

L. 000-36

OTTAWA, February 9, 1911.

SIR,

I beg to acknowledge the receipt of your report of the trial of the case, with reference to the Special case. I note that you had an information laid against the defendant in the case, that he was a native of the State of Michigan, and that when he returned his uncle laid a Special Information for the same case, and that the accused was tried on the latter information before the Justice of the Peace and was fined, and you want to know if you can proceed with the case on the first information.

In reply I beg to say that, while this is somewhat annoying to you after having taken so much trouble in the matter, it does not appear to the Department that you would be successful; it appears to be the law that where two or more actions are pending between the same parties at the same time priority of commencement is of no moment in determining the effect of a judgment in one of them, and, since the accused was convicted on the latter action, it appears that he could not set up the plea of ~~judgment~~ against any further litigation in this matter.

Your obedient servant,

For [Signature]
Asst. Deputy and Secretary.

Samuel Hagan, Esq.,

Indian Agent,

Thebes, Ont.

Dept. of Indian & Northern Affairs, Letterbook,
27 January 1911 - 10 February 1911, (R.G. 10, Volume 5328)

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