26th September 1911.

...Stering,
Vancouver, B.C.

Dear ...

By the latest Vancouver papers that have reached ...notice that Robert Kelly took exception to some remarks ...ch concerning him in your political speeches ...had instituted action against you for libel.

I am of course aware that such actions ...t on at election times are generally "bluff" and ...ietly permitted to drop from sight when their ...l useful~~ness~~ has passed. In the present instance ...ems this usual practice will be followed — ...lly in view of the fact that Mr Kelly's party ...n and out and his influence a thing of the ... It may be however that he is too far committed ...et the matter be suppressed without making some ...ort of prosecuting you, and in that event some ...ts which I have recently brought to light may ...material assistance in your defense.

Mr John J. Williams is the Inspector of ...s for No 2 District which embraces that portion ... from and including Sn the Inlet to the Alaskan ...dary. He was appointed by the Dominion Government ...1910 as one of a Commission to divide the boats fairly

No. 2.

...strict amongst the various canneries operating ...waters, and the boat rating this Commission ...company was so manifestly unfair that I ...to Ottawa protesting against it and stating that Mr ...Williams showed partiality to some canners in the performance of his duties, and that I personally felt I could ...obtain fair treatment at his hands; instancing my ...ting as a sample. Considerable correspondence ...between Ottawa and myself and as a result ...Cunningham, the newly appointed Inspector of ...ries, came to Mill Bay and looked into the matter. ...decision has not yet been made so I cannot tell ...the ultimate outcome of my complaint will be, ...have strong confidence in Mr Cunningham's ...ness and on this account when inviting an ...investigation I agreed to abide by his decision, ...though it should be adverse to my claim. As ...consequence I am not anxious at the present ...iting to have this phase of the situation given ...further publicity.

In their answer to my statement that Williams was partial to some and unfair ...the Department said they could not find ...in accordance but that if I would give some ...details they would thoroughly investigate ...matter. Most of my information however was of ...nature. If what it is be correct, I could

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[illegible] prove, or could only prove by violating confidence
[illegible] of course I would not do. I therefore had to bide
[illegible] time and wait for an opportunity to present itself.
[illegible]while I had every reason to believe Mr Williams
[illegible] made acquainted with the charges I had made
[illegible]ainst him and was therefore less likely than ever to
[illegible] me fair and impartial treatment.

On this account when making application
[illegible]ining privileges in this District I made it to
Cunningham direct, and not through Mr Williams —
[illegible]as the usual procedure — and the latter therefore
[illegible] not aware of what I had done. In order to know
[illegible] time mining could be profitably undertaken
[illegible] a gill set out prospecting, and in doing so
[illegible]ound of Mr Williams who brought action
[illegible]ust me upon for violating practically every
[illegible]tion of the Dietary Act and Dietary Regulations
[illegible]hich he thought should possibly be construed
[illegible] cover my case.

This case came up for hearing at Prince
[illegible]ert on Friday 15th September and the trial of
[illegible] has not yet been concluded. I hoped to obtain
[illegible]sions from Mr Williams, under oath,
[illegible]ch would substantiate my charges of unfairness
[illegible] and partiality towards others and I had a
[illegible] present to record the testimony. I send

H.H.S. #4

In separate cover a copy of the Prince Rupert "Empire" of the 16th inst., which contains a fairly accurate account of part of this testimony. I think the evidence given by Mr Williams himself is ample corroboration of the truthfulness of my charges, and these admissions of his have a direct bearing on our present libel suit, I thought they might be interest to you.

One of the principal charges laid against me was violating Sec. 71 Fisheries Act which prohibits fishing within 200 yards of the mouth of a stream which salmon frequent to spawn. In my defense I wished to show this section was not enforced by the fishery guardians and had been permitted to become a dead letter, I illustrated this particularily in the case of Kelly's fishing privileges at Smith's Inlet.

As you will see by the sworn testimony of Inspector of Fisheries Williams Mr Kelly's company catch their fish in Quaschela lagoon at a point which Mr Williams swore was within 200 yards of the mouth of the stream which the salmon ascended. When asked if this was not in contravention of Sec. 71 Fish. Act Mr Williams testified that they had a special license — not an ordinary one, but a special license — which enabled them to operate within that limit, and he said the reason for this was because the lake behind the lagoon was salt water.

H.H.S. #5

Now in 1902 I brought about the amalgamation of a big percentage of the salmon canning companies of this province and with them organized the company known as the B.C. Packers Ass^n. (Since my retirement from any participation in the management of this company Mr Robert Kelly has become a member of its board of directors.) Amongst other properties I acquired at this time were the holdings of the Victoria Canning Co which was controlled by Messrs R.P. Rithet & Co of Victoria. In earlier days a small cannery had been operated at Smiths Inlet and Rithet & Co had in some manner come into possession of the property. This plant had fallen into decay and for some years previous to 1902 the Victoria Can^g Co only fished at Smith's Inlet; taking their catches to their Rivers Inlet cannery some 30 or 40 miles away, and canning them there.

In purchasing the properties Messrs Rithet & Co were interested in this Smith's Inlet property was included, and during the season of 1902 the B.C. Packers Ass^n, under my management, operated gill nets there in the same manner as the Victoria Can^g Co had previously done. Mr Williams at that time was Fishery Overseer under Mr C.B. Sword, who was Inspector of Fisheries for all B.C., and Smiths Inlet was part of the territory under Williams'.

H.H.S. #6.

charge. It was that same year, 1902, that Messrs Kelly and Hickey built their cannery and they objected to my company fishing there, as any rights Rithet (who was a Conservative) formerly possessed had been cancelled and the exclusive seining privileges conferred on Kelly, Kelly's company, instead. Mr Williams very officiously tried to prevent our operations but as we were using gill nets, which under the law as it was then we had a right to use anywhere throughout the province, we refused to obey him, and the matter was not pressed.

In order to get a better understanding of the situation I visited Smith's Inlet that fall and made an investigation of conditions there. I found there was a narrow stream, only a few hundred yards in length, flowing into Kwaschela lagoon from a large lake which lay directly behind the lagoon. In this creek there were rapids and my party was compelled to wait until the tide backed up the creek sufficiently to create still water over which we could take our boat through. This showed the lake level was higher than salt water level and consequently the waters of the lake must have been fresh. In corroboration of this fact I drank water out of the lake itself and found it quite palatible.

H.H.S. #7

Inspector Sword also visited Smith's Inlet this year and investigated fishing conditions there. He prohibited fishing in the lake, giving me as his reason for so doing that the lake was a fresh water lake, and consequently under the Fishery Act, or Fishery Regulations under the Act (Sec. 16 sub sec. 9 Fish. Reg.) it was illegal to fish in fresh water. I have not a Fisheries Blue Book for 1903 with me here, but if you will look up Mr Sword's report published in that volume I think you will find he notified the Department of his action when submitting his report on the season's operations of 1902.

Mr Sword is a gentleman whose reputation is above reproach, and once he had arrived at what he considered a proper decision I do not believe he could be made to reverse it to suit the wishes of Mr Kelly or anyone else. It therefore seems to me more than a mere coincidence that shortly after he makes this decision it was arranged that the fisheries of the Province should be divided and that from and including Smith's Inlet should be made into District No. 2 and taken out of Mr Sword's jurisdiction, and Mr Williams advanced to the Inspectorship of the new district created; with the result that he reverses Mr Sword's action and declares the lake behind Quaschela

H.H.S. #8

Lagoon to be a salt water body. Without such a reversal Mr Kelly's company could not carry on their operations without violating Sec. 11 Fish. Act, so naturally it was very much in their interests to have the change made.

As it is now Mr Williams has admitted under oath that Kelly's company have been knowingly permitted to catch fish within 300 yards of the mouth of the stream which is the lake's outlet, and he also swore that the reason for this was that the lake was a salt water lake. If you cannot find Mr Sword's report it will be an easy matter to send a party there to investigate this and if they find the lake is fresh water I think your charge that Mr Kelly is enjoying priviledges denied other citizens will be fully substantiated, and if you prove this you will of course be proving that "by reason of his possessing influence with the government" he "obtained certain advantages from the government which resulted in his taking" the profits you claim he received.

Yours truly

Henry Doyle