

**Commission to Inquire into Charges
By John Sedgwick Cowper**

May 12, 1917

Francis Brook Gregory, Commissioner

(B.C. – Royal Commissions)



BRITISH COLUMBIA. COMMISSION TO INVESTIGATE CHARGES
MADE BY JOHN S. COWPER (1917).

GR 810

The Commissioner, Supreme Court Justice Mr. Francis B. Gregory, was appointed 24 April 1917. This commission is commonly known as the Cowper Commission because of the charge made in the Legislative Assembly by member John S. Cowper alleging that funds placed in a hotel safe by or on behalf of a Canadian Northern Railway official were received or taken by a Liberal candidate in the February 1916 by-election and September 1916 General Election.

Commission records consist of Provincial Secretary's correspondence file 14/17 which contains the Commissioner's original, signed report (TS). A separate file contains a transcript of the evidence presented at proceedings. Originals, 1917, 2 cm.

Provenance: Transferred from the Legislative Library, 1978.

Holmes reference # 88.

To His Honour

Frank Stillman Barnard,

Lieutenant-Governor of the

Province of British Columbia.

Sir,

Pursuant to the terms of a Commission issued to me under the Great Seal of the Province and under the provisions of the "Public Inquiries Act", whereby I was appointed a sole Commissioner -

"To investigate and inquire into a charge made
"on the floor of the House by John Sedgwick
"Cowper, sixth member for the City of Vancouver
"in the Legislature of the Province of British
"Columbia,

'that the sum of \$25,000. was placed in a
'safe in the Hotel Vancouver by or on
'behalf of the Canadian Northern Railway
'on the night of the 13th day of September,
'1916, and that the same sum was received
'or taken away the next morning by a person
'who was a liberal candidate at the by-
'election of February 26th 1916, and also
'at the General Election of September 14th
'1916' -

I have the honour to report as follows:-

Upon receipt of the Commission I at once published the necessary notices in the British Columbia Gazette, and also in the daily newspapers circulating in the cities of Victoria and Vancouver, in which cities it appeared likely I would have to hold sittings. I also took before the Honorable the Chief Justice of British Columbia the oath prescribed by Section 6 of the Inquiries Act, and entered upon the work of the Inquiry.

Mr. Harry Langley was appointed secretary and stenographer.

The first session of the Inquiry was held at the City of Victoria at the Court House on the 2nd day of May, 1917, when the Commission was read.

Mr. Cowper appeared with his counsel, Mr. E. M. N. Woods, to substantiate the charge; and the Honorable the Attorney-General appeared with his counsel, Mr. S. S. Taylor, K. C., and Mr. J. A. Russell.

At the outset it was admitted that the charge referred to the Honorable the Attorney-General.

As I had grave doubts as to the jurisdiction of his Honour the Lieutenant-Governor in Council to issue the Commission to me under the provisions of the "Public Inquiries Act", and therefore no right to compel a witness to answer any question within the scope of the Commission which might be asked, I felt it only right that before the question became acute, ^{I should} ~~to~~ state that I doubted such jurisdiction. No objection being taken to my jurisdiction, the Inquiry was thereupon proceeded with.

Before proceeding with the Inquiry, Mr. Woods stated on behalf of his client that he wished to change the charge in two respects, namely, change the amount from \$25,000. to \$15,000., and the date on which the same was placed in the safe in the Hotel Vancouver, to the night of the 12th or 13th September, instead of the 13th September; to which counsel for the Attorney-General offered no objection.

Mr. Woods outlined what he proposed to prove, and Mr. Taylor took exception, stating that he was enlarging

(2)

the field of the inquiry, which he contended was confined strictly to the letter of the charge, with the alteration in the amount and date, already agreed upon. I expressed my opinion that it would be a farce to hold such an Inquiry, and that the Inquiry must be an Inquiry as to the truth of the substance of the charge, and not the strict letter of it.

As the Inquiry proceeded the question became more acute, and Mr. Taylor's objections more strenuous, and I eventually had to state that, doubting my jurisdiction, I would not commit any witness for refusal to answer a question; but at the same time I expressed my strong opinion that if the Inquiry was to be a real Inquiry, the question then under discussion should be answered; and the witness accordingly answered it.

I am directed by the terms of the Commission to report the facts found by me. They are as follows:-

1. That on or about the 7th day of September 1916, Mr. R. J. Mackenzie made a cheque on the Canadian Bank of Commerce, Winnipeg, for the sum of \$15,000., and that the said cheque was endorsed by ^{Mr} Dominic Burns, of the City of Vancouver, and discounted at the Canadian Bank of Commerce at the City of Vancouver, and ~~that~~ the proceeds thereof paid to Dr. Robert Mackenzie, of the City of Vancouver;

2. That the said Doctor Robert Mackenzie put the said money in the safe in the Hotel Vancouver for safe keeping for a short time, and between the 8th and 13th day of September, 1916, - probably the 8th or 9th., - took the money to his office, being room 617 Vancouver

Block in the City of Vancouver, and there handed it over to the Honorable the Attorney-General, no other persons being present. The money was in a package which Dr. Mackenzie thought was opened in his office, but he was not positive;

3. That the money was paid to the Honorable the Attorney-General in pursuance of Mr. R. J. Mackenzie's suggestion that it was agreeable to him that the money should reach the "campaign fund", but without instructions that it should be paid to any particular person, and was simply paid to the Honorable the Attorney-General because Dr. Mackenzie knew him to be a prominent member of the Liberal Party, and assumed that it would be proper to pay it to him. In fact he was selected by Dr. Mackenzie accidentally.

4. I cannot find that the money paid was the money of the Canadian Northern Railway; the evidence in fact contradicts such a suggestion. Dr. Mackenzie testified that R. J. Mackenzie told him that it was his own money, and it further appears that Mr. R. J. Mackenzie is a man of large means.

Mr. R. J. Mackenzie was not called, and it was stated by Mr. Woods that he was not in the Province; but that he had a telegram from Sir William Mackenzie saying that R. J. Mackenzie would be in the province within a month. I was not asked to hold the inquiry open for the purpose of securing his testimony.

5. That Dr. Robert Mackenzie is a brother of Sir William Mackenzie, and does not appear to hold any

salaried position in the Canadian Northern Railway, but is the chief surgeon of the said railway company, and the remuneration for his services comes from the employees of the railway rather than from the railway itself.

There was no evidence produced before me to show that Mr. R. J. Mackenzie was a director of the Canadian Northern Railway in September last, as suggested by Mr. Cowper's counsel; but the inquiry on this head was not proceeded with, proof of the fact not being immediately available; and being a matter upon which any persons interested could easily satisfy themselves.

I endeavored in every way to confine the Inquiry to the substantial charge made, and not to allow it to drift into the general question of the raising or disposition of "campaign funds"; but in spite of my efforts, evidence was given in a general way that the moneys raised on the cheque before referred to did not reach the "campaign fund". I thought in fairness to the Honorable the Attorney-General who was not present when this evidence was given, that the closing of the Commission should be delayed to enable him to make a general statement in reply. His counsel alleged that the money was so expended, but thought it unnecessary to call the Honorable the Attorney-General to make a denial inasmuch as I had declined to inquire into the details of its distribution.

I have the honour, Sir, to forward herewith a complete transcript of the proceedings before me. It

(5)

will be seen that there was no conflict of testimony,
and any person reading it can draw the same conclusion
that I have.

All of which is respectfully submitted,

I have the honour to be,

Sir,

Your obedient Servant,

Victoria B.C.

12th May 1917

J. B. Gregory