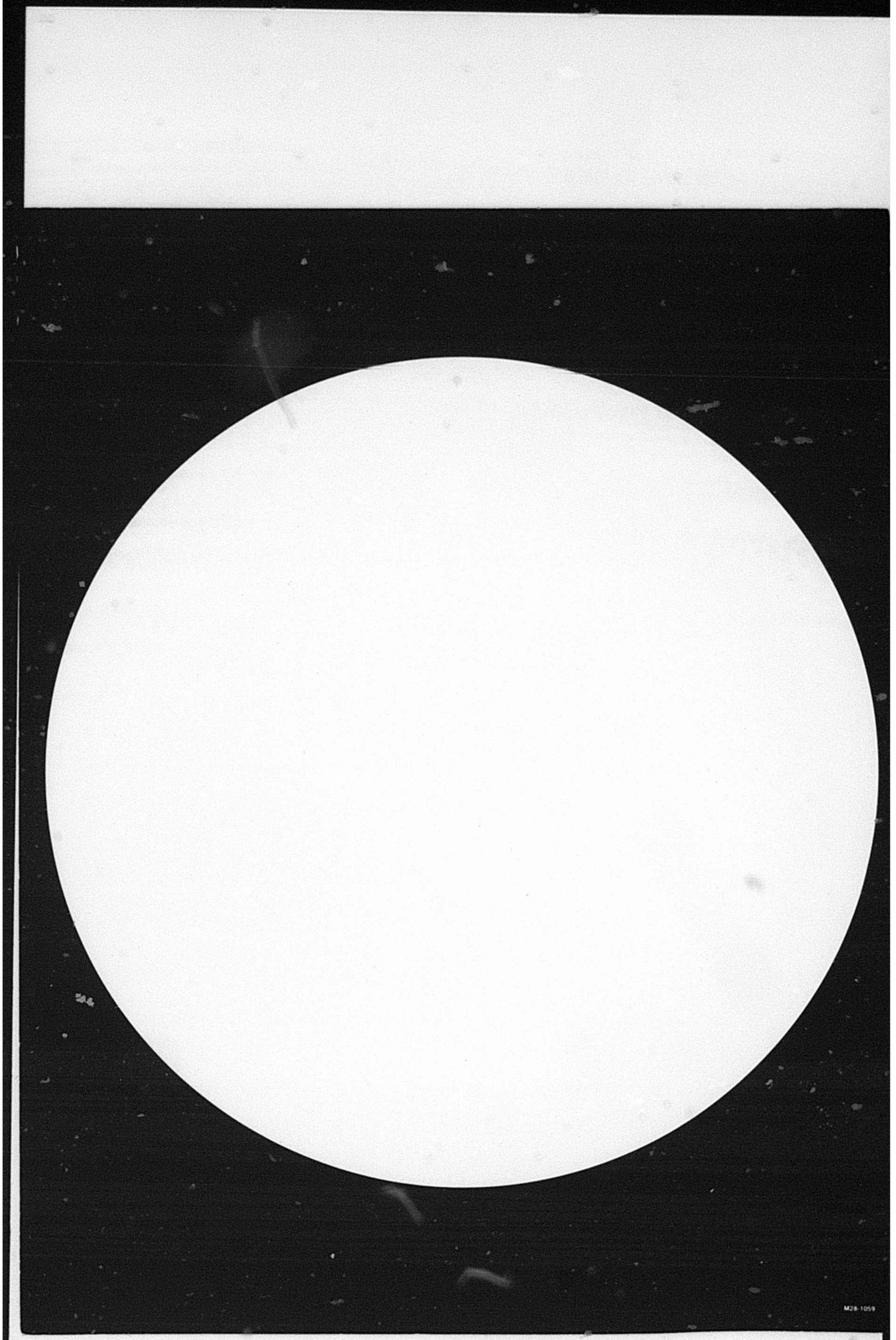


GR-0429 BRITISH COLUMBIA. ATTORNEY GENERAL.
Box 06 Correspondence inward, 1900.
File 02

GR 429, Box 6, File 2

ATTORNEY GENERAL'S OFFICE SEP B.C.

R. G. TATLOW,
VANCOUVER, B. C.

Sept 5th 1900

3065

00

The Hon'ble
Attorney-General
Victoria

Dear Sir

I beg to enclose you a clipping from the "World" of yesterday with reference to the evasion of the Naturalization Laws by Japanese immigrants desirous of obtaining Licenses to fish.

As this is a matter of great importance, especially to this constituency, I would ask you to give the matter your consideration. I believe Mr Beck could supply the names of the Notaries in question in which case it would be very desirable that a full enquiry be made with a view to preventing a repetition of what appears to be a violation of the Statutes

Yours faithfully
R. G. Tatlow.

Japs evade naturalization

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P. O. Box 204.
Telephone 487.

ATTORNEY GENERAL'S OFFICE SEP 1900 B.C.

THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

3170

PROVINCIAL POLICE OFFICE,

VANCOUVER, B. C., Sept 12th 1900

H. A. McLean Esq.
Deputy Attorney General
Victoria. B.C.

Japanese naturalized
in error of suicidal

Sir. - re. Fraudulent Naturalizations -

I beg to state that I have arrested two Japanese on charge of perjury. One was arrested yesterday & brought before the Police Magistrate today & remanded till 17th inst: 2 P.m. Mr Bowser acting for the Crown. (I have still a Warrant for a third) This one I arrested the 2nd one. They each had their Naturalization papers on when arrested. also passports with dates of departure from Japan. both being within this year. & papers issued here by H. J. Thicke Notary Public. June 7th 1900. I have reason to believe that the prisoners were fishing on the Skeena River when papers were issued at Vancouver. I cannot say or explain the case any further at present.

Mr. Tallow no doubt has already given you full details regarding the same.

I am your obedient
Colin. S. Campbell
Prov'l. Constable

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SEP 20 1900
B.C.

Vancouver, B. C. Sept. 18th. 1900. 190

Hon. D. M. Eberts,

Attorney General,

VICTORIA, B. C.

Fraudulent Japanese naturalization

Sir:- Regina V. Hanichi Shibate et al.

On the 8th inst. we were interviewed by R. G. Tatlow, M. P.P. and Mr. Campbell, Provincial Constable, and asked to advise on the question of certain prosecutions against Japs for obtaining fraudulent Naturalization papers in order to take part in the fishing on the Fraser River and other parts of the Province this year.

As the question of getting evidence in cases of this kind is very difficult the Officer of course had great difficulty in proceeding and it was only through information received in a round-about way from the American Emigration office that we were able to put our hands on any Japs who had fraudulent Naturalization papers.

Mr. Campbell succeeded in arresting three Japs who came to this Province from Japan in March of this year, and who had pass-ports on them to that effect when arrested, who were also in possession of Naturalization papers, issued in

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Vancouver, B. C. ..... 190....

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our County Court here in June last, three months after their arrival in this country. The evidence being so difficult to get together and to bring the case home to the prisoners we have had to have several adjournments in the Police Court, and as all the Japs were arrested at different times we had all the cases adjourned to come up yesterday.

We find now that the only way of proving that the Japs arrived in this country on the boat in March is through, the Officers of the boat who probably could not identify them and who are at present not in the Province, or by admissions made by them to the Interpreter in the American emigration office.

Mr. Heley, the head of the American office here, does not wish to have his office connected with the matter in any way, and they claim a certain amount of pr ivilege as to giving evidence of any matters which come through their office. He is perfectly willing to allow his interpreter to give evidence, providing he has the consent of the authorities at Washington, and accordingly Mr. Tatlow wired you yesterday to obtain that consent if possible. If we could not get this it might be possible that we could force the American officer to give testimony without it, or on the other hand, we could put one of the Japs, against whom there is a weak case, into

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the box to prove that the other prisoner arrived on the same boat as he did in the month of March.

Mr. Carbould is acting for the defence in the matter, and we yesterday received an inkling that his evidence will go to prove that these Japs were never ashore off the boat in the City of Vancouver at all, and that they never went before Mr. Thicke, the Notary Public, but apparently some of their friends did the swearing for them. If this evidence is substantiated on oath it will of course show that the grossest frauds have been committed in connection with Naturalization, and as we understand from Captain Tatlow that your primary idea in this investigation is not so much to punish ignorant Japs as it is to get at the bottom of who has been committing these frauds, and to show clearly that frauds have been committed under the Provisions of the "Naturalization Act" and that there should be some remedy for such matters.

When the case came up yesterday Mr. Carbould applied for an adjournment in order to get witnesses from up North to to prove that on the date that the Japs are supposed to have taken their oath before the Notary here that they were up North at the time, and on this statement the Magistrate adjourned the case for one week.

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Yesterday when we attempted here to get a stenographer to take the evidence down we found that Mr. Evans was engaged in Court and that Mr. Urquhart was laid up, so Mr. Tatlow saw Mr Potts, who is the stenographer of the Kootenay, and asked him to stay over yesterday and to-day in order to take the evidence, which he consented to do; he has put in a bill with us for the days he laid over all told he has hotel expenses, amounting to $12.50 which we have paid, and for which we now enclose a Government voucher, duly countersigned.

We wish further to report that Mr. Campbell also arrested last week three other Japanese with Passports on them showing that they had left Japan this year, and also in possession of Naturalization papers. These men were brought up on Saturday and were remanded until the 24th inst. till we saw what became of the other prosecutions of the local Japs here, and they are now in the Jail at Westminster. They admitted at the time of the arrest that they had only arrived in British Columbia this year.

The affidavits or declarations in these cases were taken before Geo. s. MacTavish at Rivers Inlet, and we presume that he is now there; whether he can remember these particular Japs and identify them or not is another question, and we do not purpose to go to the expense of instructing the bringing

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down of Mr. MacTavish without direct instructions from your Department. It is a matter for you to consider whether you think it worth while to proceed in these last three cases or not; because we feel confident that in the cases that we are now prosecuting in the Police Court here, even if we are not successful in sending the prisoners up for trial, we are certainly bringing out a lot of evidence to show what frauds have been committed in the way of naturalizing Japs in this wholesale manner.

We wish that you would notify us at once as to whether you think it wise to bring MacTavish down to give evidence at the preliminary hearing or not. In the meantime we will do nothing further with these cases until we hear from you.

We have the honour to be,

Your obedient servants,

Bowser, Godfrey & Co

Bowser's Handwriting

Dict. W.J. B.

Enclos.

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Vancouver, B. C. Sept 19th, 1900. 190

ATTORNEY GENERAL'S OFFICE SEP 20 1900 B. C.

Hon. D. M. Eberts,

Attorney General,

VICTORIA, B. C.

Sir:- Regina V. Hanichi Shibato et al.

Since reporting to you on this matter yesterday, Mr. Tatlow has shown us your telegram inquiring for further particulars in reference to the American Officers giving evidence.

From our last letter you will see what we wish to prove, and the only thing further that we can add is that the American officers first gave the information upon which Mr. Campbell acted.

It seems that a number of Japs, among these the three arrested, left their papers with the American officers, including pass-ports dated in Japan March of this year, also Naturalization papers, dated in June. The officers saw that they had not been the necessary three years in the country and they questioned them about it, or at least the interpreter connected with the office did, and they admitted to him that they had come to Victoria in March on the S.S. "Bremer". This evidence of course is necessary in order to prove that they

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D.M.E. 2

perjured themselves when they took a declaration before Mr. Thicke that they had been four years in the country.

As we wrote you, Mr. Heley, head of the American office here, although he is willing to do everything to help us out and has given a lot of information, still he is afraid of complications arising through this case should his officer give evidence, between himself and the Japanese Consul here, and on that account he has declined, as well as the officer, to voluntarily give evidence claiming the right that because they represent the American Government here that they are not subject to the Courts in the same way as our own subjects, and that further this information having been given in a confidential way to the American Government Official they would be entitled to a certain privilege in refusing to answer the questions. Whether they would go to the extent of refusing to answer after been taken in the Police Court is another matter, and as they have been so good as to give information Mr. Tatlow thought it would be better to follow out the suggestions thrown out by Mr. Healey and have the authorities at Washington, through you, request the officer to give whatever evidence he could.

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D. M. E. S.

We think that this information will place the matter sufficiently clear before you so that you can intelligently communicate with Washington.

We have the honour to be,

Sir,

Your obedient servants,

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Dict. W. J. B.

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Vancouver, B. C. Sept. 28th 1900. 190

ATTORNEY GENERAL'S OFFICE SEP 25 1900 B. C.

Hon. D. M. Eberts,

Attorney General,

VICTORIA, B. C.

Naturalization

fraud

Sir:- Regina V. Hanibhi Shibato Et Al.

We beg to report that on the 24th inst. the above cases came up for preliminary hearing before the Police Magistrate and we took the course suggested in our last letter and put one of the other Japanese in the box to prove that Shibato arrived in this Province in March last, on the same Steamer that he did, himself. This ofcourse did away with the necessity of calling upon the American Officer. The Magistrate considered that we had made out a prima facie case, and called upon Mr. Garbould to put in his defence. He put the prisoner in the box and on cross-examination we proved that he arriv- in the country in March and was shipped by a Japanese labor- contractor from Victoria to Rivers Inlet to work in a cannery there; that he was not ashore at all in Vancouver, as the boat was only here an hour; that he apparently was very ignorant and had no ideas about Naturalization papers, or that he had to have even a fishing license, although he fished this year.

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He stated that while [redacted] fishing, some time in June, another Jap came to him and handed him his Naturalization-paper and told him to keep it. The Magistrate decided, after hearing his evidence, to dismiss the case, as our case of course was necessarily weak, but we have proved conclusively, by evidence on oath, that great frauds have been perpetrated under the "Naturalization Act". This evidence we are having extended as soon as the stenographer has time to get it out, and we will forward it to you in due course.

We of course had to depend for the main part of our evidence on Nagow, the Japanese interpreter, who seems to have been in partnership, in connection with the taking of Naturaliza tion papers, with the Notary, Mr. Thicke, who claims that a Jap came to him calling himself Shibato, and thathe took him up before Mr. Thicke and he took the necessary oath and after the certificate was received from the Court he forwarded it to Shibato at Rivers Inlet.

There is no doubt to my mind that this man Nagow and Mr. Thicke have been doing a wholesale business in Naturalizing people that were not in the City at all through using some other Japanese to make the necessary declarations; and we have been further advised, on good authority, that Mr. Thicke and Nagow took trips out to Steveston on Sunday to take affidavits there. Although Nagow appears to be at the bottom of this whole busi-

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ness, still, as we are advised at present, we do not see that it would be any use to lay a charge against him of Subornation of perjury, as he would simply get out of it by saying that he thought the Japanese he took before the Notary Public were really the people they pretended to be and in whose names the Naturalization papers were made out, and of course as we cannot get at the particular Japanese who took these affidavits there is no way of bringing a case home to Nagow.

We have had a long interview with Mr. Bremner, the Dominion Labor Commissioner, and he tells us that he knows of one case in which a Jap actually took the oath himself of three years residence, whereas he only arrived in the country this year, and he is now trying to locate the Jap, although it is two or three months since he saw him and if he can find him we will lay information in this case and perhaps have more success than we had in the others.

We might say that of the 613 Naturalization papers issued this year 307 were sworn to before Mr. Thicke, and 209 before E. W. MacLean; and Mr. Thicke, apparently for some reason or other, had 178 of these issued at Chilliwhack, and the way he accounts for that is that the first sitting of the Court was there and they wished them to be taken out in a hurry.

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We have also been informed by the Health Inspector here that Mr. Thicke, early in this year, went to him and wanted to get the particulars of all the Japanese Boarding Houses in the City, which were registered in his office, as he wanted to see them in connection with getting Naturalization Papers. This information the Health Inspector did not give him. This points out clearly that besides being at least most careless in the way of taking these affidavits he has been, as we have suspected all along, drumming up a business in the way of Naturalization of Japs, and that Nagow participated no doubt in the fees which Mr. Thicke got.

We might say that Mr. E. W. MacLean lives amongst the Japs and Chinamen here and acts as interpreter very often for them, and we think that a man like that having commission of Notary Public might do considerable harm, and we would suggest that if the Government does not feel like cancelling the commissions of these two men that it should at least have some sort of an investigation into their mode of procedure as to taking Naturalization affidavits, as the public here feel very strongly on the matter, and think the commissions should be cancelled or at least some thing further done.

We also beg to report that as the other Japanese cases stood exactly on the same basis as Shibato's, we thought that there was nothing else for us to do but to with-draw the

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cases without going to any further expense, which we accordingly did, and in each case we took from the prisoners their Naturalization Certificates which were admitted to be bad by their own Consel, and they are now in possession of the Provincial Constable, Mr. Campbell.

We have the honour to be,

Sir,

Your obedient servants,

Bowser, Godfrey & Co

Dict. W. J. B.