

**PAPERS RELATING TO THE  
APPOINTMENT  
AND PROCEEDINGS OF  
THE ROYAL COMMISSION**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649331444

Papers Relating to the Appointment and Proceedings of the Royal Commission by John Ash

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**JOHN ASH**

**PAPERS RELATING TO THE  
APPOINTMENT  
AND PROCEEDINGS OF  
THE ROYAL COMMISSION**



# PAPERS

RELATING TO THE

## APPOINTMENT & PROCEEDINGS OF THE ROYAL COMMISSION

FOR INSTITUTING ENQUIRIES INTO THE

ACQUISITION OF TEXADA ISLAND.

JOHN ASH,  
*Provincial Secretary.*

*Provincial Secretary's Office,  
16th November, 1874.*

---

*Extract from Journals of the Legislative Assembly, 20th February, 1874.*

“Mr. Robson moved, seconded by Mr. Smiths,—

“Whereas certain statements have appeared in the public newspapers connecting the names of members of the late Government, and of the present Government, with proceedings of a questionable character in relation to *Texada Island*, in the *Straits of Georgia*; and whereas transactions are alleged to have taken place in respect to said Island of a nature prejudicial to the public interest; be it therefore Resolved,—That a respectful Address be presented to His Honor the Lieutenant-Governor, praying that he will cause a Royal Commission to be appointed, with full power to take evidence under oath, and send for persons and papers, for the purpose of enquiring into the whole matter, and reporting thereon to this House at its next Session.

“The following words of Mr. Robson's were, upon request, taken down in writing by the Clerk:—‘I believe, and have good reason to believe, that there is truth in the charges, or some of them, to which the preamble to the Resolution refers. I believe that those charges, or some of them, can be established.’

“Mr. Booth moved in amendment, seconded by Mr. Semlin,—

“That all the words after ‘Whereas’ be struck out, and the following words inserted instead:—‘this House is of opinion that, before any Resolution calling for an investigation into the conduct of any Member of this House can be entertained, some charge ought to be brought forward by some Member of this House, in his place, upon which such investigation may be founded.’

“The amendment was withdrawn by leave of the House.

“Mr. *Saul* moved in amendment, seconded by Mr. *Todd*,—

“After ‘Whereas’ strike out all words, and insert—‘the Honorable Member for *Nanaimo* has stated, in his place in this House, that certain statements have appeared in the public newspapers, connecting members of the late Government and of the present Government with proceedings of a questionable nature, in relation to *Texada Island*, in the *Straits of Georgia*; and that certain other transactions are alleged to have taken place, in respect of said Island, of a nature prejudicial to the public interest; and whereas the said Honorable Member for *Nanaimo* has declined to pledge his belief of the truth of the said statements and charges, this House is of opinion that there is no sufficient ground shewn to justify it in moving His Honor the Lieutenant-Governor to issue a Royal Commission to inquire into the truth of the said newspaper statements.’

“Amendment and motion as amended, put and carried.

“The Standing Orders were suspended, and

“The Honorable Mr. *Walkem* moved, seconded by the Honorable Mr. *Beaven*.

“Whereas the Honorable the Member for *Nanaimo* has stated, in his place in this House, that he was credibly informed—That prominent members of the late and present Government were in a ring to acquire possession of *Texada Island*, in a manner prejudicial to the interests of the public; that the late Premier, the Honorable *A. De Cosmos*, had improperly used his political position, while lately in *Canada*, to attempt to extort a large sum of money—\$150,000—from *Sir John A. Macdonald’s* administration; he it therefore Resolved,—

“That a respectful Address be presented to His Honor the Lieutenant-Governor, praying that he will cause a Royal Commission to be appointed, with full power to take evidence under oath, and send for persons and papers, for the purpose of enquiring into the whole matter, and reporting thereon to His Honor the Lieutenant-Governor for publication.

“By leave of the House, the Motion was amended, by striking out all the words after the word ‘public’ down to and including the word ‘administration’ in the preamble.

“Motion, as amended, put and carried on the following division:—

“Yeas: Messieurs *Walkem*, *Beaven*, *Armstrong*, *Ash*, *Hunter*, *Mara*, *Robson*, *Barnston*, *Duck*, *Humphreys*, *McCreight*, *Booth*, *Holbrook*, *Smith*, *Robertson*.—15.

“Nays: Messieurs *Todd*, *Semlin*, *Hughes*, *Saul*, *Smith*, *Robinson*.—6.”

---



---

*Copy of the Appointment of the Royal Commission.*

PROVINCIAL SECRETARY'S OFFICE,  
13th March, 1874.

His Excellency the Lieutenant-Governor has been pleased to make the following appointments:—

The Honorable MATTHEW BAILLIE BEGDIE, and the Honorable HENRY PERING PELLEW CREASE, and the Honorable JOHN HAMILTON GRAY, to be Commissioners to enquire into and report upon a certain Resolution moved in the House of Assembly by the Honorable the Attorney-General, relating to the allegations of the Honorable Member for Nanaimo as to the acquisition of Texada Island.

[L. S.]

JOSEPH W. TRUTCH.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To the Honorables MATTHEW BAILLIE BEGDIE, HENRY PERING PELLEW CREASE, and JOHN HAMILTON GRAY, of Our Province of British Columbia—GREETING.

GEO. A. WALKER, } WHEREAS by the "Public Inquiries Act, 1872," it is provided that whenever Our Lieutenant-Governor deems it expedient to cause enquiry to be made into and concerning any matter connected with the good Government of this Province, or the conduct of any part of the public business thereof; and such enquiry is not regulated by any special law, Our said Lieutenant-Governor may, by the Commission in the Act, confer upon the Commissioners, or persons by whom such enquiry is to be conducted, the power therein mentioned.

And whereas an humble Address of the Legislative Assembly, has been presented to our said Lieutenant-Governor, praying for the appointment of a Royal Commission to enquire into and report upon the allegations of the Honorable Member for Nanaimo, viz: "that prominent members of the late and present Government were in a ring to acquire possession of Texada Island, in a manner prejudicial to the interests of the public."

NOW KNOW YE, that having every confidence in the ability of you and each of you, WE do hereby in pursuance of the powers contained in the "Public Inquiries Act, 1872," and the "Public Inquiries Aid Amendment Act, 1873," and of all other powers and authorities US in that behalf enabling, constitute and appoint you and each of you, to be Commissioners with power to enquire into the truth of the allegations aforesaid, so far as the same refer to the good Government of this Province or reflect upon the conduct of any part of the public business thereof, and that you report thereon in writing to Our Lieutenant-Governor of Our Province of British Columbia.

IN TESTIMONY We have caused the Public Seal of Our said Province to be hereunto affixed: WITNESS, the Honorable JOSEPH WILLIAM TRUTCH, Lieutenant-Governor of Our said Province of British Columbia, at Victoria, in Our said Province, this Thirteenth day of March, in the year of Our Lord one thousand eight hundred and seventy-four.

By Command.  
(Signed) JOHN ASH.

---

*The Royal Commissioners to the Provincial Secretary.*

VICTORIA, 8th October, 1874.

SIR,—We have the honor to enclose the Report of the Commissioners relative to the Texada Island Enquiry.

We beg to recommend that the witnesses who attended and were examined before the Commission by reason of a subpoena, or at the instance of the Commissioners, be allowed and paid their expenses, on the same footing as if they had been witnesses subpoenaed and examined in a cause in the Supreme Court; such expenses to be taxed by the proper officer, and to include all proper Sheriff's charges for serving such subpoenas, and also all proper costs and expenses as witnesses both of Mr. DeCosmos and Mr. Robson.

We except from these witnesses Mr. Moody, Mr. Dalby, and Mr. Machar, who, in our opinion, ought not to be allowed for their attendance.

We further recommend that Mr. Pooley, who has most diligently and satisfactorily discharged the duties of Secretary to the Commission and taken down the testimony and engrossed the same to be enclosed herewith, be allowed and paid the sum of \$150 for such services.

We have the honor to be,

Sir,

Your most obedient servants,

(Signed)     MATT. B. BEGHR,  
                   HENRY P. PELLEW CREASE, } Commissioners.  
                   J. HAMILTON GRAY,

---

MEMORANDUM OF DOCUMENTS ENCLOSED.

- No 1. Report of the Commissioners.  
 “ 2. Interrogatories and answers—Dr. Tupper.  
 “ 3. Interrogatories and answers—Sir John Macdonald.  
 “ 4. Answers—Mr. Sproat.  
 “ 5. Letter from Mr. G. M. Sproat—2nd July, 1874.  
 “ 6. Letter from Deputy Provincial Secretary dated 14th August, 1874—two telegrams annexed from Mr. DeCosmos to the Hon. John Ash and to the Secretary Royal Commission.  
 “ 7. Copy of interrogatories sent to Mr. DeCosmos, but not answered as Mr. DeCosmos subsequently appeared before the Commission in person.  
 “ 8. Letter from Mr. John Robson to Secretary Royal Commission, dated 19th August, 1874.  
 “ 9. Do. do. do. dated 26th August, 1874.  
 “ 10. Book containing proceedings before Royal Commission, and the evidence of the various witnesses.

(Signed) CHAS. E. POOLEY,  
 Secretary.



No. 1.

**REPORT.**

*To the Honorable JOSEPH W. TRUTCH, Lieutenant-Governor of the Province of British Columbia.*

The undersigned, members of the Royal Commission, appointed by Your Excellency, on the 13th day of March last, to enquire into and report upon the allegations of the Honorable Member for Nanaimo, viz.:—

“That prominent members of the late and present Government were in a ring “to acquire possession of Texada Island, in a manner prejudicial to the interests of “the public:”

*Beg, unanimously, to Report—*

That, on the 24th March, under and by virtue of such Commission, they held an open Court, at the Supreme Court in the City of Victoria, for that purpose, and continued to hold such open Court, by various sittings, until the 18th day of April, when they adjourned their sittings to New Westminster, for the greater facility of obtaining evidence and continuing the investigation there.

That they held an open Court, at the Court House in New Westminster, by various sittings, until the 27th day of April, when they re-adjourned to the City of Victoria, re-opened the said Court there, and continued the investigations, by various sittings, until the 6th instant.

That, at such sittings, the three Commissioners were all present, except on one occasion, viz. the 20th day of August, at Victoria, when an enquiry was held before the Honorables Messrs. Crease and Gray, as to the mode of examination, by interrogatories, of Mr. DeCosmos, a witness then absent at Ottawa, the Chief Justice on that occasion not being present, owing to his having gone to Cassiar on circuit.

That at these various sittings, of which public notice was always given in the newspapers in Victoria, the Honorable Member for Nanaimo, Mr. Robson, was always present, and was afforded every opportunity, by examination and cross-examination of the witnesses, and by suggestion and argument, to promote the enquiry and establish the charge.

That, in the course of the examination, an inquisitorial latitude was allowed, exceeding the extent of permission ever granted in Courts of Law governed by the rules of legal evidence.

That all persons who were alleged as being able to give information touching the subject of enquiry, or whose names were suggested to the Commissioners, were subpoenaed as witnesses, and examined and cross-examined.

That all books of account, or business of the persons or firms, in which it was asserted that information could be found, were ordered to be produced, were produced and inspected.

That persons who were beyond the jurisdiction of the Province, and who, it was stated, were inculpated in the charge, or were alleged to be capable of giving information, were examined by interrogatories prepared by the Commissioners, of

which copies were, before being sent, read in open Court, or otherwise submitted to the Member for Nanaimo, for any suggestions he might make, points to which he might desire the enquiry to be directed, or any particular question he might wish to put.

That all parties were invited to come forward and submit to the Commissioners any information they could give, that would aid in arriving at the truth.

That Messrs. Walkem, Beaven, DeCosmos, Robson, and the other witnesses in British Columbia were examined and cross-examined on oath; Sir John Macdonald, Dr. Tupper, and Mr. Sproat, witnesses beyond the jurisdiction of the Province, on interrogatories not under oath.

That all sources of enquiry, within their reach or under their control, having been now exhausted, and the evidence produced, duly weighed and considered, they find and report that the truth of the allegations aforesaid, so far as the same refer to the good government of this Province, or reflect upon the conduct of any part of the public business thereof has not been proved; and that no evidence has been produced before them to show "that prominent or any members of the late and present Government were in a 'Ring' to acquire possession of Texada Island, "in a manner prejudicial to the interests of the public."

*And they beg further to report—*

That although there were circumstances apparently suspicious attending the pre-emptions in Texada Island in August, 1873, yet, in their opinion, upon a thorough examination of those circumstances, there is no sufficient ground to believe that any member of the late or present Government, either by himself, or in unlawful or dishonorable combination with any other person, has attempted to acquire possession of the whole or of any part of Texada Island, in a manner prejudicial to the interests of the public.

They submit herewith the evidence taken, the correspondence produced and passed between all parties connected with the enquiry, and the interrogatories sent to the persons abroad, with their replies.

Dated at Victoria, B. C., this 8th October, 1874.

MATT. B. BEGGIE,	} Commissioners.
HENRY P. PELLEW CREASE,	
J. HAMILTON GRAY,	

No. 2.

*Interrogatories and Answers—Dr. Tupper.*

MEMORANDUM.

On the 20th February, 1874, in the House of Assembly, in Victoria, Mr. Robson M. P. P., moved a Resolution which was ultimately unsuccessful, but immediately thereafter, on the motion of Mr. G. A. Walkem, (Attorney-General and Premier) on behalf of the Government, a Resolution of a somewhat similar character was carried on a division.

The particulars of the various motions and amendments, and the terms of the Resolution ultimately carried will appear from a copy of the "Votes and Proceedings" annexed hereto.

On the 13th March, 1874, in conformity with the Resolution so actually passed, a Commission was issued under the Public Seal of the Province, appointing the three Judges of the Supreme Court here, to enquire and report as to the truth of the allegations therein mentioned, "that prominent members of the late and present Government were in a ring to acquire possession of Texada Island in a manner prejudicial to the interests of the public." The expression "prominent members," is intended to designate Amor DeCosmos, M. P. P., (formerly President of the Council and Premier in British Columbia), and the said George A. Walkem, and Robert Beaven, M. P. P., Chief Commissioner of Lands and Works in this Province.

A copy of the said Commission as contained in the *British Columbia Government Gazette*, of the 21st March, 1874, is also hereto annexed.

#### INTERROGATORIES.

1. Did Amor DeCosmos, M. P., or G. A. Walkem, M. P. P., and Attorney-General of British Columbia, or either of them, and which by name, negotiate or offer, or attempt to enter upon any treaty with you or with any other person, and if so, with whom by name, concerning any sale or disposition, or working of any lands or iron mines or minerals situate in Texada Island, in British Columbia, or of the produce of any such lands, mines or minerals? If yea, state the nature of such treaty or negotiation, or offered or proposed treaty or negotiation, and the names of the persons, if any, named by the said Amor DeCosmos and G. A. Walkem, or either of them, as being interested therein, and the terms mentioned or suggested as being acceptable or probably acceptable, or reasonable; and in particular state the sum of money, if any, which was mentioned, or in any manner indicated as being a proper or fair price for such lands or mines, or other property mentioned in any such negotiation or as being such as might be tendered to the proprietors of any such lands or mines, or of any interest therein, or to the agent of such proprietors, or as being necessary or proper for the due working of the said mines or of any part thereof.

2. Was any conversation ever had between yourself and the said Amor DeCosmos and G. A. Walkem, or either of them, and whom by name, or any agent of them, or either of them, or between them or either of them, or any agent or professed agent of them, or either of them, and any other person or persons in your presence touching any such land or mine as is mentioned in the preceding interrogatory, or touching the produce of any such land or mine, or any interest in such land, mine, or produce respectively, or touching the title thereto, or to any part thereof? If yea, state the time and place at which every such conversation was had, and the witnesses if any, thereof, and between whom every such conversation was held, and the full purport and effect thereof, to the best of your knowledge, remembrance, and belief.

3. Have you received or seen any letters written or received by the said Amor DeCosmos and G. A. Walkem, or either of them, and whom by name, touching any of the matters referred to in either of the foregoing interrogatories, and in particular touching such land or minerals, or the produce thereof, or the title thereto? If yea, set forth the names of the respective writers of every such letter, and the names of the several persons to whom the same letters were respectively addressed, and in whose custody, possession, or power the same respectively last were. Answer the above to the best of your knowledge, remembrance, information, and belief.

4. Do you know of any act, deed, matter or thing, done or neglected or proposed to be done or neglected by any member of the Provincial Government, or by the said Amor DeCosmos at any time, in anywise relating to land or to iron mines in Texada Island, British Columbia, aforesaid, or to any interest therein, or in the produce thereof, or relating to the title thereto? If yea, state the same to the best of your knowledge, remembrance, information, and belief.