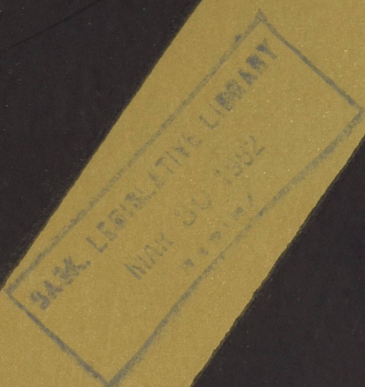
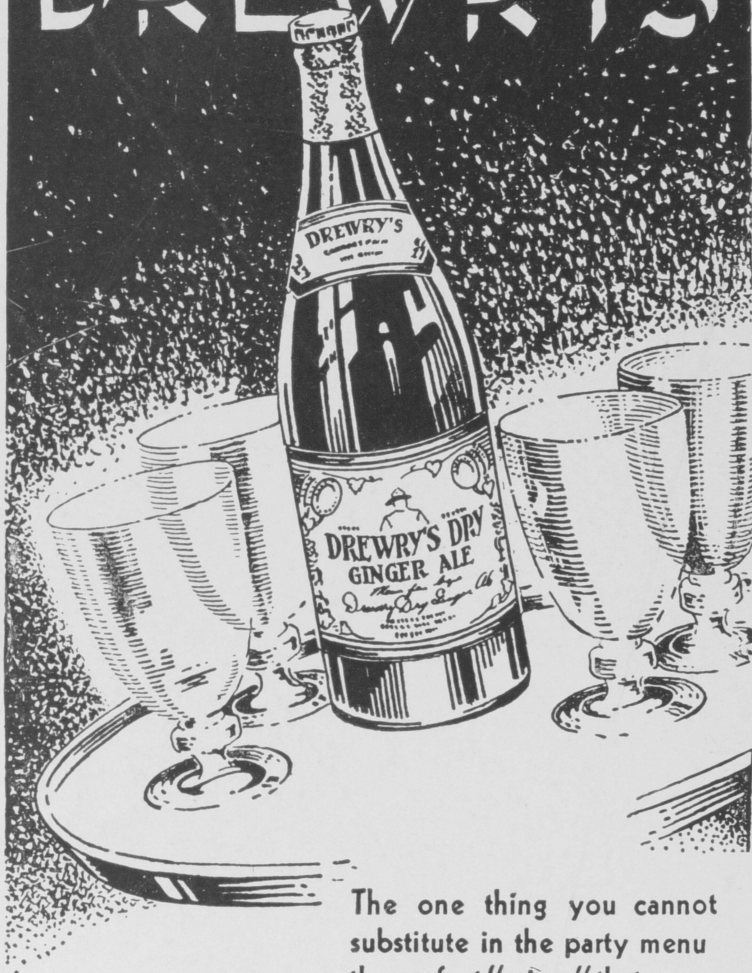




# ROYAL CANADIAN MOUNTED POLICE QUARTERLY

**OCTOBER**  
NINETEEN THIRTY-EIGHT

# DREWRY'S



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42

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# Royal Canadian Mounted Police Quarterly

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VOLUME 6

OCTOBER 1938

NUMBER 2

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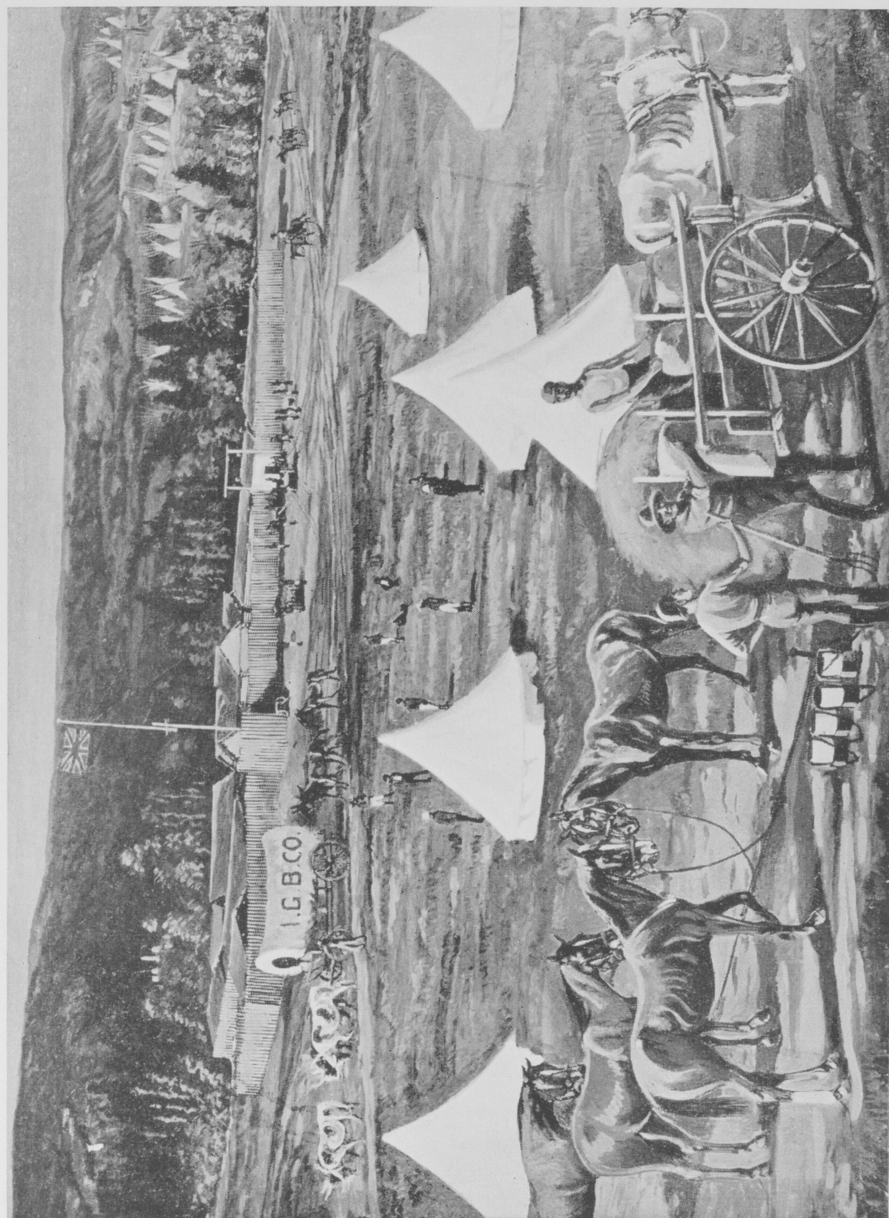
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FORT WALSH, 1876—"THE CRADLE OF THE FORCE"

(See pages 83 and 98)



## Editorial

A feature of the past history of the Force will be revived in the near future when the new Royal Canadian Mounted Police Band, which is at present in process of organization at Regina, is ready to take its part as a constituent unit of the Royal Canadian Mounted Police.

The inclusion of a band on the strength of the Royal Canadian Mounted Police, is not by any means a new innovation, as in the early days of the Force's inception, a band was stationed at Fort Walsh in 1878 and later at various points in the Dominion until the time of the South African War. Old-timers of the Force who served in the last decade of the past century will undoubtedly remember the Brass Band which, in 1895, was in attendance at Church Parades at Regina, the Headquarters of the Force at that time.

With the re-inauguration of the Band, not only will a medium of instrumental expression be supplied for official occasions of a ceremonial nature, but the Force will also be placed on a similar footing to other units which have a band as part of their complement. As an initial step towards the formation of the band we have been fortunate in securing the services of Captain J. T. Brown, formerly Director of Music of the Governor General's Foot Guards at Ottawa—whose efficiency and ability are very well known throughout Canada.

While a few recruits may be taken from outside the Royal Canadian Mounted Police it is intended, as far as possible, to recruit the personnel of the new band within the ranks of our organization. It is proposed that for several months all training will take place at Regina.

The Force is looking forward with enthusiasm to again having a Band of its own which, it is confidently expected, will be outstanding in merit.

\* \* \*

Of particular interest to ex-members of the Force, two articles, entitled "The Cradle of the Force," and "Memories of the Old West," are included in the current edition of the Magazine. To illustrate these articles we have been able to secure as our frontispiece a picture of Old Fort Walsh, painted by Reg. No. 3305, ex-Constable G. E. McElroy, from a photograph in the Dr. Kennedy collection of Fort Macleod. All that remains today to mark the site of the Fort is the cemetery on the hill to the left of the buildings shown in the illustration. The trail seen in the picture is the main route leading from Fort Benton, U.S.A.—the base of supplies—to the undeveloped territory. Two further paintings on a smaller scale, authentically descriptive of old-time scenes during the early days of the Force and painted by ex-Constable McElroy, are also included in this issue of the Quarterly Magazine.

## Notes on Recent Cases

A CASE RECENTLY occurred at Douglastown, N.B., where two men were arrested for creating a disturbance at a school meeting. The charge was laid under Section 201 of the Criminal Code and dismissed. The following brief was drawn up and filed by the Clerk of the Court. This brief is of exceptional interest in explaining the applicability of Section 201, Cr. Code, and also in clarifying the law respecting trespassers:

"The Defendant is charged with disturbing a social meeting under the provisions of Section 201 of the Criminal Code of Canada. It is argued by Counsel for the Defence—

- (1) that it was not the Defendant that created the disturbance; and
- (2) that even if the Defendant did create a disturbance, the Section does not apply to a meeting of this kind.

The Section reads—'Everyone is guilty of an offence and liable on summary conviction to a penalty not exceeding Fifty Dollars and costs, etc., who wilfully disturbs, etc., any assemblage of persons met for religious worship for any moral, social or benevolent purpose, by profane discourse, etc.'" The part of the Code dealing with this is Part V, headed 'Offences Against Religion, Morals and Public Convenience', and Sections 198, 199 and 200 deal entirely with offences against religion and offences against clergymen. Section 201 is headed 'Disturbing Religious or Other Special Meetings'. With Section 202 begins offences against morality. So that Sections 198-201 both inclusive appear on their face to be sections dealing with offences against religion and things kindred thereto. They are declaratory of the law which existed prior to the passing of the Code in 1892. Offences against public meetings were dealt with by Chap. 152 of the Revised Statutes of Canada, 1886, and that Act has been subsequently embodied in the Code, Sections 127 and 128, also Sections 619, 620, 621. There is nothing in these sections which appears to meet the present case unless it can be shown that the school meeting is one that comes within the phrase, 'moral, social, or benevolent purpose.' In the case of the King vs. Lavoie before the Recorder's Court of the City of Montreal, 6 C.C.C., p. 39, the Court held that a political meeting was not within the category intended to be covered by Section 201 of the Code. At page 40 he says, 'I do not think the Accused disturbed any meeting of the character mentioned in this article which is not intended for the preservation of order at political or municipal meetings. Solemnity is certainly not expected at such gatherings where a certain freedom in the way of question and answer, repartee and rejoinder, expressions of dissent or approval have been permitted and even expected, time out of mind.' He goes on to state that the law makes ample provision elsewhere for the preservation of order at political meetings. He no doubt had in mind the Quebec Public Meeting Act which is a Provincial Statute and we have no corresponding Act in this Province. But a school meeting is not in the nature of a political meeting so that the Lavoie case is not on all fours with that decision and is only affected by the Judges' remarks that the section was not intended to apply to municipal meetings. It must be borne in mind too that he does not attempt to define what a municipal meeting is. We have all a fairly good

idea of what is meant by a political meeting, and a school meeting is not in that category. Turning to the Schools Act we are not able to get any assistance from that source, there being no reference to disturbance at such meetings, and apart from this there is very little law touching the matter. It would seem that the English Common Law went no farther than to cause the offending person to be ejected from the meeting and there isn't any doubt but a person obstructing or interfering in a meeting in Canada could be forcibly ejected. The authority of the Chairman of the meeting would go that far and apparently no further, at least, so far as I have been able to discover. The Chairman would have the right, if a meeting was disturbed, to call in a police officer and eject the party or parties raising the disturbance and if necessary remove them from the premises. If the disturbance continued out on the highway, an offence would be created under Section 238. But as it stands, under the evidence, that section would not now apply."

\* \* \*

On June 14th, 1936, information was received that the service station of Fred Bishop, Rothesay, N.B., had been broken into early on Sunday morning and a number of articles, including a revolver, stolen.

Despite a close search, no clue to the identity of the offender could be found with the exception of finger print smudges which were smeared too badly for identification purposes. Passing traffic had destroyed the impressions left by a car which appeared to have been on the service station yard after the station had been closed at 2 a.m. Sunday morning. Various suspected persons were investigated but all were exonerated of suspicion. The possibility of the revolver coming to the attention of Ottawa remained the only avenue of enquiry left open. The Central Registry at Headquarters was accordingly notified of the theft.

On March 15th, 1938, Truman Naugler, Camperdown, Lunenburg, N.S., committed suicide by shooting himself with a Harrington & Richardson Revolver, .38 calibre, Serial No. 167077. The Central Registry, as a result of a request made from "H" Division, advised that the revolver in question was the one stolen from Fred Bishop in 1936. Further enquiries disclosed that Naugler had borrowed this weapon from one Charles Brown, some days previously. Brown claimed that he received the weapon from Robert Wambolt. A man involved in a car accident near St. John, N.B., in the spring of 1937, was alleged by Wambolt to have supplied him with the weapon; but investigation proved that no such accident had occurred.

With this information available, Brown and Wambolt were interrogated regarding the offence at Bishop's Service Station. Brown then made a statement admitting the commission of the crime implicating Robert Wambolt, and Arthur and Aubrey Brown.

Informations were laid against all the men in question and a preliminary hearing held on April 30th, 1938, resulted in all four prisoners being committed for trial at the next court of competent jurisdiction.

Appearing for trial on May 13th, 1938, Charles Brown and Arthur Brown were convicted and sentenced to six months hard labour, while the informations against the other two persons were withdrawn.

\* \* \*



A recent visitor to our Detachment at Pictou, Nova Scotia, called at the back door and by gestures indicated that he was deaf and dumb. The caller presented a subscription list and a notice which read:

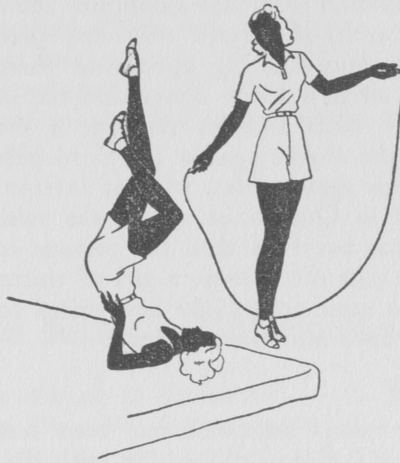
"Please help this orphaned deaf mute, Bernard Brown, born in the Province. Wants to be a teacher in Halifax School. God will bless you always. Thank you. (Sgd.) Rev. T. E. White, Director."

Taking the papers handed to him, the member in charge of the detachment noticed that the plea was written on the same type of paper as that of the subscription list, and his suspicions aroused, he decided that an investigation was necessary. The reactions of the beggar to some simple tests strengthened the suspicion that he was malingering, as he was entirely too oblivious to all that was happening around him, whereas an authentic deaf mute is usually highly nervous and sensitive to the vibrations of sound and movement. Furthermore, a striking similarity was noted between the writing purported to be that of the Rev. T. E. White and that of Brown when he wrote replies to written questions. A telephone call was made to the Deaf and Dumb Institution at Halifax and it was found that the institution had no knowledge of a Rev. T. E. White or of Bernard Brown. The services of a teacher of the Deaf and Dumb Institution, who happened to be on vacation in Pictou at that time, were recruited. Examining the suspect with the knowledge of an expert, the teacher, without hesitation, stated that he was an impostor who had not even a rudimentary knowledge of the sign language used by deaf mutes. Carrying the matter forward, the beggar was charged under Section 238(D) of the Criminal Code, and appearing before Magistrate Fraser at Pictou, N.S., was remanded to custody.

Despite all that had happened, the accused had obstinately refused to admit his deception but when the Warrant of Commitment was being handed over he admitted defeat. Acknowledging his offence and giving his name as Joseph A. Cormier, the prisoner made a full confession of his activities and disclosed that he had been convicted of "theft" and "false pretences" in New Brunswick during 1931 and 1934, and had served a term of imprisonment in Ontario for a violation of the Liquor Control Act of that Province. A charge under Section 405 of the Code being laid, Cormier was committed for trial and the receipt of his criminal record from Headquarters confirmed and amplified the story he had given of his past misdeeds. Appearing before Judge G. Patterson at Pictou, Cormier entered a plea of guilty and was sentenced to two years' imprisonment in Dorchester Penitentiary.

\* \* \*

On June 23rd, 1938, the Manager of the British North American Oil Company at Edmundston, New Brunswick, complained that shortages had occurred in his gasoline since May, which amounted to approximately 1,000 gallons. He was quite certain his employees were honest, and he had no idea how the gasoline was taken from storage—it just seemed to disappear. The tanks were on leased ground on an Indian Reservation close by. The storage tanks were filled from tank cars on the C.N.R. track by means of a pipe line which was buried to a depth of three feet and the theory was advanced that this pipe line had been tapped.



"I'm getting in shape for a Susie Q"

"Thanks, I'll stick to Sweet Caps."

## SWEET CAPORAL CIGARETTES

*"The purest form in which tobacco can be smoked."*



A map showing location of the pipe line was obtained, and the services of three Indians from the Reservation secured. Investigation was made over the ground above the pipe line and efforts were made to detect the presence of fumes arising from any possible leak. At the rear of the garage owned by Raoul C. Roy, digging was commenced at a point where a strong odour of gasoline emanated from the earth. Roy operates a filling station and deals in second-hand parts for automobiles.

After the main pipe line had been uncovered, it was found that both the gasoline line and the kerosene line had been tapped with one-half inch pipes, and these led to the basement of Roy's premises, a distance of fifty feet.

In order to conceal the fact that digging had taken place in the vicinity of the pipe lines, Roy had dug up all the ground surrounding his service station. He was charged before Magistrate E. J. Hubert at Edmundston on June 25th. There were several adjournments at the request of defence counsel; finally, however, he pleaded guilty and was sentenced on July 12th, as follows,—

The imposition of sentence suspended for a period of three years. Accused entered into a recognizance to keep the peace and be of good behaviour for said period; to pay all costs including the cost of the gasoline.

The Magistrate took into consideration that Roy had never been convicted of a criminal offence, and that he had made restitution.

Early in the present year a number of United States counterfeit 50c pieces appeared in circulation in British Columbia. An extensive investigation culminating in the search of certain suspected premises resulted in the seizure of a complete counterfeiting apparatus, three men being arrested and charged with the offence. Upon conviction the instigator of the crime received a penitentiary term and his assistant a shorter sentence in the provincial gaol, while the charge against the third person was dismissed due to insufficient evidence against him. It is of interest to observe that in a recent case conducted in Quebec in which the raising of \$1.00 bills to \$5.00 denomination was involved that the persons responsible secured the services of juveniles to pass the money, a girl of thirteen being so employed in one instance. In the same area \$5.00 bills raised to represent those of a \$50.00 denomination have also been passed.

\* \* \*

On numerous occasions assistance has been rendered to the various members of the Railway Police in connection with the offence of theft from box cars. This type of crime is frequently one of the most difficult to solve owing to the distances travelled by the various freight trains from terminal to terminal. Recently, however, a number of box car thieves residing in Manitoba were found to be in possession of large quantities of tobacco and cigarettes which had been stolen from freight cars of both the Canadian Pacific and Canadian National Railways. Three of these individuals were sentenced to serve terms in gaol and the receiver of the merchandise, a local shop keeper, was convicted and fined the sum of \$500.00 for his part in the offence.

\* \* \*

A somewhat unusual case was investigated by members of this Force stationed at Prince Edward Island. A visitor from the United States called at one of our Detachments and stated that he was wanted in connection with a manslaughter charge, explaining that while driving an automobile he had felt a jolt to his car when passing a group of children. Failing to stop and looking back the driver observed a group of persons standing near the place where he had experienced the jolt and realized that he had struck a child with his car. The day following the accident the local newspapers featured an article which stated that a two-year-old child had been critically injured by a hit-and-run driver. Later, he read in the newspapers that the child had died.

After leaving his own district the driver proceeded to Prince Edward Island and Nova Scotia. On confessing the facts of the matter as set out, he stated that he had suffered such mental agony as a result of the accident that he decided to surrender himself to the Police in order that he could appear for trial and secure peace of mind. Subsequent inquiries revealed that the individual concerned in this case was indeed responsible for the death of the child.

\* \* \*

The primary purpose for the use of aeroplanes on the Atlantic seaboard is the securing of information regarding the relative positions of rum



runners and other craft engaged in the smuggling of liquor. Recently, however, a Royal Canadian Mounted Police aeroplane was successful in checking a foreign aircraft which was carrying a well known suspicious character and notorious bootlegger. In the event of the use of this type of transportation being developed to any large extent in Canada by persons of the character referred to, the field of operations of our own 'planes will be considerably increased.

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## The King's Police Medal

THE REGULATIONS relating to the award of the King's Police Medal to members of the Canadian Police Forces and Fire Brigades in the Dominion have recently been revised, full particulars in this respect being contained on pages 737 and 738 of the *Canada Gazette* for September 17th, 1938.

For the information of members of the Force to whom the official publication referred to may not readily be available, the following addenda concerning the awarding of the decoration mentioned will be of interest:—

(1) Recommendations for the granting of the Medal by His Majesty the King are made to the Secretary of State during October of each year and in the case of the Royal Canadian Mounted Police, this recommendation assumes the form of a certificate signed by the Commissioner and approved by the Minister in Control of the Force.

(2) The number of Medals granted in any one year to Canadian Police Forces and members of Fire Brigades shall not exceed twelve for the whole of the Dominion except in such special circumstances as, in His Majesty's opinion, would justify an exceptional grant.

(3) The qualifications for the grant of the Medal are as follows:—

Conspicuous gallantry in saving life and property, or in preventing crime or arresting criminals; the risks incurred to be estimated with due regard to the obligations and duties of the member concerned.

(4) The names and ranks of persons upon whom the King's Police Medal is conferred will be published in the *Canada Gazette* together with the date upon which such awards become effective.

(5) In the event of a second citation of the award, a bar will be worn on the riband of the Medal, or a silver rosette on the riband itself on the occasions when no Medal is worn but only the riband.

The Order-in-Council signed by His Excellency The Governor General of Canada on July 26th, 1938, and published in the *Canada Gazette* also sets out full information regarding the method of application to be made by other Police Forces in Canada and by the proper authorities of the Fire Brigades in the Dominion.

The King's Police Medal is exclusively an award for gallantry or conspicuous devotion to duty.

## Essay Competition

**I**N THE April, 1938, edition of the Quarterly magazine essays were invited from members of the Force in regard to the following subjects:

- (1) Any suggestions which you believe would increase the efficiency of the Section in which you are employed.
- (2) Any suggestions which you believe would increase the efficiency of the Force generally.

A large number of entries from all points of the Force were received and a Board of Officers, having been convened by the Commissioner to decide the merits of essays submitted for the competition by Non-Commissioned Officers and Constables, have awarded the following prizes:

### *Subject*

- 1st prize, \$50.00:  
Skipper R. A. S. MacNeil.....Marine Section
- 2nd prize, \$25.00:  
A/L/Corporal R. W. Wonnacott.....Finger Print Section
- 3rd prize, \$20.00:  
Corporal J. Howe.....Detachment Office Work
- 4th prize, \$15.00:  
Sergeant R. M. Wood.....Training
- 5th prize, \$10.00:  
A/Corporal T. A. Culham.....Supply Stores
- 6th prize, \$5.00:  
D/Sergeant R. S. S. Wilson.....Opium and Narcotic Drug Work

The following members of the Force also contributed essays which in the opinion of the Board of Officers convened for purposes of the competition, deserve commendation for the useful nature of the suggestions contained therein:

### *Subject*

- Sergeant E. H. Shea.....Ticket-of-Leave Section
- S/Sergeant G. H. McLewin.....Office Work
- S/Sergeant A. Downs.....Preventive Service
- Corporal W. H. Maffett.....Q.M. Stores
- S/Constable V. A. Mulhall.....Adjutant's Branch and Barrack  
Accommodation
- Constable K. R. Tench.....Finger Print Work
- Constable J. H. Bilton.....Northern Service
- Constable A. W. Green.....Detachment Work
- Miss Florence Robb.....Stenographic Staff, Finger Print  
Section
- Sergeant J. U. Eddy.....Detachment Work and Arctic  
Transport

## Summary Convictions

(Continued)

by J. C. MARTIN, K.C.

**W**HEN ALL necessary parties appear, so that the hearing can go forward in the regular way, the information or complaint is to be read and the defendant is to be asked if "he has any cause to shew why he should not be convicted," or why an order should not be made against him. If he admits the truth of the charge or complaint, the conviction or order shall be made.<sup>87</sup>

It is important that this admission—the plea of guilty—be unequivocal, and if it be not so, the justice should enter a plea of not guilty and hear the evidence. It was held that a justice had erred in failing to do so under the following circumstances.

The accused was charged with unlawful possession of liquor and pleaded guilty. The informant drew the attention of the justice to the minimum penalty provided for the offence, whereupon the accused said "I am not guilty. I want that stuff analysed. It is not over two per cent as I kept it on ice and it is sweet." The informant replied "It is too late now," and the justice proceeded to impose the penalty. The conviction was quashed and the case remitted to the justice for rehearing.<sup>88</sup> The same result followed in a case to which reference has already been made in another connection,<sup>87</sup> in which the accused, charged with the possession of part of a still, said to the interpreter that he had been making raisin wine, which statement the interpreter transmitted to the Court as a plea of guilty.

Somewhat similarly, a Chinese prisoner in British Columbia, who had pleaded guilty to a charge of having opium in his possession, later made application to have his conviction reviewed upon his own affidavit that he thought that he was pleading guilty to a charge of smoking opium, and did not understand that he was charged with the other offence. A glance at the Opium and Narcotic Drug Act will disclose that, from the point of view of the accused, there is a serious difference in the consequences of the two charges. It was held in the Supreme Court that "It is incumbent upon the Crown to make certain that an accused fully understands the charge. When there is doubt the accused, in accordance with our well-established criminal law, must have the advantage of it." The conviction was quashed and the accused discharged.<sup>88a</sup>

In the most notable case dealing with this subject<sup>89</sup> it appeared—although there was some dispute as to what actually had taken place before the magistrate—that either the accused himself, or his counsel on his behalf, had pleaded guilty to a charge of unlawful possession of opium. It was clear, however, that, before the imposition of any penalty, the accused had said to the magistrate that he did not know what was in the parcel when he received it from the express office. The following extract

<sup>87</sup>Code Sec. 721.

<sup>88</sup>Rex v. Rapp, 41 C.C.C. 51. And see Rex v. Olney, 46 C.C.C. 196.

<sup>88a</sup>Rex v. Yuen Yick Jun, 1937, 3 W.W.R. 143.

<sup>89</sup>Rex v. Richmond, 29 C.C.C. 89.



from one of the judgments delivered in the appeal court, lays down a salutary principle:

"Even though a prisoner has pleaded guilty, yet if while the case is still in course of being dealt with and the proceedings are not closed it plainly appears that the accused never intended to admit the truth of a fact which is an essential ingredient in his guilt and therefore pleaded guilty under a misapprehension of what constituted guilt, it is, I think, clearly the duty of any presiding Judge or Magistrate to offer to allow him to withdraw his plea if he so desires and to enter a plea of 'not guilty.' I think it is quite obvious from a comparison of all the affidavits that very little time elapsed in dealing with the matter. If a conviction had been entered, sentence reserved and other prisoners proceeded with before the defendant suggested his possible defence the case might very well be different."

This principle was applied in a case within the writer's experience, and although it was a summary trial under Part XVI, mention of it is relevant here. The accused, who was charged with a number of peculations, was neither a foreigner nor illiterate, but on the contrary, was a man with a considerable knowledge of affairs. When the charges were read he pleaded guilty, much to the surprise of his counsel. The latter said that such a plea was not made upon his advice, that it had not been contemplated in his instructions, and that he wished to dissociate himself from it altogether. The Court adjourned in order to allow time for consultation, and, upon the hearing being resumed, informed the accused that he was at liberty to withdraw his plea if he wished to do so, but stated also that if he re-affirmed it, it would be taken as meaning all that a plea of guilty implied—as an admission, that is to say, that the accused was guilty both in law and in fact. The accused, however, still in the presence of his counsel, reiterated his plea.

If the truth of the charge be not admitted, the evidence is taken in a manner largely similar to that in which it is taken upon a preliminary hearing. However, it is specially provided that a witness need not sign his deposition.<sup>90</sup> It has been held, moreover, that some of the statutory requirements are merely directory and may be waived in summary conviction matters. This is true of the following items of procedure:

1. Taking the depositions in writing<sup>91</sup>;
2. Reading the deposition to the witness<sup>92</sup>;
3. Signing the deposition by the justice.<sup>93</sup>

These cases refer to a waiver which is either express or which may be inferred from the circumstances, and refer to matters of procedure only. Sometimes, however, dispute arises as to what irregularities are mere matters of procedure, and what go to the jurisdiction of the Court. In a case in which a conviction was appealed because an adjournment had been made for more than the statutory eight days, the following was laid down:

"If jurisdiction was not lost, then the applicant's contention is without basis. If the Magistrate did lose jurisdiction for the time being, and I will assume for the sake of argument that he did, it was still competent for him to try the charge *de novo*. And it seems to me that this was done; for when a person charged with some offence comes before a Magistrate and pleads to the charge, it is immaterial

<sup>90</sup>Sec. 721(5).

<sup>91</sup>Rex v. Janneau, 12 C.C.C. 360; Bedard v. The King, 26 C.C.C. 99.

<sup>92</sup>Rex v. Nordwodsky, 33 C.C.C. 284.

<sup>93</sup>Ex parte Budd, 17 C.C.C. 236.

whether he has come of his own accord or in pursuance of an intimation or command contained in a summons served upon him, or comes by any other invitation or upon any other business, if he pleads to the charge he thereby waives the irregularity or absence of the usual steps necessary to his appearance following the laying of the information."<sup>94</sup>

We have observed already that there is a difference of opinion between the Courts of different provinces in cases where such questions of procedure have been raised in preliminary hearings. The cases noted below shew that a similar conflict exists with regard to summary conviction matters,<sup>95</sup> although most of these cases follow what was said in England, that:

"Being before the justices, however brought there, the justices, if they had jurisdiction in respect of time and place over the offence, were competent to entertain the charge."<sup>96</sup>

Yet, since there is a conflict, the justice's course must be guided by the decisions in his own province; if there are none, then he must use his own judgment.

If the accused calls a defence, evidence may be heard in rebuttal, except when the accused calls witnesses as to character only.<sup>97</sup>

Mention has been made of the right of the justice to punish a recalcitrant witness as for contempt. But the justice may not go beyond this specific power in dealing with contempt of court. His office carries with it no inherent right to commit for that offence, and he is not mentioned in the Code section<sup>98</sup> by which "Every judge of the sessions of the peace, chairman of the court of general sessions of the peace, police magistrate, district magistrate or stipendiary magistrate, shall have such and like powers and authority to preserve order in courts held by them during the holding thereof, and by the like ways and means as now by law or may be exercised and used in like cases and for the like purposes by any court in Canada, or by the Judges thereof, during the sittings thereof."

A case is reported<sup>99</sup> in which an accused person during the course of his trial, charged the justices with partisan friendship for the informant and insinuated that they had been bribed. The justices, under their warrant, committed him to gaol. Stone's *Justices' Manual* is quoted to the effect that justices had no power to commit for contempt, and that the proper course is to indict the offender, for the reason that,

"the jurisdiction to try offences summarily has been conferred upon justices of the peace by statute law only, and (that) they have no other powers than those which are given to them by such law, and the statute law confers no such power upon them."

The accused was released upon application for a writ of *habeas corpus*.

Still, the justice is not at a loss to preserve the order and decorum which are so necessary to the proper conduct of his court. It seems clear

<sup>94</sup>Hall v. Taylor, 46 C.C.C. 53.

<sup>95</sup>Alta.—Rex v. Hurst, 23 C.C.C. 389, Rex v. Pollard, 29 C.C.C. 35; B.C.—Rex v. Iaci, 44 C.C.C. 275; Man.—Rex v. Suchaki, 41 C.C.C. 166; Ont.—Rex v. Hazzard, 57 C.C.C. 254; N.B.—Rex v. Limerick, 36 C.C.C. 59; N.S.—Rex v. Flavin, 35 C.C.C. 38; Sask.—Hall v. Taylor, *supra*.

<sup>96</sup>Rex v. Hughes, 48 L.J.M.C., at p. 156.

<sup>97</sup>Sec. 721(4).

<sup>98</sup>Sec. 606.

<sup>99</sup>In re Reiben, 30 C.C.C. 271.

that one who offends against them may be removed upon the order of the justice, or that he may be charged with obstructing a peace officer—which term, by definition, includes a justice of the peace—in the execution of his duty.

It is the duty of the justice not only to hear but to determine the matter before him. Sometimes he may wish to take time to consider his decision. He is quite at liberty to adjourn for that purpose, but must announce a time and place at which judgment will be given. The limit of eight days does not apply to such an adjournment, but if he adjourns *sine die* his jurisdiction is lost.

Sometimes too, if there be two or more justices, they fail to agree. If there are more than two, the majority may decide the matter, but, if they are equally divided, there is no adjudication. "Where the justices are equally divided the case should be adjourned and reheard by a reconstituted court."<sup>100</sup> The rehearing, it appears, may take place without the laying of a new information before the same justices along with others called in to assist them, or before other justices upon a new information.<sup>101</sup> The first of these alternatives would be proper if it were likely that the statutory period of limitation might expire before a new information could be laid; if there were no such possibility, the second seems preferable.

If the justice dismisses the charge, the Code<sup>102</sup> requires that he give the defendant a certificate to that effect, and this certificate will be a bar to further proceedings against the same defendant for the same matter. If the charge be one of common assault the justice may dismiss it if he "deems it not to be proved, or finds the assault or battery to have been justified, or so trifling as not to merit any punishment," and in such cases the certificate will be a bar to any further proceedings *either civil or criminal*, for the same cause.<sup>103</sup> The same result follows if, being convicted of such an offence, the defendant satisfies the judgment passed upon him by the justice, either by payment or by undergoing imprisonment.

Whether the justice convicts or dismisses the charge, he may order that the unsuccessful party pay the costs of the proceedings according to a schedule set out in section 770 of the Code. It used to be that a departure from this schedule, particularly if excessive costs were charged, would be ground for quashing a conviction, but now a court on appeal may correct the amount.<sup>104</sup>

The justice may order that costs imposed upon either party may be levied by distress, with imprisonment as the alternative if sufficient distrainable goods be not found, but a copy of such minute or order must be served before levy is made or warrant of commitment issued.<sup>105</sup> If however, it appears "that the issuing of a distress warrant would be ruinous to the defendant and his family," or "by the confession of the defendant or otherwise, that he has no goods or chattels whereon to levy such distress,"<sup>106</sup> then the justice, instead of going through the form of issuing

<sup>100</sup>19 Halsbury, 601.

<sup>101</sup>Lane v. Krenkewich, 60 C.C.C. 61.

<sup>102</sup>Sec. 730.

<sup>103</sup>Sec. 734.

<sup>104</sup>Sec. 1124.

<sup>105</sup>Sec. 731.

<sup>106</sup>Sec. 744.



# The STANDARD of QUALITY



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a distress warrant, may commit the defendant to gaol "for the time and in the manner he would have been committed in case such warrant of distress had issued and no sufficient distress had been found."

In the event of conviction, the justice's powers are not confined in every case to the imposition of such penalty by way of fine or imprisonment as may be prescribed by the section creating the offence. In a number of cases which need not be set out in detail here,<sup>107</sup> he may, if it is a first conviction, discharge the offender upon his making pecuniary compensation to the person aggrieved. This, presumably, takes the place of a right to order restitution which, it has been held,<sup>108</sup> does not exist under Part XV,<sup>108</sup> but only on the trial of indictable offences.

Incidentally, another important difference between the two procedures appears from the following quotation. The case was one in which the accused had been convicted under a provincial Dental Association Act, and one of the grounds of a motion to quash was that "the magistrate wrongfully received evidence of the first conviction before convicting on the second charge."<sup>109</sup>

"Sections 851 and 963 of the Code provide for the form of indictment and procedure in the case of a person charged with an offence for which a greater punishment may be inflicted by reason of such previous conviction. The indictment must state that the offender was at a certain time and place convicted of an indictable offence or offences (851 Code). Under Sec. 963 Cr. Code, the defendant

<sup>107</sup>Sec. 729. See also Secs. 376 and 539.

<sup>108</sup>Rex v. Westerland, 52 C.C.C., at p. 129, citing secs. 795, 817 and 1050 of the Code.

<sup>109</sup>Rex v. Cruickshanks, 23 C.C.C., at p. 27.

shall be arraigned in the first instance upon so much only of the indictment as relates to the subsequent offence, and if he pleads not guilty the trial proceeds upon the subsequent offence and, if convicted, the defendant then is asked if he was previously convicted, and if he does not admit it the jury shall then be charged to inquire as to such previous conviction. Provisions having the same effect are in the Canada Temperance Act and the Liquor License Acts of the different provinces. —Part 15 of the Code relating to summary convictions contains no such provision, and secs. 851 and 963 of the Code apply to indictable offences only. It was, therefore, necessary that the prosecutor should allege and also prove the first conviction as part of his case before conviction of the subsequent offence."

A salutary power is given in cases where a person is found guilty of an offence which is, in the opinion of the justice, directly against the peace, and where there is likelihood that the offender will either repeat it or will commit some other offence against the peace. In such a case the justice may bind over the accused, in addition to or in lieu of any other penalty and with or without sureties, to keep the peace for any term not exceeding twelve months. Substantive proceedings towards the same end may be taken "upon complaint by or on behalf of any person that on account of threats made by some other person or on any other account, he, the complainant, is afraid that such other person will do him, his wife or child some personal injury, or will burn or set fire to his property."<sup>110</sup>

If an offender be convicted upon more than one charge and sentenced to imprisonment, or if a person convicted is already undergoing imprisonment upon another charge, the punishment may be cumulative, that is to say, terms of imprisonment imposed upon him may be expressed to take effect one after another.<sup>111</sup>

As to the commencement of the imprisonment, there is a provision in the *Prisons and Reformatories Act* that, unless otherwise directed in the sentence, it shall commence on and from the day of the passing of such sentence, but that no time during which the convict is out on bail shall be reckoned as part of the term. It has been held that, in this sense, time on bail includes time during which the convicted person is at large on a recognisance pending appeal from a summary conviction, even though the recognisance be defective.<sup>112</sup>

It has been held also<sup>113</sup> that this provision does not apply where the conviction has been made for an offence against a provincial statute:

"The correct view, in my opinion, is that sec. 3 of the *Prisons and Reformatories Act* aforesaid, and subsec. 2 of sec. 42 of ch. 154 of the Revised Statutes of Canada —being the *Penitentiary Act*—apply to sentences imposed for violations of the *Criminal Code* of Canada or other Dominion statutes, or in connection with common law crimes, but that these sections do not apply to sentences imposed under a provincial statute, unless the provincial statute itself, either directly or indirectly, makes them applicable. If sec. 3 does not apply to the case at bar, then the common law practice does apply. At common law the period of imprisonment will be reckoned from the time the defendant is received into custody."

<sup>110</sup>Sec. 748.

<sup>111</sup>Secs. 746 and 1055.

<sup>112</sup>Rex v. Taylor, 12 C.C.C. 244; Rex v. Rapp, 23 C.C.C. 203; Robinson v. Morris 23 C.C.C. 209.

<sup>113</sup>Hirsch v. Anderson et al., 1930, 1 W.W.R., at p. 409.

Some remarks have already been made in these articles with regard to the right of appeal in summary conviction matters.<sup>114</sup> It may be added that the right of the accused to appeal is not precluded by the fact that he has pleaded guilty before the justice.<sup>115</sup> However, the writer does not consider it within the scope of his present undertaking to enter upon a detailed discussion of the procedure in such appeals, beyond making a few general observations with respect to the justice's duty in cases in which it is desired to review his decision.

If the appeal is by way of *certiorari*, he should return his record to the Clerk or other proper officer of the court in which the motion is to be heard. It has not been uncommon for the justice to be asked to supplement his return by an affidavit concerning the procedure before him.

If the appeal is by way of stated case and the justice has received, within the time limited for that purpose, a notice setting out the grounds upon which it is asked, he is required to sign and deliver the case within three calendar months or within such other period as may be fixed by the rules in effect in his own province.<sup>116</sup>

If the appeal be to the District or County Court for a hearing *de novo* upon the merits,<sup>117</sup> unless it is taken by the informant who is not required to give security for costs,<sup>118</sup> the justice should fix the amount of such security either by way of deposit or recognisance, bearing in mind the number of witnesses, as well as the distances which they will have to travel, and the time which they will be required to spend, to attend upon the hearing of the appeal. In taking the recognisance, he should read it to the sureties and should call their attention to the fact that they are doing something more than merely to guarantee, as upon the ordinary recognisance of bail, the appearance of the accused to prosecute his appeal. It has happened more than once that, after an appeal has been dismissed, the sureties have come forward to protest that they did not understand that they were assuming any liability for the costs of the appeal.

Having taken the recognisance, the justice should send his whole record (including the recognisance and the copy of the notice of appeal which was served upon him), to the Clerk of the Court in which the appeal is to be heard, and he should do this without delay so that it will be before the Court when the appeal comes on for hearing. His duty in the matter is then at an end, except that if the conviction be affirmed, he may be asked, upon the production of a certificate from the Clerk of the Court to that effect, or upon the return of his original record by that official,<sup>119</sup> to issue such process as may be necessary to enforce the judgment.

<sup>114</sup>R.C.M.P. *Quarterly*, July 1937, p. 14.

<sup>115</sup>Rex v. Uridge, 1937, 3 W.W.R. 321, following (on this point) Rex v. Brooks, 7 C.C.C. 216.

<sup>116</sup>Secs. 761 and 576.

<sup>117</sup>Secs. 749 and 750, as amended 1936, cap. 29, secs. 13, 14 and 15.

<sup>118</sup>Dunnett v. Williams, 31 C.C.C. 176.

<sup>119</sup>Code Secs. 756 and 757(4). See also Collette v. The King, 16 C.C.C. 281.



# The Cradle of the Force

by CORPORAL D. A. FLEMING

IN THE early summer of 1875, "B" Troop of the North West Mounted Police, under the command of Inspector J. M. Walsh, came to a halt on the east bank of Battle Creek, in the south-western corner of what is now the Province of Saskatchewan. As camp was made it became apparent that this was no ordinary evening halt, but had all the indications of a permanent stop, which indeed, proved to be the founding of Fort Walsh.

Throughout the summer, construction work continued on the necessary buildings and stockade, and as this work absorbed the attention of practically the entire personnel of the Troop, the number of patrols in the district were naturally curtailed. A further drain on the strength was the care of livestock and the necessity for providing adequate hay and fuel for the winter months.

In spite of the imposing nature of these duties, however, it was also found possible to establish several temporary summer detachments, namely, Four Mile, Six Mile, and Ten Mile. The work assigned to these posts was of a dual nature, first, the care of the numerous horses, cattle, and oxen, of the Troop, and, secondly, the keeping of a quiet and careful watch on the activities of the Indians and traders in the area involved.

The site of Fort Walsh was not the choice of mere chance, but that of careful study and accurate knowledge of conditions in this large territory, the boundaries of which extended from the St. Mary's River on the west, to Wood Mountain on the east; the South Saskatchewan River on the north, and the Bear Paw and Little Rocky Mountains on the south. The hub of Indian activity in this huge area was situated approximately four miles south of the newly established Fort Walsh, and was known as "The Race Track." It was at this spot that the Indians gathered each summer for their tribal games and ceremonies, and it is worthy of note that the famous Cypress Hills Massacre occurred north of "The Race Track" and within a quarter of a mile of the site of what was to be Fort Walsh. This district was frequented by the Bloods, Piegans, Blackfoot, Plains Cree, and, occasionally, the Sioux Indians.

The year 1875 passed quietly into history, but 1876 ushered in an era of activity that came to a close only with the end of the North-West Rebellion, when the Indian question in the North West Territories was settled.

During the above period, trails resembling the spokes of a wheel with the hub at Fort Walsh, came into being, leading north-west to Fort Macleod; south-west to Pendant d'Orielle; south to Signal Butte, and Fort Benton in the U.S.A.; south-east to Eastend and Wood Mountain; east to Davis Lake and Farewell Creek; north-east to Moose Jaw, Kuttawa and Indian Head; north to the Sand Hills and south Saskatchewan River, as well as Battleford; and the west trail to the Writing-on-Stone Territory.

Members of the Force at that time gave names to certain districts, areas and definite locations, which, in many cases, remain in use to this

day. The following are a few examples of this: The Four Mile Coulee, also known as Grayburn Coulee; the Six Mile Coulee; and the Ten and Sixteen Mile Coulees. These Coulees were named according to their distance from Fort Walsh. It was at the Four Mile, or Grayburn Coulee, that Constable Grayburn of this Force was shot to death by an Indian. The Ten Mile Coulee, a summer detachment under canvas, was for a time, in charge of



N.W.M. POLICE HARVESTING HAY ON MARCH WEST IN 1874

Sergeant "Pry" Patterson, Chief of Scouts, and was later made into a permanent detachment and telegraph station. This telegraph station relayed messages from Fort Assiniboia to Walsh Station, Alberta. The town of Eastend derived its name from the fact that the N.W.M.P. Detachment at this point was situated at the eastern end of the Cypress Hills, and adjacent to the Wood Mountain Trail.

On the south side of the Fort Walsh-Wood Mountain Trail, directly south of where the village of Robsart now stands, lies a long plateau named the Old-Man-on-his-back Plateau. The derivation of this strange name is traced to the discovery by a Police patrol, camped at the old Police Spring, of the dead body of an old Indian on the summit of the ridge.

An account of the early history of the activities of the Force in this district would not be complete without some reference being made to the many names, not only of former members of the N.W.M.P., but also of some of the early pioneers and settlers. Some of these have passed on, and others drifted to parts unknown, but their names are still familiar in the Cypress Hills country. The Force especially remembers such names as French, Macleod, Walsh, Dickens, Grayburn, Campbell, Forbes, Abbott,

Patterson, O'Hare, Pollock, Richards, Allan, Thomas, Willis and Cheesman, and recalls in them former officers and members of the early days. Old settlers are well represented in the following: Lindners, Wood, Anderson, Small, Wiley and Badger.

Tragedy and comedy have stalked hand in hand through these hills, and one or two of the many anecdotes which could be quoted if space would allow, will serve to illustrate the interweaving of humour and sorrow through daily life in those bygone years.

A visitor to the old Police cemetery at Fort Walsh cannot help but notice the extreme youth of the members of the Force who died in that vicinity in the early days. On entering this small plot, a plain cement cross immediately attracts attention. Bearing the brief inscription, "Drowned in Battle Creek," and the name and date, it refers to Constable Jackson of the N.W.M. Police who lost his life while attempting to ford the rain-swollen creek. Although warned of the dangers of the swiftly moving stream, the circumstances of his duty had prompted the constable to make every effort to continue his journey, with the result that he lost his life. Though Jackson himself was drowned, his horse, still alive after more than forty-eight hours of being almost completely submerged in the icy water, was found, two days later, in some willows where it had been entangled by the swirling waters. That this horse survived such an ordeal speaks well for the breed of mount ridden by the Police in those days.

Some years later, this same creek witnessed a somewhat similar event but one which, happily, did not end in tragedy. A certain constable, returning to his detachment one very warm day, took off his Sam Browne belt and revolver, and carefully buckling the waist belt, hung it on the horn of his saddle. The creek, in spate, turned out to be a more formidable obstacle than had been anticipated and fast, deep water was encountered. With his horse swimming and his attention fully occupied, the constable failed to notice the Sam Browne quietly slipping into the depths, and when the far shore was gained, found himself minus this essential part of his equipment. The subsequent explanatory report revealed that the constable, being in danger of his life and hampered by the heavy revolver, had managed to struggle out of the weighty encumbrance by unsnapping the shoulder snap and loosening the waist belt. Complimented for his gallant fight, he was promptly issued with the necessary new revolver and Sam Browne together with twelve rounds of ball ammunition. The dice were loaded, however! During the summer the receding waters of the creek revealed the discarded accoutrements to a passing rancher who, with the best of intentions, retrieved them and carried them to Headquarters at Maple Creek. Later, the presence of the constable concerned was demanded in Orderly Room. The Commanding Officer repeated his commendation of the constable, but, his tone waxing sarcastic, continued by demanding an explanation as to how the equipment, jettisoned in a heroic struggle for life, came to be so carefully buckled and adjusted, as it was when found. Confronted by such indisputable evidence the Constable speedily lost his position of honour and also the purchase price of the second issue!

Another amusing incident took place during a visit of the Assistant Commissioner to the Headquarters of "A" Division at Maple Creek. The



inspection proceeded to the Q.M. Stores and there in one corner, stacked like cord wood, were those tasty morsels, slabs of sow belly pork. On closer scrutiny the inspecting officer noticed that a particularly fatty slab, from which the lean had entirely disappeared, bore a queer collection of names and dates. He requested an explanation of these strange hieroglyphics and the Quartermaster-Sergeant, after due deliberation, was able to enlighten him. It developed that this pork possessed a checkered career, having been originally issued to one detachment, and not being altogether desirable, had found its way back to the stores, with the name of the detachment and the date carefully inscribed thereon, and the request that it be exchanged for something else. One detachment after another received this luckless piece of pork, but it consistently found its way back to Headquarters, until, ultimately, the rind bore the names of almost every detachment in "A" Division, with the date of its visits quite clearly marked!

Since 1875, police duties have altered considerably. The long patrols on saddle horse, buckboard, and general service wagon, are a thing of the past. In the early days the duties, although arduous, were not so diverse



N.W.M. POLICE PATROL CAMP, APPROXIMATELY 1896-1898

as at present. During this early period the work consisted of checking the illicit liquor trade; enforcing the Indian Act; dealing with horse and cattle rustling; curbing the activities of Indian and trader, and the education of such individuals to conform to the laws of the country. In later years, the duty of collection of revenue was added, along with other Federal Statutes, and finally the provinces were formed and the Provincial Statutes brought into being. As a result the work of the N.W.M. Police became considerably diverse in nature and extended in scope.

The Riel Rebellion taxed the Force to the utmost and the aftermath left a difficult situation to handle and a large amount of heavy work. The Indian question having been settled, there was a marked increase in the influx of new settlers. New settlements came into being and the construction of new railways and roads called for the opening of many more detachments. The duties of the Force became so varied that many sections had to be treated separately, but it was necessary for all members concerned to have some knowledge of the working of the other departments to enable the Force to operate efficiently.

During the later years of the nineteenth century other detachments were opened, at Farewell Creek and Wild Horse, Alberta. Like Ten Mile Detachment they were built of logs. Shortly afterwards Farewell Detachment was closed; Farewell Creek, however, still perpetuates the memory of the old trader after whom it was named. Wild Horse Detachment, being situated adjacent to the International Boundary Line, in the South East Corner of the Province of Alberta, was kept open for revenue purposes as well as for police duties in that area.

In the year 1905, Willow Creek Detachment was built in proximity to the International Boundary Line directly south of Ten Mile, and approximately thirty-five miles distant. Both Willow Creek and Wild Horse Detachments remained in operation during the Great War until the police duties in these areas were handed over to the recently organized Provincial Police Forces. Since the period referred to, Customs Offices have been opened at both these points.

During 1914, numerous Detachments were opened in the south-west corner of the Province of Saskatchewan and the following quickly come to mind: Sand Creek on the International Line south of Robsart, Saskatchewan; Amelia, near Climax, Saskatchewan; Shaunavon, at Shaunavon, Saskatchewan; Fox Valley, at Fox Valley, Saskatchewan; Prussia (now Leader), Saskatchewan, and Cabri, at Cabri, Saskatchewan. A few years later, however, Ten Mile, Willow Creek, Sand Creek, Amelia, together with others not already mentioned, such as Herbert, Neville, Vanguard, Saskatchewan Landing, and Kelvindhurst, were closed, and have not since been re-opened.

Speeding in a high-powered car over the many good highways and trails of this south-west corner of the Province of Saskatchewan, a present member of the Force is little prompted to dwell upon thoughts of the conditions under which his predecessors performed similar duties; but a veteran may easily disregard the roads and fences and see again the open, rolling country of his youth, over which his horse carried him on arduous patrols.



## Bloodhounds!

LIKE THE majority of young boys I had read with interest many thrilling stories about bloodhounds; from Sexton Blake and his wonderful Tinker to the more modern thriller, so imagine my surprise and excitement when at the age of twenty-three, two of these fearsome looking animals were handed over to my care with instructions that they were to be used by me in the detection of crime.

At that particular time, I was, among other duties, in charge of the station stables, which contained only two patrol horses and a small saddlery room.

As there was no other accommodation available, the dogs on arrival were housed in a spare stall in the stable.

One was an English bloodhound, an enormous brute exact in details to all the pictures I had seen of the species, while the other, which was called an American bred, was much slighter in build and a shade lighter in colour; otherwise it seemed fairly similar except perhaps the ears and jowls were not quite so pronounced. Both hounds according to my information had been trained for use in criminal work—following up spooks, etc.

For the first fortnight it took me all my spare time to keep them properly fed, groomed and exercised as no syce would go near them. The horses after exhibiting terror for about three days calmed down and accepted their new stable companions with reserve, though they were never quite able to get over their fear when they heard the dogs barking.

There is something about the bark or bay of a bloodhound that inspires fear and makes the hair at the back of your neck tingle and a sort of goosey feeling go creeping down your spine.

Taking these hefty brutes out on leads for afternoon exercise was no light task as they pulled like steam engines, so it was only possible for me to manage one of them. I had to enlist the aid of a companion to tackle the other. Two hours of this work left us exhausted, with aching and strained arms.

Then one bright morning the glorious opportunity came and I ventured to take the large hound out on a case.

Knowing nothing about bloodhounds or their peculiarities other than the sensational stories I had read, I simply did what I thought was best, little dreaming when proudly taking the fearsome looking brute to the scene of the crime what a hectic time I was going to have!

At 8-10 a.m. a telephone message had been received reporting that the office of a saw mill in Duke Street had been forcibly entered and the contents of the till stolen.

Entry had been made by breaking a pane of glass in a fan-light. The thief had then apparently put his hand through the aperture thus made, to unlock the fan-light and in doing so had cut his hand or arm, leaving several bloodstains.

Grasping the strong lead in my right hand, I led the hound out of his stall. Directly he was outside and the stable door closed he started tugging

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at his chain and it was with the greatest difficulty that I managed to get him going towards the town, instead of the road he usually took when exercising.

Before we were well on our way to the scene, the spectacle of a uniformed policeman being dragged along by a ferocious looking brute with blood-red eyes and foaming jaws, marching through the busy streets of the town, had inevitably drawn a crowd of gaping natives who followed us at a respectful distance.

By the time we arrived at the saw mill, there must have been about two hundred of them bringing up the rearguard.

Once inside the small timber office I felt that a short rest was indicated as my arms were aching, but the dog continued to haul at his chain, so I asked for details of the theft as quickly as possible.

It appeared that fifty rupees only had been stolen; three notes of ten rupees and four of five rupees.

The fan-light was then carefully removed from its hinges at my request for the purpose of sending it to the Finger Print Bureau, but first a few of the small pieces of broken glass on which there was a liberal supply of blood were placed on a piece of paper and proffered to the dog to sniff.

He did this so thoroughly that the paper was covered in saliva before he seemed in any way satisfied.

Thrusting the nasty mess into a waste paper basket I led the hound round the office to the till and then the door.

From that moment he took charge in no uncertain manner.

The scent in the busy streets of a town and on a cross-country run are not to be compared, but I knew nothing of this and expected the dog to follow the thief straight from the office to his present hide-out and, so keen was I, that I started running behind the sniffing brute who seemed so certain of his direction.

I soon realized that once a strong pulling object has got you on the run, it becomes your master. Standing firmly on the ground with both feet I could manage the bloodhound, but once on the run he had me beaten. However, I was young and good for a mile or two of ordinary level going, but alas, the dog had other views.

Straight from the office to the road he went regardless of the traffic, his sniffing nose to the ground. Then he dragged me after him into an open drain about three feet deep that ran alongside the road. As it was drawing towards the end of the dry season this drain was fairly full of rubbish, such as leaves, sticks, and pieces of paper.

Hauling me along this at about eight miles an hour we set up a cloud of dust, much to the amusement of the crowd who gave loud cheers and cries of encouragement.

Suddenly we came to a small cross road and here the top of the drain was covered, but the culvert was large enough for the dog to crawl through, but not so for me unless I lay down to it. This I firmly resolved not to do, so placing both feet firmly at either side of the culvert, I exerted all my strength against the pull of the hound.

The crowd, now quite excited, took sides, each cheering its own fancy. The noise they made naturally drew more people to the scene.

I was by now perspiring profusely and my complexion was the colour of a tomato.

Eventually, thanks to the collar nearly choking the dog, I won the tussle and the slobbering beast was dragged up on to the roadway. I was by now convinced that the thief had not run along the drain or under the culvert so therefore the dog must be on a false scent. With ferocious mien I advanced towards the crowd, ordering them to disperse. They fled before my approach or rather that of the dog, but remained standing at a safe distance.

Dragging the animal back to the timber yard I started the procedure all over again.

This time the dog went out of the office nose to ground, and crossed and recrossed the road about half a dozen times, eventually finishing up once more in the drain with me still hanging on to him for dear life, and taking great care not to allow myself to be moved from a walking pace. We again traversed the filthy drain. Arriving at the cross road I pulled the dog out and led him to the drain on the other side of the culvert and here he appeared to be in his element.

Once or twice he jumped out on to the road dragging me with him, but soon sniffed his way back to the drain and in this manner we arrived at the junction of Duke Street and River Road, accompanied by a crowd now enlarged to nearly four hundred excited Indians and natives.

As you are all aware, River Road is the native shopping centre of the town so you can easily surmise the sensation our arrival caused. By this time it was not only the dog who was foaming at the mouth, and his eyes and my complexion were the same in colour.

I was, however, unable to express any opinion in words, being far too out-of-breath, but my expression doubtless spoke volumes.

Thank goodness I was and still am a great dog lover so can now look back on the episode with appreciation of the bloodhound's honest efforts, but had anyone divined my opinion of the hulking brute at that moment my reputation would have been lost for ever.

Having now arrived at a thoroughfare that was teeming with pedestrians, rickshaws and ox-drawn vehicles it seemed absolutely hopeless to expect the hound to follow a scent which must have been made several hours before. I tugged at the lead trying to bring the beast to a standstill, but he had other ideas and, sniffing hard, pulled for all he was worth dragging me along River Road, crossing and recrossing the road regardless of the traffic and causing consternation every time he made a bee line towards an Indian duka. His fearsome appearance certainly gave us a clear approach as the rickshaw boys and pedestrians hastily avoided our line of march.

If the thief had travelled as we were doing he must surely have been a madman; however, the dog never faltered so I perforce had to follow,

then quite unexpectedly he darted under a low arch beside an Indian shop and I found myself in a small courtyard behind. This was enclosed with a high corrugated iron fence, the only entrance being that by which we had approached.

Without hesitating the hound dragged me across the courtyard to a wooden staircase leading to living quarters over the shop. Up these he clambered with a blood curdling bay. On arriving at the top he made straight for a shuttered window, but finding he could not get through this, he moved along until he came to a door and hurling himself at this, it opened inwards.

Horror!—there were shrieks made by frenzied females and as I came floundering into the room in the wake of the dog, some half dozen terror-stricken Indian women were torn between a desire to flee before the devil glaring at them, and the automatic action of trying to veil themselves from the gaze of an infidel.

My heart though thumping painfully missed a beat when I realized that I had burst into a Zenana, a Mohammedan's holy of holies, the women's private quarters.

One poor girl or young wife was so sparsely clad that it was impossible without dire results for her to cover her face, so in desperation she thrust her head under the sari of another woman and screamed. I tried to gasp out an apology, but my mouth was so dry and my lungs nearly bursting that it was an utter failure. Anyway I doubt if they would have understood English or Kiswahili.

Before I was able to collect my breath or wits, an angry roar was heard below and some twenty Indians armed with sticks and other weapons came rushing up the staircase. The purdah of their women had been violated and this was more than sufficient for a Mohammedan to risk even the terrors of an attack by a bloodhound.

As they came up I was in a quandary. My only means of escape was cut off unless I ran across the room to another door that led further into the living quarters.

I tugged at the foaming beast trying to get his head towards the oncoming mob in the hopes that he would inspire them with fear, but though I succeeded in getting him to face the right direction, he still kept his nose to the ground and seemed oblivious of the approaching danger; instead he made again for the shuttered window, leaping up at it.

There was a momentary lull while the men made ready for the attack on the narrow balcony. The occupants of the room were now silent and it seemed as if they were holding their breath, so tense was the moment; then an elderly woman came out of the doorway and said in a loud clear voice, "Stop,"—holding up her hand to the threatening men, "This window," pointing to the one the dog was trying to enter, "was broken open last night—wait I will show you." She returned inside the room and a few seconds later opened the shutters from within and there disclosed two glass windows, one pane of which near the catch had been smashed. "Here," she pointed, "the thief entered, but nothing was stolen."



The woman spoke in Kiswahili, why I do not know, unless it was so that both the Indians and myself would understand; anyway her quickly spoken words and actions came in the nick of time.

It must have been plain to anyone to see that the dog was pulling me. It was not I who was urging the animal along.

The crowd of natives had now found its way into the courtyard and amongst them was a sprinkling of Asians, and these spoke to the outraged men and told them that the dog had come from another place that had been burgled, so the Indians' threatening and angry demeanour was soon replaced by one of curiosity.

During all this time the hound was endeavouring to get through the window, so I told an Indian to break off a piece of the broken pane and give this to the beast to sniff, at the same time dragging him towards the stairs. Reluctantly he came and was literally pushed down them. With nose to the ground he toured the courtyard, effectively clearing it of the crowd which by sheer numbers must have ruined any scent, but suddenly he tugged me under the arch and away along River Road again into fresh fields of discovery.

My face was now the colour of a beetroot and the street seemed to be moving round and round. I was pulled along a side street and then down a sanitary lane until I had lost all sense of direction, but eventually I found myself in the back yard of an empty dwelling house. The blood-hound made straight for the door of an outside kitchen; a small corrugated iron building, the door of which was fastened with a padlock.

The dog bayed and tried to force an entry while I stood by gasping for breath. He continued his efforts and soon the crowd came filtering in with murmurs of excitement. After about a minute the hound lay down with his nose glued to the crack under the door, where he slobbered and sniffed. I flopped down on the ground beside him, absolutely dead beat.

Gradually my breathing became less painful and I was able to stagger to my feet, still hanging on to the lead.

In a croaking voice I told one of the crowd to bring to me the panga he was carrying and on his approach which was very reluctant and with every sign of fear, I dragged the dog away from the door, telling the native to smash the hasp and staple with his panga and so force an entry to the kitchen.

Directly this was accomplished, I let the hound have his head and he rushed into the deserted building and stood foaming over a locked box that was standing on the floor.

Apart from this small wooden box the place was absolutely bare and judging by the amount of cobwebs and dust, had not been used for its legitimate purpose for months.

Dragging the dog outside, I ordered the native to force the box open and when this was done allowed the hound inside again. He made one bound and stood and bayed over the box.

Inside this I found a piece of dirty blood-stained rag knotted together. With great difficulty, owing to having to hold the dog at the same time,

I untied the unwholesome thing and there, folded in a bundle, were three notes of ten and four notes of five rupees.

Although a watch was kept on the kitchen for days afterwards in the hope that someone would attempt to enter and collect the box, no suspect was found. No doubt the large crowd that had gathered and followed me round soon spread the news, so the thief gave the place a wide berth.

The strangest thing about the whole affair was that the kitchen where the money was traced was only just over a hundred yards from the timber yard office, whereas the hound had taken me round the best part of two miles to get there by way of drains and via the scene of another house-breaking.

F.P.

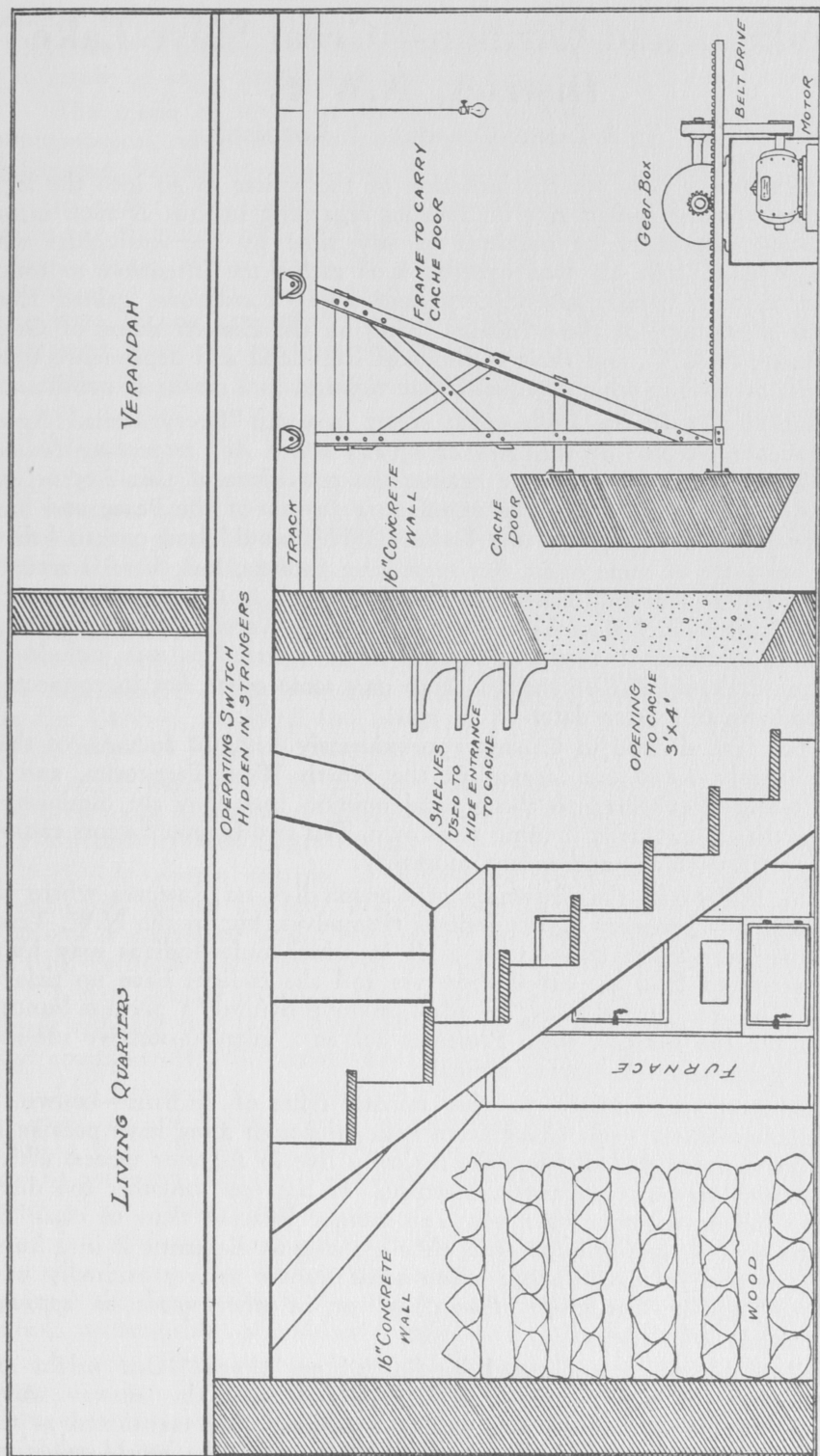
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## An Ingenious Liquor Cache

**A**N INTERESTING illustration of the extent to which violators of the Revenue Laws will sometimes carry their operations is provided by a report on a case in the Moncton, N.B. area.

In the course of an investigation into alleged bootlegging activities, a search of a residence was made by members of the Moncton, N.B. Detachment. A thorough examination of the building at first disclosed no evidence of contraband liquor, until, almost by chance, an extraordinary hiding place was discovered.

When the basement was being searched it was noticed that a well-defined track led from the foot of the stairway to a stone wall—and there it ended. Attached to the wall were some shelves, but they provided no satisfactory explanation of the obviously considerable use to which the path had been put. A minute examination of the wall, however, showed that it was not unbroken and that the real purpose of the shelves was to conceal cracks which bordered a rectangular portion of the concrete. It was naturally conjectured that the block could be moved, but attempts to do so by force proved unavailing. Believing that there must be some method of motivating the piece of concrete, the members of the search party turned their attention to an even closer examination of the building, and eventually were rewarded by the discovery of two carefully concealed electrical switches. With only an inkling of what to expect, and with interest keenly aroused, the search party awaited the result of the operation of the switches. It was immediate; the lights dimmed, a faint hum of machinery came from beyond the wall, and the massive block of concrete moved smoothly and speedily backwards. Revealed to the astonished eyes of the search party was a large chamber, lit by electricity. In it was machinery which moved the concrete door, and enough space for the storage of about four thousand gallons of liquor. As may be seen from the accompanying drawing, the cache had been carefully planned and built, and a considerable sum of money must have been expended on its construction.



Drawing by Constable W. W. Skuce from a sketch submitted by Constable G. B. Swaney.

AN INGENIOUS LIQUOR CACHE



# Indians and Caribou—Great Slave Lake District, N.W.T.

by A/LANCE-CORPORAL J. ROBINSON

IN THIS article it is not the intention of the writer to go into the legal aspects of the Indian Act or Treaties regarding Indians as such information can easily be obtained at any time by the individual who wishes to do so for his own benefit; it is rather the intention to touch on the customs, habits, superstitions, and living conditions, gained from personal experience, of those Indians living on the Eastern shores of Great Slave Lake, N.W.T., and their methods of livelihood and dependence upon the herds of caribou which frequent that vicinity, as a means of subsistence.

Section 152 of the Indian Act states in part, "Every Indian Agent shall for the purpose of this Act or of *any other Act respecting Indians* and with respect to any offence against the provisions of this Act or *any other Act respecting Indians*, be ex-officio a Justice of the Peace and have the power and authority of two Justices." This would lead one to believe in the existence of some other Act respecting Indians, but there is actually only one Indian Act and one Indian Administration in Canada. This equally applies to the North West Territories and Yukon Territory. It is, however, reasonable to assume that the additional clause referred to was included as a safeguard should Parliament decide to pass some other Act in connection with Indians at a later date.

There are all told in Canada approximately 112,500 Indians, of these approximately 3,850 are located in the North West Territories, and in the latter case, contrary to the general opinion that they are diminishing rapidly, they are actually holding their own. The two biggest factors causing death are tuberculosis and infant mortality.

The Indians in the Provinces of Canada live on Reserves where the land is the real property of the Indians themselves, but in the N.W. Territories there are tracts of land set aside in which only Indians may hunt. These tracts of land are called Preserves and the Indians have no title to the land or any part thereof. In addition to providing a private hunting ground for the Indians, these Preserves act as a great protective measure for big game and fur-bearing animals.

Referring particularly to this nomad tribe of Indians—known as the "Caribou-eaters"—on Great Slave Lake, although some have permanent cabins in the timbered district, the majority live in tents or tepees, which, for different reasons, are more convenient. If the tent becomes too dirty, it is less labour to move to a new and cleaner location than to clean the present site, and, just as important, they are able to dismantle it in a hurry and move their place of abode when some hunter arrives excitedly with the cry, "Caribou, Caribou," "Two days," or, in other words, an approximate distance of sixty miles.

All distances are computed by "days" or "sleeps." One might ask the question, "Where does 'Rabbitsoup' live?" and the answer would probably be, "Two sleeps." The name "Rabbitsoup" is mentioned as this Indian was so named as he was actually born into the world when his

mother was drinking rabbit soup. Other names will be found such as "Drybones," "Drygeese," "One-foot-in-Hell," each nomenclature being the result of some happening or incident in the respective instance.

The mode of travel is naturally governed by the seasons and the topographical nature of the country. Canoes are used in summer, and toboggans, hauled by from four to six dogs, during the winter months.

In earlier days, canoes were made locally from birch-bark, but it is more the exception than the rule at the present time to see a birch bark canoe. Almost every family has a canoe of factory construction, and, in the majority of cases, an outboard motor is used to propel it. The toboggans also were at one time made from the birch tree but they too are now purchased from the local trading stores.

What do these Indians do for a living?

The answer is—fish and hunt. What will they do twenty or forty years from now? The answer is again—fish and hunt. A few are employed as guides during the winter months; some act as pilots on river boats during the summer; and a few cut cord wood for the river steamers; but fishing and hunting must be their livelihood. There is at present no hope for any different form of occupation.

This particular band of Indians, the Caribou-eaters, are very superstitious and it may be noted that women are mostly involved, and that Caribou or rather the fear for them is the reason for a great number of the superstitions. This is readily understood in view of their dependence on the Caribou for food and clothing. Certain of these superstitions are given below as being of interest.

(a) A woman's skirt having passed over a hunting knife that she has been using to cut up a Caribou carcass, will cause fear and a belief that the Caribou will not migrate again in a certain district during that year.

(b) A woman cutting up a Caribou carcass will always pierce the eyeball first and let the jelly like substance escape. This is done so that the Caribou is unable to watch her cutting up the rest of the carcass, and so be able to inform the remainder of the herd of their fate.

(c) A woman paddling a canoe over a net set in a lake or stream will bring sufficient bad luck to ensure that no fish will be caught in that net, and consequently will remove the net and re-set it in another place.

(d) Everyone is forbidden to kill a Caribou with a piece of stick or even an axe handle. This is explained by the fear that the Caribou coming from the Barren Lands, where there is no timber, will not return to the timbered districts after seeing one of their kind being killed by a piece of the timber itself.

(e) Although practically all the Caribou carcass is eaten, the lungs are never eaten. The Indians go so far as to hang the lungs in a tree to prevent the dogs eating them, as they fear, in the latter case, that the dogs would become short-winded as a result.

(f) A rather important superstition is that in connection with the transmigration of souls. The Indians have the idea that the souls of their departed relatives and friends have gone into the body of either a wolf or dog and will not shoot it on that account.

The enforcing of laws and Game Regulations in connection with a nomad tribe of Indians such as the Caribou-eaters can readily be understood to be quite difficult and it only emphasizes the need of applying the golden rule of the Force, viz, *Prevention*. It is readily seen that these Indians never forget a kindness and will respond to good treatment to such an extent that they will refrain from doing a certain act because they think the Policeman, as a man, would be disappointed in them, rather than through being restrained from committing the offence due to fear of the law. If a promise is made to them it must at all costs be fulfilled or prestige is lost.

When an investigation has to be carried out involving several witnesses or suspects it takes a long time and a great deal of patience. A member of the Force may arrive at some encampment to interview one, Pierre Drygeese, only to be told that he has just left on a hunting trip and will not be back for two weeks. It may so happen that this will be the last time the particular member concerned can be in that District for six months. A case in point will demonstrate this: An investigation was started at Fort Reliance into a Breaking, Entering, and Theft, of a Department of the Interior Cache, which took place in July, 1935. Evidence was secured in January, 1936, involving four Indians but charges could not be laid until July of the same year, when the Indian Agent arrived to pay Treaty. It was not possible to have the accused persons notified to be on hand to be tried at that time, consequently they were not arraigned until August of 1937, when they pleaded guilty and were sentenced to terms of imprisonment in the Detachment cell at Fort Reliance.

When the Doctor and Indian Agent (in the majority of cases one official fills both roles) is located 200 miles from a tribe of this kind, it falls to the lot of the Policeman to take over, as far as possible, these duties in addition to his regular work as a peace officer. Complaints of sickness and destitution must be investigated and medicine or rations prescribed or issued as the case may be, these latter being supplied by the Department of Indian Affairs. The aeroplane has ceased to be a novelty and is proving of the greatest value as a means of conveying medical assistance to these remote people. Such "mercy flights" are increasing annually and the decision as to which case necessitates emergency treatment is one which is often left to the good judgment and discretion of the member in charge of the Detachment.

Some cases of a reasonably serious nature are treated personally. On one occasion when the Police were on patrol about 250 miles from the Medical Officer, a young Indian matron complained to the members of the patrol of acute pains in the lower part of her abdomen, enquiries revealing that she had given birth to an infant about five or six days previously. It was impossible to get medical assistance within a reasonable time, so it was recommended that she take every precaution against cold and apply hot fomentations to the affected regions, as a cure for possible inflammation following childbirth. Approximately ten days later the young husband travelled purposely to the Detachment to say that his wife was getting better and that the pain had disappeared.

When a white man meets an Indian on the trail; when an Indian meets an Indian; when a Policeman meets either Indian or white man, the first question usually is—"Did you see any Caribou?", "Where or how far away

are the Caribou?" The Caribou are actually the life blood of the country on the east end of Great Slave Lake and are depended on for food by the whole community. Their skins also provide the ideal clothing during the winter months for purposes of travel on the Barren Lands.

Considerable controversy exists as to the number of Caribou in the North West Territories, but it is generally agreed, based on observations made by Indians, trappers, and members of the Force, that there must be approximately between three and four million animals. There is an old Indian saying quite applicable, "They are like ghosts, they come from nowhere, fill up all the land, then disappear."

The question arises as to whether the Caribou are increasing or decreasing and the answer generally is that they remain the same. Mathematically they should increase. Why? The Indian population apparently varies very little, so we have only to account for the white trappers arrival and the amount he will consume during his period of residence in the country. It is conceded that one wolf will kill approximately fifty Caribou per year, but each trapper will shoot or trap an average of ten wolves per season, which would mean that he should save five hundred Caribou from wolf destruction. Making due allowance for the number of Caribou consumed by the trapper, this should result in a considerable saving of animals each year. It has been taken into consideration that disease would account for an equal number at the present time as it would one hundred years ago.

It is mentioned that one wolf will kill approximately fifty Caribou per season, but these are not all consumed by the wolves themselves. It is often noted that after a Caribou has been brought down by a wolf, only the tongue will be torn out, and some strips torn from the brisket and flanks. Young wolves are known to kill just for the fun of killing, and are taught to do so by the parents who remain with the litter for only one winter. White foxes will follow in the wake of the wolf, and along with the ravens, feed on a carcass which the wolf leaves behind.

The migration of Caribou is something we know happens, but the reason for it still remains a mystery. Even the Indians who have depended upon these animals for hundreds of years, fail to understand the laws which govern their migrations. The question of fodder must be given consideration in this regard. It takes several years for reindeer moss to grow, and although several hundred thousand square miles of grazing range exists, it must take an enormous amount of feed to supply so many animals. Instinct, in addition to the fact that it is easier for the Caribou to paw through the softer snow in the timbered ranges to the south than in the ice-bound areas of the Arctic Coast, may be responsible for the regular treks made.

The breeding, or rutting season takes place on the edge of or sometimes in the timbered area, during the last three weeks of October, and during that period the meat is unfit for human consumption due to its unpleasant odour. Calves are dropped in the northern part of the Barren Lands and in the Arctic Islands where the wolves are not so plentiful and the flies are less troublesome.

The migrations take place annually and in the same general direction but sometimes they may vary their route from one hundred to two hundred



miles, or the Caribou may be one month in advance of or one month behind their customary schedule—sometimes with disastrous results for Indian or white man. The case of Jack Hornby, the Oxford graduate, and the two English Public School boys, Edgar Christian and Harold Adlard, whom he took with him into the Barren Lands in 1926 to prospect and trap, might be mentioned here. They were to depend on the Caribou for most of their food. A prospector passed down the Thelon River in the summer of 1927 and noting a small cabin at the junction of the Thelon and Hanbury Rivers landed to investigate. He was horrified at what he saw and reported the matter immediately to the Police at Fort Reliance. In the summer of 1928, Inspector Trundle, Corporal Williams, Constable Kirk, and a white trapper as guide, made a patrol by canoe to make further investigations. They found the bones of Hornby and Adlard, sewn up in separate pieces of canvas, lying outside the cabin, while the bleached bones of Christian lay inside. The Caribou had not passed that way with the result that the three individuals concerned had starved to death. Subsequent to burial of the bodies, the police patrol returned to Fort Reliance after an absence of forty-five days.

Indians now, as well as white men, use high powered rifles to kill what they need. In the olden days before the muzzle-loading gun could be secured, they used bows and arrows and often speared the Caribou as they swam across a river or narrow bay. Another method was to observe where they swam some river on their migration and where they consistently landed at a certain point. The Indians would then build a chute of poles leading up to a corral in the timber, and, from the trees would hang rawhide nooses which would catch on the horns of the animals as they milled about looking for a place to escape from the corral. As in the past, the Caribou have formed the main means of subsistence of the Indians, so in the future the Indian must necessarily be dependent to a very great extent on the animal with which he has been so closely associated since the advent of man to the North West Territories.

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### Prize Winning Articles—July Issue

THE FOLLOWING prizes of \$15.00 and \$10.00, respectively, have been awarded to the under-mentioned members of the Force for the two best articles published in the July edition of the Quarterly magazine:

Skipper R. A. S. MacNeil, "H" Division, Halifax, N.S., 1st prize.

Special Constable John G. Dickson, "A" Division, Ottawa, Ont., 2nd prize.

The competition is open each quarterly period for the two best articles published in the magazine submitted by N.C.O.'s and Constables or members of the Marine Section. The Editorial Committee desires to congratulate the winners of the July competition for the interesting articles contributed, entitled "The Marine Section of the Force", and "The Photographic Branch, Ottawa", respectively.

## Memories of the Old West\*

As told by late ROBT. PATTERSON, ex-M.L.A., Reg. No. 495 to Reg. No. 4471

**I** WAS BORN on April 11, 1855, at Templemore, Tipperary, Ireland, and am the only one left of a family of eight. My father was George Patterson. I was educated in Templemore and Kilkenny College and came to Canada aboard the S.S. Sardinia, arriving in Ottawa in May, 1876, where I spent a month visiting with friends.

While investigating a prospective appointment, I heard that the North West Mounted Police were looking for men, and in consequence went to the Parliament Buildings, where I enlisted for a three-year term, being recorded as Regimental Number 495. Col. Richardson at that time was recruiting for the Police. Both men and horses were required. The late Col. James Walker was then buying horses for shipment by rail and boat via the Great Lakes and Red River, Winnipeg to Fort Pelly, which was then the headquarters. Colonel G. A. French was Commissioner at that time, but was soon afterward succeeded by the late Lt. Col. J. F. Macleod, who was promoted Commissioner of the Force in July 1876, and the headquarters was transferred to Fort Macleod.

### To Winnipeg

Upon joining the Force I was sent by Col. Richardson down to see the late Dr. Sweetland, who was then Sheriff in Ottawa. My medical examination was very cursory, consisting in the baring of my legs with trousers tucked up. Dr. Sweetland just looked at me and said I was all right. Upon returning to Col. Richardson he told me that I had not passed my medical examination but that he would take me on. With 12 other recruits I went to Sarnia by rail to meet Col. Walker with the horses he had purchased. Upon the arrival by rail of the horses, we were marched to the depot by Col. Richardson to receive them. While taking the horses from the cars one was rather wild. Col. Richardson saw my difficulty, took the horse from me and told me to go back and get two more. They were so hard to handle that I did not go near Col. Richardson for the other one, but went to the stable with the two horses I had. I was never reprimanded by Col. Richardson for not returning to him to take over the horse I had left with him.

With the horses we followed the route made by Sir Garnet Wolseley in his 1870 expedition via Duluth, Fisher's Landing, Red River to Fort Garry (now Winnipeg) under command of Inspector Walker and Inspector Neale.

Winnipeg was then a town of approximately 1200 souls, and had two hotels, one blacksmith shop and livery stables.

### Mud and Grasshoppers

Unloading the horses from the boat and taking them to the old Pacific stables was quite an undertaking, as the road was very wet and each man had at least three horses. Several of the men left their boots sticking in the mud before they got their horses to the stables.

The late Sergt. Major T. Lake happened to be in Winnipeg at that time, on leave, I believe, and acting in conjunction with Col. Walker to

\*By courtesy of the *Lethbridge Daily Herald*, March 21st, 1938.

organize our trip to headquarters at Fort Pelly. Wagons used by the Boundary Survey about 1870 were obtained. We had to break the horses and work with them for a while to get them in shape for the trip.

That year (1876) the grasshoppers were very bad in Winnipeg, so bad in fact, one could see them floating in clouds by shading your eyes from the sun, and the rivers had a scum of dead grasshoppers floating down on them. One man who had previously left the Force was re-engaged with other men who had military service, namely, Jim Sutherland (well known to the writer when he was a farm instructor on the Crooked Lake Indian reserve north of Broadview and Grenfell in Saskatchewan, and when Peter Hourie was employed as interpreter and assistant farm instructor, and Mat Miller was Indian Agent). Others were Jim Christie, Chas. Thompson and a few others whose names at the moment I cannot recall.

All the grass and foliage of trees were eaten off at the time. I could not sleep in the tent, as the grasshoppers bit me so badly, and got up into one of the covered wagons to sleep. Our first camp was at Silver Heights on the property of the late Donald Smith (Lord Strathcona) about four miles from Winnipeg. After being properly equipped with supplies and a cook chosen, we started for Fort Pelly (Swan River) in June 1876, with the old Boundary Survey wagons and a few extra horses that were purchased there. Col. James Walker and Sgt. T. Lake were with us in command. Two or three of the men had their wives with them, being Jim Sutherland and Jim Guthrie (later of Battleford). The trip was all new to me and very interesting. There was lots of game—geese, ducks and prairie chicken.

En route we were lined up by Col. Walker, who asked for a volunteer to act as cook. One man stepped forward in the person of the late Benj. Butler (who later lived in Medicine Hat), who happened to be dressed in a black broadcloth suit, white shirt, black tie and black soft felt hat and who looked to me to be a typical Yankee, and who always managed to have a cud of chewing tobacco in his mouth. Poor Ben arrived in Fort Pelly an invalid, unfortunately occasioned through me. He was working one day—had the potatoes on the fire, and asked me to take them off and drain them. In doing so I found a hole which had been stopped up by some means, and drained the water off the potatoes into the hole, which was about six inches deep, and poor Ben, in going about the fire, stepped into the hole, scalding his foot pretty badly, rendering him unfit for his job for the remainder of the journey.

We remained in Fort Pelly for a fortnight, during which we were required to undergo a medical examination by the late Dr. Kittson, which was very strict, as we had to run down a steep hill, up again, and do one or two jumps. One man, an Englishman, being rejected and sent back, had been with us all the way from Ottawa.

#### Remembered Names

The barracks at Fort Pelly having just been completed, "D" and "E" troops were stationed there. I was attached to "A" troop under the late Col. E. W. Jarvis, then superintendent in charge of Fort Edmonton.

I remember the following at Fort Pelly at that time: Col. J. F. Macleod, Col. G. H. French (who left), Capt. Dalrymple Clark (who was then the

Adjutant), Insp. James Walker, Francis J. Dickens (son of the novelist Chas. Dickens), Insp. J. H. McIlree, Insp. Frechette, Insp. J. French (a brother of Commissioner French), Dr. Kittson, Insp. Poett, veterinary surgeon; S.M. Sam Steele, S.M. J. B. Mitchell, S. Sgt. Sam Horner, Courtney Wood, S.M. of "E" troop; Sgt. Robt. Wylde, Johnny Ward (whom I knew very well before I left Ireland—he was doing sentry duty in Fort Pelly), E. F. Maunsell and his brother George Maunsell, Chas. Palmer, Frank Carruthers, George Pentland, Harry Stedman, Billy Douglas, S. G. Fogg (a noted runner of the 100 yards), Charlie Kettles (late of Pincher Creek), William Johnson, Jim Christie, Bunty Clisby, T. Powers, John Pilkington, Reg. No. 409 Sub. Const. George Mahoney (afterwards drowned while crossing the South Saskatchewan river when on patrol from Battleford to Fort Walsh on June 19, 1877), Sgt. D. Cochrane, Cpl. Jim Bell (who afterwards became my partner in the cattle business for some time), Jim Daley (later of Meadowcreek), Doug Alison (Bill Hyde and Doug Alison later were partners ranching and farming at the old Harry Maunsall ranch a few miles up river from Macleod), Thos. T. A. Boys (writer of "Riders of the Plains," "The Battle of Ridgeway," etc., and afterwards Clerk of Calgary).

Headquarters being removed from Swan River barracks, two troops, "D" and "E", commenced to move to Battleford. I belonged to "A" troop, but was attached to "D" troop. We arrived at Battleford, where a detachment was left to look after approximately 200 head of steers which had been brought there for the purpose of feeding the Indians while making treaty at Fort Carlton. We were left at Battleford under command of Inspector Frechette, "D" and "E" troops having left for Fort Carlton to attend the making of treaty with some of the Cree chiefs. Some half-breeds were herding the steers at the time. These steers had been brought from Montana, and purchased from Overfield and Churchill, well-known stockmen there. We herded the steers with the half-breeds about four miles out from the present site of Battleford and near where they were then burning lime for use in the building of a house for the resident magistrate, who happened to be my old friend Col. Richardson.

After a short time we took over the herding of the steers from the half-breeds, which proved very unfortunate, as one morning we found that 137 had got away while in charge of Consts. Fogg and Johnson.

A party was formed by Insp. Frechette composed of some men from Battleford and some of ourselves and followed the cattle until their tracks became mixed up with buffalo tracks. Incidentally we afterwards saw one steer among the buffalo and hunted it, but failed to get it, as it seemed to be just as able as the buffalo to elude us. An enquiry was afterward held at which Consts. Fogg and Johnson appeared on the mat, the result of which I know nothing. At any rate, Insp. Frechette still remained with us, so I presume that he got into no trouble over it.

### Buffalo

I saw my first buffalo near Battleford, and while not being so numerous there at that time, they were numerous both west and south of there.



We remained at Battleford until after the treaties were made, which would be about two months; then, the two troops, "D" and "E", started for Fort Macleod via Fort Walsh, leaving a small detachment which included Const. Patrick Burke, at Battleford with the heavy equipment and baggage: Reg. No. 402 Const. Patrick Burke remained in Battleford when we left. He afterward died on May 3, 1885, from wounds he received the previous day during the fight at Cut Knife Hill, N.W.T. He had a son in the Force, too.

We saw thousands of buffalo on this trip and as far as the eye could reach the prairie was black with them.

We had considerable difficulty in regard to our water supply; usually we had to dig at the edge of the lakes for water to seep in, and even then it had to be strained.

We saw many kinds of animals, including an enormous grizzly bear, which the half-breed guide killed and afterward hauled into camp and weighed; it was judged 1100 pounds. We also partook of the meat, which was relished as a change by all.

We had buffalo meat, ducks, and geese, to eat en route. The skin of the bear was afterwards hung up in the recreation room at Fort Macleod. This particular bear had two cubs with her when killed; the guide did not get the cubs. We all saw the bear alive when we came over a hill, with her two cubs she was down near the water edge, and upon our arrival started lumbering off. The cubs were of fairly good size, standing about 30 inches in height.

At the Saskatchewan river we camped for three days while the crossing was effected. We got two wagon beds lashed together with a wagon sheet underneath and made a raft out of dry cotton wood timber, took the wagons apart and got all our grub and equipment across the river in the three days at a point between the Cypress Hills and Battleford and near where Const. Mahoney was afterwards drowned. In crossing, the wagon beds and rafts would land a mile down stream on the opposite side of the river and would have to be towed up above our camp in order to make a further crossing. We finished transporting everything across the river by late afternoon of the third day, after which all who wished received hospital comforts.

The two guides were not successful in crossing the horses until Sgt. Major J. B. Mitchell and Const. C. Daly undressed, took two of the horses, and swam the bunch of approximately 120 head across. Chas. Daly got hold of his horse's tail when swimming in the lead of the horses.

#### At Fort Walsh

We arrived at Fort Walsh in the Cypress Hills about the end of September, 1876, and after a stay of approximately a fortnight and leaving "E" troop there, we ("D" troop) left for Fort Macleod with the intention of establishing a headquarters. On the way we had rather a severe snow storm about the 20th of October, and we reached Macleod on October 22, 1876. Capt. Winder was in command of "C" troop at Macleod at that time. The barracks were built at that time on the island. After about a fortnight we managed to get into the shacks.

Capt. Clarke, the adjutant, was in command of "D" troop, but the Commissioner, Col. Macleod, and Assistant Commissioner Irvine were with us on the trip.

We were met by some Blood Indians at Forty Mile Coulee between Whoop-Up and Fort Walsh. They were very friendly and gave us a cordial welcome. One of the Indians was named "Chicotzee," otherwise "Grass-hopper." We saw lots of buffalo, and the half-breed guides killed what was necessary for the trip en route. I do not think that Jerry Potts was with us on this occasion.

I was then stationed at Fort Macleod and was transferred from "A" troop to Staff troop "D" and acted in various capacities such as herding horses, whiskey trips, building root houses, visiting Cypress Hills, driving team with Col. Irvine on his visit to Fort Walsh; staying there one winter. I baked for two troops, "C" and "D", for about six months before I left the Force in the winter of 1880 after serving approximately 3½ years.

Jim Bell left the Force about a year before I did, and at that time Jim Bell and myself, as a partnership, bought a squatter's right from J. B. Smith of Macleod in Slide Out, having all the land we could take up for \$120. There were no fences at that time, so we erected a Shanghai fence, in other words a tripod with two or three rails pegged on between them. Bill Reid, now of Pincher Creek (known to the writer as the town policeman of Pincher Creek when stationed there 30 years ago) and who is still alive, worked for us fencing and caring for the ranch.

### Great Treaty of 1877

In 1877 Staff "D" and "C" troops proceeded to Blackfoot Crossing to make the now famous 1877 treaty; Governor Laird making the treaty. We were accompanied by some of the officers' wives of whom I might mention Mrs. Winder, Mrs. Shurtliffe—I am not sure whether Mrs. (Col.) Macleod was with us or not.

What impressed me in connection with the making of the treaty was the great number of lodges scattered all over the whole flat bottom, covering approximately one section, or one and a quarter sections of land.

The Indians were pretty well armed with all kinds of muskets and knives, but we mixed freely among them, most of us without arms when not on duty.

### Blackfeet Crossing

A great number of traders were also there, who came to trade with the Indians on the expectation of the Indians receiving treaty money, amongst them a man who had a large bunch of horses, from whom I bought my first two mares in this country and which became the nucleus of my ranch stock. A man named French had a trading post at Blackfeet Crossing at that time. Blackfeet Crossing then was one of the best crossings of the Bow River, and it was known by the Indians as "The Ridge Under the Water."

One very amusing incident happened on our way to the Crossing. We had an old ex-member of the Imperial army, Andy Grogan, who was our cook and drove the water cart on the march, which consisted of a tank on a small two-wheel cart and a little pony well known to all of us by

the name of "Billy". We were going down a very steep hill to the Little Bow; all the wagons had to have locks and brakes on. Andy thought he would lock his cart and took a pole and placed it between the two wheels and started down the hill. Of course, the wheels going around threw all the weight on the pony and tumbled poor Andy and the cart to the bottom of the hill. Fortunately no one was hurt; neither was "Billy" the pony. Andy never employed the same method again.

The Indians, Blackfeet and others, with whom the treaty was made, were paid mostly in \$5 bills and did not know the value of them. It was reported to us that a good many of the traders short-changed them in their transactions with them.

There was a complete absence of liquor among the Indians as far as I could tell, and the Indians staged sham battles of the days of themselves and their forebears which was very interesting to me.

Everything passed off peaceably; the weather was beautiful, and the flies were not bad that summer of 1877. Our staff troop "D", to which I at that time belonged, having been accustomed to being on the march, always had our tents and equipment fixed up, while the others, "C" troop, were in the midst of their work, as they had been in barracks two or three years.

Before leaving Macleod for the treaty we had quite a lot of drill by Sgt. Major Sam B. Steele and had the horses trained to both rifle fire and heavy gun fire.

### First Round-up

In 1878 a man named Christie came in from the States—Montana, I believe—with a bunch of cattle, and several of the Police bought their first cattle from him. Among those who bought cattle were Sgts. Bill Parker, Harper and Tim Dunn in partnership, Jimmy Murray, cook in the Officers' Mess, bought about 50 head. John Miller also bought a bunch. Jim Bell and myself bought about 35 head of yearlings. We paid \$19 per head and cows with calves at \$30, principally grade Shorthorns. They were pretty good cattle.

We all branded our cattle, as there were other people at that time who had cattle, of whom I might mention the late Joe MacFarlane, both Mrs. Armstrong and Morgan, Bill Burton, Henry Olson of Olson Creek, "French Sam" (S. Brouard), and I believe Ed. Maunsell, who was out of the Force at this time. I think that Jim Bell took his discharge from the Police at the time we bought the cattle, as he was stationed at Fort Walsh temporarily.

A year later (1879) we had to have a round-up, which we organized, and the captain was Sgt. Bill Parker, he being the first round-up captain ever appointed in this country. We got a flat-bottomed boat made about 18 feet long and the right width to fit on a wagon, and on which we loaded our bedding, grub and cooking utensils. I do not remember a stove, and I do not believe that we had one. It was a rather primitive affair as a good many of them had only two horses at the most, and some were mares with colts.

I remember French Sam on our first evening coming into camp commanding the cook, Bill Burton, to picket his (French Sam's) horse, which was very emphatically and promptly refused; in fact, he swore and told French Sam to go to the warm regions.

We managed to hold the cattle until the Buffalo became almost extinct, and the Indians commenced killing our cattle. We could get no redress from the Police and had to send our cattle with John Miller (who had taken his discharge from the Police) over to Birch Creek, near Choteau in Montana, to hold them and look after them.

At that time we never put up feed as there was good winter feeding on the range and the only market for hay was the Mounted Police. Henry Olson's brand was "OH" on left side. He was for years in this country and Montana. Needless to say, he was a Swede and had been so long here and in the States that when he went home for a visit to Sweden he had almost forgotten his own language and had to learn it over again. He was bought out by the Indian department when he lived at Olson Creek about 1878 or 1879 and his location now forms a part of the Peigan Indian reservation. He was not married and was then aged about 55 or 60 years. He must now have been dead for many years as he left here and went to Montana and we never heard of him since.

When the Indians became partly settled on their reservations we brought our cattle back from Montana. Doug Alison, who had also left the Police, and myself, went to Montana.

### A Lynching

Alison and Hyde and Bell and Patterson (myself) had ordered a 12-horse threshing machine from St. Louis and the machine was supposed to have arrived at Benton via the Missouri River. Alison and I parted at the Marais river, arranging to meet when we both had completed the objects of our journey; Alison to get the threshing machine and I was to bring back the BP cattle. Our cattle brand at that time being "BP" on left side and ear mark; a hole in left ear.

I proceeded to Choteau, Montana, and one of the first houses I came to was that of Mr. Buck, the father of Baldy Buck, who afterwards was foreman of the Circle Ranch which had a large range. Upon asking for accommodation, I was rather coldly received, but after some discussion I was invited in and told that I might stay. The reason for this as I shortly afterward found out, was that a man had been lynched in Choteau the day previously for shooting Mrs. Armstrong and the man Morgan. I thought at first myself that Mr. Buck, who had just been married for the second time might not have wanted anyone snooping around as the second Mrs. Buck was a very pretty woman.

The facts about Mrs. Armstrong and Morgan were that a man came to the house during the night and shot Mrs. Armstrong as she lay in her bed, also Morgan. The only other occupant of the house at that time was a little girl named Maggie Houseman, who had left Macleod for Choteau, Montana with Mr. and Mrs. Armstrong and Morgan. They had lived down on the Island at the lower end from the Police Barracks, which were then on the Island in the Old Man River. Maggie Houseman was the daughter of a Swede or Norwegian carpenter whose wife had died and Mrs. Armstrong was bringing Maggie up. In the early hours of the morning when the tragedy took place, Maggie managed to escape and hide. When the tragedy was discovered the Sheriff and a posse arrested the man in the hotel at Choteau and placed him among ten or twelve other men for identification,



and Maggie was brought in to try to identify the man. She immediately pointed out the man saying, "That's the man who shot my mother." The people took the prisoner from the Sheriff and lynched him by stringing him up by a rope to a tree and afterwards sold pieces of the rope as souvenirs.

I was well treated at the Buck home and after resting a day or two I went to Birch Creek and rounded up John Miller to get the cattle. He had the cattle which had not materially increased. John helped me drive our cattle north for the first day and then he returned to his home at Birch Creek near Choteau. I drove the cattle north to where I met Doug Alison at the Marias stopping place run by Joe Kipp, a former resident and half-breed, who originally hunted and trapped in this country and started a trading post at a junction between the Old Man and the Belly Rivers, which place was named after him.

### **Cattle Driving**

The site of the Post was about a quarter of a mile west of the Mounted Police Detachment that was afterwards established there, and across the river from the detachment was the ranch and stopping place of Richard Urch and William Long. Really the original Fort Kipp, it was a stockade about thirty yards square. When riding in that vicinity I have often seen the ruins of the Fort; the old fireplace and the outline of the stockade, but nothing remains today. That part of Kipp was taken up by a well known English old timer in the country named Herbert Savary who lived there for a number of years and afterwards had a horse ranch near Chief Mountain and also on the Little Bow. He died some 20 years ago. W. S. Story, now of Calgary, and Corpl. Wilson, recently killed in an auto accident and active in regard to the capture of Bill Miner, were among the first men stationed at the Kipp Police Detachment. I joined up with Doug Alison at Joe Kipp's place. Doug had arrived without the threshing outfit as it had not arrived at Benton.

I brought the cattle on to Slide Out, Doug Alison driving the four-horse team and wagon. There were no bridges over any of the rivers at that time, and, of course, no railroads.

### **Never Lost Animal**

I might say I found an extra animal had got in with my cattle when I gathered them one morning, an antelope, which I drove for a considerable distance before it deserted me. I saw no live buffalo on this trip but on our way down Doug and I came across a freshly killed buffalo and got some of the meat from it. I never lost a hoof although I was alone, in driving the forty to forty-five head of cattle. Doug did not help with the cattle as he had his horses to handle.

Jim Bell and an old bullwhacker named Andy White greeted us on our return to the ranch. Jim Bell had been to Missoula the year before with Dominic Lynch of High River and John Quick of High River and had a large bunch of cattle with several riders. Our number being approximately 140 head of cattle and about ten head of horses. These to my recollection were the first. Dominic had about 800 head of cattle, Quick about 300 head and Bell and myself 140 head; a large herd of cattle to be brought into the country across the mountains from Missoula.

### First Threshing Machine

My next trip to Montana was with the late W. E. Hyde about 1881 as we received definite information that our threshing machine would arrive at Fort Benton, the head of navigation on the Missouri river. We were fortunate in being able to get our machine and hauled it to Slide Out by means of two four-horse teams. Billy Hyde driving one team and myself another. Hyde was afterwards Indian Agent for some years on the Blood Reserve and he had a brother who lived in Pincher Creek and did quite a business as a stock broker and banker there. Another brother whom I knew intimately was in the feed and seed business in Lethbridge.

I cannot remember the make of the threshing machine other than it was of an American manufacture, but we paid for it and expenses and perhaps made a little over from our first year's operations.

I do not believe there were more than seven or eight outfits at the most that had grain at that time. I remember threshing for French Sam (Brouard), Pete Provost (who was in partnership with Brouard at the time), Fred Wachter, otherwise known as "Dutch Fred" who lived where the Stand Off Hutterites now have their colony. We were at Dutch Fred's for 10 days in a storm and our time passed heavily on our hands as Dutch Fred happened to have a brother there who was a veteran of the Northern Confederate army in the American Civil War. Fred had belonged to the Southern army and consequently they did not get along very well together; especially when telling of their exploits in their respective armies. In fact, when we left, the brother came away with us and afterwards took up land in the Lime Kiln bottom below the Pioneer ranch where MacFarlane was living at the time. MacFarlane had a tread mill at that time. Kenny MacDonald afterwards came and lived on the Wachter ranch. Kenny died about six years ago at or near Macleod and as far as I know, his widow and daughter are still alive and moved away from Macleod. Kenny had worked at the mines at Lethbridge before he acquired the Lime Kiln bottom. We went up the Belly river from Stand Off to a company of four partners, two of whose names were Heath and Bob Whitney, the latter an ex-member of the N.W.M.P. (no relation to the Whitneys of Lethbridge), and from there we moved to and threshed out Maunsell Bros. about 5 or 6 miles west of Macleod on the Old Man river, and then to Alison and Hyde a little nearer to Macleod, where the Hunter Brothers of the Porcupine Hills now have their winter cattle ranch.

As far as I can remember, we charged about 19 cents per bushel for threshing oats and charged the same for what little wheat there was to thresh. The price of oats at that time was from 3 to 6 cents per pound that being \$1.02 to \$2.04 per bushel. There being no binders that year, the oats were all cut by mowing machine, harvest reapers and cradles, and bound by hand with grain bands.

Billy and Bob McNab came west in 1882 and the father and Joe came in 1883. I do not believe there was a soul settled here before the police came. Fort Whoop Up was there and whiskey traders scattered around.

### Tragic Will

Reg. No. 409, Sub. Const. George Mahoney was drowned on July 19, 1877, in the South Saskatchewan river while in charge of a number of half-

breeds who were bringing baggage and equipment, that had been left behind at Battleford, to Fort Walsh in the Cypress Hills. I heard afterwards that he made his will while slowly sinking in the quicksand and that it was about two hours before he finally drowned. The half-breeds apparently could not help him in his last difficulty. I am not sure, but it seems to me he had a family in Battleford. Mahoney was a dark, fine-looking man.

The original term of service in the N.W.M.P. was for three years, the pay was at the rate of 75c per diem and rations, which was the minimum and was not increased yearly. I first belonged to "A" troop, was in Fort Walsh barracks attached to "D" troop and later on was attached to "C" troop. Our issue rifles were, I believe, Snider 35-45 calibre and were loaded at the breech with one cartridge at a time. They had cork covers over the nipples when not in use. Our revolvers were 505 calibre of Adams make and would fire six shots. Our fur coats were of buffalo with N.W.M.P. brass buttons. Fatigue jackets of brown duck. Both black and brown long boots with duffels and mocassins for winter use and we were issued with six pairs of woolen socks. Our dress was a Norfolk jacket of scarlet with collar and tie, blue pants with two white stripes one inch in width set a small distance apart. Afterwards the pants had a wide red stripe. White pipe-clayed helmets and round forage caps; blue gold and red for sergeants.

Norman Macleod of Lethbridge, came West while I was still in the police in 1880 and to Fort Macleod. I must have quit the police in the fall of 1880. J. H. McIllree was an officer in the force when I knew him in 1876.

### Trip to Ireland

In 1883 I took a trip to Ireland and when I got back in 1884 they were moving the buildings up to the present site of the town of Macleod from the Island in the Old Man river, and in 1885 they moved the Police barracks. Ellis Miller's house near and just west of the Presbyterian church in Macleod was one of the first buildings moved over from the island and is now occupied by Mr. and Mrs. John Martin. When visiting my old home in Ireland I was married on March 25, 1884, to Sarah Lucinda Sayers of Richmond, Patrick's Well, County Limerick.

During the winter of 1877 and '78 while acting as teamster I drove a democrat and two horses from Fort Macleod to Fort Walsh taking Col. Irvine. We had a wagon with us to which four horses were attached. The weather was fine with no snow until we got to within 70 miles N.W. of Fort Walsh where we encountered two feet of snow. There were no sleighs at Fort Macleod at that time.

Oats for the police horses were brought into Macleod by means of bull teams from Montana but about 1880 oats were grown here.

Thos. T. A. Boys who wrote "Riders of the Plains," etc., did very little riding. He was a lawyer and afterwards became the first town clerk of Calgary. He ranched for a time on the land now owned and occupied by the Hunter Brothers, known as the Crystal Spring Ranch in the Porcupine Hills; he was there about nine months, I believe.

I knew Jim Stanford in Benton who had previously been in the police. His sister married one of the Conrads of Benton. W. G. and C. E. Conrad became members of the firm of I. G. Baker and Company.

# Northern Bush Travel

by INSPECTOR C. E. RIVETT-CARNAC

WHILE THERE is a general knowledge of dog driving, little has been written about this arduous mode of travel insofar as the essential factors are concerned. From time to time, the printed page, and, in some instances, the moving picture camera, have depicted this allegedly romantic method of transportation in glimpses which merely disclose that it is performed with a sleigh drawn by dogs, insufficient details, however, being given of the integral features to give a full understanding of all that is meant when reference is made to this form of travel. I remember very well, some years ago, seeing a somewhat dramatic film about the North, in which the hero, riding on a sleigh, set off across the Barren Lands towards the Arctic Ocean, where he gallantly rescued a damsel in distress who was held captive by certain villainous characters. Every time they appeared on the screen, the hero and his dogs were seen to be skimming over the snow at full gallop, and, despite the fact that the journey was one of some hundreds of miles, it apparently needed only a crack of the driver's whip, as he rested picturesquely on his sleigh, to maintain a speed of from twelve to fifteen miles an hour over the whole distance. Furthermore, as far as the eye could see, the sled carried no food for man or dog and one could only assume that the driver in this instance was so confident of the speed of his dogs that he considered a few sandwiches in his hip-pocket would be sufficient to sustain life until his objective was reached!

Dog driving is not as easy as that. On the contrary, as those who have travelled considerable distances by means of dogs and sleigh know very well, it is an undertaking possibly as rough and as difficult as anything imaginable, and that while it is being performed little romance is evident.

The Mackenzie River, before the advent of the aeroplane, was very sparsely settled and it was no uncommon experience for dog travellers to camp, night after night, in the snow at temperatures ranging to 60 degrees below zero, after a long day on snowshoes, during the course of which thirty or forty miles had been covered. In those days too, due to the absence of trapper's cabins, it was necessary to carry provisions for the entire journey; while now the custom is to make summer caches of food for men and dogs at various advantageous locations, preparatory to the winter months.

Travelling conditions on the Mackenzie River are the worst that I encountered during periods of service in that territory, the Yukon, and the Western Arctic. The force of the current underneath the ice, as the river freezes in the fall, breaks the ice and forces huge blocks into every conceivable position. The chaotic mass freezes solid and effectually precludes any possibility of travel on any part of the river except in close proximity to each bank where the water forced up by the pressure of the ice has frozen to form narrow, level strips. These convenient travel routes do not remain, however, as later in the winter the ice sinks over the whole expanse of the river, canting the "over-flow" ice, which is now deeply covered in



snow, at an exceedingly steep angle. Since the rough ice remains an insuperable bar to travel on the river itself, it was necessary to continue to use the over-flow ice despite the angle it had assumed. Moving along the upper edge of the slanting plane, with the dogs hauling three or four hundred pounds of provisions, it was necessary to hold the toboggan in position by means of a line to prevent it from plunging down the slope, carrying the dogs with it into the rough ice. Proceeding in this way, strain in two separate directions was exerted on the toboggan, viz. the forward movement of the dogs and the sideways pull of the driver, and, as may be readily imagined, progress made in this manner was necessarily slow and extremely arduous. After thirty miles of such travel, falling down concealed cracks in the ice at intervals and wrestling with the toboggan at the bottom of the slope on the frequent occasions when it slipped down, both the dogs and ourselves were always glad when darkness precluded the possibility of further travel at the end of the day. Camps had to be made at a suitable place where both green and dry timber were present to provide fuel and shelter from the wind. Having found a site, the work of making camp was apportioned among the members of the patrol; one would clear away the snow and cut spruce bows to make a bed, while the other would take his axe and bring dry timber for the open fire. On the spruce bows finally being laid in the excavation in the snow, the fire blazing strongly, the eiderdown sleeping robes spread out, and the requirements of the dogs having been attended to, one was ready to relax and cook supper. This generally consisted of beans, bannock, bacon (or other meat), black tea, butter and jam; a repast which comfortably satisfied the desires of a hungry traveller. After supper, when one's pipe was lighted and the fire, showering sparks into the frost spangled air, cast a cheerful glow on the surrounding snow, it was possible to review the events of the day in peace and at leisure, and to enjoy a period of restful contentment that compensated to a very great degree for the strain experienced during the day's journey. In the event of one's feet having been cut or chafed by the snowshoe strings however, this enjoyment might possibly be alloyed to some extent by a rueful contemplation of one's blood-stained moccasins, and anticipation of the next day's travel—and, of course, the day following that and succeeding days until the wounds had an opportunity to heal. Once snugly ensconced in one's eiderdown robe, and providing that heavy snow did not fall during the night or the temperature sink much under thirty degrees below zero, one remained in comparative comfort until morning.

Conditions were hard in the days of which I speak, and travel on the trail was onerous and fatiguing. It may be that the thread of romance was woven through the fabric of dog driving, but to those on whose shoulders the rough mantle lay, the golden strand was not easily discernible. Circumstances, however, have changed in some respects during recent years and, speaking from my own experience again, it is now seldom that a day's travel by dog-team must be made without a cabin of some description being encountered where the night can be spent. Because of these circumstances, the hardships of travelling by dogs have been greatly lessened; caches of food can be laid down preparatory to the patrol being undertaken, thus obviating the necessity of travelling with the heavy loads of previous

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# Buckingham

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days; while the comforts provided by a warm cabin at the end of a day's travel are in striking contrast to a camp in the snow.

In other parts of the North in which I have been stationed, where, as is usually the case, most patrols are made along the water-ways, the rivers freeze flat and the difficulties described which prevail on the Mackenzie River are not generally encountered. Under more normal conditions when travelling on smooth surfaces, one may run steadily behind one's toboggan and an interruption only occurs when it is necessary to assist the dogs over the steep ascent of a portage. On such occasions when descending to the river on the other side of the portage, particular care must be taken to prevent the toboggan overrunning and injuring the dogs; while the serious consequences should the traveller sustain a sprained or twisted ankle may easily be imagined. With a heavy load and a poor trail it is seldom possible to ride on the toboggan in the manner popularly imagined, and when the snow is deep it is entirely out of the question. In deep snow, it is necessary for one man to walk ahead of the dogs and with his snowshoes to flatten the snow or "break trail." When this is done the dogs obtain a footing where otherwise they would flounder helplessly in the soft, powdery mass while the sight of the man preceding them also provides an incentive to their efforts. Sometimes, when the snow is very deep and soft, both members of the patrol must leave the team and go forward for a considerable distance at a time to make the necessary trail for the dogs. A return having been made over the same path, the dogs are urged forward along its length then another halt is called and the procedure is repeated. When it is necessary to

break trail in this fashion, travelling is more than usually slow and only a small mileage can be made during the day's travel.

Driving dogs, in my opinion, is an art, the qualifications for which must be instinctive in the individual as they cannot fully be acquired. There are persons who have been years in the North who remain inferior dog drivers, while others who have been in the country for only a short time instinctively control their dogs to much better advantage. The qualifications necessary in a good dog driver would appear to be an even temperament, patience, energy, and the ability to curb the more boisterous instincts of one's team without recourse to violence. A sympathetic understanding of dogs is also, of course, of inestimable value. The husky dog is a very intelligent beast and seems to know instinctively if the driver must be obeyed or whether advantage can be taken of him. Unfortunately, many drivers ruin good dogs through their own inexperience and then blame the animals for the faults they have occasioned. One such flagrant case, I remember, concerns an individual, who, requiring an extra dog for the trip, placed a husky which had been doing very little that winter, with a team of hardened dogs in good physical condition. The dog, although willing, could not do its fair share of the work and the driver, thinking it was lazy, kept exhorting it to increased effort with hand and voice, with the result that the other animals were thrown out of their stride and the whole team cast into confusion. Dogs undoubtedly correctly estimate such situations and lose respect for the driver with a resulting detrimental effect on their behaviour which is sometimes permanent. Occasionally also, dogs are ruined from the very beginning because of the faults of their masters.

A case of this nature, which I remember, is that of a team of young dogs broken to harness behind another team. The method employed was to hitch the old dogs to a toboggan and then start out with the young dogs following behind hauling another toboggan. In consequence of this initial training, these particular dogs, when they grew old enough to be useful, were only of advantage when following another team and would under no circumstances go ahead on their own. It is essential that dogs should not be put to hard work at too early an age as, if they are used on long or hard patrols when they are not fully mature, their worth in future years will be lessened. A team of dogs which has been carefully trained and to which proper care has been given, driven by a competent driver in whom the dogs have confidence, provides a sight as fine as may be seen, as with their bushy tails curling over the backs, their ears cocked, and their eyes alertly bent on the trail before them, they make the miles flow under them in speedy succession.

On a long patrol when one is dependent on one's canine friends to a very large extent, it is impossible not to regard them with a certain degree of affection when they are straining their utmost to do what is required of them; if the team, however, is a poor one, it is a very different matter. Too much attention cannot be paid towards the welfare of a dog team and a good driver will be well repaid in service for the careful handling of his dogs; in most instances it is a great mistake however, to pet or to make any undue fuss over sleigh dogs. This is an error into which individuals new to the North, sometimes fall. Some dogs may react favourably to

affectionate treatment but others are inclined, at times, to take advantage of their driver and to think that it is no longer necessary for them to do their fair share of work. Furthermore, if one dog receives more attention than the others the remainder will become jealous of the favours conferred upon their more fortunate comrade with resulting disharmony as far as the team is concerned.

Clothing is an important feature of dog driving. In the timbered area of the far north a wool or "duffel" parka is worn over one's ordinary clothes, and this, in turn, is covered by a canvas parka, which, due to its close weave, prevents the extremely cold winds of the North from penetrating. It is also as well, to carry a pair of canvas trousers to be worn over one's woollen trousers for the same purpose if head-winds are encountered. On the feet, socks are covered by one or two pairs of "duffel" slippers and, over the whole, a pair of moose skin mocassins. A fur cap with ear flaps or a toque, and large moose skin mitts, lined with "duffel", complete the ensemble. The hood of the woollen parka is generally trimmed with wolverine fur, which, unlike the majority of other furs, does not gather ice that forms from one's breath. When travelling in the Barren Lands or in the Arctic, an entirely different type of clothing is worn. The clothes of civilization are completely discarded, all clothing used being made of caribou skin, to break the force of the wind which sweeps with increased velocity over such tremendous, unsheltered spaces.

The methods used in the training of sleigh dogs, the details of sleigh and harness, and the technique of the actual driving of a team, have been largely omitted in this necessarily short resumé but perhaps a clear enough picture has been given to indicate that travel in the northern bush is very different from the movie scene described at the commencement of this article.

Modern methods of transportation have penetrated the northern regions of late years, and aeroplanes, tractors and mechanically propelled sleighs have been used, but it is unlikely that the dog-team as a means of transportation over the northern snows will ever become entirely obsolete, because, although it is a slow means of locomotion, it is one which will get the traveller to his destination—provided that his own powers are equal to those of his dogs.

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## Palestine Police Force

FORMATION OF an organization based on the principles of the Royal Canadian Mounted Police is now in process in Palestine, the purpose being to assist the present Constabulary in the task of patrolling the rural sections of that country. It is understood that the unit will be under the command of Superintendent Lawrence Harrington, an ex-member of the British Cavalry, who has been resident in Palestine since 1919; when fully organised, it is stated, the new corps will number 800 members.



# Motor Manslaughter

by CECIL L. SNYDER, K.C.

(Continued)

## The Bateman Case, 1925

IT WILL be especially noted that Lord Atkin states in his judgment in the *Andrews* case as set out in the July issue of the Quarterly Magazine that the substance of the judgment in the *Bateman* case is most valuable and in his opinion is correct. He states in practice it has generally been adopted by Judges in charging juries in all cases of manslaughter by negligence, whether in driving vehicles or otherwise. Later in the judgment Lord Atkin says that if the principle of the *Bateman* case is observed, it will appear that the law of manslaughter has not changed by the introduction of motor vehicles on the road. Death caused by their negligent driving . . . is to be treated in law as death caused by any other form of negligence and juries should be directed accordingly.

Therefore let examination be made of the *Bateman* case (1925), 19 Cr. App. R. 8. The Court of Criminal Appeal consisting of Lord Chief Justice Hewart, Mr. Justice Salter and Mr. Justice Fraser took time to deliver a considered judgment which was read by the Lord Chief Justice on May 25, 1925. Material parts of the judgment are quoted (pp. 10-16):—

"Before we deal with the directions of the learned judge to the jury, it may be well to consider generally the law on this subject. In expounding the law to juries on the trial of indictments for manslaughter by negligence, judges have often referred to the distinction between civil and criminal liability for death by negligence. The law of criminal liability for negligence is conveniently explained in that way. If A. has caused the death of B. by alleged negligence, then, in order to establish civil liability, the plaintiff must prove (in addition to pecuniary loss caused by the death) that A. owed a duty to B. to take care, that that duty was not discharged, and that the default caused the death of B. To convict A. of manslaughter, the prosecution must prove the three things above mentioned and must satisfy the jury, in addition, that A.'s negligence amounted to a crime. In the civil action, if it is proved that A. fell short of the standard of reasonable care required by law, it matters not how far he fell short of that standard. The extent of his liability depends not on the degree of negligence, but on the amount of damage done. In a criminal Court, on the contrary, the amount and degree of negligence are the determining question. There must be *mens rea*. The difference between negligence and gross negligence is illustrated by the case of *Cashill v. Wright*, 6 E. & B. 891: 1856, which was an action against an innkeeper for damages for the loss of the plaintiff's property stolen from him while he was staying at the defendant's inn. The defendant contended that the loss had been occasioned or contributed to by the negligence of the plaintiff. At the trial the jury were directed that the defence failed unless they thought that the plaintiff had been guilty of gross negligence. On a rule for a new trial, Erle, J., delivering the

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considered judgment of the Court (Campbell, C.J., Wightman, Erle and Crompton, JJ.), said: 'The other question was as to the alleged misdirection, in the direction to the jury that there must be gross negligence, to maintain the defence. It does not appear that there was any information given to the jury what they were to understand by gross negligence. If they were told to understand by gross negligence the absence of that ordinary care which, in the circumstances, a prudent man ought to have taken, as seems to have been the meaning given to gross negligence in some of the modern cases cited before us, the direction on the degree of negligence might not have been objectionable; but the legal meaning of gross negligence is greater negligence than the absence of such ordinary care. It is such a degree of negligence as excludes the loosest degree of care, and is said to amount to *dolus*.' The rule was made absolute.

"In explaining to juries the test which they should apply to determine whether the negligence, in the particular case, amounted or did not amount to a crime, judges have used many epithets, such as 'culpable,' 'criminal,' 'gross,' 'wicked,' 'clear,' 'complete.' But, whatever epithet be used and whether an epithet be used or not, in order to establish criminal liability the facts must be such that, in the opinion of the jury, the negligence of the accused went beyond a mere matter of compensation between subjects and showed such disregard for the life and safety of others as to amount to a crime against the State and conduct deserving punishment.

"It remains to consider the application of this principle to cases like the present where death has been caused, in the exercise of his calling, by the alleged negligence of a person professing special knowledge and skill, and a charge of manslaughter is preferred. The following cases may be cited as illustrating the language in which criminal negligence of this kind has been discussed and explained by judges in modern times: *Hale's Pleas of the Crown*, 429; *Williamson*, (3 C. & P. 635); *Ferguson*, 1 Lewin's Criminal Cases, 181: 1830; *Long*, 4 C. & P. 423: 1831; *Spiller*, (5 C. & P. 333); *Webb*, 1 Moo. & Rob. 405: 1834; *Spilling*, 2 Moo. & Rob. 107: 1838; *Whitehead*, 3 C. & K. 202: 1848; *Crick*, 1 F. & F. 519: 1859; *Crook*, 1 F. & F. 521: 1859; *Bull*, 2 F. & F. 201: 1860; *Markuss*, 4 F. & F. 353: 1864; *Noakes*, 4 F. & F. 920: 1866; *Chamberlain*, 10 Cox, 486: 1867; *Spencer*, 10 Cox, 525: 1867; *Finney*, 12 Cox, 625: 1874; *Nicholls*, 13 Cox, 75: 1875; *Doberty*, 16 Cox, 306: 1887.

"The law as laid down in these cases may be thus summarised: If a person holds himself out as possessing special skill and knowledge and he is consulted, as possessing such skill and knowledge, by or on behalf of a patient, he owes a duty to the patient to use due caution in undertaking the treatment. If he accepts the responsibility and undertakes the treatment and the patient submits to his direction and treatment accordingly, he owes a duty to the patient to use diligence, care, knowledge, skill and caution in administering the treatment. No contractual relation is necessary, nor is it necessary that the service be rendered for reward. It is for the judge to direct the jury what standard to apply and for the jury to say whether that standard has been reached. The jury should not exact the highest, or a very high, standard, nor should they be content with a very low standard. The law requires a fair and reasonable standard of care and

competence. This standard must be reached in all the matters above mentioned. If the patient's death has been caused by the defendant's indolence or carelessness, it will not avail to show that he had sufficient knowledge; nor will it avail to prove that he was diligent in attendance, if the patient has been killed by his gross ignorance and unskilfulness. No further observation need be made with regard to cases where the death is alleged to have been caused by indolence or carelessness. As regards cases where incompetence is alleged, it is only necessary to say that the unqualified practitioner cannot claim to be measured by any lower standard than that which is applied to a qualified man. As regards cases of alleged recklessness, juries are likely to distinguish between the qualified and the unqualified man. There may be recklessness in undertaking the treatment and recklessness in the conduct of it. It is, no doubt, conceivable that a qualified man may be held liable for recklessly undertaking a case which he knew, or should have known, to be beyond his powers, or for making his patient the subject of reckless experiment. Such cases are likely to be rare. In the case of the quack, where the treatment has been proved to be incompetent and to have caused the patient's death, juries are not likely to hesitate in finding liability on the ground that the defendant undertook, and continued to treat, a case involving the gravest risk to his patient, when he knew he was not competent to deal with it, or would have known if he had paid any proper regard to the life and safety of his patient.

"The foregoing observations deal with civil liability. To support an indictment for manslaughter the prosecution must prove the matters necessary to establish civil liability (except pecuniary loss), and, in addition, must satisfy the jury that the negligence or incompetence of the accused went beyond a mere matter of compensation and showed such disregard for the life and safety of others as to amount to a crime against the State and conduct deserving punishment . . .

"It is, nevertheless, most desirable that in trials for manslaughter by negligence it should be impressed on the jury that the issue they have to try is not negligence or no negligence, but felony or no felony. It is desirable that, as far as possible, the explanation of criminal negligence to a jury should not be a mere question of epithets. It is, in a sense, a question of degree, and it is for the jury to draw the line, but there is a difference in kind between the negligence which gives a right to compensation and the negligence which is a crime."

### Leading Decisions in Canadian Courts

In 1932, the late Mr. Justice Raney, of the Supreme Court of Ontario, prepared an article which he entitled, "Trial Judges and Criminal Negligence." The article was not published so far as I am aware but I have had access to it and find it most useful at the present time. The late Mr. Justice Raney drew attention to the increasing number of people who each year come to their death by reason of the operation of motor vehicles on highways.

In the forepart of his article he discusses s. 247 of the Criminal Code, already noted. Dealing with s. 247 Mr. Justice Raney contends that, "apart from authority, it would appear to be fairly clear that under this Section in any given case of criminal negligence a simple question for the jury should

be:—Did the accused man exercise reasonable care to avoid endangering human life? Two ingredients of the question are, (1) Endangering human life (2) Reasonable care to avoid it. Under the plain language of this Section it is argued by the writer, a trial judge would not have any difficulty in his charge to the jury in bringing the facts of the case to the test of this simple question and an intelligent juror, anxious to do his duty, would have little difficulty in understanding him. In every such case the evidence would probably disclose that human life had been endangered—perhaps human life had been taken—so that the only real question for the jury would be the question of want of reasonable care. The reasonableness of any course of conduct is essentially a question for the jury. But, whether unfortunately or not, the simple rule of law stated in Section 247 has been overlaid with a wealth of authority. The subject is dealt with in two lines of cases, one in the Supreme Court of Canada, and the other in the Appellate Court of the Province of Ontario.” Mr. Justice Raney proceeds to discuss these cases as follows:—

### The Cases in the Supreme Court of Canada

“In the *McCarthy* case ((1921), 59 D.L.R. 206, 35 Can. C.C. 213) Mr. Justice Idington, after quoting the section, adds: ‘It (s. 247) leaves no room for the refined distinctions between negligence and gross negligence. It imposes an absolute duty on the part of him having charge of that which in its use may endanger human life in the absence of precaution or care. It should not, I respectfully submit, be frittered away by any refinement on the part of Judges.’ (p. 207 D.L.R., p. 214 Can. C.C.)

“Other members of the Court expressed views as follows:—

“Mr. Justice Duff at pp. 208-9 D.L.R., pp. 215-6 Can. C.C.:—‘There may, I think, be cases in which the Judge ought to tell the jury that the conduct of the accused in order to incriminate him under this section must be such as to imply a certain indifference to consequences, but such cases, I think, must be rare and this assuredly is not one of them. Where the accused, having brought into operation a dangerous agency which he has under his control, (that is to say dangerous in the sense that it is calculated to endanger human life), fails to take those precautions which a man of ordinary humanity and reasonably competent understanding would take in the given circumstances for the purpose of avoiding or neutralising the risk, his conduct in itself implies a degree of recklessness justifying the description “gross negligence.” The facts of course may disclose an explanation or excuse bringing the accused’s conduct within the category of “reasonable” conduct. But as Vaughan, J., said long ago in *Bushel’s* case (1670), *Vaugh.* 135, 124 E.R. 1006, 6 How. St. Tr. 999, the Judge does not charge the jury with matters of law in the abstract but only upon that law as growing out of some supposition of fact; and it is much better in such a case as the present, (where, in the absence of explanation, the conduct of the accused—driving a motor through a frequented street at the rate of 12 miles an hour without seeing the road clearly before him—plainly inculcates him) that the trial Judge should seek, as *Lamont, J.A.*, 57 D.L.R. 93, at pp. 95 et seq., did, to bring the jury to concentrate their attention upon the various matters alleged in explanation and excuse.’



"Mr. Justice Anglin at p. 209 D.L.R., p. 216 Can. C.C.:—'Failure to take reasonable precautions against, and to use reasonable care to avoid, danger to human life is thereby (by s. 247) declared to entail criminal responsibility for the consequences. . . . What are reasonable precautions and what is reasonable care depends in every case upon the circumstances. Carelessness which ought to have been recognised as not unlikely to imperil human life cannot, in my opinion, be regarded as aught else than culpable negligence.'

"Mr. Justice Brodeur, at p. 210 D.L.R., p. 217 Can. C.C.:—'Nobody will dispute the fact that an automobile negligently driven is a dangerous thing. Then the driver of his automobile on the street is bound to take reasonable precaution and use reasonable care to avoid any danger. If our legislators intended to state that there would be criminal liability only in the case of reckless or gross negligence, they would certainly have so declared their intent. But they simply incorporated in our criminal statutes these expressions so well known and so fully construed in the cases of civil negligence.'

"Mr. Justice Mignault, at pp. 210-11 D.L.R., pp. 217-8 Can. C.C.:—'The trial Judge, in charging the jury, directed them as to the law governing the case as follows:—

"'It has been decided, and I am going to tell you that the law is, that every person who drives a motor car has a duty to drive it with such care and caution as to prevent, so far as is in his power, any accident or injury to any other person; that is, he has got to use all reasonable precaution to see that no person is injured through his want of caution or precaution.'

"After the charge, counsel for the accused complained that the Judge should have told the jury that a greater degree of negligence was required in a criminal case than in a civil one, and the Judge recalled the jury and gave them this further direction:—

"'I am also asked to direct your attention to the fact that in a criminal case the degree of negligence which renders a man culpably negligent is greater than in a civil case. I think that is quite so, and I am going to charge you to that effect—that while in a civil case a man may be liable to an action for damages, in a criminal case it would take a greater degree of negligence to render him liable. That is so. But in this case it is for you to say whether or not the accused, driving a vehicle of that sort along the streets of the city, took that care which it was the duty of an ordinary prudent man to take in order to avoid doing damage to some person else on the street. If you come to the conclusion that he did not take that care, and that it was in consequence of that want of care that the death of Young took place, then he is guilty; if he did take that care he is not guilty' . . . .

"I think the charge is fully supported by this section. It was the duty of the accused to take reasonable precautions to avoid endangering human life, and the jury was told so. It was then for the jury to determine whether the accused had taken these precautions.

"Naturally, in the offence of manslaughter, there may be a greater or less degree of guilt according to the circumstances of each case. I see no

reason to doubt that the degree of guilt in this case will be duly considered when sentence is pronounced on the jury's verdict."

"I discover no great disparity of view among these opinions. True, Justices Idington and Brodeur discussed the question of the distinction drawn in the argument of counsel between negligence and gross negligence, but that was not a point in the appeal, because, as pointed out by Mr. Justice Mignault, the trial judge, Mr. Justice Lamont, had pointed out to the jury the fact that the degree of negligence that renders an accused person culpably negligent is greater than in a civil case.

"The question of the duty of the trial judge to point out to the jury in a criminal negligence case the distinction between the law on the subject of negligence in such a case and that in civil actions came before the court in the *Baker* case ([1929] 2 D.L.R. 282, 51 Can. C.C. 352). In that case, the judgment of the Court was delivered by Mr. Justice Duff. He discussed the point under consideration in the following language (pp. 284-5 D.L.R., pp. 354-5 Can. C.C.):—

"The contention advanced on behalf of the Attorney-General is, that, by force of ss. 247 and 284 of the Cr. Code, criminal responsibility ensues when there is neglect of a duty to exercise reasonable care in the control of a thing, which, in the absence of such care, may endanger human life; and that—at least where (as here) no question of skill is involved—neglect of such a character as to give rise to civil responsibility gives rise to criminal responsibility also. In support of this proposition, the decision of this Court in *McCarthy v. The King* (1921), 59 D.L.R. 206, 35 Can. C.C. 213, is cited.

"This is a misapprehension of the effect of *McCarthy's* case. Two of the Judges who took part in that decision expressed the view now advocated by the Attorney-General, but that was not the ground of the decision. In that case the Court had to consider the charge of a trial Judge in a prosecution for manslaughter in these circumstances: the accused, driving an automobile in a frequented street at about 12 m.p.h., ran into a workman working in a manhole in the street and killed him. The manhole was covered by a tarpaulin tent about 3 or 4 feet wide at the bottom, 5 or 6 feet high and several feet long. The vision of the accused was obstructed owing to the dirty condition of his windshield, and for this reason, he said that from time to time he looked out from the side of the car, but failed to observe the tarpaulin covering the manhole.

"The trial Judge instructed the jury that if the death of the deceased was due to 'some want of ordinary care which an ordinary prudent man would have observed in the driving of the car,' it was their duty to convict. He directed their attention to the distinction between the degree of negligence required to affect a defendant with liability in a civil case, and the culpable negligence required to justify a conviction in a criminal case; he presented to them, as the cardinal issue, the question whether the accused was maintaining a 'proper lookout;' and he told them, if they were convinced that the accused, if he 'had been looking ahead at all as a driver of a motor car should have looked ahead,' would have seen the obstruction in the street, they would be justified in finding him guilty of 'culpable negligence.' The trial Judge reserved a question as to the correctness

of his instruction touching 'the negligence which under the circumstances of the case would render the accused guilty of manslaughter.'

"The question so stated was the subject of the enquiry in this Court, and that inquiry involved an examination of the effect of the sections of the Cr. Code above mentioned, as applied to the facts in evidence and the charge of the trial Judge. The Court was unanimous in the view that failure to maintain a 'proper outlook' amounted, in the circumstances, to culpable negligence within the contemplation of the criminal law, and that, speaking more generally, a want of ordinary care in circumstances in which persons of ordinary habits of mind would recognize that such want of care is not unlikely to imperil human life, falls within that category. But the decision does not attempt to lay down an abstract rule for determining the incidence of criminal responsibility for negligence.

"This is all that is necessary for the disposition of the appeal. We think it right to add that we see no reason to differ from the view expressed by Sedgewick, J., speaking for the majority of this Court, in *Union Colliery Co. v. The Queen* (1900), 4 Can. C.C. 400, at p. 406, that s. 247 (then s. 213) of the Cr. Code is a 'mere statutory statement of the common law'."

"So that the McCarthy case stands as the reconsidered view of the Supreme Court of Canada on the law of criminal negligence, as applied of course to the facts of that case.

#### Cases in the Appellate Court of Ontario

"The other line of cases began with the *Bateman* case in England which came after the *McCarthy* case: ((1925), 19 Cr. App. R. 8). That was a case of a medical practitioner who had been convicted of causing the death of a patient by negligence, and the judgement of the Court of Criminal Appeals was delivered by the Lord Chief Justice of England.

"In the course of his judgment, the learned Chief Justice of England took occasion to consider generally the common law on the subject of manslaughter by negligence, pointing out in particular the distinction between civil and criminal liability:—"In the civil action, if it is proved that A. fell short of the standard of reasonable care required by law, it matters not how far he fell short of that standard. The extent of his liability depends not on the degree of negligence, but on the amount of damage done. In a criminal Court, on the contrary, the amount and degree of negligence are the determining question. There must be *mens rea*." (p. 11).

"Then the Chief Justice quotes and adopts the distinction drawn in *Cashill v. Wright* ((1856), 6 E. & B. 891) in which Erle J. speaking for the Court, said that gross negligence was 'such a degree of negligence as excludes the least degree of care, and is said to amount to *dolus*;' and at p. 16 the Chief Justice remarks: 'It is, nevertheless, most desirable that in trials for manslaughter by negligence it should be impressed on the jury that the issue they have to try is not negligence or no negligence, but felony or no felony.'

"The *Bateman* case is not, of course, a judgment binding on the courts of this Province—certainly not as modifying a judgment of the Supreme Court of Canada. It was adopted, however, by the Appellate Division of

the Supreme Court of Ontario in the *Greisman* case ([1926] 4 D.L.R. 738, 46 Can. C.C. 172, 59 O.L.R. 156). The judgment of the Court in that case (Latchford, C.J., Riddell, Middleton, Orde and Smith, J.J.A.) was written by Mr. Justice Middleton. After quoting freely from the *Bateman* case, and citing the *McCarthy* case, the learned judge adds a statement of his own view of the law: (p. 743 D.L.R., pp. 177-8 Can. C.C.):—"I think the great weight of authority goes to show that there will be no criminal liability unless there is gross negligence, or wanton misconduct. To constitute crime there must be a certain moral quality carried into the act before it becomes culpable. In each case it is a question of fact, and it is the duty of the Court to ascertain if there was such wanton and reckless negligence as in the eye of the law merits punishment. This may be found where a general intention to disregard the law is shown, or a reckless disregard of the rights of others. Where the case is based upon an automobile accident, it would perhaps be safe to assume that s. 285, as amended by 1910 (Can.), c. 13, s. 1, points to the degree of culpability necessary when it uses the words "by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect," and that this constitutes the lack of "reasonable care" required by s. 247."

"This view of the law was reaffirmed by the Appellate Division in the *Baker* case ([1929] 1 D.L.R. 785, 51 Can. C.C. 71, 63 O.L.R. 275), from which an appeal was taken to the Supreme Court of Canada, the report of which has already been cited.

"The judgment of the Appellate Division (Mulock, C.J.O., Magee, Hodgins, Middleton and Grant, J.J.A.) in the *Baker* case was written by Mr. Justice Grant. He reviews the *McCarthy* case, the *Bateman* case and the *Greisman* case, and at pp. 792-3 D.L.R., p. 79 Can. C.C. adds this statement of his view of the law as propounded in the *Bateman* case and the *Griesman* case:—"Whether the negligence in any case is of such a character as to justify conviction upon a criminal charge must depend upon the particular facts of the case itself. In order to found a criminal charge, there must be present such a degree of want of care as to involve a moral element; such a wanton or reckless indifference to the lives and safety of others, as would lead one to say, 'The State should punish that man'."

"The last reported case in this Province is the *Costello* case ([1932], 2 D.L.R. 410, O.R. 213, 58 Can. C.C. 3). At p. 416 D.L.R., p. 9 Can. C.C., Mr. Justice Fisher remarks:—"I find, on reading the Judge's charge, that he failed, although urged by counsel for the accused, to instruct the jury on the following important points:—1. That the evidence must satisfy them beyond a reasonable doubt that the death of Sylander was due to the gross negligence or wanton misconduct of the accused and also an intention on the part of the accused to disregard the rights of others. . . ."

"And at p. 417 D.L.R., p. 10 Can. C.C., he adds:—"The accused may have been guilty of an unlawful act under the provincial statute, but until the Crown has established that that unlawful act resulted (from) gross negligence or wanton misconduct on the part of the accused, there can be no conviction for criminal negligence under the Code, and that because of the failure of the crown to prove that the illegal act was gross negligence or wanton misconduct on the part of the accused, my opinion is that the



trial Judge should have withdrawn this case from the jury and discharged the accused.'

After reviewing the facts of the case, Mr. Justice Grant at p. 423 D.L.R., p. 16 Can. C.C., states his view:—'I think the construction placed upon s. 284 of the Cr. Code in the *Greisman* case is binding upon us. The principle underlying that decision is just as applicable in the case of an act, unlawful only because "prohibited," as it is to an act which is unlawful because it is "negligent." I am not now dealing with an act, unlawful because forbidden, and which is deliberately committed, or in the doing of which, the actor displays an open defiance or disregard to the law, or even an indifference for its sanctions. In such a case I think the *mens rea* is to be found in the wilful or grossly careless breach of the law's prohibition. This was entirely wanting in the case at bar. As previously noted, the trial Judge explicitly exonerated the accused of any intentional wrongdoing. There was not manifested any intention to flout or disregard the law, such as might have been inferred if the accused had started out upon the highway, with his team and wagon, and without a light, at 10 or 11 o'clock at night . . . There was here none of that "moral quality" carried into the act which is necessary to render the doer criminally culpable, as referred to in the *Greisman* case.'

"At p. 411 D.L.R., p. 4 Can. C.C., Mr. Justice Hodgins remarks that the responsibility of the accused man 'must rest upon intent or negligence, and if negligence is relied upon, it must be such as to indicate *mens rea*: citing the *Bateman* case. But Mr. Justice Hodgins adds:—'I have never been able to understand why the lack of reasonable care mentioned in s. 247 (Cr. Code), should, in a motor vehicle case, be presumed to mean only what is expressed in s. 285 in the words "by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect." In the case of a man driving quite slowly but looking at a dog fight instead of ahead or allowing conversation to divert his attention from the state of the highway traffic or the possibility of injury to a pedestrian, he should be held, if he injures another thereby, to be guilty under s. 284 although wilfulness may be impossible to establish on either of the suggested cases.'

"Chief Justice Latchford agreed in the result, and Mr. Justice Magee agreed *simpliciter*.

(To be continued)

## Metal Shields for Police

CHIEF GEORGE SMITH, of the Winnipeg city police department, believes that in the near future modern police may have to adopt the protective metal shields of ancient warriors. This bit of armor, such as was carried by the ancient Roman and Greek warriors, would save the lives of many police officers in gun battles with criminals.

Chief Smith states that he is seriously considering arming his Winnipeg department with shields "which would cover the vital organs of the body and be carried on the left arm". These shields, made of steel, are now in use in Palestine where they have saved the lives of many officers. The shields are sufficiently strong to turn a bullet.

*National Police Review*, September, 1938.

# Royal Canadian Mounted Police

## Divisions and Officers

SEPTEMBER 15TH, 1938

COMMISSIONER S. T. WOOD

DEPUTY COMMISSIONER D. RYAN

### Headquarters—Ottawa

*Departmental Secretary*  
*Chief Treasury Officer*  
*Director of Training*  
*Director, C.I.B.*

*Chief Preventive Officer*  
*Intelligence Officer*  
*Finger Print Section*

*Ticket-of-Leave Branch*  
*Asst. Supply Officer*  
*Adjutant*  
*Asst. Adjutant*

*Central Registry*  
*Purchasing Agent*  
*Officer Clerk*  
*Officer i/c Pay Section*  
*Attached*

G. T. Hann, Esq., M.B.E.  
J. Stevens, Esq., M.B.E.  
Assistant Commissioner T. Dann  
Assistant Commissioner C. H. King  
Inspector R. Armitage  
Superintendent E. W. Bavin  
Inspector C. E. Rivett-Carnac  
Inspector W. W. Watson  
Sub-Inspector H. R. Butchers  
Col. R. de la B. Girouard, V.D.  
Superintendent P. R. Forde  
Inspector F. A. Blake  
Inspector P. Hobbs  
Inspector D. C. Saul  
Inspector A. Goodman  
I. Zivian, Esq.  
Sub-Inspector J. Fraser  
Sub-Inspector R. C. Bowen  
Inspector R. G. Warnock

### British Columbia

#### "E" DIVISION

Superintendent C. H. Hill, M.C., Vancouver  
Inspector E. W. Radcliffe, Vancouver  
Inspector G. W. Fish, Vancouver

### Alberta

#### "K" DIVISION

A/Asst. Comm'r W. F. W. Hancock, Edmonton  
Superintendent G. C. P. Montizambert, Edmonton  
Inspector R. E. Mercer, Edmonton  
Inspector A. F. C. Watts, Edmonton  
Inspector G. J. M. Curleigh, Edmonton  
Detective Inspector W. Mortimer, Edmonton  
Superintendent J. O. Scott, Calgary  
Inspector P. H. Tucker, Vegreville  
Inspector W. C. Grennan, Peace River  
Inspector H. Darling, Lethbridge

**Saskatchewan****"F" DIVISION**

Deputy Commissioner D. Ryan, Regina  
 Inspector L. H. Nicholson, Regina  
 Inspector F. W. Allan, Regina  
 Superintendent V. A. M. Kemp, Saskatoon  
 Inspector F. W. Baxter, Weyburn  
 Inspector F. W. Schutz, Prince Albert  
 Sub-Inspector N. Courtois, Prince Albert  
 A/Supt. J. Kelly, Yorkton  
 Inspector F. E. Spriggs, North Battleford  
 Inspector A. G. Birch, Swift Current

**"DEPOT" DIVISION**

Superintendent T. H. Irvine, Regina  
 Surgeon M. Powers, Regina  
 Inspector C. R. Peters, Regina  
 Inspector T. B. Hutchings, Regina  
 Inspector J. T. Jones, Regina  
 Inspector G. Binning, Regina

**Manitoba****"D" DIVISION**

Asst. Commissioner R. L. Cadiz, Winnipeg  
 Superintendent E. C. P. Salt, Winnipeg  
 Superintendent E. G. Frere, Winnipeg  
 Inspector A. T. Belcher, Winnipeg  
 Sub-Inspector M. F. E. Anthony, Winnipeg  
 Inspector H. M. Fowell, Dauphin  
 Inspector A. G. Marsom, Brandon

**Quebec****"C" DIVISION**

A/Asst. Commissioner H. A. R. Gagnon, Quebec  
 Superintendent R. R. Tait, Montreal  
 Inspector J. P. A. Savoie, Montreal  
 Inspector J. Brunet, Quebec

**Western Ontario****"O" DIVISION**

Superintendent W. Munday, Toronto  
 Inspector C. A. James, Toronto  
 Inspector R. E. R. Webster, Toronto

**Eastern Ontario****"A" DIVISION**

Asst. Commissioner C. D. LaNauze, Ottawa  
 Superintendent J. M. Tupper, Ottawa  
 Superintendent G. F. Fletcher, Ottawa  
 Inspector E. Carroll, Ottawa  
 Inspector F. A. Syms, Ottawa  
 Detective Inspector F. W. Zaneth

**"N" DIVISION**

Superintendent A. S. Cooper, M.C., Rockcliffe

**New Brunswick****"J" DIVISION**

Superintendent W. V. M. B. Bruce, Fredericton  
 Inspector C. K. Gray, Fredericton  
 Inspector A. Drysdale, Fredericton  
 Inspector J. P. Blakeney, Fredericton  
 Inspector J. A. Wright, Fredericton  
 Inspector J. D. Bird, Moncton  
 Sub-Inspector T. R. Michelson, Moncton

**Nova Scotia****"H" DIVISION**

Asst. Commissioner M. H. Vernon, Halifax  
 A/Asst. Commissioner F. J. Mead, Halifax  
 Superintendent A. N. Eames, Halifax  
 Superintendent K. Duncan, Sydney  
 Inspector O. P. Farthing, Halifax  
 Inspector W. R. Day, Halifax  
 Inspector J. W. Kempston, Halifax  
 Inspector J. M. McIntosh, Yarmouth

**Prince Edward Island****"L" DIVISION**

Inspector J. Fripps, Charlottetown

**North West Territories****"G" DIVISION**

Superintendent T. B. Caulkin, Ottawa  
 Inspector R. Bettaney, Fort Smith  
 Inspector D. J. Martin, Norman  
 Inspector S. Bullard, Aklavik

**Yukon Territory****"B" DIVISION**

Superintendent T. V. Sandys-Wunsch, Dawson

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*Hon. Surgeon* A. E. Braithwaite, M.D., Edmonton, Alta.  
*Hon. Chaplain* The Rt. Rev. E. H. Knowles, LL.B., Regina, Sask.  
*Asst. Chaplain* Rev. Edgar H. Lee, L.Th., Regina, Sask.





## "Old Timers" Column

**A**FTER AN absence of 25 years, Reg. No. 4791, ex-Constable Baron Rosenkrantz, of Sophiendal, Skanderborg, Denmark, returned to Canada in early September for a visit. Baron Rosenkrantz joined the North West Mounted Police in 1908 and served at Calgary, Carbon, Yorkton and in the Riding School at Regina under Assistant-Commissioner T. Dann. The Baron was a good rough-rider and it is remembered that he was an active member of the football and cricket teams at Depot. On the death of his father in 1912, he inherited his present property in Denmark and purchased his discharge from the Force to return to his native country. Continuing his enjoyment of sporting activities, Baron Rosenkrantz has gone to the Williams Lake District in British Columbia for a big game hunt. On his arrival at Ottawa, the Baron was welcomed by Assistant-Commissioner Dann, Assistant-Commissioner C. D. LaNauze and Sub-Inspector Bowen, all of whom knew him nearly thirty years ago.

\* \* \*

Interesting stories of the "old days" in the North West Territories were told by Colonel Billy Cox at the recent Macleod Stampede. The old pioneer recognized Mrs. Fred Perkins as the daughter of the late Constable Stuttaford of the North West Mounted Police,, and was reminded of the celebration occasioned by her birth in the Police Barracks at Fort Walsh in 1881. The Colonel recounted an amusing anecdote of Mrs. Perkins' mother, recalling how she, undaunted by the ferocious aspect of a band of Indians who attempted to despoil her garden, had driven off the marauders with a big stick.

### Pensioned

THE FOLLOWING members of the Force have recently retired to pension; their present addresses are given in each case.

- Reg. No. 10299, Constable A. E. Brewer—May 23rd, 1938.  
16 Summitt Street, Dartmouth, Nova Scotia.
- Reg. No. 12447, Staff Sergeant S. J. Plunkett—June 30th, 1938.  
Albion Hotel, Ottawa, Ontario.
- Reg. No. 9081, Corporal J. E. Carriere—June 30th, 1938.  
145 Queen Street, West, Ottawa, Ontario.
- Reg. No. 9164, Corporal A. E. Inglis—June 30th, 1938.  
Wyse Road, Dartmouth, Nova Scotia.
- Reg. No. 9758, A/Corporal L. C. Turner—June 30th, 1938.  
Apt. 3, 554 Pitt Street, West, Windsor, Ontario.
- Reg. No. 9107, Constable F. Whittemore—July 5th, 1938.  
R.R. 1, Richmond, Ontario.
- Reg. No. 5647, Sergeant C. A. Coombs—July 23rd, 1938.  
Blenkisopp, Marine Drive, R.R. 4, Mount Douglas Mink Farm, Victoria, B.C.
- Reg. No. 9295, Constable T. H. Tredgold—July 31st, 1938.  
Fort Smith, North West Territories.
- Reg. No. 5011, Staff Sergeant J. Nelson—August 20th, 1938.  
249 Larose Avenue, The Pas, Manitoba.
- Reg. No. 9972, Constable A. Harness—August 21st, 1938.  
c/o R.C.M.P., Ottawa, Ontario.
- Reg. No. 9074, Sergeant A. C. Sleeman—August 31st, 1938.  
395 McLaren Street, Ottawa, Ontario.

# Division Notes

## "A" Division

The "A" Division Social and Athletic Club has been recently reorganized and the following committees have been formed: Canteen, Athletic, Rifle, Entertainment, Sick and Library. The committees are well represented and their efforts are producing good results. The Athletic Committee under Staff/Sergeant Cavanagh, organized a softball team and entered it in the Royal Canadian Mounted Police League in spite of the difficulties engendered by the "shift" system under which the duties of "A" Division are largely performed. Reinforcements for the team came from the West at a time when they were most needed, and although defeated, the team gave strong opposition to the Headquarters' teams.

Discontinued some years ago, the Annual Dinner again took place this year and a most successful evening was enjoyed at the Standish Hall, Hull, Que., on July 5th. An innovation this year was the invitation of ex-members of the Division who had retired to pension, and the occasion enabled the Officer Commanding to present suitable gifts from the serving members to ex-Constables Whitmore, Hewer and Phimister, with the hope, well expressed by those attending the banquet, that "Old Soldiers Never Die." The Dinner was well supported by members of Headquarters' Staff.

\* \* \*

The Division Annual Picnic was held on August 3rd at Rockcliffe Barracks where the Officer Commanding and the Staff of "N" Division extended a hearty welcome. Transportation for the large attendance was effected by hired bus, and during the afternoon a splendid programme of events for children and adults was enjoyed. "N" Division supplied a novel entertainment for the youngsters with a horseback ride for all; an attraction which was much appreciated and well patronized.

\* \* \*

Successfully competing against seventy-four other First Aiders, Constable C. C. Winmill of Headquarters Sub-Division won the "Victory Cup" and became the individual First Aid champion for the city of Ottawa and district.

## "D" Division

Commencing the softball season early in May, "D" Division entered four teams in the league, namely Winnipeg Detachment, Highway Traffic Squad, Detectives, and Staff. Without the loss of a single game the Highway Squad emerged from the schedule with flying colours, followed by the Staff, Winnipeg Detachment and the Detectives, in that order.

\* \* \*

The Divisional team which competed in the "Tyro" Class in the Dominion Marksman Competition were matched against the B.C. Provincial Police for the open championship on July 29th. Increasing their score of 1380 made in the Dominion Marksman Shoot to 1386, the team succeeded in winning the competition by a margin of 18 points. The team which enabled the Division to win this competition for the first time consisted of Sergeant-Major B. J. Stangroom, Lance Corporal O. Supeene, Constable W. G. Gordon, Constable D. A. M. Bissett, and Constable T. E. H. Peach.

\* \* \*

The best wishes and congratulations of the Division are extended to Constable E. E. Benson on the occasion of his marriage to Miss Alice Todd at Young United Church at Winnipeg, on June 24th, and to Constable E. G. Keech who married Miss Ivy Murdock of Binscarth, Man., at Winnipeg, September 3rd.

**"F" Division**

An interesting event took place recently when Inspector D. C. Saul, on behalf of the members of the Swift Current Sub-Division, presented a Gladstone Bag to D/Sergeant A. J. Stretton, who has been stationed in Saskatchewan for twenty-three years, on his departure for Hamilton, Ont., to which point he has been transferred. Presentation of a Coronation Medal to D/Sergeant Stretton was made at the same time.

\* \* \*

Many members of the Division have joined the ranks of the Benedicts during the past few months and we are happy to offer our warmest congratulations and best wishes to: Lance-Corporal R. S. Miller and his bride, formerly Miss Elinor Jean Vicq, who were married at Moose Jaw, May 19th; Constable G. A. Pedley and his bride, the former Miss Mary Rumberg, married at Lethbridge, June 13th; Constable J. J. W. James who married Miss Winnifred Mary James at Edmonton on June 15th; A/Lance-Corporal D. C. Reynolds and the former Miss Mary Kathleen McGratten, who were married at Tisdale on June 28th; Constable J. M. Cuthbert and his wife, née Miss Grace D. Champion, whose marriage ceremony was performed in the Royal Canadian Mounted Police Chapel in Regina on July 9th; Constable R. E. Asher and his bride, who before their marriage on September 5th was Miss Vivian Catherine Smith.

\* \* \*

At a parade of the Regina Town Station Detachment and the Regina Sub-Division Headquarters staff on August 27th, Sergeant J. H. Hellofs was presented with a Long Service and Good Conduct Medal by Inspector F. W. Allan.

D/Sergeant J. G. Metcalfe was presented with a Long Service and Good Conduct Medal by the Commissioner at Saskatoon on September 15th.

**"H" Division**

With the return of many of the cruisers to their winter base at Halifax, the "H" Division Social and Sports Club will be augmented by a large number of ranks and ratings of the Marine Section, and an active winter season is anticipated. Club interest during the summer months has been well sustained. As associate members of the St. Theresa Tennis Club, our members acquitted themselves well. Constable Fitzsimmons distinguished himself by winning the Men's Singles, and Sub-Constable Baxter and Constable Fitzsimmons arrived at the finals with their partners in the Mixed Doubles.

Many strenuously contested softball games played during the summer between teams from "H" Division Headquarters, Halifax Detachment and the Marine Section, proved an excellent indication of the popularity of this game. There is a similar enthusiasm for hockey and it is expected that a house hockey league, the formation of which has been proposed for the coming season, will be a source of much interest to devotees of the sport.

Sponsoring activities of previous years, such as softball, shooting, hockey, bowling and social activities, and with badminton as a new interest, the Club, it is hoped, will attract more members to centre their interests in its affairs.

**"J" Division**

Members of the Force stationed at Headquarters Fredericton, N.B., have derived much pleasure from boating and swimming this summer, while the tennis enthusiasts have enjoyed themselves to the full. Last year the Riverside Tennis Club had between twenty and thirty members but this year when members of the Force took an active interest in tennis, the membership rose to eighty-five.

Members of the Force competing in an extensive schedule of tournaments have completed a very successful season.

\* \* \*

Constable G. M. Baker was united in marriage to Miss Ann Marie Pond on July 3rd at Maugerville, N.B., the home of the bride, while Constable R. M. McNab, whose bride, Miss Hazel Rachel Robbilar, came from her home at Moose Jaw, Sask., was married at Fredericton on July 30th. The good wishes of the Division were extended to the happy couples and appropriate presentations made to each.

An event of happy interest to members of the Division was forecast when Miss Rowena Marjorie Bidlake of Headquarters Staff relinquished her position at the end of August on the approach of the date of her marriage to Sergeant B. C. Jakeman, formerly a popular member of "J" Division, who is now stationed at Cardston, Alta.

\* \* \*

Attending the Provincial Rifle Meet at Sussex, N.B., July 25th to 28th, Sergeant J. D. O'Connell sustained his distinguished reputation as a marksman and added to his laurels by winning the following events: The Officers' Cup and Miniature, The Parker Hale Aggregate Cup and Miniature, The Eaton Aggregate Cup and Miniature and the D.C.R.A. Silver Medal. Sergeant O'Connell also won the Lt. Governor's Medal at Ottawa when shooting in the Quebec Provincial Matches, August 4th, 5th and 6th, in an exciting match in which he eliminated other contestants by scoring thirteen consecutive bull's-eyes.

### "K" Division

Early in the season, members of the Vegreville Detachment organized a soft-ball team and entered a League with six other teams. When last reported the team had played nine games of which six had been won and three lost, and was holding second place in the League with one more game to play to decide the League championship.

\* \* \*

Together with other sporting activities, golf is actively enjoyed by some of the members stationed at Vegreville and although no prizes have been won some very enjoyable competitions have been played during the summer.

\* \* \*

With the benefit of Sergeant Ford's tuition, the members at Vegreville take a keen interest in revolver shooting and it is hoped that the practice which has been carried on will result in the winning of crossed revolvers by every man.

### "O" Division

Softball found much favour with a number of the members of the Division during the season and many interesting and well contested games were played. It is hoped that a match between the married and single personnel may be arranged in the near future.

\* \* \*

With the advent of autumn, bowling rumblings are in the air and plans for the coming season are engaging those members who are interested in this type of sport. It is hoped to repeat the most successful bowling League which operated during the winter of 1937-38, in which, although the competitions were restricted to members of the Force, the League race was very keen.



## Obituary

### Ex-Assistant Commissioner Albert John Cawdron

It is with profound regret that we have to record the death of ex-Assistant Commissioner Albert John Cawdron on September 8th, 1938, as a result of an automobile accident on the Richmond Road, near Ottawa.

Lieut.-Colonel Cawdron joined the former Dominion Police in 1897, and soon afterwards enlisted in the first Canadian Contingent going to South Africa.

Returning to Canada in 1901, he was detailed to plain clothes work, and in September of that year was assigned as a special operative for the royal tour through Canada of Their Royal Highnesses the Duke and Duchess of Cornwall and York, and again in 1908 when they visited Quebec, as the Prince and Princess of Wales. Sir Percy Sherwood was Commissioner of the Dominion Police at the time, and when Sir Percy was absent in England in 1915, Lieut.-Colonel Cawdron was appointed a Commissioner of Police.

Sir Percy Sherwood resigned the commissionership of the Dominion Police in 1918, and Lieut.-Colonel Cawdron was appointed to the position as Acting Commissioner. He re-organized the military service police which had been formed to prosecute evaders of the Military Service Act, and in 1920, when the Dominion Police were absorbed by the Royal Canadian Mounted Police, Lieut.-Colonel Cawdron was appointed Superintendent and Director of Criminal Investigation with this Force. During the Royal Customs Commission in 1926, he was the chief investigator, appointed by the Government for that Commission.

He was promoted to the rank of Assistant Commissioner in the R.C.M. Police on the 1st May, 1932.

Surviving Lieut.-Colonel Cawdron are his widow, a daughter, Rosalind, and three sons, Lieut. M. Percy Cawdron, Ordnance Corps, Winnipeg, Eric R. I. Cawdron, of the reporting staff of the *Citizen*, Ottawa, and Kingsley Cawdron, who was with his father in the fatal accident.

The former Assistant Commissioner of the Royal Canadian Mounted Police celebrated his 65th birthday on August 25th, 1938.

With the exception of the time served in South Africa, he had lived in Ottawa all his life, and had a host of friends. He was at one time the President of the South African Veterans' Association, and was a member of the United Service Institute, the 43rd Regimental Association, and the Canadian Legion.

The funeral took place on Saturday afternoon, the 10th September, from his home at 50 Marlborough Avenue, Ottawa, to the Church of St. Alban the Martyr. Lieut.-Colonel Cawdron was accorded full military honours, and interment took place at Beechwood Cemetery. The church was crowded, and many were unable to gain admittance. The Rev. A. H. Whalley, rector of St. Alban's Church, conducted the service, assisted by two other clergymen. The firing party and gun carriage was furnished by the Royal Canadian Mounted Police as were the pall-bearers. Many prominent military, naval, air force officers, and private citizens were present at the funeral, including Sir Percy Sherwood. Assistant-Commissioner T. Dann represented the Commissioner of the Royal Canadian Mounted Police who was absent from Ottawa.

The late Assistant Commissioner Cawdron retired to pension on the 1st January, 1936, and will be greatly missed among his very large circle of friends in Ottawa.

**Reg. No. 2138, ex-Sergeant Allan Forrester**

At the age of 72, Mr. Allan Forrester died at Nelson, B.C., June 22nd. A native of Glasgow, Scotland, he went to Bruce County, Ont., with his parents in 1872 and prior to his engagement in the North West Mounted Police saw two years service with the Canadian Artillery at Kingston, Ont. Joining the Force at Ottawa in 1888, he proceeded to Western Canada and within three years was promoted to the rank of Sergeant. Nearly eight years of active service followed at points in the southern part of the N.W. Territories, including Regina, Coutts, Macleod and Lethbridge, and in 1895, he left the Force and proceeded to B.C. At Roslyn, B.C., he joined the Custom's Service and the British Columbia Police and went to Nelson ten years later.

**Reg. No. 3116, ex-Sergeant E. F. Bruce**

Stricken by a sudden heart attack at his residence at Lethbridge, ex-Sergeant Edgar Francis Bruce died on March 12th, 1938, aged 64 years.

A native of England, ex-Sergeant Bruce served for seven years in the 16th (Queens) Lancers and joined the North West Mounted Police shortly after coming to Canada in 1895. In 1900 he saw service in South Africa with the Canadian Mounted Rifles, and, on returning to Canada, was stationed at Macleod, Medicine Hat and Calgary until 1909, when he took his discharge at the expiration of his term of service. During the following three years he was a member of the Lethbridge City Police, then, after a short period of employment with the Canadian Pacific Railway, re-engaged in this Force and continued to serve until 1928 when he retired to pension. For the past ten years, ex-Sergeant Bruce had been a member of the Lethbridge Gaol Staff and was thus engaged when he died.

**Reg. No. 2217, ex-Corporal James Williams**

Distinguished as having been the first Town Constable of Regina, Saskatchewan, Mr. James Williams, a veteran of the North West Mounted Police, died in that city on September 6th, aged 87 years. Of Irish parentage, Mr. Williams was born aboard a vessel in the Irish Channel and prior to his engagement in the North West Mounted Police had completed six years service in the Imperial Army with the 12th Lancers and the Royal Irish Regiment.

In 1874, he came to Canada and resided in Halifax until he joined the North West Mounted Police in 1888. Stationed in the southern part of the then North West Territories, he attained the rank of Corporal and purchased his discharge in 1892 to perform the duties of Town Constable for Regina. Leaving Regina in 1895, ex-Corporal Williams went to Cannington Manor to operate a hotel and later to Wapella where he was engaged in farming. He returned to Regina where he held the position of Weighmaster for 17 years and remained a resident of that city until his death.

**Reg. No. 925, ex-Constable Clarence Loasby**

With the passing of Mr. Clarence Loasby at Springfield, Mass., in September, death removed another Mounted Police Veteran of the Riel Rebellion. Born in Halifax in 1866, ex-Constable Loasby joined the North West Mounted Police at Winnipeg in 1883. On the 15th April, 1885, when stationed at Fort Pitt during the N.W. Rebellion, Constable Loasby and Constable D. L. Cowan were dispatched on a reconnoitering expedition to establish the position of a large band of Indians at that time besieging the post. The mission accomplished, the two constables were returning to the Fort when they were attacked by a party of the Indians and Constable Loasby's companion was instantly killed. Riding at full speed, Constable Loasby received a bullet in his left side and a short time later an Indian galloping at the off-quarters of his horse fired at close range, the bullet striking Constable

Loasby in the back. A moment later Constable Loasby's horse fell dead and the Indian who had fired and his horse, pitched headlong over the fallen man.

Severely wounded, Constable Loasby feigned death and being left on the field by the Indians, later managed to reach the Fort. Although he made a remarkable recovery, the ill effects of his wounds proved to be of a permanent nature and Constable Loasby was invalided from the Force in 1887.

Following his discharge from the Force, Mr. Loasby lived for a short time in Parrsboro, N.S., before going to Kootenay Landing, B.C., where for 28 years he was Yard Master of the C.P. Railway, until his retirement nine years ago..

**Reg. No. 2044, ex-Constable Edward John Keays**

A veteran of the North West Mounted Police and well-known in Edmonton, Mr. A. J. Keays died there on June 29th, 1938, aged 73 years. A native of Prince Edward Island, he joined the Force at Ottawa in 1887 and was sent to Regina for training and duty. Following detachment duties on the Prairies he was transferred to the Yukon in 1898 and was one of those members of the Force who were stationed at the Chilcoot Pass during the Klondike Gold Rush.

He took his discharge in December, 1899, but re-engaged in 1903 and for some years was stationed at Whitehorse, Y.T. Returning to the Prairies he continued in the Service of the Force until 1911 when he retired to pension and remained as a resident of Regina until he moved to Edmonton some years ago.

**Reg. No. 2249, ex-Constable T. W. Randle**

In his seventy-third year, Mr. Thomas William Randle died at Lethbridge, September 1st, 1938. Born at Highley, Shropshire, England, he came to Canada in 1888 with his brother, ex-Constable Francis Charles Randle, and joined the N.W.M.P. in January, 1889. Leaving the Force in July of the same year, Mr. Randle engaged in farming near Prince Albert and, later, ranching in the Milk River District.

**Reg. No. 3115, ex-Constable George Stevens**

A resident of Vancouver for many years, Mr. George Stevens died at his home in that city on August 13th.

In 1893, having made application to join the North West Mounted Police at Ottawa, of which city he was then a resident, Mr. Stevens was sent to Regina, but on being re-examined at that point it was found that he was under 16 years of age and was engaged as a Special Constable. Two years later he was taken on the strength as a Constable. Stationed for some years at Calgary he was a member of the Jubilee Contingent in 1897 and later was transferred to the Yukon. On the expiration of his term of service in January, 1901, he took his discharge from the Force but re-engaged a year later for a further term of service until April, 1905, when he finally terminated his connection with the N.W.M. Police.

**Reg. No. 11370, ex-Constable William J. Porter**

In unsound health since being invalided from the Force in September, 1936, ex-Constable W. J. Porter died suddenly at St. Stephen, N.B., July last. Having served in the Canadian Expeditionary Force during the Great War and later with the Department of National Revenue, ex-Constable Porter became a member of this Force on the amalgamation of the Preventive Service with the Royal Canadian Mounted Police in 1932 and, continuing with the work in which he specialized, was a member of the St. Stephen Detachment during his service with the Force.

