

C.P. 20 4/23.

Halifax, N.S. October 4th 1923.

To  
The Minister of Marine & Fisheries,  
Ottawa, CANADA.

Re- Investigation of H.M. Margaree Hatchery.

Sir:-

I have the honor to report that, by virtue of my Commission under the Magueries Act, I left Halifax, N.S. on September 16th. 1923, and arrived at H.M. Margaree, N.S. on September 17th. 1923. I took with me Const. 9155 Sgt. Blakeney, N.S. Police, to assist generally in the investigation.

Previous to my departure from Halifax, the following telegram was dispatched to Superintendent Burton, H.M. Margaree:

"This is to inform you that I have been appointed a Commissioner to investigate and report upon the placing of dynamite sticks etc. near the road outside the Hatchery Gate at North West Margaree. In May 1922 stop I intend to be at Margaree on Wednesday September nineteen instant and will by virtue of my Commission receive the evidence of those who wish to testify before me stop kindly notify all parties interested and post copies of this telegram in conspicuous places"

Upon my arrival at H.M. Margaree, I found that my instructions had been carried out and that the majority of the people were aware of my coming.

I made my Headquarters at a residence in the center of H.M. Margaree.

In order that every resident of H.M. Margaree should be fully aware of my instructions from the Government, I hired an automobile and directed Sgt. Blakeney to visit all the residents of H.M. Margaree and explain to them that the Commission was now sitting, and if they had any evidence to give relative to the investigation, it would be received, and that transportation would be furnished them to the place where the enquiry was being held.

I found that other than the evidence attached, that no resident of H.M. Margaree desired to give any evidence and that they expressed complete ignorance of the affairs under question.

I was authorized to take evidence on the following subjects, as per Order in Council P.C. 1396.

(1) The finding of two sticks of dynamite on May 23rd. and 24th. 1922, outside and at the Margaree Fish Hatchery.

(2)

(2) The raising of the screen in the salmon rearing pool on July 19th, 1923 whereby the salmon overboard into the river.

(3) The appearance of noccehorn on the fishery pool on the night of July 28th, 1923.

I will therefore report consecutively on the above mentioned matters.

(1) THE HATCHERY OF THE MARGAROO STATION.

The first witness that gave evidence was Leonard James Burton, Superintendent of the Margaroo Salmon Hatchery. This witness gave evidence to the effect that persons unknown had placed two sticks of dynamite in the vicinity of the Hatchery, that it was possible that the dynamite sticks had been placed there the same night although the dynamite sticks were discovered separately on the morning of May 23rd, and 24th, that a fuse had been attached to one stick, but no detonating cap was attached to the fuse. This witness had been unable to discover who placed the dynamite in the vicinity of the Hatchery, but the following extract from his evidence is of interest.

"My impression was at the time and still is that the dynamite was placed there by a person or persons who did not intend to do harm, but intended to create the impression that a night watchman should be employed at the Hatchery".

The next witnesses that were called were Frank McDermid, Assistant at the Margaroo Hatchery, William S. Morrison, Frank Ross, Garfield Burton and Mark Ingraham, the latter four being farmers of N.S. Margaroo.

Frank McDermid had no evidence to give, but stated that dynamite had been used for construction work about seven miles from the Hatchery.

Wm. S. Morrison had no evidence to offer, but stated he had applied for the position of night watchman at the Hatchery, and had got up at nights to try and prove Assistant McDermid was not doing his duty.

Frank Ross had no evidence to offer other than that dynamite was fairly commonly used in the district, and that he had in May 1923 found two old sticks of dynamite near a salmon pool two miles below the Hatchery. This had evidently been left there by poachers. This witness also stated that he had on two occasions paid night visits to the Hatchery pool on July 1st and 3rd, 1923, in order to find if Assistant McDermid was doing his duty.

Garfield Burton had no evidence to offer concerning the enquiry in question, but stated that in July 1922 while he was employed as a Fishery Guardian of the Dominion Government, that he heard an explosion in a salmon pool one quarter of a mile below the Hatchery, and that considerable dynamite was used in the district.

Mark Ingraham was called at his house in only a few yards distant from the Hatchery and was at the time, but he could throw no light on the enquiry.

Sergeant Mackenzie, R.C.M.P. Police, gave evidence of his investigations of the case in 1922, and a copy of his report to his direct superior is attached.

I therefore respectfully submit the following opinion of this first part of the investigation in question.

That the dynamite had been stolen locally, and had been placed outside the Hatchery gate and inside the Hatchery yard by a person or persons unknown, not with intent to do damage, but for the purpose of causing anxiety to the Hatchery Officials.

That it is respectfully recommended that the Chief Inspector of Explosives, Department of Mines, Explosives Division, Ottawa, be requested to send a Deputy Inspector of Explosives to Inverness County, for the purpose of the enforcement of the Explosives Act, and with special reference to the storage of dynamite from theft.

(2) THE RAISING OF THE SCREENS IN THE CANYON NEARLY POOL.

No evidence of importance other than that of Superintendent Burton was brought out by the enquiry. Corroborative of Mr. Burton's absence on duty from the Hatchery that afternoon was given by T. Morrison, and no fresh evidence was produced.

Duncan Ross was mentioned in Superintendent Burton's evidence, was not in Inverness and could not be summoned to appear, but he was not considered to be an important witness.

If immediate steps had been taken at the time to find out what children, if any, in the settlement had visited the rearing pools that day, some further light might have been thrown on the occurrence.

I am inclined to agree with Superintendent Burton that this was the work of children who had been playing around the rearing ponds and did the mischievous act out of curiosity.

(3) THE APPEARANCE OF BOATS IN THE FISHERY POOL ON THE NIGHT OF JULY 25th. 1922.

The direct evidence of Frank McFarland and Garfield Burton was given in this respect; corroborative evidence of the occurrence was given by Superintendent Burton.

It appears that at about 3 A.M. on July 25th. 1922, two men floated down the river in a small boat and entered the Hatchery pool where Assistant McFarland was guarding a net. The Fishery Guardian, Garfield Burton, happened to be there at the time and promptly made himself known to the men whose disguised appearance was seen by the light of a flambeau they were burning in the boat. The men, who were evidently salmon poachers or posing as such, put out their light when ordered to by Garfield Burton, crossed the river and landed. McFarland and Burton crossed the river but found the men had disappeared in the thick woods, the flambeau and boat were seized and handfuls of fish spears were evidently seen in the men's hands as they escaped.

When McFarland and Barton recrossed the river with the captured boat, the poachers evidently reappeared and commenced to throw stones at them; a lantern was slightly dented by a stone but not extinguished, so capture was done to the net.

Mr. Fishery Guardian Carlisle Barton in his evidence distinctly stated, "I saw the men were after McFarland and not me, I did not follow them".

No further evidence of this incident was produced.

I am of the opinion that these so called poachers deliberately came into the Hatchery pool for the purpose of frightening Assistant McFarland in order that he might leave his post of duty.

No further witnesses were examined except John J. Crowdin, District Councillor of District No. 10, and one of the most prominent men in N.S. Barrapara, and I was especially anxious that he should testify. Mr. Crowdin knew nothing of the points to be investigated, but gave his opinion in the following straightforward manner.

My opinion is that the affairs in question were the work of some low minded sneek thieves who wished to bring discredit on the Hatchery Officials".

The following citizens and others were invited to testify, but stated that they had absolutely no evidence to give, but would come if requested.

Albert Ingraham, J.B., Garry Ingraham, Christopher Carmichael, A.J. Austin, J.B. Carmichael, David Fraser, and Edward Smith as well as others.

It was felt that it was not necessary to bring them in to testify.

The investigation was therefore closed at 6 p.m. on Wednesday September 19th, 1923, as it was felt nothing further could be gained by remaining at N.S. Barrapara.

I regret that the investigation did not bring out the actual perpetrators of the deeds, but it is felt that it had the desired effect and that the Department will not be interfered with in future.

I have the honor to be

Sir

Your Obedient Servant

*Charles Peering Labauze*

Inspector.

Charles Peering Labauze  
R.C.C. Police.

Commissioner under the Acquisition Act.