

REPORT OF SELECT COMMITTEE.

CLAIM OF HON. A. DECOSMOS.

To the Hon. the Speaker and Members of the Legislative Assembly:

The Select Committee appointed to enquire into the claim of the Hon. Mr. DeCosmos, beg leave to report, as follows:—

That they have examined all the documents in connection with the mission of the Hon. A. DeCosmos to Ottawa and London. Your Committee find that Mr. DeCosmos was employed as Special Agent from October 14th, 1880, until May 8th, 1882. The only document relating to the cost of Mr. DeCosmos' mission is one "Order in Council" bearing date 14th October, 1880, as follows:—

"The Committee of Council advise that any expenses necessarily incurred by the Hon. Mr. DeCosmos in acting under a Minute of Council of even date herewith be reimbursed to him, and that Mr. DeCosmos be informed thereof by the Hon. the Provincial Secretary.

"Certified,
(Signed)

"T. B. HUMPHREYS,
"Clerk of Executive Council."

No claim in writing was made by Mr. DeCosmos for services till January 24th, 1883.

From the evidence taken before your Committee, they are of opinion that Mr. DeCosmos expected to be remunerated for his services, and it was so understood by the late Government.

(Signed) JAMES ORR,
Chairman.

April 20th, 1883.

To the Hon. the Speaker and Members of the Legislative Assembly:

Your Select Committee appointed to enquire into the claims of Hon. Mr. DeCosmos, beg leave to present the evidence taken before them in relation thereto.

(Signed) JAMES ORR,
Chairman.

EVIDENCE.

April 17th, 1883.

The Select Committee appointed to enquire into the claim of Hon. A. DeCosmos, met in the Library at 10 A. M. Present: James Orr, Chairman, Messrs. Duck and Dingwall.

HON. G. A. WALKEM was examined.—Recollect speaking to Mr. Beaven about paying Mr. DeCosmos for his time. The reason there was no provision made for Mr. DeCosmos was because we did not know what his demand would be, that he, Mr. Walkem, entirely trusted in his honour. Always supposed Mr. DeCosmos should be paid for his time in addition to his expenses.

MR. ROBERT BEAVEN states:—Mr. DeCosmos spoke to me last summer about the account for his services. I never saw his claim until I saw it before Public Accounts

Committee. He first spoke to me on the subject in the middle of last summer. He expected to be paid for his services as Special Agent, and that he had been led to suppose from seeing a sum voted in the Estimates last year that such was the case. He referred to the vote 152, 1882. There was a previous vote of, I think, \$3,500 for the same purpose. Mr. DeCosmos was first appointed October, 1880. Later appointed, 31st March, 1881, to proceed to London. The sum already paid Mr. DeCosmos was for his disbursements only. Of the \$2,000 vote in 1882, only \$1,085.74 was paid, and \$914.26 lapsed, (*vide* Sessional Papers, 1882, p. 235). The \$1,085.74 was all made up from accounts sent in by Mr. DeCosmos to the Treasury and audited. The warrant is to be found in the Treasury. I knew of no understanding that Mr. DeCosmos was to be paid outside of disbursements, but it was generally acknowledged that Mr. DeCosmos had worked well and faithfully, and it was a matter for consideration whether he was not entitled to something further. A letter from the Provincial Secretary, dated October, 1880, explains, I think, what Mr. DeCosmos was to get for expenses. I speak from memory generally. In August, when he spoke to me about his claim, I told him that if he sent in any claim it would be considered by the Executive. I knew nothing of any account until I saw it before the Public Accounts Committee. I saw no account for services during the time I was in office. I know of no understanding, either tacitly or otherwise, for payment for services to Mr. DeCosmos. He never mentioned the matter to me until he spoke about his claim last summer. If the Executive had decided to pay Mr. DeCosmos, I do not think anything could have been paid out of the lapsed vote; there would have to have been a vote of the house. I don't think Mr. DeCosmos spoke to me more than once upon the subject after he first mentioned it. He asked me what was going to be done about it. I told him it had not been decided upon.

Q. Did you bring it up for decision?

A. I do not think that is a kind of question I can answer.

Q. Did you ever contemplate at time of Mr. DeCosmos' appointment that he would be entitled to a claim of \$5,000 per annum, or any other sum?

A. I can't give an answer to that question. Mr. DeCosmos was at Ottawa and I was here. I think that Mr. DeCosmos once asked me, in the event of our declining to pay, whether he might have permission to sue the government for his claim. I think Mr. DeCosmos, when he spoke to me about his claim, said he expected something about \$5,000 per annum.

Q. Do you think Mr. DeCosmos is entitled to anything for his present claim, and if so, how much do you think would be a reasonable sum?

A. I must decline to answer that question. I think Mr. DeCosmos was led away by the impression conveyed by some third person not connected with the Government, but I don't know who, that the sum voted was in respect of his services.

HON. MR. AMOR DECOSMOS, states:—In 1880 I was at Ottawa. On 17th October I received telegram in cipher from G. A. Walkem, Premier of B. C., from which I make the following extract:—

“VICTORIA, B. C., 14th October.

“Hon. A. De Cosmos.

* * * “Order passed appointing you Special Agent of this Government to urge construction Island Railway and report result here. Order forwarded.
(Signed) “G. A. WALKEM.”

I received this telegram on the 18th. It was received in Ottawa 17th.

On 18th October, 1880, I sent this:—

“Hon. G. A. Walkem.”

“Your telegram of 14th inst. received this morning. Contents noted. Appointment accepted.”

(Signed) “A. DECOSMOS.”

That is the first notification which I received of my appointment. It was given me unexpectedly and without any solicitation whatever on my part.

On November 12th, 1880, I telegraphed to T. B. Humphreys:—

“Place by telegraph to my credit \$1,000 at Bank of Montreal for necessary expenses under order 14th October.”

(Signed) “A. DECOSMOS.”

On November 20th, 1880, Ottawa, I received a note as follows:—

"BANK OF MONTREAL,

"Ottawa, 19th November, 1880.

"*Amor DeCosmos, M. P., Ottawa.*

"DEAR SIR,—I have received instructions from our Montreal branch to credit you with \$1,000 from the Bank of British Columbia, at Victoria, on account of the Provincial Government.

"Yours truly,

(Signed)

"A. DRUMMOND,

"*Manager.*"

I had received, before I sent the telegram for the money, the Orders in Council from Mr. Tatlow.

It may be asked why, when this appointment was tendered me, I did not make an arrangement with the Government for payment for my services; one reason why I did not do so was the uncertainty as to the length of time which I might be occupied as Special Agent. From the nature of the work I was asked to perform, and from the supposed favourable leaning of the Government at Ottawa towards this Province, I supposed that the whole question might be settled within a very brief period, and consequently there was no pressing necessity to make any arrangement as to pay for services, or as to what rate they were to be paid for. My impression was that the negotiations would speedily end successfully. (*Vide* my telegram to Beaven, dated 17th December, 1880.)

Q. If you had known that the Government had funds in any way available to pay your claim, or any part of it, *i. e.*, money voted, would you have pressed for it?

A. Certainly.

VICTORIA, B.C., April 6th, 1883.

MR. CHAIRMAN:

In accordance with the understanding, on Wednesday last, with your Committee to inquire into my claim for compensation for my services as Special Agent at Ottawa and London, I beg leave to submit the following statement:—

1. That I was appointed, on October 14th, 1880, Special Agent of the Provincial Government at Ottawa, subject to my acceptance, "to press upon the Dominion Government the importance of carrying out their agreement to construct the Island section of the Canadian Pacific Railway," and to report the result of my negotiations to the Provincial Government here from time to time.

2. The first intimation that I had of this appointment was conveyed to me in a telegram from the Premier, Mr. Walkem, as follows:—

"VICTORIA, B.C., 14

"*Hon. DeCosmos.*

* * * "Order passed appointing you Special Agent of this Government to urge construction Island Railway, and report result here. Order forwarded.

(Signed) "G. A. WALKEM."

3. This appointment was made without my knowledge or solicitation.

4. In reply, I sent a telegram to Mr. Walkem, of which the following is a copy:—

"OTTAWA, October 18, 1880.

"*Hon. G. A. Walkem, Victoria, B.C.*

"Your telegram of 14th inst. received this morning. Contents noted. Appointment accepted.

(Signed) "A. DECOSMOS."

5. As soon as I had accepted the appointment, I commenced to gather materials bearing on the question of Island Railway, so as to be prepared to open negotiations with the Dominion Government as soon as the Order in Council making my appointment came to hand.

6. After the Order in Council arrived, about November 7th, 1880, I sent a letter to the Secretary of State for Canada informing him that I had been appointed Special

Agent of the Government of British Columbia to urge upon the Dominion Government the importance of carrying out their agreement to construct the Island Railway.

7. The Minister of Railways was absent from Ottawa when the Order in Council appointing me arrived, so I had to delay opening negotiations till his return.

8. When he returned, I called upon him; informed him of my appointment; requested an informal interview to talk over the question of the construction of the Island railway. On that occasion I intimated to him that I believed that the question might be satisfactorily settled in a half-hour's conversation. He expressed himself willing to meet me with Sir John A. Macdonald, and, after consulting with him, would name a time for an informal interview.

9. I also called on Sir John A. Macdonald and informed him that, as Special Agent, I wished to meet him and Sir Charles Tupper respecting the Island Railway. He promised to meet me with that gentleman, when a time was arranged to meet.

10. Subsequently, I had several interviews with Sir John A. Macdonald, Sir Charles Tupper, and, on one occasion, a formal interview with Sir Charles Tupper and Hon. J. H. Pope, Minister of Agriculture, who was accompanied by Mr. McIntyre of the Syndicate. But all terminated without a practical result.

11. The results of these interviews will be found in the Provincial archives, among the papers transmitted by me to the Provincial Secretary in 1881, and cover a period extending from the middle of October, 1880, to the middle of March, 1881, and to which I refer you, for fuller information, on all matters connected with my special agency during the period referred to.

12. Before the interview with Sir Charles Tupper, Mr. Pope and Mr. McIntyre, I was led to believe that the negotiations would terminate successfully, and I so telegraphed to Mr. Beaven, I think, on December 17th, 1880. That was about five or six weeks after the Order in Council making my appointment reached me.

13. The negotiations, however, did not terminate successfully. So I informed the Provincial Government at a later period, that I believed nothing would be done by Parliament during the then session towards the construction of the Island Railway.

14. During the period extending from October, 1880, to March 24th, 1881, my time was specially devoted to the duties of my appointment; and although I attended in my place in the Commons, I held that my chief duty was to attend to the business intrusted to me as Special Agent, respecting the construction of the Island Railway.

15. In order that I might have funds at my command to meet any expenses incident to my appointment as Special Agent at Ottawa, I telegraphed to the Provincial Secretary as follows:—

“OTTAWA, November 12, 1880.

“*Hon. T. B. Humphreys, Provincial Secretary,*
“*Victoria, B.C.*

“Place by telegraph one thousand dollars to my credit at Bank of Montreal for necessary expenses under order 14th October.

(Signed) “A. DECOSMOS.”

16. The expenses referred to in the Order in Council of the 14th October, 1880, did not, in my opinion, refer to or include payment for my services as Special Agent.

17. On November 20th, 1880, I received a note from Mr. Drummond, Manager of the Bank of Montreal at Ottawa, stating that \$1000 had been placed to my credit on account of the Provincial Government, which, I presumed, was in reply to my request to the Provincial Secretary. The note read as follows:—

“BANK OF MONTREAL,

“Ottawa, 19th November, 1880.

“*Amor DeCosmos, Esq., Ottawa.*

“DEAR SIR,—I have received instructions from our Montreal branch to credit you with \$1000 from the Bank of British Columbia, on account of the Provincial Government.

“Yours truly,
(Signed) “J. A. DRUMMOND, *Manager.*”

18. It will be observed by reference to my account for disbursements, that but a small part of this sum (only about \$225.62) was spent till after my appointment as Special Agent and Delegate to London.

19. The room at the Russell, for which \$58.25 was paid, was taken for an office, and was given up when Parliament met, as I could use one of the rooms in the Parliament buildings. The balance of the \$225.62 was mainly expended in paying an engineer for drawing two maps illustrating the Island Railway question, and in lithographing 500 copies of one map uncoloured, and 1000 copies of another map coloured, copies of both of which I herewith submit.

20. These maps, particularly the coloured one with printed explanation and memorandum attached, did more, I believe, to make the Island Railway question understood than all the verbal statements of the Provincial case that had been made up to the time of their publication.

21. It will be further observed, on reference to my account for disbursements, rendered on November 29th, 1881, that I made no charge for my personal expenses from October 14th, 1880, the date of my appointment as Special Agent, to March 24th, 1881, when I was officially notified of my appointment as Special Agent and Delegate to London. This was a period of 157 days, which at \$4 per day would amount to \$628.

22. I have already verbally stated to the Committee that I had expected that the Island Railway question would have been settled within a brief period after negotiations commenced, and that, therefore, it was quite unnecessary to inquire of the Provincial Government what compensation I should be allowed for my services. In the next place, I believed that the Government would do what was right in the matter when my claim was brought under their consideration.

23. This concludes all I propose at present to say with respect to my claim against the Government for compensation for services under my appointment of October 14th, 1880, which I consider my first appointment as Special Agent.

24. Mr. Chairman, I propose now to direct your attention to my appointment as Special Agent and Delegate to London to support the prayer of the Petition of the Legislative Assembly to the Queen respecting the construction of the Island section and the Port Moody-Emory section of the Canadian Pacific Railway; the transfer of the control of the Dominion over the Customs and Excise in this Province to the Provincial Government and Legislature; and compensation for delays and breaches of agreement by Canada respecting the construction of the Canadian Pacific Railway.

25. The first intimation that I had relative to my appointment as Special Agent and Delegate to London I received in a telegram in cipher from Mr. William Wilson, M.P.P., on March 14th, 1881. The following is a copy:—

“VICTORIA, B.C., 13

“A. DeCosmos, M.P.

“Confidential. Meeting Saturday sixteen members unanimously agreed Government appoint you delegate to England with Petition. (Recently) New Westminster members approve.

(Signed) “W. WILSON.”

26. Not hearing anything further about my appointment, I sent a telegram in cipher to Mr. Wilson, of which the following is a copy:—

“OTTAWA, 21st March, 1881.

“W. Wilson, M.P.P., Victoria, B.C.

“Confidential. If Government appoint me delegate to England, see ample provided for time and expenses. Answer soon.

(Signed) “A. DECOSMOS.”

27. To this telegram I received no answer directly from Mr. Wilson, but on the 24th of March I received a telegram from Mr. C. McK. Smith, of which the following is a copy:—

“VICTORIA, B.C., 22

“A. DeCosmos.

“Petition to Queen passed House, 20 to 4. Your telegram to Wilson attended to.

(Signed) “C. McK. SMITH.”

28. On the same day that I received the above telegram from Mr. Smith, I received one from Mr. R. Beaven, the Finance Minister, of which the following is a copy:—

"VICTORIA, B.C., 22nd March, 1881.

"To Hon. A. DeCosmos.

"Legislature here decided by vote of 20 to 4 to petition Queen on Island Railway and original agreement. Petition to be presented by you.

(Signed) "ROBERT BEAVEN."

29. On the same day that I received Mr. Beaven's telegram as above, I sent him a telegram of which the following is an extract:—

"OTTAWA, March 24, 1881.

"To Hon. R. Beaven, Victoria, B.C.

"Your telegram just received. Am ready and accept mission. * * *

(Signed) "A. DECOSMOS."

30. I then immediately began my preparations to go to London to support the prayer of the Petition of the Legislative Assembly to the Queen.

31. No further communication was received by me from any member of the Provincial Government, or any person in British Columbia, till I received a telegram from Mr. Beaven on March 31st, 1881, of which the following is a copy:—

"VICTORIA, B.C., March 29th.

"To Hon. A. DeCosmos.

"What funds do you require before proceeding on your mission to England?

(Signed) "ROBERT BEAVEN."

32. In reply to this telegram, I sent a telegram to Mr. Beaven, of which the following is a copy:—

"OTTAWA, April 1st, 1881.

"To Hon. R. Beaven, Victoria, B.C.

"Twenty-five hundred dollars.

(Signed) "A. DECOSMOS."

33. On April 12th, 1881, I received from Mr. Beaven a telegram from which the following extract is copied:—

"VICTORIA, B.C., April 11, 1881.

"To Hon. A. DeCosmos.

"\$2,500 placed to your credit at the Bank of Montreal, Ontario, the 6th. * *

(Signed) "ROBERT BEAVEN."

34. These were all the communications that passed between the Government and myself, or any other person in the Province, respecting my mission to London in support of the Petition to the Queen.

35. My nomination at the meeting referred to by Mr. Wilson in his telegram to me was made without my knowledge or solicitation.

36. The resolutions passed by the Assembly respecting my appointment were also made without my knowledge or solicitation.

37. On March 21st, 1881 (see Journals Legislative Assembly, 1881, pages 47 and 48), the Legislative Assembly passed a resolution of which the following is the second clause:—"And further, that it is advisable, in the opinion of this House, that the said Petition, when approved of by this House, be signed by the Speaker and be forwarded to the Hon. Mr. DeCosmos, with instructions to him to present the same to Her Majesty's Government as soon as possible and support the prayer thereof."

38. On March 23rd, 1881 (see page 56 Journals Assembly, 1881), the following resolution was passed by the Assembly:—"Resolved,—That an humble address be presented to His Honour the Lieutenant-Governor, requesting His Honour to cause the Petition, when signed by the Speaker, to be forwarded through the Hon. A. DeCosmos to the Right Honourable the Secretary of State for the Colonies, with a respectful request that the said Petition may be laid before Her Majesty, and that Her Majesty will be

graciously pleased -o favourably consider the same, and order the signification of Her Royal pleasure thereon to be communicated to the Government of this Province as soon as practicable."

39. On April 13th, 1881, I received at Ottawa the following letter of my appointment, signed by the Provincial Secretary, of which the following is a copy:—

"VICTORIA, B.C., 30th March, 1881.

"SIR,—By direction of the Committee of Council I have the honour to acquaint you that you have been appointed Special Agent and Delegate to proceed to London for the purpose of supporting the prayer of the enclosed Petition to Her Majesty.

"I am, also, to state that His Honour the Lieutenant-Governor will inform the Dominion Government of your appointment, and request the Secretary of State for Canada to respectfully move His Excellency the Governor-General to provide you with a suitable letter of introduction to Her Majesty's Principal Secretary of State for the Colonies.

"I have, &c.,
(Signed) "T. B. HUMPHREYS,
"Provincial Secretary.

"The Hon. A. DeCosmos, M.P."

40. On April 13th, 1881, I received at Ottawa my instructions respecting my mission to England to support the prayer of the petition. It is dated at the Attorney-General's Department, Victoria, March 29th, 1881, and is signed by the then Attorney-General, Mr. G. A. Walkem. A copy of these instructions will be found among the papers transmitted by me to the Provincial Secretary from London on September 2nd, 1881. They were general; but the concluding paragraph pointed out that much was left to my discretion, and is as follows:—

"In naming no sum, the Legislative Assembly has left the claim to be dealt with according to the best of your judgment, as many circumstances must arise during your negotiations which could not be anticipated."

41. It will be observed, by reference to paragraph 25, that the first intimation I received of the intention to send me as delegate to London was received from Mr. Wilson, M.P.P., and that in paragraph 26, it will be seen that I informed him that if appointed I wanted ample means provided for payment for my time (that is, for my services), and for my expenses, incident to the mission; and, further, that I requested an "answer soon."

42. Mr. Wilson was a leading member of the Assembly, and a particular friend of the then Government, as well as one whom I esteemed as a friend of my own of many years standing; and, consequently, I felt that he was in every way a suitable person to see that ample means were provided for my time and expenses.

43. By reference to paragraph 27, it will be seen that I received on the 24th March a reply, dated March 22nd, to my telegram to Mr. Wilson, through Mr. C. McK. Smith, stating that my telegram to "Mr. Wilson had been attended to."

44. This brief reply I considered satisfactory as to payment for my services, and expenses, and I acted accordingly.

45. By reference to paragraph 28, it will be noticed that I received from Mr. Beaven on March 24th, the same date on which I received the reply from Mr. Wilson through Mr. Smith, a telegram dated March 22nd, which contained the first official notification of my appointment as Special Agent and Delegate to London; and by reference to paragraph 29 it will be seen that I accepted the mission to London.

46. The next official communication that I received (see paragraph 31) came from Mr. Beaven, the Finance Minister, inquiring "What funds do you require before proceeding on your mission to England?" This inquiry was made without any request having been sent to Mr. Beaven or any member of the Government, except that through Mr. Wilson, that has been already referred to, and was accepted by me as carrying out an arrangement made through that gentleman.

47. By reference to paragraph 32, it will be noted that I named, in my reply to Mr. Beaven's inquiry, the sum of \$2,500; and subsequently (see paragraph 33), I was notified by Mr. Beaven that that amount had been placed to my credit at the Bank of Montreal.

48. Being consequently satisfied that ample means would be provided by the Government to compensate me for my services as Special Agent, and to meet the expenses incident to my appointment, I accepted the mission, and did not refer to the matter again, except to acknowledge the receipt of the \$2,500 in a letter addressed to Mr. Beaven from Ottawa on April 14th, 1881.

49. The resolutions of the Legislative Assembly (see paragraphs 35 and 36), the letter of my appointment (see paragraph 37), and the letter of instructions from Mr. Walkem to me as Special Agent and Delegate (see paragraph 38) naturally impressed me with the belief that there could be no question raised as to payment for my services; but that the Government and Legislative Assembly would cheerfully pay me. In fact, it would have been unreasonable to expect anything else.

50. A full and detailed account of disbursements incident to my appointment as Special Agent to Ottawa and London, covering a period extending from October, 1880, to November 7th, 1881, was transmitted from Ottawa to Mr. Beaven, Finance Minister, on November 29th, 1881. The total amount disbursed within that period was \$3,500.

51. At the same time—November 29, 1881—I transmitted to Mr. Beaven an account showing that on October 22, 1881, whilst in London, I had drawn on the Provincial Government for \$1,000, and that on November 7th, 1881, on my arrival at Quebec, the sum of \$970 remained unexpended.

52. On June 30, 1882, at Victoria, I handed to Mr. Beaven my account for disbursements as Special Agent from November 7th, 1881, to May 8th, 1882, which amounted to \$1,055.74. The balance due me for disbursements over the \$970 unexpended on Nov. 7th, 1881, was \$55.74, which was paid to me on July 28th, 1882.

53. The total amount disbursed by me for expenses from October 18th, 1880, the date of my first appointment, to May 8th, 1882, when my appointment was cancelled, was \$4,585.74; but no part of that sum was in payment for my services as Special Agent.

54. A large portion of the \$4,585.74 (about \$2,000, I think) was disbursed in Ottawa and London for maps, printing, clerical assistance, &c. The balance was disbursed for personal expenses.

55. I refer you to these accounts (see paragraphs 50, 51, and 52) for any further information you may require as to disbursements.

56. As soon as I had received my letter of appointment as Special Agent and Delegate to London, I wrote, on April 13th, 1881 (see papers transmitted to Provincial Secretary), to Sir John A. Macdonald, informing him that I had been appointed to proceed to London to support the prayer of the petition of the Legislative Assembly to the Queen, but that if he desired to consider, without undue delay, the prayer of the petition with a view to the final and satisfactory settlement of the questions at issue between the Province and the Dominion respecting the Canadian Pacific Railway, I was prepared to do so. But it was not till May 16th, 1881, after the lapse of a month, that I received a reply from Sir S. L. Tilley on behalf of the Privy Council, and in it no mention was made of my offer to consider the prayer of the petition at Ottawa. I consequently renewed my application for a letter of introduction from the Governor-General to the Imperial Secretary of State for the Colonies, and on May, 21st, 1881, left Quebec for London.

57. During the time that I was waiting at Ottawa, after I had been appointed Special Agent and Delegate to London, I compiled and printed extracts from the debates in Parliament, from 1871 to the end of the session in 1881, respecting the Railway contract between Canada and British Columbia under the 11th section of the Terms of Union. I also prepared and had printed valuable tabular statements. Copies of the extracts of debates and the tabular statements, &c., were transmitted to the Government. The whole consumed a very great deal of labour, but were important to the negotiations entrusted to me.

58. As soon as I reached London, I sought an interview with the Earl of Kimberley, the Principal Secretary of State for the Colonies, with whom I subsequently had several interviews, the results of which were communicated to the Provincial Government from time to time. At the first interview, Lord Kimberley read to me a report of the Privy Council of Canada on the Petition of the Legislative Assembly to the Queen. I requested the favour of a copy of this report, and received it. Subsequently, I prepared and printed a reply to it, containing 63 pages of closely printed matter. This memorandum on the report of the Privy Council of Canada was submitted to Lord Kimberley,

and copies were subsequently forwarded to the Provincial Secretary. I submit that it is the best synopsis of the case of British Columbia against Canada that had ever been made up to the date at which it was printed, and is valuable as a reference.

59. On August 26th, 1881, I received from Mr. Herbert, Under Secretary of State for the Colonies, a copy of a despatch, addressed by Lord Kimberley to the Marquis of Lorne, containing his decision on the Petition of the Legislative Assembly to the Queen, and at once forwarded the part containing his decision to Mr. Beaven, by cablegram. Copies of this despatch, with other papers relating to the mission to London, were transmitted by me to the Provincial Secretary.

60. From the cablegram to Mr. Beaven, I extract the following:—

“LONDON, August 26, 1881.

“*Hon. R. Beaven, Victoria.*

* * * * * “As I understand this despatch, negotiations will have to be opened at Ottawa to conclude final settlement on the basis proposed by Kimberley. Hence my mission here is ended, unless my services be further required. I will seek a final interview at Colonial Office shortly. I await your instructions.”

61. On September 14th, 1881, I received a cablegram from Mr. Beaven, of which the following is an extract:—

“VICTORIA, B.C.

“Obtain Kimberley’s decision, and return to Ottawa; will write to you there. *

(Signed) “BEAVEN.”

62. On October 10th, 1881, I received a cablegram from Mr. Walkem, from which I make the following extract:—

“VICTORIA, B.C.

“*DeCosmos.*

* * * * * “Mailed instructions to you at Ottawa. Explained you there. What detains you in London?”

(Signed) “WALKEM.”

63. The cablegram from Mr. Walkem was in cipher, and had to be repeated, in part or whole, several times before it could be finally deciphered. In consequence my reply to the question “What detains you in London?” was delayed several days. I however was able at last to dispatch a cablegram in reply, of which the following is a copy:—

“LONDON, October 23, 1881.

“*Hon. G. A. Walkem.*

“Been detained by request. Leave for Quebec, per ‘Peruvian,’ on Thursday next.

(Signed) “A. DECOSMOS.”

64. The cause of my detention in London, was owing to the Under Secretary in charge of the Canadian Department (Mr. Meade) telling me that Lord Kimberley and Mr. Herbert were out of town, and that I had better delay my departure till I had seen one of them.

65. Mr. Chairman,—I considered the request of Mr. Beaven to “Obtain Kimberley’s decision and return to Ottawa” as my third appointment as Special Agent.

66. I accordingly returned to Ottawa, where I arrived on November 8th, 1881. After a day’s delay, I received my instructions as Special Agent, and accordingly at once re-opened negotiations, as far as it was possible. Sir John A. Macdonald informed me that, as Sir Charles Tupper, Minister of Railways, was absent, no practical result could be attained till his return.

67. There was considerable delay in consequence of his absence. Subsequently, I had several interviews with Sir Charles Tupper and Sir John A. Macdonald, in accordance with my instructions. The results of which were, from time to time, communicated to one or other members of the Provincial Government; and, on January 23, 1883, a copy of all telegrams and letters, between November 7th, 1881, and June 10th, 1882, was communicated to the Provincial Secretary.

68. On May 17th, 1882, I telegraphed to Mr. Beaven, as follows:—

“OTTAWA, May 17th, 1882.

“*Hon. R. Beaven, Victoria, B. C.*

“Expect to leave here to-morrow or Saturday, and arrive in Victoria on steamer of thirtieth. * * *

(Signed) “A. DECOSMOS.”

69. On June 10th, 1882, after my return to Victoria, I received from the Provincial Secretary a letter acquainting me that I had been relieved of my duties as Special Agent. I quote from it the following extract :—

“VICTORIA, B.C., May 8th, 1882.

“Sir,—* * * In relieving you of your duties as Special Agent of the Province, the Committee desire me to convey to you their best thanks for the very able manner in which you have conducted the business intrusted to your charge, and to assure you that they fully appreciate the marked ability which distinguished your negotiations with the Imperial and Dominion Governments. I have, &c.,

(Signed) “T. B. HUMPHREYS,
“Provincial Secretary.”

70. I immediately acknowledged the above letter; and, as the original is in your possession, I refer you to it for any further information you may require as to its contents.

71. From the letter of the Provincial Secretary, of May 8th, 1882, you will learn that my appointment as Special Agent was cancelled at that date.

72. Your attention is, therefore, directed to paragraphs 1, 2, 3, for the date of my appointment as Special Agent, viz., October 14th, 1880; to paragraph 4, for the date of my acceptance of the appointment, viz., 18th October, 1880; to paragraph 28, for the date of my appointment as Special Agent and Delegate to London, viz., March 22, 1881; and to paragraph 29, for the date of my acceptance of the mission to London, viz., March 24th, 1881; and to paragraph 60, for the date that I received notification of my appointment to return to Ottawa, to continue negotiations as Special Agent of the Province, viz., September 14th, 1881; and to paragraph 69, for the date of the cancellation of my appointment as Special Agent, viz., May 8th, 1882.

73. Thus the whole period of my service as Special Agent was one year, six months, and twenty days.

74. For that period I have asked the Government to pay me \$5,773.93.

75. In my account for services, which I rendered to the Government on February 14th, 1883, I charged for my services at the rate of \$5,000 a year, making for the whole period \$7,773.93. But I deducted from that my Commons sessional allowance for two sessions, viz., 1880-81 and 1882. This reduced the net charge against the Government to the sum of \$5,773.93; and that I considered as but a small consideration for the services that I rendered to the Province whilst I was acting as its Special Agent at Ottawa and London.

76. The Dominion Government paid its Special or Confidential Agent in the Province, Mr. Trutch, \$5,000 a year. I considered, and do consider, that I am justly entitled to the same amount of salary during the time I was employed as Special Agent of the Province. The net charge, however, that I ask the Government to pay me is less than at the rate of \$4,000 a year,—a mere trifle over what the Dominion Government pays its Indian Reserve Commissioner, Mr. O'Reilly, viz., \$3,500 a year and travelling expenses.

77. Now, with respect to my applications for payment: I considered that the circumstances under which I was appointed, without my knowledge or solicitation, ought to have induced the Government of Mr. Walkem, or of Mr. Beaven, to have proposed to pay me a reasonable and liberal consideration for my services, and to propose an amount to me. In that expectation I was disappointed, and that is the only reason why I did not render my account for my services at an earlier period. I never had a doubt but that I would be paid; neither have I a doubt now of being paid my full demand. The major portion of the time that I acted as Special Agent, viz., from March 24th, 1881, to May 8th, 1882, was practically under an appointment of the Legislative Assembly; for the mission to London and the recall back to Ottawa was really in support of the prayer of their petition to the Queen, and in endeavouring to secure a final settlement at Ottawa of the questions in that prayer on the basis of Lord Kimberley's decision. I always felt that the Legislative Assembly was bound to make provision for my services as its Special Agent and that of the Government, and I feel so still; and I do not believe that it can in honour decline to do so.

78. During the session of the Legislative Assembly in 1882, I did not observe in the reports of its proceedings, as published in the newspapers, any proposal of the Govern-

ment to make provision for my services. I consequently sent a telegram to Mr. C. McK. Smith, who held my power of attorney to transact business for me in my absence, requesting him to see Mr. Beaven and see whether the Government intended to make provision for the payment of my services. The telegram that I sent to him was as follows:—

“OTTAWA, March 30, 1882.

“C. McK. Smith, Victoria, B.C.

“Private. See Beaven. Inquire whether Government propose to make provision for payment for my services. What amount?

(Signed) “A. DeCosmos.”

79. This was the first application relative to payment for my services as Special Agent that I made to the Government, other than through Mr. Wilson.

80. On April 6th, 1881, I received from Mr. Smith a telegram, of which the following is a copy:—

“VICTORIA, B.C., 5.

“Hon. A. DeCosmos.

“Finance Minister says, sent you three thousand five hundred dollars, accounted for; one thousand dollars sent, not accounted for. One thousand dollars on Estimates. Knows nothing of salary.

(Signed) “C. McK. Smith.”

81. I received subsequently from Mr. Smith, a letter, in which he referred to my telegram of March 30, 1882 (see paragraph 78), as follows:—

“VICTORIA, B.C., April 9, 1882.

* * * “I received your telegram about pay for your services. I called to see Mr. Beaven about the matter. * * * He said he never heard anything about salary, and knew nothing about the matter, so that ended the matter between him and me on that subject. * * *

(Signed) “C. McK. Smith.”

82. In the *Standard* report of the debates of the Legislative Assembly, on April 14th, 1882, nine days after Mr. Smith had telegraphed to me the reply of Mr. Beaven to his inquiry about payment for my services, is the following statement:—

“Mr. Armstrong asked if Hon. Mr. DeCosmos was still acting as agent of the Province, and if he was still running the Province into debt. Hon. Mr. Beaven replied that he was not aware that the Hon. Mr. DeCosmos was running the Province into debt. (hear, hear.) Mr. DeCosmos' appointment as Special Agent of the Province had not been cancelled. *He would further state that Mr. DeCosmos had not as yet made any application for payment for his services.*”

83. I assume that the concluding sentence of the statement in the above report attributed to Mr. Beaven is correctly reported; and on that assumption infer that the question of payment for my services had not been lost sight of since Mr. Smith had enquired of him on the subject.

84. On April 15th, 1882, I received from Mr. Smith a telegram, of which the following is a copy:—

“VICTORIA, B. C., April 14.

“A. DeCosmos.

“Three thousand five hundred dollars for your service passed House. May be procured next week.

(Signed) “C. McK. Smith.”

85. It was to this telegram that I referred in the second paragraph of my letter to the Provincial Secretary on January 24th, 1883. Mr. Smith, however, was mistaken as to the purpose for which the appropriation on the Estimates was voted. No sum for payment of my services had been placed on the Estimates.

86. In the first paragraph of my letter to the Provincial Secretary on January 24th, 1883, I stated “that before I accepted the mission to London in support of the Petition “of the Legislative Assembly to the Queen, I was given to understand that ample provision would be made for my time whilst acting as Special Agent.” This understanding was formed from the reply to my telegram to Mr. Wilson that was sent to me by

Mr. Smith, and was subsequently confirmed in my mind by the telegram of Mr. Beaven asking "what funds do you require before proceeding on your mission to England?" without my having applied for funds directly to him or any other member of the Government. See paragraphs 26, 27, and 31.

87. In the third paragraph of my letter of January 24th, 1883, to the Provincial Secretary, I stated that "the matter had been several times mentioned to the Hon. Mr. Beaven; but no practical result has been attained." Now the first time that I personally mentioned to Mr. Beaven that I wanted payment for services as Special Agent was on June 30th, 1882, when he informed me that it would be considered in the Executive Council. I have no recollection of mentioning the subject to him in August. It is barely possible that I might have mentioned it to him on July 28th, 1882, when I visited the Treasury to be paid the balance due to me for disbursements. I mentioned the subject to him, however, several times in December and January last; but received no satisfactory answer as to whether he would settle with me for my services or not. I recollect, however, on one occasion saying to him, and I think it was about the last, or the last time that I spoke to him on the subject, that I expected as much for my services a year as Mr. Trutch received from the Dominion Government, viz., \$5,000 a year; and that if the Government did not settle with me, I would bring a suit in the Supreme Court by Petition of Right. As it seemed useless to mention the matter verbally to Mr. Beaven, I wrote the letter to the Provincial Secretary on January 24th, 1883, which has already been referred to. To this letter, I received a reply from the present Provincial Secretary, dated 1st February, 1883, in which he stated in reference to it, as follows:—"Referring to the latter, I have to inform you that the Government cannot take it into consideration without further information."

88. On February 14th, 1883, I wrote to the Provincial Secretary in reply to his letter of February 1st, 1883, and enclosed my account against the Government for my services as Special Agent; and also in it informed him that I would "be glad to communicate any further information on the subject, in my possession, to the Government, if its nature be made known to me."

89. Not having received a reply from the Provincial Secretary to my letter of February 14th, 1883, I wrote on February 20th, 1883, to the Hon. Mr. Smithe "requesting the favour of an interview respecting payment for my services as Special Agent for the Government and Legislative Assembly at Ottawa and London."

90. On the 23rd February, 1883, I received a reply, dated February 21st, from the Hon. Mr. Smithe, to my note, in which he stated that he was willing to meet me on Friday morning, the 23rd February.

91. At the time named, I had an interview with him on the subject referred to in my note.

92. The next official communication that I received, was a request to meet your Committee, and with which I complied.

93. I respectfully submit the above statement for the consideration of your Committee. It has been hastily written; but if I had had more time to devote to it, it would have been more carefully prepared.

(Signed) A. DECOSMOS.

*James Orr, Esq.,
Chairman.*

VICTORIA, B.C., April 7th, 1883.

Mr. Chairman:

I beg leave to submit the following statement respecting the evidence of Mr. R. Beaven before your Committee, as it appears in the proceedings of the Committee and as communicated to me:—

1. Mr. Beaven's statement that I spoke to him about payment for my services "last summer" or "the middle of last summer," for the "first time" is correct, the exact time, however, being on June 30th, 1882.

2. Mr. Beaven's statement, speaking of myself, as follows, is not wholly correct:—"He expected to be paid for his services as special agent; and that he had been led to suppose, from seeing a sum voted in the Estimates last year, that such was the case. He referred to vote 152, 1882." I did tell him that I expected to be paid for my services as special agent; but I did not tell him that I "had been led to suppose, from seeing a sum voted in the Estimates last year, that such was the case." What I did

tell him was, that I had received a telegram from Mr. C. McK. Smith that a sum had been voted by the House for my services (see paragraph in my statement of April 6th, 1883); but on referring to the Estimates, since my return to Victoria, I found that nothing had been voted for my services. As for referring "to the vote 152, 1882," I did not do so by number, but only generally; for I never noticed the number "152," till yesterday.

3. Mr. Beaven stated also, as follows:—"I knew of no understanding that Mr. De Cosmos was to be paid outside of disbursements; but it was generally acknowledged that Mr. DeCosmos had worked well and faithfully, and it was a matter for consideration whether he was not entitled to something further."

Mr. Beaven's statement, as above, that he "knew of no understanding that Mr. De Cosmos was to be paid outside of disbursements," may be correct so far as he is concerned; but I have already shown (see paragraph in my statement of April 6th, 1883, addressed to you) that I applied, through Mr. Wilson, to the Government for "ample provision for my time and expenses," and that I had received a reply from Mr. C. McK. Smith that "your telegram Wilson attended to"; and on that reply I had formed the "understanding that I would be paid for time and expenses." Besides that, I had no understanding about being paid for my disbursements, except under the Order in Council of October 14th, 1880; but that I did not think extended to my mission to England and return to Ottawa as special agent. Hence I requested Mr. Wilson to see ample provided for time and expenses before I accepted the mission to London. Mr. Beaven, however, doubtless knows that a man who is employed without any special agreement as to the amount that he shall be paid for his services, is, nevertheless, entitled to payment. The recent arrangement of the Attorney-General with Counsel in Toronto to manage the British Columbia case before the Supreme Court of Canada, is a case in point.

4. Mr. Beaven stated that—"In August, when he (DeCosmos) spoke to me about his claim, I told him that if he sent in any claim it would be considered by the Executive."

Now, I have no recollection of speaking to Mr. Beaven about payment for my services in August; and I think it is quite unlikely that I did so in that month; because I spent the most of that month in a trip to and from Alaska. Possibly, I might have spoken to him on July 28th, 1882, when I was paid the balance due for disbursements; but I do not recollect doing so. If I did not do so, and if I spoke at all about that period, it must have been after my return from Alaska.

With regard to Mr. Beaven's statement that he told me that if I "sent in any claim, it would be considered by the Executive," I have to emphatically say that I have no recollection of ever hearing him say so. If he did, I am not aware of it; for if I had been aware of it, I would have sent in my account for services.

5. Mr. Beaven's statement—"I knew of no understanding, either tacitly or otherwise, for payment for services to Mr. DeCosmos," I have answered in section 3 of this statement.

6. Mr. Beaven stated that—"If the Executive had decided to pay Mr. DeCosmos, I do not think anything could have been paid out of the lapsed vote; there would have to have been a vote of the House."

My answer to this is, that B.C. Statute, 42 Vic., chap. 29, sec. 38, sub-sec. (b), gave, in my opinion, sufficient authority to pay my claim for services, without waiting for a vote of the Legislative Assembly.

7. Mr. Beaven stated that—"I don't think Mr. DeCosmos spoke to me more than once upon the subject after he first mentioned it."

This is a mistake on his part: I spoke to him several times.

Mr. Chairman,—I respectfully submit the above for the consideration of your Committee, as my answer to certain statements of Mr. Beaven, as referred to above.

(Signed) A. DECOSMOS.

James Orr, Esq., Chairman.

VICTORIA, B. C., April 7th, 1883.

Mr. Chairman.

I beg leave to submit the following answers to the following questions that were given to me by your Committee on Wednesday last, April 4th, 1883:—

1. *Question by Mr. Orr:* Have you ever put in a claim to the late Government. If not, why not?

Answer: I have answered this question in my statement submitted to you yesterday.

2. *Question by Mr. Orr:* Was there any suggestion made by the late Government, or any one on their behalf, to withhold your claim?

Answer: No such suggestion was ever made to me by the late Government, or any one on their behalf. If such a suggestion had been made to me I would have treated it as highly improper.

3. *Question by Mr. Orr:* And why was your claim not put in sooner?

Answer: I have answered this question in my statement submitted to you of April 6th, instant.

4. *Question by Mr. T. Davie:* Referring to your letter of June 10th, 1882, acknowledging receipt of the notification of your relief from duty, and expressing thanks for the services you had rendered, what was the reason you contented yourself with thanking the Committee for the kind expressions contained in their letter, and promising to communicate to them all the papers pertaining to your agency, accompanying the same with a report covering the whole period of your appointment; and why did you not refer them to your over due claim?

Answer: My answer to these or this question is that it is unusual in official communications to refer to more than one subject in any one communication, and that the subjects you refer to, other than my claim for payment for services as Special Agent, I considered belonged to the same subject; and, consequently, that my claim for payment for services should be kept distinct according to official usages.

5. *Question by Mr. T. Davie:* Referring to your letter of January 24th, 1883, in which you state that, before accepting the mission to London, you were given to understand that ample provision would be made for your time whilst acting as Special Agent, by whom was such understanding conveyed to you? and state fully the communication, either verbal or written, that led you to make this statement.

Answer: This question is fully answered in my statement of April 6th, instant, to which I refer you.

6. *Question by Mr. T. Davie:* Referring to the same letter in which you state that you were informed that some appropriation was voted by the Assembly, who was your informant?

Answer: This question is fully answered in my statement of April 6th, instant, to which I refer you.

7. *Question by Mr. T. Davie:* Referring also to the statement in the same letter, that the matter had been several times mentioned to Mr. Beaven, state, to the best of your recollection, the different instances of your mentioning the matter to Mr. Beaven, and what answer you received?

Answer: This question is fully answered in my general statement of April 6th, instant, and in my statement to-day respecting Mr. Beaven's evidence before your Committee. I refer you to both.

8. *Question by Mr. T. Davie:* If you had known that the Government had funds in any way available to pay your claim, or any part of it, would you have pressed it?

Answer: Yes, certainly; and that if the Government had no funds I expected the Government to find them and pay me.

Mr. Chairman, the above is respectfully submitted.

(Signed) A. DECOSMOS.

James Orr, Esquire, Chairman.

VICTORIA, B. C., 9th April, 1883.

James Orr, Esq.,

Chairman of Committee on Mr. DeCosmos' claim against the Government:

SIR,—I beg leave to enclose to you a letter, hereto attached, that I wrote to Mr. C. McK. Smith, requesting answers to certain questions named therein, and to which Mr. Smith has written his answers thereto.

I respectfully submit the same for the consideration of your Committee.

I am, &c.,
(Signed) A. DECOSMOS.

VICTORIA, B. C., 9th April, 1883.

Mr. C. McK. Smith:

DEAR SIR,—I beg leave to ask you the following questions:—

1. Did you decipher the following telegram for Mr. W. Wilson? viz.:—"Ottawa, 21st March, 1881. Mr. Wilson, M.P.P., Victoria, B. C. Confidential. If Government appoint me delegate to England, see ample provided for time and expenses. Answer soon. A. DeCosmos."

2. Did you send the following telegram to me? viz.:—"Victoria, B.C., 22. A. DeCosmos. Petition Queen passed twenty to four. Your telegram Wilson attended to. C. McK. Smith."

3. How came you to send me in your telegram, as above, the statement "Your telegram Wilson attended to."?

Please place your answers to the above questions to the bottom of this note.

I am, &c,
(Signed) A. DECOSMOS.

VICTORIA, B.C., April 9th, 1883.

Mr. De Cosmos:

DEAR SIR,—I beg leave to say in answer to your questions,—firstly, that I did decipher the above telegram to Mr. Wilson; secondly, that I did send the above telegram to you; and thirdly, that after the vote in the House on the Petition to the Queen, I called at Mr. Wilson's store and told him (Mr. Wilson) that I was going to send a telegram to DeCosmos about the vote of the House on the Petition to the Queen. He said that he had seen Walkem about DeCosmos' telegram, which I had deciphered, and Walkem said the Government would pay DeCosmos for his time and expenses to England. Wilson said he was just a going to telegraph DeCosmos, and that I had better put the following reply in my telegram to DeCosmos, which he wrote out, viz.:—"Your telegram Wilson attended to." I asked Wilson if he thought you would understand that, and he said you would understand it to mean that everything was right.

I am, &c.,
(Signed) C. McK. SMITH.
