RETURN

To an Order of the House, for a Return of all papers and correspondence between the Attorney-General's Office and any person regarding the death of Thos. J. Thompson, and the inquest on the body of the same.

D. M. EBERTS,
Attorney-General.

Attorney-General's Office,
28th February, 1898.

INQUISITION.

CANADA:
PROVINCE OF BRITISH COLUMBIA,
County of Vancouver, Municipality of Richmond, Hamlet of Steveston.

AN INQUISITION indented taken at Lock-up, Steveston, British Columbia, the 14th day of August, in the 61st year of the reign of our Sovereign Lady Victoria, before me, W. J. McGuigan, gentleman, one of the Coroners for our Lady the Queen, for the County aforesaid, upon the view of the body of an unknown man, then and there and within the jurisdiction of the said Coroner, lying dead, upon the oaths of G. W. Walker, Joseph Boudette, David Wilson, A. H. Westcott, W. F. Steves and Peter S. Ferbroch, good and lawful men of County aforesaid, in the said Hamlet of Steveston, who, being now here sworn and charged to inquire on the part of our said Lady the Queen, when, where, how, and after what manner the said unknown man came to his death, do say upon their oath, that the deceased came to his death from drowning.

In witness whereof, as well the aforesaid Coroner as the Jurors aforesaid, have to this Inquisition put their seals, on the day and year and the place first above mentioned.

(Signed) G. W. WALKER, *Foreman.* [L.S.]
D. WILSON. [L.S.]
PETER S. FERBROCH. [L.S.]
A. H. WESTCOTT. [L.S.]
J. BOUDETTE. [L.S.]
W. F. STEVES. [L.S.]
W. J. MCGUIGAN, *Coroner.* [L.S.]

INFORMATION OF WITNESSES.

CANADA:
PROVINCE OF BRITISH COLUMBIA,
County of Vancouver, Municipality of Richmond, Hamlet of Steveston. TO WIT:

INFORMATION of witnesses severally taken and acknowledged on behalf of our Sovereign Lady the Queen, touching the death of an unknown man at Court House, in the Hamlet of Steveston, in the County of Vancouver, on the 14th day of August, in the year of our Lord one thousand eight hundred and ninety-seven, before me, W. J. McGuigan, one of Her Majesty's

Coroners for the said County, on an Inquisition then and there taken, on view of the body of the said unknown man then there lying dead, as follows, to wit: Michael Cunningham, of the Hamlet of Steveston, in the said County of Vancouver, being sworn, saith:

Michael Cunningham is my name; I am a special officer on this case; I was informed to-day about 4.30 p. m. that a body was tied on a small island opposite Williams' Cannery; I was sworn in as a special officer and I went up in company with Mr. Sam Courier and a Mr. Matheson in a boat and found a body on the beach tied by a cord to some brush; the body was lying with head to water; it was dressed in blue overalls, long gum boots and a shirt; the body was that of a large man with a red moustache; the face was black and the body was very much swollen; I did not recognize it as anyone I knew; I brought the body to Mackay's Dock, Steveston; I searched it and found a wooden pipe, jack-knife and a twenty-five cent piece; I think the body was in the water some days.

(Signed) M. CUNNINGHAM.

Taken under oath and acknowledged this 14th day of August, A.D. 1897, before me.

(Signed) W. J. McGUIGAN,
Coroner.

A. E. Clendenan, of the Hamlet of Steveston, in the said County of Vancouver, being sworn, saith:

Arthur Edmund Clendenan is my name; I am a regularly qualified medical practitioner practising in Steveston; I made a post-mortem examination of the body of an unknown man; he was a white man; he was dead in the neighbourhood of ten days; on examination of the head no injuries; limbs and trunk were intact; no signs of violence; the man was about five feet ten inches in height; the hair was of a brown color; face bore a sandy moustache; the front teeth were all present; on opening chest, examination of lungs disclosed that they contained water in a large quantity; the stomach also contained water; viscera had a healthy appearance; the examination disclosed the fact that the man had died from drowning; he was a man of 35 to 40 years and apparently had been a strong man.

(Signed) Dr. A. E. CLENDENAN.

Taken upon oath and acknowledged this 14th day of August, A.D. 1897, before me.

(Signed) W. J. McGUIGAN,
Coroner.

Letter from W. H. Bullock-Webster to Deputy Attorney-General, dated 17th August, 1897.

On the night of Friday, 6th August, inst., two men named William Walse and Thomas Thompson, the latter a farmer of Abbotsford, were fishing in the Fraser River, near to New Westminster, when their boat was run into by the steamer Rithet of the C. P. N. Company, of which Captain Jaggers is Master.

As a result of this collision both men were thrown into the water and Thompson was drowned. On Saturday last the body of Thompson was found near Steveston, and an inquest was held by the Coroner for the County of Vancouver. Of the value of the evidence produced at the inquest you will be able to judge by reading the depositions, which are, I presume by now in your office. A great deal of evidence could have been produced at this inquest to throw light on the matter, had it not been so hurriedly held without my being notified.

The relatives of the deceased feel very strongly in the matter, and they have to-day applied for the arrest of the Captain of the Rithet on a charge of manslaughter. I have told them that I will lay the facts before your Department and ask for instructions. The treatment which the remains received at the hands of the doctor, or whoever professed to make a post-mortem examination, and the undertaker, appeared to be disgraceful. I enclose, herewith, copies of statements made by Mr. J. J. Currie, Mr. W. Walse, and Mr. W. E. Fales. The public feeling against the masters of the steamer for their reckless way in which it is alleged they run down fishing boats, is very strong.

STATEMENT BY J. J. CURRIE.

On Sunday morning I received information that a body supposed to be that of my brother-in-law, Thomas J. Thompson, was lying at Center & Hanna's undertaking rooms at Vancouver, and accordingly I went there on that day with Mr. Walse and Mr. Fales for the purpose of identifying the remains.

We found outside of the undertaking premises a hearse in which was a rough box, not a coffin, the lid of which was nailed down. Mr. Hanna, the undertaker, told us that it had been there since sometime after midnight, and when we saw it the time was 2.30 o'clock, p.m. The hearse was standing out in the sun. Upon opening the hearse we removed the box and hammered off the lid. The undertaker did all he could to prevent our seeing the corpse.

We found the corpse of my brother-in-law lying face downwards in the box, covered with sand from the beach; all the clothing had been removed except an undershirt and a portion of the overshirt. We placed the body on the lid of the box and found that the chest and abdomen had been cut open; the entrails were hanging down outside the corpse, and the opening had not been in any way sewn up to confine the entrails. We examined the head and found the lower jaw broken, and the right side of the head broken in. No examination of the brain had been made; of this I am sure, because the scalp was not cut. I saw Coroner McGuigan and asked him what verdict the jury had returned, and he said one of "death by drowning." I asked him whether any examination had been made of the head, and he said "there was no evidence of any injury to be found on any part of the body."

I want the Captain of the Rithet prosecuted for manslaughter.

STATEMENT BY WILLIAM WALSE.

On Friday, 6th August, I was fishing with Thomas J. Thompson on the Fraser River, about half a mile below the Fishermen's Cannery, below Westminster. At about 9.30 p.m., we saw the steamer Rithet passing Ewen's Cannery, and Thompson told me I had better bunch the net. I did this and had it all in the boat when the Rithet was about half a mile from us. Thompson started to turn the boat round to pull for the shore, and I asked him why he did not pull right ahead; he said, this is the nearest shore and if the Rithet goes to the Fishermen's Cannery we would be in her way. So we both pulled for the shore and the Rithet kept straight for our boat all the time. I stood up in the boat when she was about 400 feet from us and waved them off to the middle of the river and hallooed. It was quite moonlight, we could see a fishing boat half a mile away.

The Rithet whistled showing that she saw us. We kept pulling all the time straight for the shore until the steamer struck us. The Rithet's bow struck in the middle of our boat, between my partner and myself; we were both thrown out of the boat, and I was picked up by an Indian about 300 feet behind the Rithet.

The steamer stopped and lowered a boat; Thompson was not seen again. I corroborate what Mr. Currie has said about the condition in which the body was at Vancouver.

Mr. I. B. Fisher saw it happen, also Mrs. Wise, Matt Gray, B. F. Sheppard, of Victoria, and several Indians.

The Rithet did not slow down until after she struck us. The quartermaster was in the wheel house; the Captain was not there until after we were struck.

STATEMENT BY W. E. FALES.

I accompanied Mr. Currie and Mr. Walse to identify the body of Thomas J. Thompson at Vancouver. Upon examining the head I found that the lower jaw was broken and the upper part of the skull over the right eye was broken in. The trunk was cut open from the breast-bone down to the bottom of the abdomen, and the bowels were hanging outside; the skin had not been sewn together in any way. The corpse was lying face downwards in the box. No examination had been made of the brain.

Letter from W. H. Bullock-Webster to Deputy Attorney-General, dated August 27th, 1897.

I have the honour to ask you whether you have received a letter from me, dated 17th inst., relative to the death of Mr. Thomas J. Thompson.

I have not received any acknowledgment or reply, which causes me to think that the letter may not have reached you.

Letter from Deputy Attorney-General to Wm. H. Bullock-Webster, dated August 28th, 1897.

I have the honour to acknowledge the receipt of your communication of the 27th inst., calling attention to yours of the 17th inst., relative to the death of Mr. Thomas J. Thompson. Your former communication was duly received, and the matter is now before the Honourable the Attorney-General.

Letter from Deputy Attorney-General to W. H. Bullock-Webster, dated 2nd September, 1897.

Referring to your communication of the 17th August ult., relating to the death of one Thompson, a fisherman, as the result of a collision with the steamer Rithet, I have been directed to instruct you to make certain inquiries in order that it may be determined whether a prosecution should be instituted against only the quartermaster, who appears, *prima facie*, to have been directly responsible for the accident, or whether the prosecution should include the captain and one or more other officers.

You will kindly make inquiries to see what the conditions were on board the steamer on the particular night in question. Mr. Walse in his statement says that the quartermaster was in the wheel-house, and that the captain did not come there until afterwards. You will please ascertain whether this is correct, and whether the quartermaster was alone in the wheel-house. You will also ascertain as far as possible the speed of the boat, and whether a watch was posted at the bow or any special directions given which would tend to avoid running down boats.

You will find in Russel on Crimes, Chapter II., which treats of manslaughter, a reference to three similar cases (Page 192 of Vol. III., 1896 edition.) The cases cited in support of the law as there laid down are:—R. v. Taylor, 9, C. & P, 672; R. v. Spence, 1 Cox, 352; R v. Allan, 7 C. & P., 153, and 2, Bishop's Criminal Law, S. 667.

Kindly report as soon as possible what evidence you have been able to collect.

Letter from Attorney-General to W. J. McGuigan, dated 2nd September, 1897.

My attention has been called to an inquest held by you on the 14th of August ultimo, on view of the body of a man who is therein stated to be unknown, and on which the jury returned a verdict of death from drowning.

I have, in the first place, to call your attention to the extremely unsatisfactory and insufficient nature of the evidence adduced before you. There does not seem to have been any attempt made to show who found the man, or how he came to his death. The special constable states that he found the body on information, but does not state the name of his informant, nor is the informant called. The constable finds the body tied on an island in the river, and there is no evidence on the inquest to show that the man might not have been tied there before his death. Of course it is not suggested that this was so, but such things should not be left to inference.

There appears to have been no adjournment to enable the body to be identified, and the constable states that he received his first information about 4.30 o'clock p.m., and that the whole inquest closed on the same day. It is in evidence that the body appeared to have been in the water for about ten days, but no attempt seems to have been made to ascertain whether a man disappeared about that time.

As a matter of fact the body has since been identified as that of Mr. Thomas J. Thompson, a farmer, who was fishing in the Fraser River, and whose boat was swamped by the steamer Rithet exactly ten days before the inquest.

Complaint has also been made to this Department in regard to the treatment of the remains by the doctor and undertaker subsequent to the post-mortem. Mr. J. J. Currie, brother-in-law of the deceased, states that he found, about 2.30 o'clock in the afternoon (of, I presume, the day following the inquest), the body of the deceased in a rough box, placed in a hearse, and standing out in the sun before the undertaker's shop, where it had remained since midnight. The condition of the body, on opening the coffin, is also the subject of complaint, as it is alleged that no attempt was made to restore it to a presentable state after the post-mortem.

I also find by comparison made with the statements made by Mr. Currie and others with the evidence of the doctor at the inquest that there is a marked disparity as to the state of the head of the deceased.

The doctor in his evidence states :—

"On examination of the head, no injuries."

My other informants state :—

"We examined the head and found the lower jaw broken, and the right side of the head was broken in."

I have to request that you kindly furnish a full report dealing with the several points to which I have called attention. You will kindly consult or communicate with the doctor and undertaker before making your report, so that you may be in a position to state fully what took place at the inquest, and after it up to the time that the body was seen by Mr. Currie and his companions.

I shall be glad also to receive any explanations which you may deem fit to make.

Letter from W. J. McGuigan, Coroner, to the Hon. D. M. Eberts, Attorney-General, dated September 3rd, 1897.

Your letter *re* an inquest on the body of an unknown man found in the Fraser on the 14th ult., reached me to-day.

The explanation of the hurried inquest and the meagre nature of the evidence may be explained as follows :—

I was informed of the finding of the body late on Saturday afternoon, August 14th, and immediately took steps to have it brought into Steveston, as I was told it was merely tied up to some bushes growing on an island in the Fraser, a couple of miles above Steveston. There was no officer in the place, local or Provincial, to act; the local police being all very busy, and no Provincial constable being nearer than New Westminster or Vancouver. As to by whom the body was first found I could not discover, so rather than allow the remains to float away I engaged the services of a special named Cunningham, and asked him to go up and bring it down. He got back to Steveston about sundown, when I swore in a jury and removed the body. There were hundreds of people present, but no one recognized the remains. The body had been floating in the water for some days and was so decomposed and swollen that it was not recognizable. I ordered Dr. Clendenan, of Steveston, to hold a post-mortem upon it, which he did, but it smelt so foul that he could not bear the odour and I have no doubt spent no longer time over it than he could help. In the meantime I took all the evidence I could find, but it was very scanty, indeed, as no one seemed to know anything. I got a description of the body, clothing, etc., took the evidence of the doctor and closed up the case, as the medical evidence went to show that there were no marks of violence on the body and that death was due to drowning. I saw no necessity for an adjournment under the circumstances, and, in fact, never thought of such a thing, as if there were any further developments a magistrate could go more fully into the case. I could not keep the body any longer as it was in a most foul state, and so I sent post haste by telephone for an undertaker, who arrived on the scene about 10 o'clock at night and brought it to Vancouver. I saw something in papers afterwards about the body being badly handled, so I inquired both of the doctor and the undertaker, Mr. Hanna, of this city, and both denied most emphatically that any indignity had been offered to it. The doctor said it was so foul that he could hardly handle it, and I quite believe him ; and my surprise was that he could do so at all.

Hoping that this explanation may be satisfactory.

Letter from A. E. Clendenan to Hon. Attorney-General, dated September 6th, 1897.

In the case of one, suspected to be Thompson, found drowned near Steveston, I made the examination (post-mortem). It has been said to me since that examination that the lower jaw was broke. The body when found had been in the water sufficient time that there was putrefraction and excessive increase in size, the features being quite unrecognizable. Know-

ing that a man had been drowned some time before and that the boat Rithet was mentioned in connection with it, I made the examination with that in mind. I examined the head carefully externally, but found no signs of injury. That my hands were freely used in handling the head I can prove by witnesses. I did not cut into the face with a knife. It is not usual to do so where there is no suspicion of injury.

For a person to be expected to sew up a body in the condition in which this one was, is a little too much.

Letter from Center & Hanna to the Hon. D. M. Eberts, Q. C., Attorney-General, dated September 7th, 1897.

Dr. McGuigan called our attention to a complaint as to the disposal of the remains of Thomas Thompson, who was placed in our charge on the 14th day of August. We found the remains in an advanced state of decomposition. We placed the body in a case and conveyed it to Vancouver in our service waggon, and the said waggon being built for that purpose and is made to close up as tightly as possible. We arrived at Vancouver early Sunday morning and drove the waggon into our back yard, which is closed in by a 12-foot wall, and as the body was in such a bad state, and as there seemed to be no friends to look after it we advised the cemetery keeper to have a grave opened for burial. About noon of the same day the brother-in-law of deceased and the undertaker came from Westminster and took the body in charge. They removed it from our waggon and placed it outside and left it standing for over two hours, or until they sent to Westminster after a conveyance, which was an open express waggon.

Now, it appears to us that if the body was exposed by anyone it was done by the brother-in-law of the deceased and the undertaker from Westminster.

Letter from Loyal Welcome Lodge, No. 96, C. O. O. F., to the Attorney-General, dated September 2nd, 1897.

We humbly call your attention to the enclosed resolution regarding the drowning case of Thomas Thompson, and beg you will have some investigation made.

"*Resolved*, That Whereas in the case of Thomas Thompson, a member of this, Loyal Welcome Lodge, No. 96, his death was occasioned by the fishing boat in which he was having been run down by the S.S. Rithet;

"And Whereas, when the body was found an inquest was held without apparently any attempt being made in identification, although it was known that the body might be expected to float at that time;

"And Whereas, from the hurried and perfunctory manner in which the inquest was held no opportunity was given to bring forward any evidence of how the accident happened, or in how far blame was attachable to those in charge of the steamer;

"And Whereas, statements made by Currie, Wells and Fales, who saw the body, throw grave doubts on the verdicts of the Coroner's Jury, as regards the cause of death, and also if correct, shew that the remains had been treated with great disrespect.

"This Lodge is of opinion that a thorough investigation into all the facts of the case be made."

Letter from Deputy Attorney-General to W. F. Fullerton, Esq., Provincial Grand Secretary, C. O. O. F., dated 24th September, 1897.

I have the honour to acknowledge the receipt of your communication of the 21st inst., respecting the Coroner's inquiry into the death of Mr. T. J. Thompson, of Abbotsford.

A communication has already been received from Welcome Lodge, and on its receipt steps were taken to ascertain the facts of the case, and the requisite poceedings will be taken in due course.

Letter from W. H. Bullock-Webster to Deputy Attorney-General, dated September 3rd, 1897.

I have to-day been able to see various persons who were aboard the Rithet at the time of the collision. Regarding the person who was in the wheel-house, Captain Jaggers says that at the moment of the collision the quartermaster was steering, but that he (the Captain) was standing close by and was giving directions as to the steamer's course.

The whistle was blown some time before the steamer was near the fishing boat, and the engines were slowed down.

Directly the collision occurred, Captain Jaggers took the wheel and backed and turned the steamer.

The deckhands were in the bow of the steamer, but were not, of course, in such a good position to see ahead as the helmsman was from his elevated position in the wheel-house.

General directions were given and care exercised to avoid running down boats.

Mr. I. B. Fisher who was a passenger on the Rithet and watched the collision says that Captain Jaggers used every precaution to avoid running into the boat, but that the collision was inevitable.

Mr. Fisher's statement is corroborated by Mr. E. M. N. Woods, another eye-witness.

A Mr. Philpott who also saw the occurence, has, I am told, made an affidavit in favour of the C. P. N. Company.

Captain Jaggers says that he has asked Captain Gaudin, the Agent of the Department of Marine and Fisheries, to hold an investigation, and that the latter has replied that in order to do this he must be authorised by the Minister at Ottawa, to whom he has forwarded Captain Jaggers' request.

I venture to suggest that if an investigation of this kind could be held, instead of criminal proceedings being taken, the requirements of the case would be met.

I enclose herewith a letter which I have to-day received from the sister of the deceased Thompson, and a copy of my reply thereto.

COQUITLAM P. O., B. C., September 3rd, 1897.

W. Bullock-Webster, Esq.:

DEAR SIR,—I called at your office yesterday, but found it closed. I understand a pipe and some other things were found on my brother's body, will you kindly secure them for me, as I know his mother would like to have them.

Please also let me know if the Attorney-General is making any move, the public look to me to prosecute the case, and as there is a very strong feeling on the subject, I will be forced to make some move. If the Government are not inclined to do their duty I must apply to the various members for the Coast Districts.

As private individuals, allow me to thank you for your kindness in this matter.

Yours truly,

(Signed) JEAN PIRIE CURRIE.

PROVINCIAL POLICE COURT,
NEW WESTMINSTER, September 3rd, 1897.

Mrs. Jean Pirie Currie, Coquitlam P. O., B. C.:

MADAM,—I beg to acknowledge the receipt of your letter of this date.

As soon as I received Mr. Currie's letter saying that he believed a pocket-book could be found in Mr. Thompson's clothes, I telephoned to the Police at Steveston, asking to have the clothes searched. In reply, I was told that they could only find a knife and a pipe which they would endeavour to secure.

Although it is probable that these articles were thrown away with the other garments, which you must understand were a mass of mud and sand, I will try and get them for you.

The Hon. Attorney-General is instituting inquiries with a view to determine whether such evidence is forthcoming as will justify the prosecution of the steamship officials.

If you will kindly await the decision arrived at by the Hon. Attorney-General, I can assure you that you will have no cause to complain that the case is not being treated according to its merits.

Your obedient servant,
(Signed) WM. H. BULLOCK-WEBSTER,
Chief Constable, New Westminster District.

Letter from Deputy Attorney-General to W. H. Bullock-Webster, dated 24th September, 1897.

Re THOMPSON.

Referring to your communication of the 3rd inst., in the above matter, in which you state that it is probable an inquiry will be undertaken by the Marine Department, I have the honour to request you to ascertain the condition of affairs, as if no action is taken by the Dominion authorities it would be advisable that an investigation should be held at the instigation of this Department, and I do not wish to have the matter lost sight of.

Letter from W. H. Bullock-Webster to Deputy Attorney-General, dated 29th September, 1897.

I have the honour to acknowledge the receipt of your communication of the 24th inst., herein. In answer to a letter of inquiry which I addressed to the Agent of the Department of Marine and Fisheries, at Victoria, I received a reply, a copy of which I now enclose herewith.

Letter from J. M. Gaudin to W. H. Bullock-Webster, dated 28th September, 1897.

I have the honour to acknowledge the receipt of your letter of the 25th instant, and in reply beg to state the communication received from Captain Jaggers and Peter Grant relating to the drowning of a man named Thompson, through a collision between the steamer R. P. Rithet and a fishing boat on the Fraser River, have been sent to the Department at Ottawa for instructions. I have not received any intimation from the Department as to whether it is intended to hold an official investigation into this case.

Letter from A. S. Vedder to the Hon. Attorney-General, dated September 7th, 1897.

I am now in receipt of a letter dated 3rd of September from J. S. Baiss, Secretary of Loyal Welcome Lodge, No. 96, C.O.O.F., enclosing a copy of a resolution, which has been sent to you, requesting an investigation into the drowning of Thomas Thompson, whilst fishing on the Fraser River, by being run down by the steamer Rithet.

The resolution speaks for itself, and I feel assured you will have the matter looked into officially, but I cannot allow the opportunity to pass without impressing upon you the grave necessity of the case.

This, as you are aware, is only one such case in the many happening each fishing season, but from the account of some that have reached me, I consider it to be one that certainly calls for something being done by your office.

Trusting to hear that the matter is receiving the attention it requires.

Letter from W. F. Fullerton, Provincial Grand Secretary, Provincial Grand Lodge of B. C., C.O.O.F., dated September 21st, 1897, to the Hon. D. M. Eberts, Q.C., Attorney-General.

Our executive is in receipt of a communication from the members of Loyal Welcome Lodge, Abbotsford, *re* the Coroner's inquiry on the death by drowning of Brother T. J.

Thompson, of Abbotsford. The said Welcome Lodge complain of the manner in which the inquiry was conducted, and ask our executive to communicate with your Department, asking you to give due consideration to the petition sent to you by the members of Loyal Welcome Lodge, and that, if possible, a thorough investigation into the late drowning accident be made.

Letter from Deputy Attorney-General to Mr. A. S. Vedder, M.P.P., dated September 9th, 1897.

I have been directed to acknowledge the receipt of your communication of the 7th inst., in regard to the circumstances surrounding the death of one Thomas Thompson, and to inform you that, upon hearing of the matter some time ago, inquiries were immediately instituted and the same are now pending.

I have to assure you that the proper action will be taken upon view of all the facts.

Letter from Deputy Attorney-General to Captain Jas. Gaudin, dated 2nd October, 1897.

I understand that you have forwarded to Ottawa certain communications received from Captain Jaggers and Mr. Peter Grant relating to the drowning of a man named Thompson, through a collision between the steamer R. P. Rithet and a fishing boat on the Fraser River.

I have the honour to enclose herewith copy of a statement made by Mr. William Walse and forwarded to this office, which may assist your department in arriving at a decision as to the holding of an investigation.

Letter from James Gaudin to the Deputy Attorney-General, dated 11th October, 1897.

I have the honour to acknowledge the receipt of your letter of the 2nd inst. and enclosure, and beg to inform you that I have submitted the same to the Department for instruction.

Letter from James J. Currie to the Hon. Attorney-General, dated September 28th, 1897.

Will you do me the kindness to place me in a position to reply to the relatives in Britain of the late T. J. Thompson, run down and killed by the steamer Rithet on August the 6th, and inform them whether it is the intention of the Government to institute a searching inquiry into the matter, as well as the disgraceful treatment of the body after it was found, or if it will be necessary for them to enforce such action through the Colonial Office, which they are in a position to command?

Letter from Deputy Attorney-General to J. J. Currie, dated 2nd October, 1897.

I have the honour to acknowledge the receipt of your communication of the 28th September ult., relating to the circumstances surrounding the death of T. J. Thompson.

In regard to the last paragraph of your letter you seem to be under a misapprehension as to the functions of the Colonial Office, as this is a matter entirely within the joint jurisdiction of the Dominion and the Province, these authorities are quite competent to institute such proceedings as may appear advisable.

I have been furnished by Mr. Bullock-Webster with a copy of his letter of the 3rd September, and in continuance thereof I have the honor to advise you that full inquiries have been made and the result of the same placed before this Department.

A report of the facts has also, I learn, been forwarded by the Agent of the Marine and Fisheries Department to Ottawa, and the local officers of that Department are now awaiting instructions as to whether an inquiry of an official nature, which is authorised by the Statutes Regulating Navigation, will be directed.

In view of the fact that the only inquiry which can be investigated by this Department is a criminal one, in the shape of a prosecution of parties in charge of the steamer, and in view of the further fact that from the evidence in our possession there is good reason to believe that the evidence will be conflicting, an investigation of a civil nature would be much more satisfactory.

This Department, therefore, proposes to await the decision of the Department of Marine and Fisheries, and if an inquiry is held as a result thereof, no prosecution will be undertaken unless the evidence brought out at the inquiry demands it.

If, on the contrary, the Department at Ottawa decides not to hold an investigation, this Department will seriously consider a criminal prosecution.

The Department does not feel inclined to pledge itself to a prosecution until it is necessary to decide the question and full details have been obtained, but you may rest assured that the matter has not been lost sight of.

A request for a report of current proceedings was forwarded to New Westminster on the 25th September ult., and the report in answer thereto was received by the mail following the receipt of your letter.

Letter from D. Robson to the Hon. Attorney-General, dated November 15th, 1897.

I have received vouchers from Dr. McGuigan, Coroner of Vancouver, and Dr. Clendenan, of Steveston, for fees in connection with an inquest held at Steveston on the 14th of August, on the body of a man named Thompson. Chief Constable Bullock-Webster informs me that the action of Dr. Clendenan in connection with this inquest was such as, in his opinion, ought to deprive him of any right to a fee, and that it is doubtful whether the Coroner should have a fee either. You are referred to the statements made by Messrs. Walse, Fales and Currie in connection with this matter, which are on file in your office. These statements were sent you about the end of August last. There is a dispute as to whether the body was found within the Municipality of Richmond or not; but in the event of its being shown that the body was found outside the municipal limits, I shall be glad to have your opinion as to whether the vouchers mentioned ought to be paid, in view of the conduct of those who had the inquest in charge. Dr. Clendenan's voucher calls for $5 for post-mortem, and $5 for evidence. As I understand the matter the post-mortem examination was not properly made, and the evidence was not in accordance with the facts.

Letter from Dr. A. E. Clendenan to Deputy Attorney-General, dated November 19th, 1897.

Enclosed you will find an order to pay the amount of my account to Dr. McGuigan. It is very inconvenient to me that this account has gone so long unsettled. Seemingly, there has been some misunderstanding as to the debtors in this case, but there is no doubt that the Provincial Government should pay this bill. The man was drowned in waters under Government control and picked up on a sand bar in those waters. To my mind there is a palpable injustice in asking Richmond Municipality to meet the account. If it is not paid during the few weeks of my absence I shall be compelled to urge its collection.

VANCOUVER, 19th November, 1897.

A. G. Smith, Esq., Deputy Attorney-General:

DEAR SIR,—As I am likely to be absent from this district for a few weeks, and if in the meantime that account of mine for post-mortem examination of August 14th, 1897, made at Steveston on the body of one Thompson, is paid, make out check in Dr. McGuigan's name and he will settle with me on my return.

Yours truly,
(Signed) A. E. CLENDENAN.

Letter from Deputy Attorney-General to D. Robson, dated December 15th, 1897.

Re THOMPSON INQUEST.

In reference to your communication of the 15th November, ult., I return herewith vouchers drawn in favour of Drs. McGuigan and Clendenan for fees in the above matter, which I have not been able to allow, as I am satisfied that the costs are chargeable to the Municipality, as the body was found on an island included within its limits.

Letter from James Gaudin to the Deputy Attorney-General, dated 9th December, 1897.

Referring to your communication relating to the drowning of Mr. T. J. Thompson, through a collision between the R. P. Rithet and a fishing boat. I have the honour to inform you that I am instructed to notify you that this Department does not consider it advisable to hold an investigation in the case.

Letter from Deputy Attorney-General to Capt. Jas. Gaudin, dated 10th December, 1897.

Re THOMPSON.

I have the honour to acknowledge the receipt of your communication of the 9th inst., informing me that your Department does not deem it advisable to hold an investigation into this matter.

Letter from Deputy Attorney-General to W. H. Bullock-Webster, dated 15th December, 1897.

Re THOMPSON.

I have the honour to inform you that I am in receipt of a letter from Captain Gaudin, Agent of the Department of Marine and Fisheries, notifying me that the Department does not consider it advisable to hold an investigation in this case.

In view of the evidence which is in the possession of the Department, I do not think we are justified in taking criminal proceedings against the captain or pilot of the vessel.

If inquiries are made from you on behalf of any of the relatives or friends of the deceased, you may inform them of this decision, but you should at the same time advise them that such action on part of the Department forms no bar to any civil or criminal proceedings which they may see fit to institute.

Letter from E. Dewdney, Lieutenant-Governor, to the Deputy Provincial Secretary, dated 12th November, 1897.

I have the honour to enclose herewith a copy of a despatch from the Secretary of State, together with a further despatch from the Colonial Office, with enclosures, respecting the death of Thomas Thompson, who was drowned in August last in the Fraser River, and I shall feel obliged if you will take steps to have the necessary inquiries instituted.

Letter from Under Secretary of State for Canada to the Hon. Lieutenant-Governor, dated 4th November, 1897.

I have the honour, by direction, to enclose to you copy of a despatch from the Colonial Office, dated the 13th ult., and its enclosures, respecting circumstances attendant upon the death of one Thomas Thompson, who was drowned in August last in the Fraser River, and to request that your advisers may be asked to look into the case and transmit the result of their investigations to the Secretary of State as soon as they conveniently can.

Colonial Office to the Governor-General.

DOWNING STREET, 13th October, 1897.

MY LORD,—I have the honour to transmit to you, to be laid before your Ministers, copy of a letter with the enclosure which I have received from a Mr. J. S. Thompson, respecting circumstances attending the death of his brother, Mr. Thomas Thompson, who was drowned in August last on the Fraser River, B. C.

ESTATE OFFICE, NEETON HALL, SWAFFHAN,
5th October, 1897.

SIR,—Enclosed you will find extracts from letters relative to the death of my brother, which indicates some deficiency or mal administrtion of the laws of British Columbia.

Can any inquiry be made by you as to the assertions therein made, and, if so, would you kindly do it?

I am, etc.,
(Signed) JAMES S. THOMPSON.

Extracts of letters relating to the death of Thomas Thompson, which took place on the Fraser River, B. C., on the 6th day of August. Letters are written by James J. Currie, Coquitlam, B.C., brother-in-law of deceased, to James S. Thompson, Neeton, Norfolk, England, brother of deceased :—

I.—Letter dated August 10th, 1897.

"As you are no doubt aware, many thousand men are employed in salmon fishing every year during the run, the greatest number being farmers, who thus have a means of assistance in securing winter supplies.

"On Friday night last, while they (the deceased, Tom Thompson, and Wells, or Wales, with whom Thompson fished) were proceeding to work about two miles below New Westminster, the passenger steamer from Victoria came up about a quarter past nine. The night was clear with bright moonlight. Instead of attempting to clear the small boat, the steamer kept swinging in towards the shore for which the men were pulling, striking the boat between the rowers and smashing in the side completely. Wells was picked up by the steamer's boats, but Tom must have been struck by the latter or part of the broken boat, as he was never seen again. The water was very deep in that part of the river, and though diligent search has been made and Indians have been employed to continue, there is little probability of the body ever being found. Pirie (wife of James J. Currie) has applied for letters of administration, being his only relative in this country, and everything will be attended to properly under the 'Intestate Act.'"

II.—Letter dated August 19th, 1897.

"To let you know something more regarding poor Tom, and prepare you for what may very probably appear in the papers about it, for altogether it is a sad and ugly business. It was most undoubtedly a clear case of manslaughter, the steamer following the boat and deliberately running it down ; the Captain, Jaggers, is a bully of the worst type, and has no regard whatever for life or property ; two days after running Tom down, he did the same with another boat, the men escaping by miracle, and on Monday last perpetrated a third atrocity, drowning another man. Many other boats have had narrow escapes, and nets innumerable have been destroyed by him during the past month. * * * * the following is as nearly Wales' description to the Chief Constable as I can remember it :

"On the night of Friday, the 6th inst., we were fishing off Annacis (??) Island, about two miles below New Westminster, and had about ten fathoms of net out a few minutes after nine o'clock, when we saw the Rithet leaving Ewen's Cannery. Thompson said to me, 'better bunch in your net,' which I did. Thompson then commenced pulling to the island shore,

it being the nearest. I said, 'Why not pull for the other shore?' he replied, 'If the steamer makes for the Fisherman's Cannery, we will be in the way.' I then joined him in pulling for the island. As we pulled, she kept bearing down on us, as I could see both sides of her when she was about four hundred feet from us. I stood up and waved them into the middle of the river, which is there about half a mile wide and deep water all the way across. She whistled, but did not alter her course or slow down, but continued to follow us, striking the boat right between Thompson and myself, and that at full speed. I was entangled in the net, which had lain behind me in the boat, and had great difficulty in reaching the surface and shouting. I was up and down several times before being picked up by some Siwashes (Indians), who were fishing near by. I was then full of water. I was afterwards taken on board the Rithet and carried to New Westminster.' The evidence of those fishing near and of passengers on the steamer bear out the above testimony. So soon as I knew that Tom was actually the victim, I went to see the Chief Constable of the Provincial Police. He was absent, but I gave instructions to his deputy what to do, going back to town on Bullock-Webster's return and going over the case with him. That was after I had written to you. He assured me that the body would be found, that he would take charge of it and see that whatever we wished was done. On Saturday morning, the 14th inst., about 5 o'clock, two Indians found a body floating in Woodward's Slough, a branch of the Fraser, about seven miles below the scene of the accident, they tied it to the shore and went to Steveston and gave information. The little steamer Winetta was sent for and took it down to Steveston. Information being sent up to Chief Bullock-Webster, he ordered it to be held and he would come down for it. In the meantime the Coroner from Vancouver had come over to hold an inquest on the body of a Chinaman who had been drowned. He held a so-called inquest on the body, but made a very careless examination. They simply supposed it to be Tom. There were no witnesses, except those that found the body, and the jury returned a verdict of accidental death by drowning. The Coroner then ordered the body to be taken to Vancouver. Bullock-Webster kept telephoning to hold the body till he came down in a steamer, having ordered one for the purpose. They, however, told him that it had been removed, which turned out was not the case. It was then too late for him to reach me that night. The next morning he sent Fales, the undertaker, to whom the body was to have been delivered by Pirie's orders, out here. We went down to Vancouver by next train, went to the rooms of the undertakers to which the body had been taken. There we found Wales. They had denied him all information and refused to allow him to see the corpse. He was about to call in the police, as they intended burying it in an hour. They tried to keep me back also, but Fales had the necessary warrant with him, so after a great deal of hesitation we were taken to the rear, where we found a box within a hearse standing out in the sun, just as it had arrived during the night. We at once removed the box and opened it, finding the body stripped of everything but an undershirt and part of an overshirt, lying face down, and covered with the sand and dirt of the beach where it had been picked up. We removed the body and found that the trunk had been opened and part of the intestines been removed. These had not been replaced or the opening sewn up. We found the jaw broken and right temple knocked in, but no examination of the brain had been made. We washed the body as well as we could and found the initials T. J. T., tatooed in India ink and plainly visible, on the left wrist. We then returned the body to the box in a more decent manner. Fales had already telephoned for his hearse from New Westminster and took the body over there, and as soon as possible had it enclosed in zinc. We had to get an order from the Coroner for burial. He seemed very much ashamed of himself, and would give me no information whatever, but certain it is that had I been an hour later in arriving poor Tom would have been buried as an unknown body in a pauper's grave.

"After the funeral I was summoned to the Chief Constable's office and examined as to all the circumstances so far as I knew them; Wales was also examined as well as the undertaker. Bullock-Webster has been most kind and attentive, he declares the case altogether to be a serious and disgraceful one, but beyond him, he has therefore referred the whole matter to the Attorney-General, there will in all probability be another inquest, lasting possibly a couple of weeks, those in charge of the steamer being arrested on a charge of manslaughter. There is a terribly strong feeling about this business, and even were I able and willing it could not be passed over. You can understand that there has been already much very unpleasant work, to give it a mild name, with more to come, but that cannot be helped. * * * * * All intestate estates in this Province go to the Government, and we have had

a hard struggle to save Tom's, it is not fully decided yet, but I fully expect will come out as we wish.

"P. S.—It is general believed that those to blame for the death were at the bottom of the hurried inquest and removal to Vancouver, time will show."

III.—Letter dated 13th September, 1897.

"* * * Since that (his second letter) was written we have kept hammering at the authorities, but as yet with little result. The whole matter was, as I stated, referred to the Attorney-General in Victoria, who ordered the Chief Constable on the Mainland to make certain inquiries. Of course, those in charge of the steamer would not incriminate themselves, and the few passengers who saw anything of the occurrence declare the Captain was not to blame; they, however, evidently not going on their own judgment, but the Captain's statement of what took place before the collision actually took place, it being night and every one in the cabin. Their evidence is really worth nothing at all. As an old steamboat hand myself, I am perfectly certain of the culpability of those in charge, as either a couple of spokes of the wheel to starboard, or a touch of the half speed bell would have saved the small boat. The case now stands thus:—The skipper of the steamer, Jaggers, has asked for an inquiry through Captain Gaudin, Agent of the Marine Board in Victoria, he again has sent to Ottawa for directions from Sir Henry Davies, Minister of Marine; there will in all probability be an inquiry held by practical and competent steamboat men, in the meantime we keep pegging away, and are backed by the Oddfellows and the Provincial Member of Parliament. I have also sent a petition to Wales (Tom's partner) to get signed by as many of those employed on the river as possible. I don't suppose we can hang or imprison Jaggers, which would do no good to poor Tom any way, but we hope and expect to have him removed from his present position, and so obviate the possibility of his doing any more such mischief. You see the Canadian Pacific Navigation Company is composed, in a great measure, of Members of the Government, or what amounts to the same thing, the clique that rules it. It is therefore a matter of great difficulty to do anything with them or their officials. * * *

"* * * As regards the estate, the laws here in connection with such matters are, to use a mild term, sadly in need of amendment, and totally different from those of the other Canadian Provinces. The whole of an intestate estate goes to the Government; a wife even cannot claim a share in her husband's effects. We have therefore had a great deal of trouble in getting Pirie appointed executrix, but that, however, is now accomplished. * * *

"* * * The place was let for three years to one Donald McCrinnon, who was to clear so much land as rent, and so much more as payment for the stock. * * * McCrinnon has not fulfilled one single condition of the contract. * * *

"* * * What stock Tom actually owned we never knew, as most of it was on Mrs. Campbell's place on Sumas Prairie, and I fear that McCrinnon has made away with all he could while Pirie was obtaining the power to deal with him. Tommy Campbell, with his clothes, wages, and all he could lay his hands on, never even letting us know of the accident. We can find as yet, no papers, and though Mrs. Campbell must be very deeply in Tom's debt we have nothing to show for it."

Letter from Deputy Provincial Secretary to His Honour the Lieutenant-Governor, 15th November, 1897.

I have the honour to acknowledge the receipt of your communication of the 12th inst., forwarding therewith a copy of a letter from the Secretary of State, together with a despatch from the Colonial Office, with enclosures, respecting the circumstances attending the death of one Thomas Thompson who was drowned in the Fraser River in the month of August last, and to state that the matter has been referred to the Honourable the Attorney-General.

Letter from Thos. R. McInnes, Lieutenant-Governor, to the Hon. Provincial Secretary, dated January 3rd, 1898.

I am in receipt of a despatch from the Secretary of State inviting my attention to a letter addressed by him to my predecessor in office, covering the transmission of copy of a despatch from the Secretary of State for the Colonies, and its enclosures, respecting circumstances attendant upon the death of one Thomas Thompson, who was drowned in the Fraser River in August last, as therein set forth. An acknowledgment of the papers in question was, I am informed, received on the 19th of November from my predecessor, who intimated that he would refer the matter to the Executive Council, so that Mr. Chamberlain might be provided with full particulars at as early a date as possible. Nothing having been since received in the premises by the Secretary of State, I would ask that you again draw the attention of the Executive Council to the case and afford me, as soon as may be, the result of this investigation in the matter of Thompson's death and of the collateral issues involved by it, as indicated in the correspondence above mentioned.

Letter, Deputy Provincial Secretary to His Honour the Lieutenant-Governor, 11th January, 1898.

Averting to your communication of the 3rd inst,, with reference to prior correspondence relating to the drowning of one Thomas Thompson, I am directed to forward to Your Honour, for transmission to the Honourable the Secretary of State, the enclosed certified copy of an approved minute of the 6th instant, which contains a report from the Honourable the Attorney-General in reply to certain complaints in connection with the circumstances attending the death of the deceased.

The Committee of Council have had under consideration a despatch from the Under Secretary of State of Canada, under date the 4th November ult., covering a despatch from the Colonial Office, dated the 13th October ult., requesting a report from this Government in connection with the death of one Thomas Thomson.

The Honourable the Attorney-General, to whom the matter was referred, reports that the correspondence enclosed with the despatch mentions three subjects which require reply, viz.:—

Complaints in regard to the manner of conducting the post-mortem, a complaint involving a charge of manslaughter against the captain of the steamer Rithet, and the complaint against the intestate laws of the Province. The first two subjects have been investigated by the Department.

The complaints under the first head have been replied to by the Coroner and the doctor who held the post-mortem, whose explanation was that the body was so decomposed that it was impossible to restore it to a presentable appearance and that the best was done under the circumstances possible. The Minster concluded, upon receipt of these reports, that no advantage would be derived from pursuing the matter further.

The complaints under the second heading have also been investigated, as is shown by the correspondence. The only course open to the Department, if the complaints upon investigation had been substantiated, would have been to cause an information for manslaughter to be laid against the Captain of the steamer Rithet. The reports received from the officer of police having charge of the investigation did not justify this course, and the matter was accordingly dropped. The correctness of the conclusion arrived at by the police seems to be supported by the fact that the Minister has lately received information from the Federal Department of Marine and Fisheries that the Department does not consider it advisable to hold an investigation into the circumstances surrounding a collision, which investigation was asked for by the Captain. The above conclusion is not binding upon the friends of the deceased, for if they desire it is open to them to lay and prosecute an information for manslaughter.

The third complaint in regard to the intestate laws of the Province arises from an entire misapprehension on the part of the writer of the letter containing the same. It is hardly necessary to make a denial to the statement that "the whole of the intestate estate goes to the Government, a wife even cannot claim a share in her husband's effects." The law of administration in British Columbia is governed by the Imperial Statutes of Distribution, and the only part taken by the Government is through an officer known as the Official Administrator whose duty it is to obtain administration where the deceased died intestate and without any known relatives in the Province.

The Committee concur in the report and advise that a copy of this Minute (if approved) be transmitted to the Honourable the Secretary of State of Canada.

December, 1897.

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