



THE MITCHELL INQUIRY

(Continued from Page 9.)

Ask Mr. Sinclair to be sure and get your option at once from Ottawa as it is important. Meet Milner and Purdy at Amherst, Nova Scotia, Solicitors.

Ask the Hon. J. E. Sinclair to introduce you to Premier and members of the Govt. at once.

Get survey map and send to Andrew Fraser Mitchell.

Q. Those were your instructions received at the last interview with Mitchell?

A. Yes; that gave me working instructions.

MR. INMAN: Did you write that yourself or did he write it?

A. He wrote it roughly one evening at dinner and his stenographer put it out in type. The power of attorney is so limited that as it stands it was valueless unless I got further instructions from him.

MR. GAUDET: Did you get any further communication from Mitchell after you left Liverpool?

A. Yes, on the 22nd of October I got a cable at Emerald, asking me to cable details as to contract, and also the best bank to send my money to, and giving me his kindest regards. That was the last communication I received from him.

Q. Did you get any remittances of money since you came here?

A. No. I arrived at Emerald. I am not sure of the date but the steamer got to Quebec on Monday the 12th or 14th and we arrived at Emerald the next afternoon about 5 o'clock. We got fixed up at the station and on the next day I went to see Mr. Schurman. I came away with two plans to guide me, for Quinn and Steedman's house, which were to be built for \$1,081, I saw Schurman and asked him what had been done and what contracts he had. He said he had nothing except the original contract letter and specification for the house he had built. I showed him these. "That is wrong," he said and produced another plan, which is very different from the one which I have in my hand. He took me with him in his motor car to see the building. I saw the bungalow, and in my opinion it is absolutely too small for anything. It might be possible for a man and his wife to live there in the summer but there is no arrangement for water, no outbuildings and no arrangement for storage. In my opinion it is an impossible little place to live in for the winter. The accommodation is two small bed-rooms. In the plan I had they were to be 15 X 11 and 13 X 11 with a bath room between them. The bungalow itself contains one room 10.6 X 8.6 and the other 11.6 X 8. The plan Mitchell gave me contains a living room, a dining room and kitchen; in the bungalow built there is a living room and kitchen and a small pantry. I saw the letter Mr. Schurman showed me he wrote to Mr. Mitchell which formed the contract and he told me that was the house that he arranged with Mr. Mitchell in his office to build for \$1,081, absolutely the cheapest they could build. Then I began to feel that something was not quite right, as he had sent me out with these plans as the house that he had arranged to be built and Mr. Schurman said this other man was the one that had been agreed upon. I saw Hon. Mr. Sinclair. He seemed rather reticent with me at the first interview. It was two days before I saw him again. Everybody round about Emerald wanted to talk to me during that time, farmers and everybody, and without mentioning this scheme or the bungalow I slowly came to the conclusion.

MR. INMAN: Your conclusions cannot be taken down.

MR. GAUDET: Let him tell his story.

THE ATTORNEY GENERAL: Go on, Mr. Jackson.

A. They talked with me about conditions and things and I came to the conclusion that a small plot of 4 acres would not be enough for a man to get a living on.

THE ATTORNEY GENERAL: A very important conclusion.

A. I also found out for certain, without forming any conclusion at all, that the house would be impossible to live in during the winter when the roads were blocked up and you could not get quantities of provisions, etc. I saw Mr. Sinclair again, and told him that I did not quite like things, that it was not right to be sent out here expecting a certain kind of house and finding a totally different one. I said I did not think the land large enough for a man to earn a living on. Then he told me his opinion, which did not change the conclusion I had come to. We got into communication with Mr. Thompson at Amherst, asking him to come over. He said he could not, so I went to him. When I saw him he handed me the contract copy of a letter which he had written to Mitchell, dated, I think the 1st or 2nd of October.

Q. Have you that?

A. No, he simply showed me his office copy of the letter he wrote. That letter put forth in great detail exactly the conclusions I had

come to in Emerald and he also, I think, mentioned that Captains Duthie and Butler must have their money refunded. He said, "That is all I can tell you." I asked about the survey plan; he said they got the survey and that was sent on to Mitchell. He drove me to Sackville and I came back. Then it seemed to me if I assisted Mr. Mitchell in this work, to get other officers cut under these conditions. I was assisting him to get my brother officers here under false pretenses, and that whatever already I had written to him I could not with honor continue in this work. So I sent him a cable stating: "Owing to your gross misrepresentation I decline to assist you further." On October 22nd, as I said before, I received a cable from him, asking me where to send my money to. Since then I have received no communication from Mitchell.

Q. Where are you living now?

A. I am in a house, vacant for two years, at Summerfield, Emerald, near Mr. Sinclair. I have my wife and family there, trying to get comfortable for the winter so that I can turn round and see what can be done.

Q. You propose to buy some land on your own account?

A. I might do that, but I should not have come out except on the salary. I have not enough money to buy land as it is.

Q. You have not paid any money to Mitchell, as far as you are concerned?

A. No, I came here as his agent.

Q. But you are just as much disappointed as the other fellows?

A. I am, yes.

Q. After replying to him you have nothing to do now further?

A. Not now. There might have been if I had been willing to get these people out here still, under the same conditions he detailed. I could have found lots to do.

Q. What about these other gentlemen mentioned by Mitchell in his letter?

A. In London he showed me about fifty names of people who were coming out before Christmas. There is no means of getting in touch with them; if it were possible I should have done so.

THE ATTORNEY GENERAL: Q. They have not arrived?

A. No.

I am afraid I have had a communication from Allenby and I replied pretty strongly. I gave him my estimate of the value of the land and advised him to get into communication with Sir Charles Russell.

THE Commissioner: Q. Did Mitchell pay you anything at all?

A. No. The money I received from him was my expenses for the two or three visits I paid him in London, and to leave England he gave me 30 pounds towards the extra expense involved in going by Quebec and Liverpool instead of Southampton.

MR. GAUDET: Q. You paid your own passage?

A. I gave the White Star Company my own cheque for our fares.

Q. Did you receive nothing on account?

A. No, I would not accept it. I felt that if I took money from him I was simply taking the money of my brother officers at home.

Q. Did Rollison come out?

A. I believe he has sailed.

THE ATTORNEY GENERAL: Q. When you were discussing the matter did Mitchell disclose to you how he held the land?

A. No. I never questioned that.

Q. He told you what he was charging those men?

A. Yes, he had to when he talked about Duthie and Butler being disappointed. I think I saw a letter or a newspaper cutting, something about them being charged too much. He said "Perhaps we are charging a lot for the land, but we must get something out of it to pay the expenses of this place in London; when they get out there they will find that they have not paid too much for the land by long odds, when they get going." He wanted to make my appointment and the reason I declined was that if I accepted any Government appointment the Admiralty will stop enough of my retiring pay to make that up; so I insisted that it should be a private matter.

MR. GAUDET: As far as you are concerned you came in for the pension and 300 pounds?

A. No. 200 pounds. At home that was not enough to keep myself and family, especially as it happens that next year I expect a cut of at least 40 pounds a year, since the cost of living has come down considerably.

THE ATTORNEY GENERAL: Your duties then were simply to see these people settled?

Q. My duties are broadly defined in the Power of Attorney, Mitchell used a card setting forth his appointments as immigration and colonization agent for the Island. (Card produced). On the advice of his solicitor he wrote "for certain purposes" on the advice he had received that advice that his immigration agency was cancelled.

MR. GAUDET: He got that written on his card and still used the same cards?

A. Yes.

MR. INMAN: Do you know where that man came from?

A. No, except that in conversation with him he told me that his father was the host of the Royal party when they visited Calcutta in 1905.

Q. Was he born in India?

A. I don't know.

Q. Do you know when he came to Canada first?

A. Fourteen years ago, he said.

Q. Where did he go?

A. I don't know. All the information I have is set out in his first circular letter, and some things he dropped in conversation.

Q. What was his father's occupation?

A. A British officer in the Educational Department, he said.

MR. GAUDET: How old a man is Mitchell from his appearance?

A. About thirty odd years. He told me he was thirty-two.

THE ATTORNEY GENERAL: An insignificant looking man, was my impression of him.

A. I would not call him an insignificant looking man.

THE ATTORNEY GENERAL: I suppose we shall have to adjourn, as Mr. Sinclair is not here, and as he is a witness in this inquiry.

MR. INMAN: Mr. Sinclair has gone to Ottawa.

THE ATTORNEY GENERAL: Are you representing Mr. Sinclair?

MR. INMAN: No, but I got a wire telling me that he could not be here. He will likely be back in a week.

Q. Is Rollison married?

A. No, he is living with Turner at Emerald. I don't know whether he will get settled there or not.

THE ATTORNEY GENERAL: A communication has been received from Mr. Thompson at Amherst. It is the purpose of this inquiry to ascertain if possible whether any other person is connected with Mitchell and as Mr. Thompson's name is connected with the matter it is only fair that his statement should be read.

MR. INMAN: I don't think it should be given in evidence.

THE ATTORNEY GENERAL: This is an inquiry, not a trial, and we want to get authoritative information from whatever source. The communication which is addressed to the Commissioner is as follows:

STATEMENT IN CONNECTION WITH ANDREW FRASER MITCHELL'S COLONIZATION ACTIVITIES ON PRINCE EDWARD ISLAND.

I have been reading with interest the reports in the press of the proceedings of the investigation into the activities of Andrew Fraser Mitchell. From these reports I would gather that you are somewhat in the dark as to Captain Dudley's and my connection with the matter under review. For your enlightenment, therefore, I wish to make the following statement.

Some time along about the first of this year, Mr. Mitchell who was then residing in Amherst, outlined to me a scheme of colonization which he was proposing to the Prince Edward Island Government. The proposal as he explained it was, to set aside some hundreds of acres of good fertile land in a central location for the establishment of a Colony of English, Scotch and Irish Officers, who were being retired from the Military and Civil Service in India. Mitchell declared he was born in India, his father still residing there, being an Inspector in the Educational Department of the British Civil Service. He, therefore, posed as somewhat of an authority on the possibilities of attracting these Officers, many of whom he led me to believe were comparatively young men of independent means and receiving a retiring bonus and pension. Mitchell was of the opinion that he could also attract many other British subjects of independent means, who were anxious to leave the Isles on account of the heavy taxation in force there.

I have realized for a number of years the urgent need of suitable land and additional capital for the settlement and development of this part of the Dominion. Mitchell's proposition, as he explained it, looked like an excellent opportunity to secure both. It therefore interested me.

Mr. Mitchell, as you know, received an appointment as a Special Representative of your Government and I take it that the whole scheme must have been fully explained and understood be-

fore such an appointment could be made.

Before leaving for London, Mr. Mitchell requested me to get in touch, in an unofficial way, with the first settlers arriving and endeavor to make things as easy and as congenial for them as possible. This I agreed to do as it promised to be an interesting experiment in immigration and if successful, could be extended throughout the Maritime Provinces.

Mitchell visited Canada before any of the settlers arrived, for the purpose of having a rough survey made of the land which he had under option, and otherwise completing his arrangements. While here, he arranged with a Captain Dudley, an ex-Indian Officer, then located in Vancouver, to come to Montreal to meet him. As a result of this meeting, Captain Dudley came down to look over Mitchell's proposition. He was much taken with this part of the country and considered it would be suitable for the settlement of the ex-Indian Officers. He was also of the opinion that the Colony scheme, as Mitchell outlined it, would be feasible. He therefore proposed to reside in this vicinity for a while at least and assist Mitchell in locating settlers. Mitchell gave him Power-of-Attorney to act on his behalf and it was with this authority that the first bungalow was ordered.

Captain Dudley met the first two officers, namely Captains Butler and Duthie, at Halifax and accompanied them to the Island. After looking over the situation and discussing matters with Captain Dudley, these two settlers came to the conclusion that conditions had been misrepresented to them by Mitchell. Dudley was undecided as to just what should be done, so he wired asking if I would meet the three of them in Amherst for a conference. This I did and, as a result of the conference, I agreed to take the matter up with Mitchell in an endeavor to have satisfactory adjustment made. The offer Mitchell made as a result of my cable was not satisfactory to the settlers and, on my advice, they asked him asking for the fulfillment of a guarantee which they claimed was made to them.

Captain Dudley who was to meet Captain Turner at Halifax, was unexpectedly called back to Vancouver and he cabled Mitchell accordingly. Mitchell in turn sent a marconigram to Captain Turner asking him to stop off in Amherst, thinking, I presume, that I might be able to accompany him to the Island. As it happened, I was in Charlottetown at that time attending the Exhibition. My office telephoned that Captain Turner was in Amherst to see me, and I replied stating that I intended to go to Summerside the following day and would be pleased to meet him there. I met him in Summerside and as he wished to go to Charlottetown on private business, I motored him there, stopping at Emerald to look over the Colony area and the bungalow which was then being built for Captain Butler and Duthie.

While talking with Captain Turner on the trip to Charlottetown and later in the hotel there, I decided that he also came out under some misrepresentations and I immediately cabled Mitchell accordingly. After arriving home I confirmed my cable by a rather lengthy letter to Mitchell outlining the whole situation as I saw it and urging an immediate adjustment. So far I have not received a satisfactory reply. Mitchell has, however, recently cabled asking me to arrange with M. F. Schurman Company, Summerside, for the building of two other bungalows. I replied telling him to do his business direct as I could not assist him further until he made satisfactory adjustments with the settlers who had already arrived.

As regards my connection with the payments made to the M. F. Schurman Co., I may say that Mitchell requested me to keep him advised when these payments were due. This I did and he transferred the necessary money through the Royal bank to me at Amherst. In turn, I issued certified cheques made payable to the Schurman Company.

In all my dealings in connection with the scheme I have never even had a Power-of-Attorney from Mitchell, so therefore was not in a position to do business for him in any official capacity.

(Signed) H. E. THOMPSON
Amherst, N. S.
November 1st, 1923.

THE ATTORNEY GENERAL: After the first meeting of the Commission I cabled Mitchell—

(Oct. 26th). "Government Commission to investigate your acts while Representative of this Province sat yesterday, adjourned to November 14th enable you to attend or be represented."

On Oct. 27th I got the following reply by cable:—

"J. D. Stewart, Charlottetown, P. E. I. Cable received. Impossible attend personally or instruct loca-

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A Croupy Cough

brings dread to the mother's heart. For safety's sake, keep a bottle of Shiloh, the old time remedy, at hand. A very few drops makes the cough disappear, and taken regularly gives complete relief. 30c, 60c and \$1.20. All druggists.



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"J. D. Stewart, Charlottetown, P. E. I. Cable received. Impossible attend personally or instruct loca-

representative. Will send representative on payment of his fees by you. Meantime you clear up mess you and your associates responsible for. Suggest you reappoint me Representative immediately. If appointed can send you great many people on original arrangement, first colony Emerald, second Charlottetown, third Summerside. You immediately send me plot area, maps for colonies Charlottetown and Summerside stating prices. I sending people only who have bought through me.

ANDREW FRASER MITCHELL

I have already had correspondence with Hon. P. C. Larkin, the High Commissioner for Canada. I had placed the matter in his hands. He wrote me as follows, Oct. 22nd, 1923:—

Kinnaird House, Pall Mall East, London, S. W. 1.

October 22, 1923.

My Dear Prime Minister:

I duly received your letter of the 2nd instant in regard to Mr. Andrew Fraser Mitchell, and I thought it best to put the matter in the hands of Messrs Charles Russell & Company, the Dominion Government Solicitors here. I now send you copy of Sir Charles Russell's letter of the 19th to me with my reply, in which I have told him to proceed along the line which he thinks best.

I am afraid Mr. Mitchell is a bad lot; he refused to come over and see me, and there is no doubt that he is continuing selling these lots on which, as you point out, no man can make a living. As you will see, I have told Sir Charles Russell that not only should he be stopped acting as the agent of your Government, but also that he should be prevented from making a living as he is doing, by misrepresentation.

I am sure you will pardon me for what may appear to be an interference on my part, but I rather think that whoever nominated Mr. Mitchell to represent your Government (your own or the Dominion Government) ought to make good to those officers the money they lost. I feel that, personally, my skirts are clear, because I reported to the Honorable Charles Stewart, after seeing Mr. Mitchell, that I had a very poor opinion of the appointee.

Your sincerely (signed) PETER C. LARKIN, The Honorable J. D. Stewart, M. P.

Charlottetown, Prince Edward Island. (copy).

Kinnaird House, Pall Mall East, S. W. 1.

October 22nd, 1923.

Dear Sir Charles Russell:

re Andrew Fraser Mitchell

I am most grateful to you for your letter of the 19th, and I am sure that the way you propose proceeding is the best and will merit the thanks of the Prince Edward Island Government. Please go ahead as you think best, but I would like to point out that, not only do we want to stop Mr. Mitchell acting as the official Representative of Prince Edward

Island for emigration purposes, but also to prevent him making a living as he is now doing, by misrepresentation. I return you the file herewith.

Yours sincerely (Signed) PETER C. LARKIN, The Honorable Sir Charles Russell, K. V., V. D.

37, Norfolk Street, W. C. 2. (copy).

37, Norfolk Street Strand, 19th October, 1923.

Dear Mr. Larkin:

re Andrew Fraser Mitchell

With reference to your letter of the 15th October, I have now considered this matter.

I gather that your wish is to avoid publicity if possible. If I may say so I quite agree. This being so my plan would be to act as follows:—

I will send a letter of inquiry as to prospects in Prince Edward Island and also send someone to his office to have an interview with him on the same subject.

If Mitchell still holds himself out as being the official representative of this Provincial Government, I think I could obtain an injunction restraining him from doing so. If we were successful and he disobeyed the injunction he would be committed to prison.

I should add that injunctions are obtained without publicity and would only be made public if Mitchell were to go to the Court of Appeal which under the circumstances, I do not suppose he would do.

With regard to the recovery of the money which Mitchell has already obtained, this is a very much more difficult question.

The only way of accomplishing this would be by the taking of civil proceedings by the ex-officers who paid the money. The difficulty is that they are not in this country. If one of the defrauded ex-officers were in this country, then it might be done for that particular ex-officer.

The same applies with regard to taking criminal proceedings as there would be no prosecutor here and I agree with the observations of Mr. Obed Smith in his letter to you of the 25th September last.

However, for the moment I understand you are merely asking me what is the best way of stopping this man's activities, and I think the best way would be by means of an injunction if we can obtain the necessary evidence that he is still holding himself out as the official representative.

At 4 p. m. adjournment was made until 11 a. m. Monday, Nov. 19th.

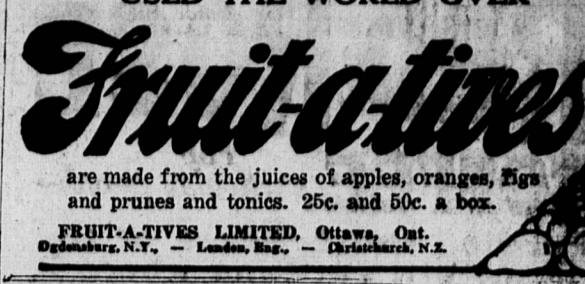
Yours sincerely, (Sgd) PETER C. LARKIN, The Honorable J. D. Stewart, M. P.

Charlottetown, Prince Edward Island.

At the same time I received a cable from Capt. Allenby, and I cabled him to get in touch with Sir Charles Russell so that the information would be available. So far as I can see, after taking these measures, we have done everything that we could to prevent the matter going further.

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USED THE WORLD OVER



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