwell, which reads as follows:

"Will be glad to have you act on Mr. Stevens' communication in regard to Lima harbor in such a way as to fully protect our rights for the time being, and until a definite plan can be determined on without, however, committing us irrevocably."

At the time this telegram was received and for a long time afterwards Mr. Bodwell was the solicitor for Mr. Larsen and Mr. Anderson, and not for the Grand Trunk Pacific company.

On this point Mr. McBride says as follows:

A.—I may have had some correspondence with them; I cannot say.

Q.—Had you any communication with the Grand Trunk Pacific railway company prior to the 3rd of May?

Q.—Or at the time you passed the order in council on the 3rd of May?

A.—No letters if they were not produced.

Q.—Neither from the government to the railway company nor from the railway company to the government?

A.—None if they were not produced.

Q.—Now, where do you find the government's intention of dealing direct with the Grand Trunk Pacific railway company?

A.—In the order in council and in the crown grant which was afterwards made.

Q.—Still you say you had no communication with the Grand Trunk Pacific railway company?

A.—Well, Mr. Bodwell was given to understand that that was the only way that the government would deal with the proposition. The proposition to establish a townsite there was made by Mr. Bodwell. We treated with Mr. Bodwell in a confidential way, knowing that he was the representative of the Grand Trunk Pacific railway company, and having his word for it and as he was an eminent man of standing in the community, the government felt that they had every right to treat with him in that way.

Q.—Then the only communication that you had ever seen or received varying Mr. Bodwell's position from that outlined on the 19th of January and from which you could assume that he was acting for the company, was the telegram of the 29th of April?

A.—Yes, and in addition to that we have his word of honor, certainly.

And Mr. Green says:

Q.—Therefore you had no talk with any official of the Grand Trunk Pacific in connection with the transaction no dealing or bargaining with them at all?

A.—No, absolutely none.

The evidence, we think, sufficiently shows that there was never any real change in the original speculative scheme of Anderson and Larsen before the passing of the order in council. The telegram was a mere move in the game. The scheme admittedly depended from the beginning in interesting the Grand Trunk Pacific, and to pretend that the government at any step dealt directly with the Grand Trunk Pacific is contrary to the evidence presented before your select committee. Mr. Anderson's evidence makes the thing still plainer when he says:

"Well, you see our idea was clearly embodied in the letter of the 19th of January. This land in question was only to be conveyed to us and by us to the Grand Trunk Pacific for terminal purposes. That was our original idea."

Q.—Then, Mr. Anderson, I presume you regarded this "shuffle" or whatever you choose to call it—and I am not using the word "shuffle" in any improper sense—that was made at the time the order in council was passed naming Mr. Bodwell as the trustee for the Grand Trunk Pacific was simply carrying out your originael idea in another way.

A.—Yes, practically carrying it out in another way.

Any pretence that Mr. Bodwell was in any sense acting for the Grand Trunk Pacific on the 3rd of May when the order in council was passed is disposed of by what Mr. Bodwell says took place between himself and Mr. Hays in June, 1904. Mr. Bodwell says:

"I would like you to understand, Mr. Hays, that it was perfectly understood as far as I know that there is no attempt to be made to hold up your company at all, and I said there was no possibility of it. Mr. Hays said well, I would like you to advise us in the matter, and I said I cannot act for you in the matter. I am Mr. Larsen's solicitor and I think I am going as far as I have any right to go in saying what I do, but I cannot attempt to advise you in the matter at all, because in the situation which has arisen I could not certainly think of advising the Grand Trunk Pacific, and I cannot act as your solicitor or take anything from you in the way of professional fees in the matter.

In still further proof of the fact that the order in council of May 3 agreeing to convey the 10,000 acres of land to Mr. Bodwell as trustee for the Grand Trunk Pacific, was only a colorable variation of Bodwell's original plan, it is shown that Bidwell, Anderson and Larsen went to Montreal in June following the passage of the order in council and that visit resulted in a written agreement where by the Grand Trunk Pacific agreed to pay Anderson & Larsen $40,000 for their concession from the government.

The Hon. Mr. Wilson, attorney-general, took what appears to us to be a most extraordinary view of the responsibilities of the government. He seemed to think that it was a matter of very little importance as to whether or not the government had the power under section 29 to make this grant. He looked upon it as a matter which concerned the grantee: and that if the grantee were willing to take the land with a cloud upon the title, or with no title at all, it was no concern of the government.

If this view were to be taken of the government, we are afraid that the people have very little security against the alienation of the public domain in a manner never contemplated by the laws of the province. If grants of this kind can be made either in defiance of the act or without caring whether it be in accordance with law or not, the public lands may be alienated at will by the governor in council without reference to the legislature to promote all sorts of schemes for the enrichment of grafters.

Section 39 in express terms excludes the making of such grants by way of a bonus for the construction of railways.

In our opinion the granting of so valuable a concession, assuming that it was done to induce the Grand Trunk Pacific to construct the railway to the particular point in question, viz., Kaien island, is a bonus to a railway and in this respect the order in council was clearly contrary to law. It it was not intended as such an inducement then millions worth of property has been given away practically for nothing.

The evidence before your special committee proves conclusively that members of the government took no steps whatever to ascertain the potential value of the land in question, or to ascertain whether or not these lands were so situated that in any event the terminus of the Grand Trunk Pacific would be established there owing to the superior facilities there obtainable and to the superiority of Lima harbor.

This failure to inquire into the facts and conditions affecting the value of these lands to the province, and conditions in the north, is in striking contrast with the chief commissioner's activity in the south. In Portland, for instance, where before the general elections of 1903, he met the Grand Trunk representatives and at Seattle, where he met Mr. Peter Larsen.

It is clear from the evidence that not one of the ministers was in a position either from his own knowledge or from an investigation made on behalf of the government, to say whether the bargain was a good one or not, nor to say whether or not it was in the public interest to make such a grant.

This partly appears from Mr. Green's evidence:

Q.—Had the government, Mr. Green, made any investigation with regard to the suitableness of this place for a townsite or for the purpose of a harbor prior to your making the grant of this land to the Grand Trunk Pacific.

A.—No.

Q.—So the government made no investigation at all?

Q.—Well you know as a public man and as a business man that the Grand Trunks Pacific would go to the place that suited their purposes best and that they must have a harbor suitable?

A.—Yes, I know that they must have a harbor suitable.

Q.—And knowing that you made no investigation at all whether or not the Grand Trunk Pacific were practically certain to go to Kaien island?

A.—We were perfectly satisfied with the deal.

The evidence of Mr. Stevens, the company's engineer, shows that if the government was not alive to the value of these lands Mr. Stevens was. Mr. Bodwell stated as follows:

"Mr. Stevens was not interested in the matter. What he was interested in was having the lands appropriated for a townsite by the company; that was what he was interested in. He was afraid someone else would step in and get it, for he thought Mr. Larsen could do better than he could.

Beyond a feeble attempt on the part of the provincial secretary to get a little higher price per acre, and the insertion in the order in council which by the way, was drafted by Mr. Bodwell, of a clause reserving a quarter interest in the foreshore and platted blocks, no effort was made by the government to obtain either in money or in other terms anything beyond what Messrs. Larsen and Anderson originally offered.

It has been suggested by ministers who appeared before your select committee that these lands were worthless unless the Grand Trunk Pacific located there. We think, however, that lands situated like these on such a harbor as Lima Harbor are a magnificent asset in themselves. But the peculiarity of the bargain is that Messrs. Anderson anh Larsen have played the old dodge with the province of "heads I win, tails you lose" If the terminus should go there they would get three-fourths of the townsite and if it should not go there they were to get their money back.

The perusal of the evidence will show a remarkable want of frankness on the part of nearly all the principal witnesses who testified before your select committee. The production of correspondence and documents were refused by Mr. Bodwell, and at first refused by Mr. Anderson. Afterwards certain documents were produced of no especial importance. Important documents were either lost or destroyed. Neither Mr. Anderson or Mr. Bodwell had copies of the agreement made at Montreal with the Grand Trunk Pacific railway company for the payment to Messrs. Anderson and Larsen of $40,000. Even Anderson's power of attorney under which he signed that agreement, was not produced, he claiming that he returned it to Mr. Larsen. The telgrams leading up to the one from Mr. Hays to Mr. Bodwell were not produced to show what the proposal was that is mentioned in Mr. Hays' telegram of the 19th of April. The order in council was kept a profound secret by those involved, including the ministers.

The evidence also discloses the fact that Anderson received, in March, 1905, from Larsen, in settlement of their interests in the Kaien island speculation and other matters between them in the north, $10,000 in cash, one-sixteenth interest in 21 scrip locations an lands contiguous to the said townsite, and five square miles of coal lands about 300 miles down the coast.

Without the evidence of Messrs. Larsen and Morse, whose attendance before your select committee we were unable to obtain the true transaction could not be ascertained, but we are convinced from the evidence, so far as it went, from the concealment only too plainly evident at every stage of the transaction down to the alleged destruction or abandonment of the $40,000 agreement, that a deal more remains undisclosed in connection with the matter than we have succeeded in revealing before your select committee.

Credit was claimed by the attorney general for a term in the order in council providing that the foreshore should be divided into blocks of not less than 1013 feet. The premier also took credit for this position; but his own evidence it the best comment on this point. He says:

Q.—Did you consider, Mr. McBride, that it would be of great advantage to have this foreshore divided into blocks of 1000 feet?

A.—Yes, we considered that it would be.

Q.—And that it would be better than dividing it into larger blocks?

A.—Yes.

Q.—Well do you consider that there is any real difference between dividing them into one thousand feet blorks, and dividing them into one mile blocks?

A.—Yes: we thought it would give the province the right to participate in any advantages that would inure to the people who are interested in shipping and in these lands along the water front.

Q.—Well, would you not have got the benefit if it were divided into mile blocks just the same?

A.—Yes, but a mile is a pretty long distance of water front.

What difference would that make if you had a mile?

A.—We would have a mile and they would have a mile and their wharves would be a long distance away from us, and we would not participate in the same advantages.

Mr. Ross:

Q.—They would have three miles if you had one?

A.—Yes: one and a-three.

Mr. Ross:

Q.—But there is another way of looking at it: if they selected one in four, that would mean that the company might have their wharves three miles away from the government's lands.

Showing that had the public's interests been looked after in this matter of shore rights, the order in council should have provided that the waterfront should be divided into blocks of not more than 1000 feet instead of as it now provides, into blocks of not less than 1000 feet.

The evidence of the attorney-general discloses a remarkable circumstance. Messrs. Bodwell, Anderson and Larsen were confronted with two serious legal obstacles to the success of their scheme.

First it was necessary to exclude the public from the lands. Secondly, an application to the legislature must be avoided.

It was therefore necessary to get a ruling that a reserve which in plain terms applied to the Tsimpsean peninsula only should be stretched across onto the island. One would expect that the attorney general, the legal adviser of the government, would at once be consulted and his interpretation of the order creating the reserve taken.

Mr. Wilson was asked:

Q.—Well, if any doubt arose as to the construction of an order in council creating a reserve, wouldn't you, acting as attorney-general, be called upon to construe that order in council?

A.—That one you have just read?

Q.—Yes.

A.—I don't think I was. I do not remember ever having been asked in regard to it, or that I have ever seen that notice before.

On the second point, Mr. Wilson said:

"All that I will say is that generally in my opinion I considered we had power to make the contract."

Q.—Will you answer the question?

A.—It was open to some doubt if there was power to make the grant.

Q.—(Interrupting). Will you first answer my question.

A.—I do not think that I can.

Q.—No. I don't want you to go into that, just answer yes or no—surely you can do that.

A.—I will put it in that was an illustration. Supposing now that I was acting as solicitor for the vendor, and the purchaser's solicitor xhooses to accept the title, which may or may not have some defect in it—he chooses to accept it, and I am inclined to think he is making a good bargain, then I will say "All right, go ahead, and make your contract."

Q.—Surely you will not place the public trust reposed in you as a member of the cabinet on any such basis as that?

A.—I say that there is enough material in that section to advise the lieutenant-governor in council that he has power to make the grant. It is open possibly to question, if the purchaser then chooses to accept it with the doubt in his mind, that is his business.

The minority of your select committee respectfully report:

1. That the provincial reserve dated 12th October, 1891, did not extend to Kaien island, and was not intended to do so.

2. That the applications under the land laws of the province, under the South African war grant act, and under the mineral act, were not considered by the government upon their merits, but that the same were rejected under the subterfuge of applying the reserve of 1891 to said lands contrary to the purport and intention of the order in council creating the same.

3. That the government did not deal directly with the Grand Trunk Pacific railway company, but on the contrary, with a band of adventurers (male and female) who applied for the said lands for purely speculative purpose, to the knowledge of the government. That the government had no communication either verbal or written with any representative of the Grand Trunk Pacific prior to the passing of the order in council of May, 1904, and that the telegram of April 29, 1904 was a mere move in the game to enable the speculators to contend that they would carry out their original intention of procuring the establishment of the Grand Trunk Pacific terminus on these lands, and to give the government a pretense—a very specious one at that—that they had heard in an indirect way if not in a direct way, from the Grand Trunk Pacific railway company.

4. That by the order in council in May, 1904, the government placed in the hands of Messrs. Anderson and Larsen one of the most valuable public assets in the country, for barter with the Grand Trunk Pacific railway company and that Anderson shortly after the passing of the order in council, proceeded to Montreal, where he succeeded in getting an agreement with the Grand Trunk Pacific railway company, to pay himself and Larsen $40,000 for the concession which they had obtained from the government by an order in council.

5. That no satisfactory evidence was offered to show the ultimate fate of this $40,000 agreement.

6. That the government had no power to make the grant, either to Messrs. Anderson and Larsen or to the Grand Trunk Pacific railway company, without the assent of the legislature and that the ministers wrongly advised the lieutenant-governor and obtained an order in council contrary to both the spirit and letter of the law.

7.—That the government took no steps whatever to ascertain whether or not the grant in question was in the public interest. That the ministers had no knowledge upon which to proceed in deciding the question, and beyond making one or two motions in Mr. Bodwell's original proposal, were utterly reckless with the rights of the province.

8. That the provision to divide the foreshore into blocks of not less than 1000 feet was a most unwise one, and calculated to enable the Grand Trunk Pacific to divide the foreshore into large blocks and after the government has selected its block or blocks, to place its terminals and wharves in such a position as to render almost valueless that portion of the foreshore belonging to the government.

9. That by reason of the secrecy maintained by the government and Messrs. Anderson and Larsen, the said Larsen and Anderson and their associates were enabled to obtain other lands including North and South Porpoise islands, contiguous to Kaien island and the proposed railway line, to the extent of 3000 acres.

10. That James Anderson received from his partner, Larsen, in settlement of their interests in Kaien island and other adventures in the immediate vicinity, the sum of $10,000 besides salary and expenses; that he also received one-sixteenth interest in North and South Porpois islands and in other lands contiguous to Kaien is land located by him under South African war scrip, and also about five square miles of coal lands some distance down the coast.

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A FERNIE BY-LAW HAS BEEN QUASHED.

THE STATUTES WERE NOT COMPLIED WITH.

Mr. Justice Irving Decides Point—Crow's Nest Electric Light and Power Company Concerned.

From the Victoria Times—

A by-law of the city of Fernie granting to the Crow's Nest Pass Electric & Power Company the right to supply water to the city for a period of 10 years, was this morning quashed by Mr. Justice Irving. This action was taken on the application of J. A. McLean, of the city of Fernie. There appeared for him J. A. Macdonald, K. C., of Rossland. The city of Fernie was represented by A. E. McPhillips, K. C., of this city. There also appeared J. Lawson on behalf of the Crow's Nest Pass Company, which asked to be represented in the proceedings as an intervener. Mr. Lawson pointed out that the company in consequence of the agreement entered into with the city council, which was afterwards approved of by the passing of the by-law submitted, had gone to a very heavy expense, amounting to about $20,000. The company should be represented in the action, he thought.

Mr. Macdonald held that the law did not permit of any other parties than the city and the applicant coming into the case.

Mr. Lawson pointed out that there was danger that the city might take the course of agreeing with the application and practically consent to the case presented by the applicant. In that case the company would be put in a very unfair position, not having the chance to be heard.

Mr. Justice Irving upheld the stand taken by Mr. Macdonald that there was no chance for the company represented by Mr. Lawson being heard.

One of the contentions on which the company relied was that the application to quash the by-law had not been taken in the time specified by law.

Mr. Mcdonald then presented his case. He explained that the by-law had received 68 votes in its favor and there had been 53 against it. He argued that in order that the bylaw should be carried there should be a three-fifths vote in its favor. The contention that a majority vote sufficed was not according to the statute. Another point in connection with the case was that twenty of those who voted at the time were not on the voters' list. The names of these twenty were set forth in the application. These men had it was represented in the application appeared at the time the vote was taken, and made application for ballots on the ground that they were property-owners and entitled to have their names on the list. It was pointed out that these men's names were not put on the list as required under the section, but were allowed to vote. The by-law was submitted on the 13th of October, and on the 1st of November the names objected to were not on the list. The assessor in this instance was the returning officer. Mr. Macdonald pointed out that under such a condition of affairs, all kinds of abuses could be allowed to come in.

Mr. Justice Irving said that there could be a dozen votes in succession as the owners of a piece of property that lot changing hands that number of times on the day the vote was being taken.

Another complaint raised to the application was that of G. G. S. Lindsay, general manager of the Crow's Nest Pass company, and W. G. Barclay, another official, had been given ballots to vote for the company, although objection was taken at the time. These men, Mr. MarDonald argued, would have to show express authority from the company for voting for it before a ballot could be given them.

Mr. Macdonald also read from the application that more ballots were found in the box than were votess presented themselves.

Mr. McPhillips thought this was rather peculiar.

Mr. Macdonald quickly returned: "Oh, this was Fernie." W. R. Ross, M. P. P., was in the court room at the time, and all joined in the laugh.

Mr. McPhillips said he had instructions from the city of Fernie to state that the city was ready to abide by the judge's decision. If a three-fifths vote was required he thought it was simply an arithmetical computation and the by-law had been defeated.

Mr. Lawson renewed his application to be represented in the case on account of the evident intention of the city to acquire on this application and assist in quashing the by-law. It was, he said, a deliberate attempt to defraud the company he represented.

Mr. Justice Irving could not consent under the law to allow Mr. Lawson to appear. It was evident that the intention of the legislature was not to allow intervenors in these proceedings as it was specifically set forth that in an appeal such interveners could not appear.

His lordship agreed that the by-law should be quashed. He held that section 64, 75 and 79 of the consolidated [illegible] er and a three-fifths majority was required. He also held that the assessor had followed a wrong practice [illegible] G. G. S. Lindsay and W. G. Barclay to vote without express instructions from the company.

[illegible] city of Fernie.

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