

The Deputy Minister of Justice.

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September 23, 1940.

On August 3rd I received a letter from Donnelly stating that he had been in touch with the accused and that he, the accused, did not seem to be very clear as to what he wanted. He suggested that, I should go to Goderich and interview Dodge. I went to Goderich on August 8th and interviewed the accused. He again spoke of obtaining a Lawyer himself, and was generally dissatisfied with the conditions of the jail, and the Officials. I advised him that the Department had instructed me to defend him, and tried to impress upon him that he should leave the whole matter in my hands.

The preliminary hearing was set for August 29th, and on that morning, before the opening of Court, I went to the jail and talked to Dodge. He refused to take any advice, stating that he was not prepared to go on, as he did not have a Lawyer of his own, and that he proposed to say so to the Magistrate. I advised him of the seriousness of the situation, and suggested that he leave it in my hands, to attend to his defence. This he positively refused to do. Later at the Court House, before the opening of Court, I again approached him advising that, he allow the preliminary to proceed, and not make any statements to the Court. He said "did you hear what I told you at the jail." I replied that I had, and he said "well, didn't you understand it."

When the Court opened I told the Magistrate of the situation. Dodge then announced that, he was not ready to go on, that he did not have a Layer of his own, and that he did not know when he would have one. It was suggested that the matter be adjourned for one week, and I requested that it be set over for two weeks to give the accused an opportunity to obtain Counsel.

On September 5th, I attended at Goderich jail to interview Dodge. He still took his former position that, he could not proceed with the preliminary hearing until he had a Lawyer. I advised him that the Court would no doubt, insist on the preliminary proceeding, on the next Thursday.

On Thursday last with Mr. Moore, I went to Goderich and the Agent interviewed Dodge, at the jail, before Court. Dodge was still unreasonable as I understand Mr. Moore has advised the Department. At the Court House, I advised Dodge to say nothing during the preliminary, and that I would examine, if I thought advisable, the witnesses called on the hearing. The preliminary proceeded, only three witnesses being called. These were one of the Constables, the Coroner and the Inspector who identified a statement made by the accused.