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JAPAN SENDS MAN TO INVESTIGATE

Government Dispatches Commissioner to Look Into the Labor Question

WILL VISIT VICTORIA ON TRIP

Object Is to Inquire Into Conditions in Hawaii, United States and Canada.

Vancouver, B. C., July 31.—The imperial Japanese government is sending a special commissioner to Hawaii, the United States and the Dominion to study the Japanese labor question at close range. This important mission has been entrusted to Mr. K. Ishii, director of the commercial bureau of the Japanese foreign office. Mr. Ishii reached Honolulu Monday on the Nippon Maru, according to a private cable received at Vancouver yesterday.

The decision of the Japanese authorities to send him abroad was primarily due to a desire to have a detailed report of the labor troubles in California as regards existing conditions, and the alleged ill-treatment and discrimination shown the Japanese immigrants. His countrymen are now virtually excluded by virtue of President Roosevelt's executive order of last April requiring new arrivals—who must come direct from Japan—to be provided with passports. However, there is a large Japanese population in California.

Mr. Ishii will visit Vancouver and Victoria on the homeward trip to study labor conditions, as it affects the Japanese. Upon the nature of his report will depend whether the Japanese government will adopt measures to prevent further emigration to Canada and the United States.

After completing his investigations in California, the commissioner will go east to Washington and Ottawa. He will probably further discuss the matter with the authorities at both capitals.

Warehouse for Prince Rupert

Prince Rupert, July 31.—Work has been ordered to commence on a warehouse to be built on the G. T. P. wharf. It is to be 125 feet long, 50 feet wide and of two floors. The United Supply and Contracting company have the contract and one of the conditions is that the buildings have to be completed in two weeks. The material is delivered on the wharf.

Tries to Break Jail

New Westminster, July 31. — Yung Chung, a Chinaman, endeavored to dig his way out of the police station last evening. He broke off the handle of one of the kitchen utensils of the jail and used this to dig away bricks and mortar. He was discovered before he had done much damage.

He is charged with having committed two burglaries in the Royal City. He was arrested in Vancouver.

GOODS FOR YUKON SHOULD BE FORWARDED AT ONCE

Navigation Likely to be Interfered With on Account of Lowness of Water.

Vancouver, B. C., July 31.—J. H. Rogers, raffic manager of the White Pass & Yukon route, is advising shippers to get their goods into the Yukon early this season as there are signs of an early closing of navigation due to low water. Mr. Rogers said:

"Reports received from the North indicate that there has been practically no high water in the Yukon river this season, and unless we get extremely hot weather from now on, it is not likely the water will rise. It is therefore hard to estimate what the result will be this fall; it may mean a very early closing of navigation on account of low water.

"All orders in sight should be filled and shipments forwarded without delay, so as to avoid any chance of having the freight held over at White Horse during the winter."

# VERDICT FOR DEFENCE IN GREEN VERSUS WORLD

Result of Jury's Deliberations General Surprise to Onlookers

EVIDENCE GIVEN IN THE CASE

Fact That Plaintiff Received No Stock Made Plain—Judge Offers Severe Criticisms.

Vancouver, July 31.—The jury this afternoon in the libel suit of Green vs. the World returned a verdict for the World with costs. The verdict was given after about three-quarters of an hour deliberation and came as somewhat of a surprise, since Mr. Justice Clement in summing up told the jury that if they found ninety-nine parts of the article were true and one part untrue they must find a verdict for the plaintiff, and pointed out that one or two of the charges were libellous. At the same time he commented strongly on the conduct of Sir Adolphe Caron and Mr. Green. He said he found it difficult to express his opinion of Sir Adolphe Caron's conduct in writing to Mr. Green, offering to set aside shares in the syndicate for any friend he might name. Belted knight as he was, he had no hesitation in saying that his decorations should be taken from him. Mr. Green should also have resented the letter. It showed that he was either very innocent or had accepted the offer with some hope of ultimate benefit.

Strong statements were also made by counsel. Mr. Macdonell spoke of Sir Adolphe Caron as "that wily old fox at Ottawa." Mr. Wilson declared that an initiated bandit would blush to be placed in the same class as the man who penned those atrocious words in the World.

The only evidence given today was by Mr. Green, who denied emphatically that he had ever received anything personally from the syndicate or was interested in any way in shares given to Mr. Mackay. He stated that his reasons for resigning from the government were purely personal, as he wished to enter the business in which he was now engaged, and from which he received a larger salary than he had as a minister of the crown.

The case was commenced yesterday, Mr. Justice Clement presiding, and the jury being as follows: E. E. Penzer, foreman; J. W. Morrison, H. F. Hebden, J. T. Fife, George Alexander, Frederick Cockburn, Alfred Greenhalgh and T. W. Barnwell.

Charles Wilson, K.C., and W. E. Burns appeared for the plaintiff, and D. G. Macdonell and P. B. Wintermute for the defendant.

Sir Hibbert Tupper.

After addresses by counsel and proof of publication, Sir C. H. Tupper was called as witness for the defence. In the course of his evidence he said he had met the provincial executive in Victoria on different occasions. He was not instructed by Sir Adolphe Caron to meet them, but was retained by G. H. Cowan, Sir Adolphe Caron's solicitor. He admitted that he had had correspondence with Sir Adolphe Caron, but he refused as counsel to state what it was about unless the court should compel him to do so.

Mr. Macdonell: "Have you any correspondence between Mr. Green and Sir Adolphe Caron in your possession?"

Sir Charles Hibbert Tupper: "Any correspondence in my possession has been given to me as counsel, and I claim the privilege of the court and decline to produce it."

Mr. Macdonell: "I am not asking for the contents, but whether you have a letter from Mr. Green to Sir Adolphe Caron?"

Sir Charles Tupper replied that he would not say that unless the court compelled it.

Mr. Wilson said a statement in reference to this letter could be found in Sir Adolphe Caron's evidence taken by the commission in Ottawa, and there was no need to try to make Sir Charles Tupper violate his confidence as counsel.

Mr. Macdonell did not press the matter further, and Sir Charles described an interview he had held with the executive council in 1905.

Mr. Macdonell: "At that meeting was anything said by them in reference to mining leases or licenses?"

Sir Charles replied that something was said and the application of the company for certain coal licenses was discussed. What that discussion was he could not state without violating confidence as counsel.

"Did anyone mention that certain shares had been transferred to Mr. Green?" asked Mr. Macdonell.

"No, none of them mentioned that."

"Did you say anything to them about it?"

Sir Charles would not say, but said in fairness to Mr. Green that he had stated that he had never received any shares or been interested directly or indirectly in the company in any way. What called forth that remark he would not say unless compelled to.

He admitted that the "two emiment Conservative lawyers" mentioned in the article were probably Mr. Cowan and himself, but declined to give details beyond that.

Mr. Justice Clement ruled that unless Sir Adolphe Caron authorized him as counsel to do so, Sir Charles need not answer questions relating to matters between himself and his client.

Mr. Macdonell asked whether after the meeting of the executive he heard that any of the shares had been transferred to anyone else?

Sir Charles replied that he had heard nothing officially. He had heard a great deal about Mr. Green's resignation in the way of gossip, but nothing from any member of the government.

"Did you ever hear that there was strong feeling among the Conservatives of Vancouver that Mr. Green should resign before that?" asked Mr. Macdonell.

Sir Charles said he could not answer that very fairly, because he was away for a long time previous and was not actively co-operating with the Conservative party in Vancouver when Mr. Green resigned. From conversation with a few members of the party his recollection was that it seemed to be their personal opinion that the government would be stronger if Mr. Green were out of it. He could not speak, however, for the party generally, as, though still an ardent Conservative, he took no active part in the last provincial election.

Letters Photographed.

S. J. Thompson, photographer, was called and stated that he had photographed some correspondence between Mr. Green and Sir Adolph Caron. He had neither photographs nor negatives now, as they had been destroyed.

"Were you told to destroy them?" asked Mr. Macdonell.

"I think I was. Yes."

Mr. Macdonell then produced a letter from Sir A. Caron to Mr. Green, stating that if he had any friend to whom he wished to have some shares assigned to name him. A letter alleged to be from Mr. Green to Sir Adolph Caron thanking him and declining to receive shares himself, but mentioning Neil MacKay as one to whom shares might be transferred, was also read.

Mr. Thompson was asked if those were the letters he had photographed.

Mr. Thompson said that he could not recollect the letters, as the work had been done by his employees.

"Was the work done under any instruction from the World?" asked Mr. Macdonell.

"No," replied the witness.

R. W. Brown, city editor of the Province, was next called to testify to an article in the Province of October 28th stating that the Transcontinental Exploration Syndicate had been formed for the purpose of developing coal properties in the north. He said the item was an interview brought in by one of the reporters. He admitted that the Province was friendly to the government, but took no active part in politics himself, and had nothing to do with the political articles.

Robert A. Renwick, deputy commissioner of lands and works, was called and produced the departmental correspondence between Mr. W. S. Gore, when deputy commissioner, and Mr. Geo. H. Cowan, K. C., solicitor for Sir A. Caron, in reference to the application for the coal and petroleum licences in the Telkwa Valley country. The letters ran through the tenures of office of W. S. Gore and N. F. MacKay, who had preceded Mr. Renwick as deputy commissioner of lands and works, and were merely composed of formal departmental matter in applications of the kind.

In cross-examination, he said the correspondence showed that Sir Adolph Caron's company had made applications, similar to those granted for the Telkwa valley, for leases in the Pine River country, and Mr. Green had refused them.

Hon. Mr. Tatlow.

Hon. R. G. Tatlow, minister of finance, was called. He remembered the occasion when Sir C. H. Tupper and G. H. Cowan met the executive council in April, 1906.

"Can you remember who was present?" asked Mr. Macdonell.

Hon. Mr. Tatlow replied that from his obligation as a cabinet minister, he did not feel that he should answer. That was his only objection. He said that it would be violating his oath should he tell what occurred.

"Did you ever hear it said that Mr. Green was wanted to resign before he did so?" asked Mr. Macdonell.

Hon. Mr. Tatlow said that he had heard street rumors and that was all.

"Did all the members of the executive continue to sit with Mr. Green after the meeting of the executive with Sir Chas. Tupper and Mr. Cowan?"

Hon. Mr. Tatlow said there were occasions after that when all the members of the executive sat together.

Hon. Mr. McBride.

Hon. Mr. McBride was called and said that Mr. Green became commissioner of lands and works when he formed the government in 1903, but resigned in December, 1906. He was succeeded as member for Kaslo by Mr. N. F. MacKay, formerly deputy commissioner for lands and works, who was a personal friend of Mr. Green. He remembered the meeting of the executive council with Sir C. H. Tupper and Mr. G. H. Cowan in April, 1906, but was under oath not to divulge what took place there.

"When did you get an intimation that Mr. Green wanted to resign?" asked Mr. Macdonell.

"On several occasions in 1906, Mr. Green approached me on the matter of tendering his resignation for various reasons." He first approached him after the close of the session of 1906. This was before the meeting of the executive with Sir Charles Tupper and Mr. Cowan.

"Did you have any conversation with Mr. Green about this matter of Sir Adolphe Caron?" asked Mr. Macdonell.

"Yes."

"And did you censure him?"

"I am not prepared to say I had, and have still every confidence in Mr. Green as a man who would not violate his obligation as a minister of the crown. If I ever did censure him, it was merely about department matters and just as one minister would speak to another."

"Was there any request from Vancouver Conservatives that Mr. Green should resign?"

"Well, Mr. Green, as commissioner of lands and works, had a very large department under him, and on account of the economy we were obliged to practice to cut down expenses in public works be became unpopular."

"Can you name one Vancouver Conservative who hinted that Mr. Green should be asked to resign?"

"Well, I may say that several Conservatives met me here and talked to me as head of the government, and said Mr. Green's policy was not a very popular one."

"You speak of Mr. Green's policy. Would you go so far as to say they told you. 'It is Mr. Green's conduct that does not meet with our approval?"

The premier said that Mr. Green was certainly criticized but so was every other man in public life.

"Can you name any Conservative in Vancouver who objected to Mr. Green on account of his economy?"

The premier said he would not like to single out any one Conservative. Mr. Green was critized like others in a general way.

Well, you heard Sir Charles Tupper say that some people had mentioned to him that it would be better if Mr. Green were out of the government, and he agreed with them?"

"Well, Sir Charles Tupper merely expressed his opinion, as I or anyone else might do."

"Well, did Mr. Cowan say anything to you?"

The premier said he would not care to say. It was a delicate question, and he did not want to repeat remarks anyone might have made in private conversation.

Mr. Macdonell said he would not press the matter further.

To Mr. Wilson, Mr. McBride said he had every confidence in Mr. Green, and was sorry to see him leave the government. He was a self-made man, and though he might not have had the advantages of a classical education he had always tried to do his best.

Hon. F. Carter-Cotton.

Hon. F. Carter-Cotton, president of the council, stated that he had been present at the meeting of the executive council in April, when Sir Charles H. Tupper and Mr. Cowan appeared before them, but like other members of the government, felt bound by his oath not to reveal what took place.

"Did you continue to sit with Mr. Green after April, 1906, till he resigned?" asked Mr. Macdonell. He added that he asked this because it was stated in the World that the other members of the government, including the immaculate Mr. Cotton, had continued to sit with Mr. Green in council after the Caron affair had been brought to their notice.

Mr. Cotton replied that he had been away from Victoria most of the time after that, and he did not think that he had sat in an executive meeting with Mr. Green after that date.

"Can I ask you the reason why?" inquired Mr. Macdonell.

Mr. Cotton replied that he might not possibly be able to give a reason himself. He knew of no particular caus except that he had not been living in Victoria and was not called on to attend.

"Was this matter of Mr. Green accepting shares in Sir Adolph Caron's company mentioned at all among you?"

Mr. Cotton said he did not think it had been thought of till the World brought the matter up. As far as Mr. Green's resignation went, he heard nothing positive about it till the day he resigned. The other matter was not a topic of general discussion till the article appeared in the World.

To Mr. Wilson Mr. Cotton said he did not necessarily attend cabinet meetings called for departmental purposes only. He appeared only when questions of policy were to be discussed.

Mr. Higgins' Evidence.

D. W. Higgins said that in January, 1906, he was editor of the Vancouver World, and wrote the article in question. Before writing he had called on two gentlemen, who were from rumor connected with the affair, and received sufficient information to act upon. The two gentlemen were Mr. G. H. Cowan and Sir C. Hibbert Tupper.

"What did you say to Sir Hibbert?" asked Mr. Macdonell.

"I object," said Mr. Wilson, and the court sustained him.

Mr. Higgins continued in answer to Mr. Macdonell, that he had seen Mr. Cowan, and put to him the same questions he had put to Sir C. H. Tupper. In consequence of what they had told him he wrote the article.

"There was an election on at the time. Was there any personal feeling between you and Mr. Green?" asked Mr. Macdonell.

"None at all," said Mr. Higgins, "it was entirely political."

"But," said Mr. Wilson, taking up the cross-examination, "may not political feeling degenerate into personal dislike when carried too far?"

Mr. Higgins said not with him. He had been too long at the game.

"And it was only with political feeling that you wrote this article and sent it out for the purpose of injuring Mr. Green's reputation?"

"I think the people ought to know these things," said Mr. Higgins.

"Yet without being satisfied that it was true you sent this article out to do what injury it could?"

Mr. Higgins said he was quite prepared to take the consequences and had been then.

Mr. Wilson said he had his opinion of actions of that kind, but Mr. Macdonell objected.

"Do you think it a fair part of political warfare to pursue a minister with such tactics as this?" asked Mr. Wilson.

Mr. Higgins said he was only stating what he believed to be true.

"You pursued it pretty hard," said Mr. Wilson.

"No harder than I have been pursued, or than you have been pursued yourself for the matter of that," replied Mr. Higgins.

"You can keep that out of it," said Mr. Wilson.

"Well, don't get me into it," replied Mr. Higgins.

"Did you take any steps to ascertain the truthfulness of your statements that leases in the Pine River country had been issued, when in reality they had not?" said Mr. Wilson.

Mr. Higgins said he took all steps possible and had the information two weeks before he used it.

"You also said that these shares were worth $17,000 when Sir Adolphe Caron said they were worthless."

Mr. Higgins said that he did not go to Sir Adolphe Caron for information.

"Will you tell me the source of your information that these Pine River leases were issued?"

But Mr. Higgins shook his head and declined. Later he admitted that there might have been a mistake in that statement. He said that before the article was written he had gone to Sir Charles Tupper and told him the story in the article. Sir Charles had replied that he was a lawyer, and was not in a position to speak of the business of his clients, but if there was an action for damages it would be for the judge to say whether his information was privileged or not.

"And that was all the information you got?" said Mr. Wilson.

Mr. Higgins: "It gave me to understand that I was on the right track."

"How did he give you to understand that?"

"He did not deny or tell me it was not so, and I could read between the lines." He went on to relate that when he had mentioned the charge against Mr. Green to Sir Charles Tupper he had expressed the opinion that such conduct was very improper.

Mr. Wilson: "You are not here to give opinions."

"You gave me yours a minute ago," replied Mr. Higgins, "and you interrupted me when I wanted to give you the information and tell you everything."

"Well, what led you to allege that Green was bribed for $37,000?"

"I never alleged it."

"It is here in letters big enough to read," said Mr. Wilson holding up the flaring headline in the World.

Mr. Higgins said he had not written the heading, but it was probably justified by the subject matter of the article.

Mr. Higgins continued that he had afterwards met Mr. Cowan and told him that there had been a scene in the executive council chamber arising out of Mr. Green's failure to comply with Sir Adolphe Caron's demand for leases in return for his assignment of stock.

"When I told him that," said Mr. Higgins, "he exclaimed 'I wonder how you found that out!' and when asked if it were true he replied 'I can neithere affirm nor deny it.' I consider that those two interviews were sufficient foundation for that article."

"And your statements are based on such grounds as those?" remarked Mr. Wilson sarcastically, closing his cross examination.

Mr. Macdonell then put in the evidence of Mr. Green on examination for discovery. In this he stated that he had suggested to Sir Adolphe Caron that the shares might be given to Neil MacKay, at that time private secretary to the premier.

Mr. Burns, in reply, also read portions of Mr. Green's evidence showing that whatever leases had been issued had been given in the ordinary departmental way, and no exception had been made.

The evidence of Sir Adolphe Caron taken by commission at Ottawa was read.

HEINZE OBJECTS TO PARTITION OF LAND

Canadian Pacific Action Against Him Will Therefore be Heard Next Month

Vancouver, B. C., July 29.—"All we desire is to have our half-interest in these six hundred thousand acres defined so that we may know which half is ours and which is Mr. Heinze's. We do not want to see him taxed for his share. We would be content with a mere declaration defining the interests. There need not be a conveyance to Mr. Heinze of his share. He would not then be taxed."

But to this suggestion of E. P. Davis, K. C., in the Columbia & Western Land-Heinze legal tangle Attorney-General Bowser would not agree.

"Why not leave these lands as they are? We are not bound to take our half until 1911. If an order for partition is pressed, we shall ask for a sale."

"Some day in August," said Mr. Justice Clement, "I will hear argument in this case."

C. H. Oswald, secretary of the Columbia & Western railway, gave formal evidence regarding the seal of the company on certain documents and J. S. Denis, C. P. R. land commissioner at Calgary, declared that the Columbia & Western lands were administered quite apart from the C. P. R. lands.

"Would I be wrong in suggesting that these lands are retained in the name of the Columbia & Western railway for the purpose of avoiding taxation?" asked Mr. Bowser.

"You certainly would be," returned Mr. Dennis.

After many similar questions more documentary evidence was put in, and the case closed.

In the argument next month Mr. Davis will press for partition, while Mr. Bowser will demand a sale. Under the latter it would not be necessary to get a field glass to see F. Augustus Heinze in the forefront of the bidders for the whole of the six hundred thousand acres.

ARE BUSY MARKING THE INTERNATIONAL BOUNDARY

Party Engaged in Work Are Inspecting Portion from Similkameen and Grand Forks.

Grand Forks, July 31.—The members of the International Boundary Survey arrived in Grand Forks last week, and are now inspecting the survey from Similkameen to Gateway, between which points they will personally see most of the monuments. The survey has, of course, been rechecked by experts prior to this time, and this formal inspection constitutes the official examination before the commissioners can certify to their respective governments that the work has been accomplished. The trip is no child's play in this hot weather. Directly after their arrival the whole party drove to Danville and visited all the monuments from that point to a point nearly five miles east before dark.

The commissioners are W. F. King, chief astronomer of the Dominion; Dr. Chas. D. Walcott, secretary of the Smithsonian Institute, and probably the mose eminent paleontologist on continent, and O. H. Tittman, superintendent of the United States Coast and Geodetic Surveys. Accompanying the party was L. D. Burling, geologist and assistant curator of the National Museum at Washington.

INDIAN WOMAN AND HER TWO CHILDREN DROWN

Tragedy Is Reported From the Mouth of the Naas

In a letter received by J. T. Deaville of this city from Graham Chambers of Naas harbor news is given of a tragedy which recently occurred at the mouth of the Naas. During the early part of the month a Naas harbor Indian, named Cyprian Smyth, who was fishing off the mouth of the Naas, had his boat upset during a heavy southwest squall and his wife and two children were drowned. He was saved.

The writer adds that salmon were running well when the letter was written on the 20th, and labor conditions were satisfactory.

LIQUOR KILLS INDIAN GIRL.

Police Endeavoring to Capture Parties Who Gave Gin to Child.

New Westminster, July 31.—A serious case of alcoholic poisoning occurred at Mission on Sunday afternoon, as a result of which a little five-year-old girl is dead, and the provincial police are hot-foot in pursuit of an Indian who is said to have given the liquor to the child.

The little girl was brought into Dr. Stewart's office in a dying condition by an Indian who stated that he had found her lying on Nicomen Island. The doctor found the child suffering from an overdose of gin, from the effects of which she died later in the evening.

Chief Constable Spain, of the provincial police of this city, is after the Indian, who claims he found the child lying on the island, and they hope through him to apprehend the guilty party.

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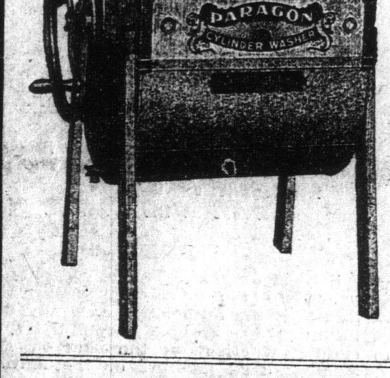

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