JUDGE'S FINDING IN CHINESE INQUIRY

(Continued from page 1.)

terly irrelevant to the issues raised, as both Mr. Lew and Mr. Grant well knew. True, it did go to the question of Mr. Foster's accuracy of memory and frankness in giving his testimony, for the commission is constrained on the evidence to believe he did make the statement as allegel. He did not deny having done so, merely asserting that he did not remember, and his manner when so testifying was not convincing. On the other hand, Messrs. Grant, Lew and Ferris all agree that he did do so, and their evidence on this point is given with circumstantial detail. With the question of Mr. Foster's credibility, however, Mr. Lew had no concern, and indeed at the time he introduced the statement into his evidence Mr. Foster had not been called. As to Mr. Grant, it seems clear from a perusal of the inner history leading up to this commission as hereinafter detailed, that impeaching Mr. Foster's credibility was not his object, even if that were within his province as counsel for the Trades and Labor Council, but it is believed his true motive was revenge for balked intrigue. Indeed this conclusion does not rest on deduction alone, for Mr. Grant in his evidence admits that he was piqued because he had not been appointed government counsel before the commission, the securing of which position was a minor feature of the intrigue referred to, and for this he knew Hon. Mr. Templeman was responsible, just as it was obvious to Mr. Grant, fully conversant as he was with the inside facts, that the minister was responsible for the defeat of the whole plan. This plan, as will appear in due course, had for its object matters of much more importance than any question of mere legal patronage. Mr. Lew, being a party to the same intrigue, had the same motive for gratuitous vilification.

And in passing it may be said that the commission, had it been seized at the outset of the facts now proven, would not have allowed Mr. Grant to act as counsel on the inquiry of issues raised by him in the investigation of which he perforce must have been a witness, as will fully appear, if absolute injustice was not to be done to several innocent people. Aware of this, and of his intention to raise such issues as he must have been, Mr. Grant's action in accepting a retainer is regrettable and renders his abuse of the privileges accorded him as counsel the more flagrant.

As the accusation of drunkenness has been given much prominence in the press, it is only fair to the minister to state that it was conclusively disproved not only by his own evidence but by that of Mr. Glover and of Mr. Kelly.

That the second charge against him was made with knowledge of its falsity is shown by Mr. Grant's own evidence. His version is that Mr. Foster stated the minister came to him and opened an interview relating to Mr. Foster's work by saying, "Foster, I want this investigation stopped, it is going to hurt us too much," but on learning the evidence in Mr. Foster's posession, the minister directed him to go on with his work and assured him of his support. Accepting this as true, it is clear that the minister's opposition only lasted so long as he had a wrong impression of the facts, and that when apprised of them, instead of trying to impede Mr. Foster's possession, the minister directed every assistance. Asked to justify his course at the investigation in the face of this, Mr. Grant's only excuse was that he feared Mr. Templeman would again fall under Mr. R. Kelly's influence. But he had, as shown by the same reference, no reason other than alleged vague rumor for believing the minister was influenced by Mr. Kelly, and he had not even the justification of vague rumor that Hon. Mr. Templeman had in any way changed his express determination to assist Mr. Foster in every way. Moreover, as will be shown later, he had every reason to know that if Mr. Kelly had any influence it would be used—as in fact it was used—not to balk a genuine investigation, but to defeat the intrigue in which he (Grant) and others were concerned, and hereinafter fully detailed, the success of which depended upon the suppression of facts intimately connected with Chinese affairs at the port of Vancouver.

It would be an abuse of language to state this charge was without foundation. As shown, the very evidence adduced to support it disproves it. The true account of what Hon. Mr. Templeman did will be given in its proper place. He could hardly be called upon to prove a negative, but it may be worth recording that Mr. O'Hara, chief comptroller of Chinese immigration at Ottawa, who would know of any opposition, testified that in no way had the minister attempted directly or indirectly to stop the investigation, but, on the contrary, had urged that it be rigorously carried out, and this is corroborated by the Hon. Mr. Templeman's letter to Sir Richard Cartwright, heinafter dealt with.

CHARGES AGAINST MEMBERS OF THE LIBERAL EXECUTIVE OF VANCOUVER, PARTICULARLY MR. R. KELLY.

The charge against these gentlemen was likewise disproved, but to appreciate the evidence it is necessary to know the workings behind the scenes before the investigation was staged. The only basis for the accusation was the fact that the telegrams above referred to had been sent. These, as a perusal will show, did not ask that any proposed inquiry be stopped, but they did request the reinstatement of Mr. Bowell and of Yip On, and did protest emphatically against the appointment of Mr. Lew to the position of interpreter at Vancouver, and did insist that recommendations for that position be received from the Liberal executive. They also stated that the charges against Yip On had not been sustained. Clearly such wires under all the circumstances call for an explanation. This is furnished by the inner history now to be detailed.

INNER HISTORY LEADING UP TO THE COMMISSION.

The central figure in this is Mr. T. R. E. McInnes, of Ottawa, and it dates as far back as 1908. On April 21 of that year Mr. McInnes forwarded an elaborate report to the minister of the interior dealing with Canadian trade with China, and opening and closing with pointing out the desirability of appointing a Canadian trade commissioner at Shanghai. In what capacity Mr. McInnes was acting does not clearly appear, but he had had some previous connection with the government relative to the Oriental riots which occurred in Vancouver in the fall of 1907, and apparently had at the time the report was written some further relations with the department of the interior, as it opens by a reference to some previous report sent by him to that department. His own explanation—not in connection with this particular report, for it was not before the commission when he gave his evidence, but in reference to his activities in general—is that he acted in an advisory capacity to the government. In view of what follows it is worth noting that this report, though dealing exclusively with trade matters, was not forwarded to the department of trade and commerce, but to that of the interior.

On May 31, 1908, a copy was sent by the department of the interior to the minister of trade and commerce for his information. Mr. McInnes seems to have become aware of this—indeed as will be seen his knowledge of occurrences in some of the departments was both accurate and promptly acquired,—for on July 18, 1908, he wrote to the deputy minister of trade and commerce in reference thereto. As a matter of fact, there was already a Canadian trade commissioner at Shanghai. This official died sometime in December, 1908, and Mr. McInnes was mentioned as his successor. He states Mr. O'Hara sent for him and asked him to take the position, and Mr. O'Hara rather bears this out. At any rate, matters progressed so far that the order in council for Mr. McInnes's appointment was actually drawn up and approved by the minister of trade and commerce and sent to the executive council. He did not, however, obtain the position, and he knew that the cause was the opposition of the Hon. Mr. Templeman. It is this fact that connects the incident with the present investigation.

The next fact of importance is a report by Mr. McInnes, dated November 10, 1909. This deals exhaustively with the illegal entry of Chinese into Canada, and for the first time so far as transpired before the commission the principal charges which eventually led to the commission being issued were brought to the attention of the government. This report was also sent to the Department of the Interior, though it dealt with matters exclusively under the administration of the Department of Trade and Commerce. Mr. McInnes, however, states that he at this time was acting in an advisory capacity to the immigration department generally—which department is under the control of the Minister of the Interior—and was specifically employed to draft a new immigration act. This act of course had no application to the restriction of Chinese immigration per se, that being dealt with in the special act administetred by the Department of Trade and Commerce. But having obtained information pointing to the perpetration of frauds under the act last referred to, Mr. McInnes quite properly drew the attention of the government thereto. One of the sources from which he obtained this informaation was Mr. Lew.

Nothing apparently was done, however, and some time after, apparently in June, 1910, Mr. McInnes interviewed Mr. O'Hara in reference to the same alleged frauds. At this time, apparently, Mr. McInnes was not in the employ of any department, for the immigration act which he was retained to draft was assentetd to on May 4, 1910.

Shortly after this interview Mr. Lew arrived in Ottawa, and Mr. McInnes introduced him to Mr. O'Hara, telling the latter that Mr. Lew had a good deal of informaation re Chinese frauds. Mr. Lew swears that this was a mere pleasure trip with no particular object, and that he paid his own expenses. Mr. McInnes, however, admits that to his knowledge at the time one of Mr. Lew's objects was to see the government in respect to conditions re Chinese immigration at Vancouver, and he thinks Mr. Lew told him his expenses were being paid. Mr. McInnes knew that Mr. Lew was coming to Ottawa before he arrived. In view of the fact that it was Mr. McInnes who first approached Mr. Lew in reference to the alleged frauds, probably about the date of his first report thereon (November 10, 1909) coupled with all that transpired between these parties subsequent to this visit the commission is forced to the conclusion that Mr. Lew took this trip pursuant to a previous arrangement between Mr. McInnes and himself for the purpose of bringing about an investigation into Chinese entries at the port of Vancouver.

If their object had been to bring to the attention of the government frauds which as this report will show were actually being perpetrated at the time, their action would be highly commendable. The evidence, however, demonstrates, it is submitted, that having become aware in part of what was going on, Mr. McInnes determined to use that knowledge to attain his own ends—the nature of which will be indicated in due course—and enlisted Mr. Lew, who was an intimate friend of many years' standing, to assist in bringing about the desired accomplishment. Mr. Lew not only gave Mr. O'Hara a great deal of information about frauds, but he offered his services free of charge to the government to assist in ferreting them out. He swears his sole motive was a desire for the public good.

His informaation being definite and pointing to serious frauds, it was decided to send out a secret service officer to investigate, with which Mr. Lew was to co-operate. Mr. McInnes became aware of this decision and applied to Mr. O'Hara for authority that he too should act in the matter, but this request was refused.

Despite Mr. O'Hara's refusal to employ him, Mr. McInnes on July 12, 1910, not more than ten days after Mr. Lew left Ottawa on his return journey, started for the coast, advising Mr. Lew by wire that he was coming. On arrival, he conferred with Mr Lew re the investigation and proposed steps in connection therewith to be taken by himself on his return from Calgary, whither he went in the last week of July, intending to return about August 10, 1910. In the view taken of Mr. McInnes's actions, it is to be noted that Mr. Foster was expected to arrive and begin work about July 20, 1910, but that he did not make his presence known to Mr. Lew until Monday, August 8, 1910. Within less than ten days of that date, Mr. McInnes was back in Vancouver, for on August 17, 1910, he wired the Minister of the Interior, using the nom de plume of Julian Roy, reporting the successful prosecution of two Chinese women. Indeed, the interval seems to have been of shorter duration, for the wire referred to was sent after conviction was procured, and Ex. 239 shows that Mr. Mcnnes was on the scene in time at any rate to have an interview with the magistrate before the trial, aand apparently that the raid whereby the women were captured was originated by him. However that may be, he was in Vancouver by August 17, 1910, and speedily sought out Mr. Foster, who thereupon became as clay in the hands of the potter. By August 21, 1910, Mr. McInnes was in full control of the investigation, and so continued until September 12, 1910, when he left to look after the Ottawa end, consigning Mr. Foster to the careful custody of his trusted friend Mr. Gordon Grant, another friend of many years' standing, and the same gentleman who subsequently appeared as counsel before this commission.

That he was in full charge during his stay is shown by Ex. 126, dated August 21, a wire from him to the Minister of the Interior to the effect that he is going to Seattle to examine Chinese stowaways held by the American officials for deportation in order that he may ascertain the truth of a rumor that fifty Chinese had been smuggled ashore at Vancouver. Even this phraseology shows the true state of affairs. He states: "Foster goes with me." Arrived in Seattle, he examined two of the stowaways and obtained a Chinese note book containing a suspicious letter to one Fat Sum in reference to smuggling men ashore at Vancouver. Returning to Vancouver, he located Fat Sum, ascertained that he was a friend of Yip On, and then handed the note book to Mr. Foster. He next proceeded to obtain specific cases of fraudulent admission of Chinese into Vancouver, and, on September 2, 1910, had secured two declarations in relation thereto. By Septetmber 6, 1910, he had elaborated a plan to be followed out by Mr. Foster for the further prosecution of the investigation, which he inclosed to the Minister on that date.

Whilst Mr. McInnes was thus advising the Minister of the Interior as to the progress of an investigation with the initiation and progress of which the Interior Department had nothing to do, and which related exclusively to the operations of an act entirely within the administration of the Department of Trade and Commerce, which department had declined Mr. McInnes's request to be engaged in the investigation, Mr. Foster was reporting proceedings to Colonel Sherwood, his chief, but, curiously enough, never mentioning the activities of Mr. McInnes. The only time that Mr. McInnes's name appears in any document forwarded by Mr. Foster is in the attestation clauses of the two declarations above mentioned. Its occurrence on these was probably due to the fact that they were written by the justice of the peace who took them, and who couples Mr. Foster and Mr. McInnes as "of the Dominion police of Vancouver." Apart from this omission, Mr. Foster's reports of August 24, 1910, September 6, 1910, and of September 7, 1910, closely parallel those of Mr. McInnes of August 19 and of September 6. No new evidence is submitted except on the subordinate question of the watch kept upon the boats at Vancouver, whilst the same facts bearing on the main issue of frauds, and particularly of Yip On's connection therewith, are duly related.

Mr. Foster's report of September 7, 1910, to Colonel Sherwood puts forward as his own the identical plan for operations which had the day previously been fathered by Mr. McInnes and by him transmitted to the Minister of the Interior.

Prior to the securing of the declarations on September 2, 1910, Mr. McInnes had brought about a meeting between Mr. Foster and Mr. Grant. Indeed, if Mr. McInnes's statement to the Minister is to be credited, this meeting took place prior to the trip to Seattle on August 21, 1910, for in his report of September 6, 1910, he states that Mr. Grant—in the report called Roy—was to have made the Seattle trip, but activities by him on the opium branch of the investigation prevented. If Mr. Grant was to go on this Seattle trip he must already have had the entire confidence of Mr. Foster. However that may be, he certainly had won this before Mr. McInnes left to such a degree that he was shown all reports sent by Mr. Foster after that date, and in fact wrote at least one of them which Mr. Foster dictated to him. Mr. Grant devoted himself as whole heartedly to the work as did Mr. Lew, keeping in close touch with Mr. Foster whilst that gentleman was in Vancouver, and accompanying him to Victoria on his second trip made on October 7, 1910, to intercept incoming passport men and take them off at that port as hereafter narrated. He even made suggestions on that occasion as to how the work should be done. Like Mr. Lew, Mr. Grant was doing all this at his own expense without expectation of remuneration and purely from a desire for the public good.

Incidentally he was, in conjunction with Mr. Lew, faithfully reporting, by wire principally, to Mr. McInnes, as will be seen hereafter, every move made in connection with the enquiry. In passing it may be remarked that both he and Mr. Lew destroyed all these communications with Mr. McInnes and the replies thereto, with a single exception, before the commission sat, and had not copies been obtained from the telegraph offices the commission would have been in ignorance of their contents. The single exception is the letter of October 24, 1910, from Mr. Grant to Mr. McInnes, the contents of which, standing alone, give no inkling of the true relations between the parties. Even now it is clear from the papers thus secured that the whole of this interesting correspondence is not in the possession of the commission.

To take up the thread of the narrative from September 12, 1910, when Mr. McInnes left British Columbia. On that day he wired from Laggan whilst en route to the east to Mr. Lemaire, secretary to the Premier, requesting that cognizance be taken of his 10th enclosure to the Minister of the Interior, this being the plan for Mr. Foster's future operations. Whether as a result of this or of Mr. Foster's letter of September 7, 1910, proposing the same method of procedure, Mr. O'Hara on September 14, 1910, wired Mr. Foster to proceed as suggested.

The scheme thus outlined was to temporarily suspend Yip On, the Vancouver interpreter, and Mr. Lee Mong Kow, the Victoria interpreter, on the eve of the arrival of one of the boats from the Orient. Mr. Lew was to take Yip On's place—it having been the custom for Yip On to meet incoming boats at Victoria and travel thereon to Vancouver—and either represent that Yip On was ill and he was substituting, or else he was to impersonate Yip On. It was expected that evidence would thus be secured from fraudulent passport men incriminating Yip On. Accordingly Mr. Foster demanded of Comptroller Bowell that he suspend Yip On, which after some demur was done.

For some unexplained reason Mr. Foster decided not to ask for Mr. Lee Mong Kow's suspension, and he communicated this decision, and also the contents of Mr. O'Hara's letter, forthwith to Mr. Lew, who faithfully at once wired the whole information in code to Mr. McInnes. Mr. McInnes replied also in code the same day, stating that Mr. Foster had been given full discretion, thus showing that he was keeping closely in touch with affairs at Ottawa, and evidently had accurate sources of information. The wire contained some peculiar directions to Mr. Lew, and wound up with a request to wire results. Both parties used assumed names in signing these wires, a practice they kept up with but two exceptions on Mr. Lew's part, and with none on Mr. McInnes's part, throughout their numerous wires. Mr. McInnes was Brown and Mr. Lew Cedar.

It has been stated Mr. Bowell demurred to the suspension of Yip On. On September 15, 1910, Mr. O'Hara had wired him to obey Mr. Foster. To this Mr. Bowell replied on the 16th, protesting against employment of Mr. Lew. Mr. O'Hara answered directing that Mr. Foster be obeyed, and that he must have a free hand. On September 17, 1910, Mr. Bowell replied that he would carry out instructions.

Mr. McInnes was aware of all this, as shown by his wire of 16th September already referred to and by his further wire to Mr. Lew of September 17, 1910, informing Mr. Lew that Mr. Bowell had been instructed to obey orders.

Messrs. Foster and Lew proceeded to Victoria and carried out the proposed plan, obtaining evidence which will be dealt with in its proper place. By September 20, 1910, Mr. Foster was in a position to briefly wire results to his chief. The same day Mr. Gordon Grant, under the nom de plume of Julian Roy, was able to wire a much more detailed account of all that had happened to Mr. T. R. E. McInnes. This also was in code, the same code as was used by Messrs. McInnes and Lew.

And here it may be stated the commission was for a long time in the dark as to the personality of Julian Roy. On receipt of the official files a request was forwarded to Ottawa for the attendance to give evidence of Messrs. Roy and McInnes. Mr. O'Hara informed the commission by letter that he did not know who Roy was and that Mr. McInnes declined to enlighten him. He had applied to Mr. McInnes for this information, because such of the Roy wires as came into his hands had been handed to him by Mr. McInnes. Both Mr. Foster and Mr. Lew before the commission denied all knowledge of the identity of Julian Roy. The truth was eventually obtained when Mr. Grant went into the witness box subsequent to this testimony of Messrs. Foster and Lew. It then transpired that Mr. Grant himself was the reincarnation of Julian Roy, his first embodiment in the flesh so far as his activities came before the commission being Mr. T. R. E. McInnes. The reincarnation took place on the eve of Mr. McInnes's departure from British Columbia in September. Asked to explain the object in using this assumed name Mr. Grant first hedged, and, being again recalled to the point, stated it was a precaution so that no one would know he was connected with the investigation. It certainly served a purpose in Ottawa, as will be seen later.

To revert to the main story. Mr. McInnes on receipt of the Julian Roy wire, telegraphed on September 21, 1910, to Mr. Lew his appreciation of what had been accomplished in the following terms: "Hearty congratulations. Hudson delighted. Action certain." Hudson, under the code, was Mr. O'Hara.

Concurrently with these wires, however, events were happening at the coast which gave Messrs. McInnes and Lew considerable trouble, and out of which grew the charges against the Hon. Wm. Templeman and members of the Liberal executive hereinbefore outlined. Some inkling of Mr. McInnes's activities leaked out in Vancouver, and Mr. R. Kelly heard of them. His information was that Mr. McInnes was endeavoring to oust Yip On for the purpose of installing D. Lew in his place, and that the change was desired, not from any desire to improve the service, but for the personal benefit of those seeking to bring it about. To test Mr. Kelly's candor on this matter, Mr. Grant was specifically requested by the commission to cross-examine in reference thereto. The result is set out at pp. 3145, q. 34506-09, and shows that Mr. Kelly believed what he alleged.

It was well known in Vancouver that there was great rivalry between the C. P. R. steamship line and the Blue Funnel line to secure the Chinese passenger traffic. It was known also that Yip On's uncle was the C. P. R. agent for Chinese passenger traffic in Vancouver, and that Sam Kee, a friend of Mr. Lew, acted in a similar capacity for the Blue Funnel line. As will be seen later, the interpreter could do a great deal in the way of influencing the passenger traffic to one or the other line by making entrance of incoming Chinese difficult or easy at his pleasure. Mr. Kelly, from the information he had of the activities of Mr. Lew, believed his object was to secure control of the post of interpreter for the benefit of the Blue Funnel line, and from other information he had he believed Mr. McInnes was the man behind the whole investigation from the start, and that Mr. McInnes had brought it about and was active in it, not for any improvement in the public service, but to further his personal interests.

These two beliefs actuated Mr. Kelly in what he did. The motive he attributed to Mr. Lew was not proven before the commission, but sufficient was proven to indicate that Mr. Lew had his eye on the position of interpreter. It was also shown that Sam Kee was agent for the Blue Funnel line, that he was a friend of Mr. Lew, that Mr. Lew knew of the struggle between the C. P. R. and Blue Funnel, and that a Chinese passenger agency was very valuable; also That its value depends upon the number of passengers secured, as the remuneration is a commission on each ticket sold. These facts, coupled with Mr. Lew's peculiar connection with Mr. McInnes, which will appear more fully as the story proceeds, and with Mr. McInnes's recommendation on October 21, 1910, to the premier that Mr. Lew be continued as interpreter, together with Lewis reputed unsatisfactory character, might well lead to the conclusion that Mr. Kelly's opinion of Mr. Lew's activities was justified. As to the motive attributed by Mr. Kelly to Mr. McInnes, it will be seen that in the opinion of the commission the suspicion was founded on fact.

Just at this juncture Hon. Mr. Templeman came to Vancouver, and at a dinner at the Vancouver Club on the evening of either September 20th or September 21, probably September 20, 1910, met Messrs. Kelly, Senkler, McDonald and others. After dinner he went into a room with the three named. He was informed by them that Yip On had been suspended, and that Mr. Lew, who he was told was crooked, was acting in his place, and was wholly unfit for such a position of trust because of his undesirable character. Further, that the investigation was practically over, and that nothing in particular had been elicited against Yip On. As to this last statement, whilst, as will be seen, Mr. Foster had failed to get any legal evidence against Yip On, he did have in his hands moral proof, if credited, of his complicity in the frauds. The parties interviewing the minister had not approached Mr. Foster to ascertain what he had because of their belief, justified in the opinion of the commission, that he was being used to promote the McInnes intrigue. Instead they had interviewed Mr. Bowell, comptroller, and Colonel Worsnop, surveyor of the port of Vancouver, and Dr. Munro, medical inspector, who all assured them of their thorough belief in Yip On's honesty. The fact, however, that Mr. Foster had not been seen must have been told to the minister by his interviewers, for some of them, as will be seen, went with him very shortly after the interview, when he set out to ascertain what Mr. Foster really had discovered. Whilst there is no direct evidence that Hon. Mr. Templeman was told of the suspicions entertained against Mr. McInnes, it would seem that he was from Mr. Kelly's evidence and from the minister's statement that the fear expressed to him as a reason for asking prompt action on his part was that Mr. Lew's permanent appointment to the interpretership was then imminent at Ottawa. Because of this fear, Hon. Mr. Templeman sent a wire to Sir Richard Cartwright recommending the reinstatement of Yip On.

Although sending the wire as requested, he deemed it only right that he should see Mr. Foster, and he did go from the club to Mr. Foster's rooms somewhat late in the evening for the purpose of interviewing him, but finding him in bed, made an appointment with him through Dr. Munro, who was at Mr. Foster's lodgings, to see him next morning.

This is the occasion to which Messrs. Lew and Grant swore Mr. Foster referred when as they alleged he said the minister was intoxicated. As already stated, the commission believes that Mr. Foster did make some such statement, and it is thought that, living as he was in an atmosphere antagonistic to the minister as the sequel will show, he inferred because of the lateness of the hour that the Hon. Mr. Templeman was under the influence of liquor, and next day so stated to Mr. Lew, who brought it up at the Carleton Cafe luncheon on October 15, 1910, where either Mr. Foster repeated it, or Mr. Grant did in his presence.

That Mr. Foster was thoroughly poisoned against the minister, and was hand in glove with Mr. McInnes is shown by the letter of November 10, 1910, from him to Mr. Lew, which is such an extraordinary document to be written by one in Mr. Foster's position, and throws so much light on the inner history of the investigation, that insofar as it relates to Chinese matters it is here set out verbatim:

"Ottawa, November 10, 1910.

"Dear Friend Lew: Your letter of November 2 received to-day. I showed it to Sherwood and he had copy made and he took it to O'Hara. I was just speaking to O'Hara for a few minutes. He is greatly pleased with our work, he told me there was going to be a royal commission appointed sure. I had a talk with T. McI. He states you are not the only target that they are firing at from Vancouver, for he has had to stand some pretty hot shots. He says he had the necessary papers to prove them liars, they had him before the premier twice. Sherwood said when I was talking to him the day I got home that O'Hara wanted to have a talk with me and he would let me know when he would see me, but so far I have heard nothing about him meeting me. They seem to be leaving everything to the commission. I was talking to Tom again to-day, and he stated he had a talk with O'H. yesterday, but Tom is afraid Templeman will stop the R. commission when he returns from the West if he can but I think Temp.'s say is pretty small or in other words he is a lightweight in this case and particularly with O'Hara now since he has the record of your successor who is Templeman's appointment. I am returning card Sherwood said it was not necessary to have a writing expert compare the writing for O'Hara and he also were convinced what you stated was correct. Sherwood also stated C. P. R. were going to look fully into your case. You seem to have Sherwood & O'Hara on your side now, but you know you are still in the hands of the politicians.

"I was summoned from Edmonton to Chicago the first of November as fingerprint expert to give evidence at a murder trial. I was able to swear positively to the prints. I was there for two days, but left as soon as I got off the stand and have not heard if the accused was found guilty or not.

"Yours respectfully,
"E. FOSTER."

Curiously enough, this is the only paper held by Mr. Lew relating to the subject matter of the inquiry that escaped destruction at his hands, and though vigorous search was made by Mr. Lew, it could not be found until after Mr. Foster left Vancouver. It was then produced by Mr. Grant, who introduced it before the commission in his cross-examination of Mr. McInnes, stating he had obtained it from Mr. Lew.

Pursuant to appointment, the minister saw Mr. Foster on the morning of the 21st and heard from him what progress he had made. Mr. Foster informed Hon. Mr. Templeman that he had failed to get any legal evidence incriminating Yip On, but had acquired knowledge of facts that looked very suspicious. Hon. Mr. Templeman told Mr. Foster of the wire he had sent, and it was agreed the investigation should go on, Mr. Foster suggesting the advisability of sending a secret service man to China. The minister pointed out that it would be well to reinstate Yip On, thus putting him off his guard if guilty, and in the meantime carry on the proposed secret investigation. To this Mr. Foster assented, and with the end in view the minister's wire was allowed to stand. The interview closed by the minister promising to assist Mr. Foster in every way.

That this is a correct statement of what happened is shown by the letter sent, written September 24, 1910, by Hon. Mr. Templeman to Sir Richard Cartwright, detailing the plan he had proposed to Mr. Foster. It is corroborated even by Mr. Grant's version of what Mr. Foster stated at the Carleton luncheon as having happened with the exception of the introductory portion as to the minister, opening by requesting that Mr. Foster stop the investigation. Mr. Foster strenuously denied having said this, and it is of little moment to decide whether he did or whether Messrs. Lew and Grant manufactured it. The facts show there was a distinct object in view by Messrs. McInnes, Lew and Grant, and to what extent Mr. Foster was a dupe and to what extent a participant in the intrigue it is bootless to inquire. He at any rate at once communicated the facts both of the night visit and of Hon. Mr. Templeman having informed him of sending the wire to Mr. Lew, who forthwith on September 21, 1910, wired the information to Mr. McInnes in the usual code, adding that the minister had tried to deceive Mr. Foster.

In the afternoon of the same day Mr. Bowell dismissed Mr. Lew and reinstated Yip On, a matter which will be discussed in its proper place. Mr. Lew forthwith wired this to Mr. McInnes. Mr. McInnes replied the same day as follows: "Ask Hunter wire strong protest to Wood immediately. I will see Smith to-morrow. Don't give up. Signed Brown." Hunter was Mr. Foster, Wood was Colonel Sherwood, and Smith was Sir Wilfrid Laurier. On September 22, 1910, Mr. McInnes submitted a memorandum to Sir Wilfrid Laurier, and attached thereto copies of the two wires he had received from Mr. Lew as to Hon. Mr. Templeman's interference and his own dismissal and Yip On's reinstatement. This memo was calculated to impress the premier with the view that an attempt was being made at the coast to burk the investigation, and in the light of the facts set forth in this report will justify careful perusal.

The desired effect was produced, and Mr. McInnes had the satisfaction of wiring Mr. Lew on the same day as follows:

"Temp. over-ruled. Hunter instructed brook no interference. If he wires Wood confirming your statement McPherson reinstated. Bird will be suspended. McPherson dismissed. Signed Brown."

Temp. was the Hon. Mr. Templeman, Hunter, Mr. Foster; Wood, Col. Sherwood; Bird, Mr. Bowell, and McPherson, Yip On. He followed this on the same day by a warning wire which clearly indicates what he and Mr. Lew were about. By some oversight this was not made an exhibit, but the press copy made by the telegraph company was duly identified by the proper officer and is amongst the papers. It is in this report referred to as 259a:

"Ottawa, September 22, 1910.

"David Lew: Play carefully. Don't be dictatorial." (It then advises Lew to be advised by some person whose identity was not sworn to before the commission.) "Everything coming our way. Smith squashed Temp. recommendation of McPherson. Both Bird and Temp. wired against you personally. Bird said you were tearing leader. Hudson will suspend Bird as soon as Hunter wires confirmation your telegram that Bird dismissed you, and reinstated McPherson. Liverpool office seriously want Bird's scalp. McPherson out for good.

"BROWN."

Hudson was Mr. O'Hara. Tea signified opium. The meaning of "Liverpool" was not ascertained owing to the wire not being put in as an exhibit. The other code words have already been explained. On the same day Mr. Foster wired confirmation as desired, adding that he was mailing transcripts (meaning of the evidence taken on the investigation held by him hereinafter referred to.) He communicated this fact of mailing the transcripts to Mr. Lew, who as usual wired the information to Mr. McInnes, and advised him that he (Lew) was forwarding a copy of his (Lew's) confidential report to Mr. O'Hara to him (McInnes). This confidential report contained a statement that Mr. Templeman had interfered and insisted on Yip On being reinstated. Mr. Foster's confirmation brought about Mr. Bowell's suspension on September 22 as Mr. McInnes had prophesied it would.

Mr. Bowell thereupon went to Mr. Kelly and informed ihm of the fact. Mr. Kelly had already as shown above formed his opinion of the proceedings. He, however, saw Col. Worsnop, the surveyor of the port of Vancouver, and inquired of both him and Mr. Bowell if they had any reason to suspect Yip On, and was assured they had not. He also saw Dr. Munro as already stated.

He thereupon got such members of the Liberal executive as were available together—Mr. Senkler, the president, being absent from town—and the wire to Sir Richard Cartwright was sent as follows:

"Collector Bowell should be reinstated. Our friends unanimous for Yip On. Think department acting unwisely."

This was signed by J. H. Senkler, president Liberal Association. Some question arose before the commission about Mr. Senkler's name being signed to this when he was not present, but it was explained that it was used officially and not personally, as in fact appears on the face of the telegram. The next day a similar wire was sent to the premier signed in the same way and a further wire to Sir Richard Cartwright demanding the right to nominate interpreter and opposing appointment of Mr. Lew. This was signed by the secretary. Mr. Kelly on the same day personally wired the Hon. Charles Murphy to the same effect.

Concluded on page 12.)

LAND ACT.

VICTORIA LAND DISTRICT.
DISTRICT OF COAST RANGE III.

Take notice that Iver Fougner, of Bella Coola Indian agent, intends to apply for permission to purchase the following described lands: Commencing at a post planted at the northwest corner of B. Brynildsen's lot No. 126, thence west 10 chains, thence south 30 chains, thence east 30 chains to the Indian Reserve, thence north 10 chains, thence west 20 chains, thence north 20 chains to the point of commencement, and containing 50 acres more or less.

IVER FOUGNER.

May 19th, 1911.

LAND ACT

DISTRICT OF COAST, RANGE III.

Take notice that Louis Ericksen, of Vancouver, clerk, intends to apply for permission to purchase the following described lands: Commencing at a post planted 20 chains west of the N. W. corner of Lot 4 on the south side of North Bentick Arm on the shore line, thence south 20 chains, thence west 60 chains, thence north 20 chains more or less to shore line, thence east 60 chains following shore line to post of commencement, containing 120 acres more or less.

LOUIS ERICKSEN.
B. FILLIP JACOBSEN, Agent.
June 26th, 1911.