CANADA

PUBLIC ARCHIVES OF CANADA

This microfilm is a true copy of original documentation in the Public Archives of Canada. It is provided for research purposes only. Permission to reproduce it must be obtained from the Public Archives of Canada. Responsibility regarding questions of copyright that may arise in the use of this microfilm is assumed by the recipient.

ARCHIVES PUBLIQUES DU CANADA

Ce microfilm est une copie exacte de documents conservés aux Archives publiques du Canada. Elle a été préparée pour fins de recherche seulement et ne peut être reproduite sans la permission des Archives publiques du Canada. Le récipiendaire sera tenu responsable de toute infraction au droit de propriété de ce document.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

MICROFILMED BY CENTRAL MICROFILM UNIT

MICROFILMÉ PAR LE SERVICE CENTRAL DU MICROFILM

Public Archives Canada

Archives publiques Canada

Ottawa, Canada
K1A 0N3

DATE 11-10-79

CAMERA W-7

OPERATOR - OPÉRATEUR 5-2

REDUCTION 26 1/2

DATA Indian Affairs

ARC-178 (12-75)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Roll No# 6

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

START

DÉBUT

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19033-2	1	ST. REGIS AGENCY - CHARGE OF ATTEMPTED MURDER AGAINST JOHN SAWATTIS (CLIPPINGS)	1903-1904
19033-3	1	ST. REGIS AGENCY - MURDER OF ERNEST GATIEN BY LOUIS JOCKO (CLIPPINGS)	1930-1931
19033-4	1	ST. REGIS AGENCY - MURDER OF ANGUS THOMPSON	1931-1933
19033-5	1	ST. REGIS AGENCY - MURDER OF TOMMY MARTIN BY JOE CASEY AND LEWIS HERNE	1937
19034	1	TYENDINAGA AGENCY - MURDER OF JAMES SERO BY THOMAS SMART	1909
19035-2	1	TEMISCAMING AGENCY - ABITIBI WOMAN MURDERS HER HUSBAND	1903
19035-3	1	TEMISCAMING AGENCY - MURDER OF XAVIER TABISCON BY HIS BROTHER DAVE TABISCON	1937-1939
19040	1	SARNIA AGENCY - MURDER ON WALPOLE ISLAND OF ADAM JOHN AND CHARLES NAHDEE BY STEPHEN KLYOSHK	1912-1923
19040-2	1	SARNIA AGENCY - MURDER OF ARCHIE ALTMAN BY SYDNEY SHERKEY	1915
19040-4	1	SARNIA AGENCY - CHARGE AGAINST PETER KIJOSHK FOR ATTEMPTED MURDER OF CHARLES PETERS	1917-1919
19040-5	1	SARNIA AGENCY - MURDER OF JERRY BLACKBIRD BY STEPHEN KIYOSHK (CLIPPINGS)	1940-1941

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19040 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

WALPOLE ISLAND

MURDER OF ADAM JOHN AND CHAS. NAHDEE

BY STEPEHEN KIYOSHK

EX'D M

DORMANT FILE NO. 19040 DORMANT DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
	Pa	26.11.53	DH	Secy	Reg.	Chx	26-11-53

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19040

Department of Affairs.

Date

40

Walpole Island

Murder of one John and Charlie, Ojibway Other Indians Stephen Ric

Indian Affairs. (RG 1 File 19040, Pt. 1).

PHIVES ARCHIQUES

Poor Copy

395775

DEPARTMENT OF INDIAN AFFAIRS
JAN 9 1912

INDIAN AGENT'S OFFICE,

Walpole Island

Dec 5th 1912

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER.

Sir,

About 4 P.M. Jan 2d 1912 a report came to my office that there had been foul play at the house of Chas Nahdee on Squirrel Island I went down at once and found that there had been some shooting done and that two Persons Chas Nahdee and Adam John were missing shots had been fired through the windows and there was a lot of blood on the stairs and floor and every indication that a crime had been committed there was a trail from the house to the river where two bodies had been dragged to the river upon making enquiries of the neighbours I found that four parties had been in the house drinking that evening Chas Nahdee Adam John Steven Kujishk and Lucy Williams I came back home and sent an officer to St Lambert to notify Mr J.P. Buck county attorney of the matter and I offered a reward of $10.00 each for the recovery of the bodies the body of Adam John has been recovered he was found in the St Clair river opside the house the Indian Steven Kujishk and the Woman Lucy Williams that were at the house Jan 1st 1912 have been locked up and I do not think that there is any doubt but that they are the guilty parties owing to the high winds the parties had to stop dragging the river but will commence again as soon as the

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

INDIAN AGENT'S OFFICE, 395775

_____

_____ 19__

IN YOUR REPLY REFER TO
No._____
ALSO
TO DATE OF THIS LETTER.

Sir,—

The wind goes down the case has been left in the hands of the county attorney and he instructed the local officers to take charge of everything until he could send a coroner and detective here they are expected here today

Your Obedient Servant
J B McDougall
Indian Agent

Secretary Department of Indian Affairs
Ottawa

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

295775

Ottawa, 12th January, 1912.

Sir,

I beg to acknowledge the receipt of your favour of the 5th instant, reporting an unfortunate affray at the house of Charles Nahdees on Squirrel Island in which it is supposed that two persons were shot. I note that you acted promptly in placing the matter in the hands of the Crown Attorney, and that his officers are in charge. I note further that you offered a reward of $10.00 each for the recovery of the bodies and that one body had been recovered. It will be necessary to forward vouchers when these amounts are required.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

For asw

J.B.McDougall, Esq.,
Indian Agent,
Walpole Island,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

INDIAN AGENT'S OFFICE,

Walpole Island

Jan 19th 1912

DEPARTMENT OF INDIAN AFFAIRS
JAN 22 1912

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER.

356702

Sir,—

The coroners jury on the body of Adam John who was murdered on the night of Jan 1st 1912 returned a verdict of murder against Steven Kiyoshk. on Jan 13th he was given a hearing before Mr Boothman and was sent up to Sarnia for trial. the body of Chas Ranlee has not been recovered yet the river has blocked with ice and if there is not a higher reward offered for the recovery of the body the chances are that it will not be found

Your Obedient Servant
Jas Dougall
Indian Agent

Secretary Department of Indian Affairs
Ottawa

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Mr Pedley

Ottawa, 26th January, 1912.

Sir,

I beg to acknowledge the receipt of your favour of the 19th instant, with respect to the murder of Adam John. I note that the coroners jury returned a verdict of murder against Steven Kiyoshk, an Indian, who was given a hearing before Police Magistrate Boothman ~~and has been~~ committed for trial at Sarnia. I note also that the body of Charles Nah dee has not been recovered yet, and you suggest the offering of a higher reward than the $10.00 spoken of in your former letter.

In reply I beg to say that the Department desires you to ascertain the date of the trial of Kiyoshk, and whether this Indian has funds at his disposal for his own defence. Also state what amount you think should be offered as a reward for the finding of the body of Nah dee.

Your obedient servant,

Sgt. W. M. Lean.

Asst. Deputy and Secretary.

J.B.McDougall, Esq.,
Indian Agent,
Walpole Island, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

DEPARTMENT OF INDIAN AFFAIRS
FEB 9 1912

INDIAN AGENT'S OFFICE,

Walpole Island

Feb 6th 1912

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER.

398004

Sir,—

In reply to your letter no 395 775 dated Jan 26th 1912 I brought the matter of a reward for the finding of the body of Chas Rankdee before the Chippewa Council and they decided to offer a reward of $25.00 subject to the approval of the department I would recomend that the amt be approved. Steven Kwish who was sent to Sarnia on the charge of murdering Adam John will be tried at the spring assizes in april he has no money to imploy counsel Some of his friends employed J. S. Fraser K.C. to look after his case at the inquest and trial before the P.M.

Your Obedient Servant
John Donegall
Indian Agent

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Department of Indian Affairs.

Mr Pedley

Ottawa, Feby 12 1912

Referring to letter hereunder dated the 6th inst I would suggest that the offer of $25 rewards for the recovery of the body of the late Joseph Matias be approved.

I would also suggest that the Department employ Counsel to defend Thomas Kyoosk on his trial for the murder of the late Adam John at the Spring Assizes at Sarnia.

A S Williams
Secretary

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395,775

Ottawa, 13th Feb., 1912.

Sir,-

I beg to inform you that our Agent at Walpole Island has advised that Steven Kiyosh, an Indian, is charged with the murder of Adam John, and the case is to be tried at the spring assizes in April. The Agent states that some of his (the Indian's) friends employed J. S. Fraser, K. C., to look after his case at the inquest and trial before the police magistrate.

Will you be good enough to give the name of a lawyer to defend the Indian referred to.

Your obedient servant,

Asst. Deputy and Secretary.

The Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395,775

Ottawa, 13th Feb., 1912.

Sir,-

In reply to your letter of 6th instant, I beg to inform you that the Department approves of the reward of $25 being offered for finding the body of Charles Nahdee. The Department of Justice has been asked to name a lawyer to defend Steven Kiyosh, and you will be advised later as to this.

Your obedient servant,

Asst. Deputy and Secretary.

J. B. McDougall, Esq.,
Indian Agent,
Walpole Island, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

397805

Minutes of Council, Walpole Island Feb 5th. 1912.

- - - - - - - - - - - - - -

x x x x

4th. Moved by Jos. Nah dee seconded by Peter Miskokomon that we offer a reward of $25.00 for finding the body of Chas. Nah dee subject to approval of Indian Dept.

Carried.

D.W.Osahgee,
Secretary.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

DEPARTMENT OF INDIAN AFFAIRS
FEB 13 1912

Indian Agent's Office,

Walpole Island, Feb 6th. 1912.

EXTRACT.
ORIGINAL ON
398148

Sir,-

397805

Minutes of Council.

x x x x x

Resolution No 4. I would recommend that this resolution be approved affering $25.00 reward for finding of Chas. Nah Dee's body.

Yours, &c.,

J.B.McDougall,

Indian Agent.

Secretary,

Dept. of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADA. 395775

DEPARTMENT OF INDIAN AFFAIRS
FEB 14 1912

Department of Justice
398314

Ottawa Feb 14 1912

Transfer to Prime Minister

Sir,

I have the honour to acknowledge the receipt of your communication of the 13 inst. 395775 would you kindly advise me where the Indian Steven Kiyosh is to be tried.

I have the honour to be

Your obedient servant

Francis H. Gisborne

Secretary Department of Justice

The Secretary
Department of
Indian Affairs

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ex'd

Ottawa, 15th February, 1912.

Sir,

In reply to your letter of the 14th instant, I beg to say that Steven Kiyoshk is to be tried at Sarnia.

Your obedient servant,

Sgd. J. D. McLean

Asst. Deputy and Secretary.

Francis H. Gisborne, Esq.,
Secretary,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADA. 399707

DEPARTMENT OF INDIAN AFFAIRS MAR 19 1912

D. 0.

Department of Justice

Ottawa Mar 19 1912

B28

Defense of Indian (Steven Kiyosh) charged with murder.

Sir,

I have the honour to acknowledge the receipt of your communication of the 13 ulto 395775 and in reply beg to state that you may retain Mr. J.S. Fraser K.C. who was retained at the inquest by Kiyosh's friends.

Mr. Fraser should be informed that his account will be subject to taxation by this Department.

I have the honour to be

Your obedient servant

Francis H. Gisborne

Secretary Department of Justice

The Secretary
Dept. Indian
Affairs

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

ACCOUNTANT
See under.

Ottawa, 20th March, 1912.

Sir,

With reference to your letter of the 6th ultimo, I beg to inform you that Mr. J.S.Fraser, K.C., may be retained to defend the Indian, Stephen Kiyosh. You should inform Mr. Fraser that his account will be subject to taxation by the Department of Justice.

Your obedient servant,

Syd. J. A. McLean

Asst. Deputy and Secretary.

J.B.McDougall, Esq.,
Indian Agent,
Walpole Island,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

COUNTY OF LAMBTON

Judges Chambers

430124

DEPARTMENT OF INDIAN AFFAIRS
MAR 30 1912

D. F. Macwatt.
County Judge

Sarnia, Ont. CANADA 28th., March, 19 12.

The Superintendant General
of Indian Affairs, Ottaw.

Dear Sir,

May be I should not interfere and may be you are already aware of it and have acted but in case you do not know of it I wish to inform you that an Indian will be put on trial next Tuesday the 2nd., prox., in this town for murder.

He ought to have counsel whether he has or not I do not know but think it no harm to call your attention to the matter.

Yours truly,

D. F. Macwatt.

P.S. His name is Stephen Kioyoshk.

D. F. M.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ex'd

Ottawa, 30th March, 1912.

Sir,

In reply to your letter of the 28th instant, I beg to inform you that on the 20th instant Mr. J.B.McDougall, Indian Agent, Walpole Island, was informed that J.S.Fraser, K.C., might be retained to defend the Indian Stephen Kiyosh.

Your obedient servant,

Sgd. J. D. McLean

Asst. Deputy and Secretary.

D.F.Macwatt, Esq.,
County Judge,
Sarnia,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

INDIAN AGENT'S OFFICE,

Walpole Island

April 9th 1912

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER.

Face

401914

Sir,—

Steven Kiyoshk No 283 on Chippewa Pay List of Walpole Island was sentenced to be hung June 4th 1912 for the murder of Adam John on the night of Jan 1st 1912 Will you strike his name off the Pay List—

Your Obedient Servant
J B M Dougall
Indian Agent—

Secretary Department of Indian Affairs
Ottawa

Miss Maxwell

No - leave his name on and pay him his money for spring - send it to him by express order.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ex'd.

Ottawa, 17th April, 1912.

Sir:-

In reply to your letter of the 9th instant, I beg to say that you may leave Steven Kigoshk's name on the pay-list until the sentence passed upon him in the Courts is carried into effect. You may send him his interest money by express order for the Spring of 1912.

Your obedient servant,

J. D. McLEAN

Asst. Deputy and Secretary.

J.B.McDougall Esq.,
Indian Agent,
Walpole Island, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ottawa, 1st May, 1912.

Sir,

I beg to hand you herewith file No.395775 in reference to Stephen Kiyoshk, an Indian of Walpole Island, Ontario, who was convicted of murder at the recent assizes at Sarnia and sentenced to death. The Department has just received a communication which you will find hereunder from the Rev.Walter Rigsby with enclosures, which he asked be presented to the Minister of Justice. Would you kindly advise this Department as to what action ought to be taken on behalf of this unfortunate Indian.

There does not appear to be any report from J.S.Fraser, K.C., who defended the Indian at the trial.

Your obedient servant,

Asst. Deputy and Secretary.

The Deputy Minister,
Justice Department,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

SAFETY ▲ FILM ●●

DEPARTMENT OF INDIAN AFFAIRS
MAY 1 1912

Ottawa May 1, 1912

Please address reply to
Deputy Minister of Justice

403055

Sir,-

I have the honour to acknowledge the receipt of your letter of the 1st inst., enclosing your fyle #395775 in reference to Stephen Kiyoshk, an Indian of Walpole Island, who was convicted of murder at the recent assizes at Sarnia and sentenced to death.

These papers, including the communication from the Rev. Walter Rigsby, will be placed with the other papers relating to this case, and will receive the Minister's careful consideration.

I may say that the Judge's report, as well as the evidence adduced at the trial of the prisoner, is now before the Department, and also a letter dated the 30th ult. of J. S. Fraser, K.C. who defended the prisoner, praying for the clemency of the Crown.

I have the honour to be,

Sir,

Your obedient servant,

Newcombe

The Ass't. Deputy Superintendent
General of Indian Affairs,
Ottawa.

D.M.J.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Receive with the Deputy Minister's report

a.s.w. 395775

Ottawa, 3rd May, 1912.

Reverend Sir,

I beg to acknowledge the receipt of your favour of the 28th ultimo, with enclosures in reference to the case of Stephen Kiyoshk, who is under sentence of death at Sarnia, all of which were immediately forwarded to the Minister of Justice as requested by you.

In reply I beg to say that this Department is advised that these papers are before the Minister of Justice and will receive his careful consideration.

Your obedient servant,

Sgd J D McLean

Asst. Deputy and Secretary.

Rev. Walter Rigsby,
Methodist Missionary,
Sarnia Indian Reserve,
Sarnia,
Ont.

Attch a.s.w.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

DEPARTMENT OF INDIAN AFFAIRS
MAY 6 1912

Department of Indian Affairs

19.....

403411

File

Sarnia Observer 1912 May 4

THE CASE OF STEPHEN KYOSHK.

A young Indian named Stephen Kyoshk lies in Sarnia jail under sentence of death for the murder of Angus Johns and Charles Nahdee, two Indians of Walpole Island. It is alleged, and a jury has accepted the story as true, that Kyoshk shot the [illegible] man with an automatic gun during a [illegible] on New Year's Day. Shells were produced in court, [illegible] and identified as those of cartridges used in the automatic weapon found in Kyoshk's possession.

The Rev. Walter Rigsby, who has been Kyoshk's spiritual adviser since his conviction, is absolutely certain that there has been a miscarriage of justice. One of the strongest pieces of evidence he has brought forward is that while the marks left upon the shell thrown from a repeating automatic firearm, cannot be obliterated there are no such marks on the shells produced in court as an exhibit, and certainly used in the shooting.

The Sarnia Observer also says that on the day that Kyoshk was declared guilty and later sentenced to be hanged, one of the jurymen before leaving for his home in the country adjacent to Sarnia was asked by a citizen of Sarnia with whom he was conversing how the jury came to convict the Indian lad on such evidence. The reply that the juryman is said to have made to this question was the following:—"Well, I do not believe he is guilty." Asked why he agreed to a verdict of guilty his reply is said to have been, "Oh, we are busy with our farm work and had been kept long enough on the case and wanted to get away."

It is almost incredible that any Canadian would place his "farm work" in the balance against a human life, but the statement is made by a reputable newspaper. Stephen Kyoshk should not be hanged till it is investigated, and until an expert in firearms has the fullest opportunity to examine Kyoshk's automatic gun and the shells alleged to have been used in it. The evidence against the young Indian was entirely circumstantial. In the face of death he protests his innocence. There should be a most careful review of the case, and especially of the new evidence adduced by Rev. Mr. Rigsby. That Kyoshk is an unlettered Indian who speaks little English is all the more reason why British justice should give him every chance in his fight for life.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. of Account Chippewa Walpole Island a/c 9 403436

INDIAN TRUST FUND.

The Department of Indian Affairs,

To Belva Williams

DATE.			AMOUNT.
1912		Authorized by Dept. letter No. 395 775 dated 13th Feb 1912.	
April	12th	To finding body of Chas Rankee	$25 00

892

I HEREBY CERTIFY that this voucher is correct, that the material has been supplied, the work performed and the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

J B McDougall
J B McDougall Agent.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. of Account Chippewa of Walpole Island a/c 9

403436

INDIAN TRUST FUND.

The Department of Indian Affairs.

To Thos Williams

DATE.			AMOUNT.
1912		Authorized by Dept. letter No. 395775 dated 12th Jan 1912	
Jan	4th	To finding body of Adam John	$10 00

891

I HEREBY CERTIFY that this voucher is correct, that the material has been supplied, the work performed and the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

J B McDougall
Indian Agent.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395778

INDIAN AGENT'S OFFICE, 403466

DEPARTMENT OF INDIAN AFFAIRS
MAY 9 1912

Walpole Island
May 7th 1912

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER.

Note

ACCOUNTANT
MAY 10 1912

Sir,—

make extract

EXTRACT OF 97759

At a regular meeting of Chiefs and Councilors of both Bands held at my office May 6th 1912 it was moved and seconded to purchase 1000 ft of Plank for culverts Mott carried
it was also moved & sec by the Chippewa council to pay Thos Williams and Belva Williams the rewards for finding the bodys of Adam John and Chas Nahdee Mott carried
I enclose Vouchers in favor of Thos Williams and Belva Williams for rewards

Your Obedient Servant
J. B. Dougall
Indian Agent

Secretary Department of Indian Affairs Ottawa

A/C 9
Recommended for Payment
863
Approved.
D. C. S. of I. A.
11/5/12

Ans. sent May 18/12

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

DEPARTMENT OF INDIAN AFFAIRS
P.M.G.
MAY 28 1912

Ottawa May 21st, 1912

Please address reply to
Deputy Minister of Justice

404361

Dear Sir,-

Re: Capital case of Stephen Kyoshk.

Referring to the above case, I have the honour to inform you that this department has been advised that the Attorney General of Ontario will proceed against Kyoshk on the indictment of having murdered Nahdee.

I presume that in the circumstances, your department will retain the services of Mr. J. S. Fraser, K. C. who defended the prisoner upon his trial for the murder of Adam John.

I have the honour to be,
Sir,
Your obedient servant,

E. Newcombe

D.M.J.

J. D. McLean, Esq.,
Ass't. Deputy & Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

395775

Ottawa, 28th May, 1912.

Sir,

In reply to your letter of the 21st instant, I beg to inform you that the Indian Agent has been informed that the services of Mr. J.S.Fraser, K.C., may be retained to defend Kiyoshk in the case of Nahdee.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

The Deputy Minister,
Justice Department,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt, 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ottawa, 28th May, 1912.

Sir,

I beg to inform you that this Department has been advised by the Department of Justice that the Attorney General of Ontario will proceed against Kyoshk on the indictment of having murdered Nahdee.

Under the circumstances the services of Mr. J.S.Fraser, K.C., who defended Kyoshk on his trial for the murder of Adam John may be retained to defend him in the case of Nahdee.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

J.B.McDougall, Esq.,
Indian Agent,
Walpole Island,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

Sarnia Reserve
May 28/12

DEPARTMENT OF INDIAN AFFAIRS
MAY 30 1912

Mr Inspector Reilly
Sarnia.—

Secy
Inspector

404646

By a combination of circumstances, which I need not more detail, the responsibility of looking after the interests of Stephen Kiyoosht has been laid upon me.

I do not in any way wish to interfere with the affairs of your Dept. but I assume that you will be quite willing that I put forth every effort to assist this poor fellow, whom I feel satisfied is wrongly sentenced to death.

But in conversation with him I found that he would like a new lawyer, and I am of the opinion that it would be better all round if he had one. Mr Frasers did the best he could

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

4046.6

2/ from his standpoint, but he would be handicapped if he had to adopt an entirely new line of defence in the new trial.

I am not asking for anything extravagant from the Dept nor do I feel like naming any sum of money but the public, who are very much interested in this case, suppose that the Department will help financially in the matter.

I have had several offers of help but before I do anything I want to have an understanding with you on the matter.

I am prepared to continue the work I have done to try and establish Kyoohs innocence and pay all expenses myself thus incurred, simply asking that you will give me your sanction so to do and later, if I further ask for promise to let me know what amount will be available for the purpose of meeting a part of these

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

3/

expenses because there should be no miscarriage of justice for lack of adequate legal effort in this and any other well known case we would be choice.

As one, but myself, know the "ins and outs" of this case as I do and you know Indian character, well enough, to know that it is only too ~~to lift the cliff~~ in any endeavour given

I need not go into any detail as to what has been done but enough to warrant the granting of a new trial and the postponement of the execution

Hoping that my suggestions will meet with your approval

I remain

Yours sincerely

Walter Rigsby

Chief Secretary

Sarnia Reserve

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ottawa, 31st May, 1912.

Reverend Sir,

In reply to your letter of the 28th instant, I beg to inform you that previous to the receipt of your letter the Department had already authorized the Agent to employ Mr. J.S.Fraser, K.C. to defend Kyoshk in the Nahdee trial. This was done on the advice of the Department of Justice. It would therefore be a very delicate matter to now withdraw the retainer, unless there is some substantial reason for doing so. ~~and it does not appear that it would be advisable to ask the Department to employ another lawyer.~~

I may add that the Department appreciates your efforts on behalf of this Indian and would be glad if you would confer with Mr. Fraser with respect to any evidence or other assistance that you be able to furnish in the case.

Your obedient servant,

Asst. Deputy and Secretary.

Rev. Walter Rigsby,
Sarnia Reserve,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ottawa, 31st May, 1912.

Reverend Sir,

In reply to your letter of the 28th instant, I beg to inform you that previous to the receipt of your letter the Department had already authorized the Agent to employ Mr. J.S.Fraser, K.C., to defend Kyoshk in the Nahdee trial. This was done on the advice of the Department of Justice. It would therefore be a very delicate matter to now withdraw the retainer, unless there is some substantial reason for doing so.

I may add that the Department appreciates your efforts on behalf of this Indian and would be glad if you would confer with Mr. Fraser with respect to any evidence or other assistance that you may be able to furnish in the case.

Your obedient servant,

Asst. Deputy and Secretary.

Rev. Walter Rigsby,
Sarnia Reserve,
Sarnia,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EXTRACT.
ORIGINAL ON
405184

395-775

DEPARTMENT OF INDIAN AFFAIRS
JUN 8 1912

Sarnia Reserve, June 4th, 1912.

405259

Secy

To Secretary,

Dept. of Indian Affairs,

Dear Sir.-

Your letter re Kiyeshk case having special reference to the appointment of Mr Fraser to defend the prisoner received.

Personally I am satisfied and have informed Kiyeshk of the appointment.

The trouble with Mr. Fraser is that he does not devote himself entirely to his profession.

He is interested in other things to such an extent as to leave his legal practice in the background.

I have written him in regard to the matter promising to give him all the assistance I can furnish and hope for harmonious action and the vindication of Kiyeshk.

x x x x

I remain,

Yours Respectfully,

Walter Rigsby.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-785

DEPARTMENT OF INDIAN AFFAIRS
JUL 25 1912

Alex Kinnear
Sarnia Received July 23/12

408430

J. Duncan
Asst Deputy Indian Affairs

Dear Sir:—

I received intimation per letter May 31st that Mr J. S. Fraser had been requested to act as ~~defence~~ lawyer for the defence in the case of Stephen Kiyoshk, but when I went to see him on Monday last he told me he had decided not to act in this matter and asked me to write you.

I think he might have made it known before but he evidently is of the opinion that Kiyoshk is guilty and would not accept the evidence he produces.

I need not enter into any discussion of the matter save that I am not as strongly of the opinion that he is innocent and want to help him.

In what way can it be done?

I propose having a talk, as soon as

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

2/

408430

[redacted]sable with Hon. W. J. Hanna and may say that it would please the prisoner very much if the former Hanna, Lefurgey & Hickinley could be employed in his defence. It was his suggestion some years ago to me but I knew that Mr Fraser had been retained and discouraged him.

You asked me to consult with Mr Fraser. I did both by letter and personal visit with the result mentioned.

Hoping that the fullest opportunity will be afforded the prisoner to clear himself at the ~~approaching~~ approaching trial.

I remain Yours very sincerely

Walter Rigby

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

DEPARTMENT OF INDIAN AFFAIRS
JUL 25 1912

Lt Colonel Gibson
Sarnia Reserve July 23/12

408430

J. McLean
Asst Deputy Indian Affairs

Dear Sir:—

I received intimation per letter May 31st that Mr J. S. Fraser had been requested to act as ~~defence~~ lawyer for the defence in the case of Stephen Kiyoshk; but when I went to see him on Monday last he told me he had decided not to act in this matter and would write you.

I think he might have made a clean breast before but he evidently is of the opinion that Kiyoshk is guilty and would not accept the evidence he produced.

I need not enter into any discussion of the matter save that I am just as strongly of the opinion that he is innocent and want to keep him.

In what way can it be done?

I propose having a talk, as soon as

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

3/

408430

[illegible] with Hon. W. J. Hanna and may say that it would please the prisoner very much if the firm of Hanna, Lefleur & McKinley could be employed in his defence. It was his suggestion some years ago to me but I knew that Mr Fraser had been asked and discouraged him.

You asked me to consult with Mr Fraser. I did both by letter and personal visit with the result mentioned.

Hoping that the fullest opportunity will be afforded the prisoner to clear himself at the ~~impending~~ approaching trial.

I remain Yours very sincerely

Walter Rigby

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ottawa, 27th July, 1912.

Reverend Sir,

I beg to acknowledge the receipt of your favour of the 23rd instant, with reference to the defence of the Indian Kiyoshk.

In reply I beg to say that the Department has not yet received the letter from Mr. Fraser which you say he is intending to write. When Mr. Fraser's letter is received the suggestions made in your letter will have every consideration.

Your obedient servant,

Geo. H. McLean

~~Asst. Deputy~~ and Secretary.

Rev. Walter Rigsby,
St. Clair Mission,
Sarnia,
Ont.

Last O.S.W.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-77d

DEPARTMENT OF INDIAN AFFAIRS
AUG 1 1912

Sarnia Reserve
July 29/12

Confidential

408309

Dear Dr. Duncan
and Deputy
Indian Dept

Yours of 27th
re Kiyoshk case received.

Mr Fraser's neglect is quite in keeping with everything he has done, or left undone, in this case.

He promised me he would write last Monday. I had written him early in June stating that I would go and see him as soon as I should come. He did not reply, when I went I found in his office quite unwilling to do expt. Kiyoshk's statements and plead on his behalf except that ~~now~~ plead it was done in ignorance. I told him it was not merely a

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

408309

question of Kiyookh's innocence but my sanity.

I am ready to substantiate any affirmation on his behalf but nothing can be done when he stands in the way

Kiyookh has always objected to him. He never spend any time with him before the last trial, and has practically done nothing since. I do not want to go into the press but it has become a most serious matter.

I implore you to do something at once

The trial is set for Sept 19th

Mr Le Sueur says they will handle the case if Mr Fraser gives it up. He must do so now

I have written him today

Yours very Respy

Walter Rigsby

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

John S. Fraser, K.C.
Barrister
Solicitor & Notary

Solicitor for the Bank of Montreal

Wallaceburg, Ont. 1st. August 1912

J. D. Mc. Lean Esq.

409211

Secretary Department Indian Affairs
Ottawa

Dear Sir re Kieshk

Mr Rigby of Sarnia Reserve who takes a great interest in this Indian has shewn me a letter from your department re-lative to this case and intimating that after my retainer you did not care to have some other Counsel engaged to defend Kieshk at the next Assizes.

I would much prefer that some other Counsel should defend him at his next trial. The Indian and Mr. Rigsby desire that whoever defends shall endeavour to prove that Kieshk is innocent by shewing that an Indian named Joseph Williams probably did the killing. I have no faith in that theory and as Kieshk is the most interested I think he should be allowed to have some other lawyer. Will you then kindly instruct your Agent at Walpole Island to engage some person else.

yours truly

John S. Fraser

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

295·775

D. No

CANADA.

Department of Justice

Ottawa Aug 13 1912

DEPT. OF INDIAN AFFAIRS AUG 15 1912

409211 K vs Kioshk

Defence of Indian accused of murder

Sir,

I have the honour to acknowledge the receipt of your ~~communication of the~~ file 395775 and to inform you that Mr. LeSueur may be retained to defend Kioshk on his second trial as requested by the Revd Mr Rigsby

Papers returned

I have the honour to be

Your obedient servant

Rennie A. Gisborne

Secretary, Department of Justice

The Secretary
Dept Indian
Affairs

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775 Ty.

Ottawa, August 16, 1912.

Sir,-

I beg to acknowledge the receipt of your favour of the 29th ultimo with reference to the defence of the Indian Kioshk.

In reply I beg to say that since receiving your letter Mr. Fraser has written the Department stating that he would prefer that some other counsel should defend Kioshk at his next trial. Mr. Le Seuer, Barrister, of Sarnia, has accordingly been asked by the Department to undertake the defence of this man. Any assistance that you can give in this matter will be much appreciated.

Your obedient servant,

Asst. Deputy and Secretary.

Rev. Walter Rigsby,
Sarnia Reserve,
Sarnia, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395,775 Ty.

Ottawa, August 16, 1912.

Sir,-

I beg to advise you that Mr. Fraser, K.C., who was employed to conduct the defence of the Indian, Kioshk on his trial at the next assises, has asked the Department to employ some other Counsel in his place, and that Mr. LeSueur, Barrister, of Sarnia, has accordingly been instructed by the Department to defend Kioshk at this trial. The Department desires that you give him any assistance that you can in this matter.

Your obedient servant,

Asst.Deputy and Secretary.

J. B. McDougall, Esq.,
Indian Agent,
Walpole Island, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395,775

Ottawa, August 16, 1912.

Sir,-

An Indian by the name of Kioshk is now in jail at Sarnia under sentence of death, having been convicted at the spring assizes of the charge of killing a fellow Indian by the name of Adam John. An Indian by the name of Nahdee was killed at the same time as Adam John, and, for reasons which appeared, Kioshk's sentence has been deferred and he is now to be tried for the murder of Nahdee.

The Rev. Mr. Rigsby, of the Sarnia reserve, who has taken a great interest in this unfortunate Indian, advises the Department that he has already discussed this case with you. The Department would be glad to have you undertake the defence of this man on his trial for the murder of Nahdee, which takes place at the next assizes. Mr. Rigsby is being advised of your ~~retainer~~. being employed in this case. Your fee of course will be subject to the decision of the Deputy Minister

Yours obedient servant,

Asst. Deputy and Secretary.

R. V. LeSueur, Esq.,
Barrister,
Sarnia, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395,775

Ottawa, August 16, 1912.

Sir,-

I beg to acknowledge the receipt of your favour of the 1st instant, with reference to the defence of the Indian Kioshk, who comes up for trial at the next assizes. It is noted that you prefer that some other counsel should defend him.

In reply I beg to say that the Department has accordingly asked Mr. L. V. Le Sueur, Barrister, of Sarnia, to undertake this man's defence.

Your obedient servant,

[illegible]
Asst. Deputy and Secretary.

Fraser
Acw.

John S. Fraser, Esq., K.C.,
Wallaceburg, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

John S. Fraser, K.C.
Barrister,
Solicitor & Notary.

Solicitor for the Bank of Montreal

INDIAN AFFAIRS AUG 22 1912

Wallaceburg, Ont. 20th. August 1912

409653

J. D. Mc Lean Esq.
Secretary Department Indian Affairs
Ottawa

ACCOUNTS AUG

No 395775

Dear Sir re Kioshk

E D

Herewith i enclose you my bill for defending Kioshk last April

As to the witnesses . It was necessary to have them and there was no provision made for payment so I paid their keep and promised to settle their witness fees later

Trusting that you will find this statement satisfactory

I remain

yours truly

John S. Fraser

Refer a/c to Dept of Justice for Instruction JAS

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395,777 Ty.

E'D.

Ottawa, 22nd August, 1912.

Sir,-

I have the honor to enclose herewith for taxation an account from Mr. John S. Fraser for professional services rendered this Department.

Your obedient servant,

J. D. McLEAN

Asst. Deputy and Secretary.

The Deputy Minister of Justice,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C O P Y.

395775 Ty.

Department of Indian Affairs Ottawa

in account with

John S. Fraser

re Kioshk

Department of Justice
Aug 24 1912
I hereby certify that I have examined this Account and taxed the same at the sum of $274.75
Francis A. Gisborne
Secretary & Ty

1912

March 29th	Charge going out to Walpole Island going over ground of alleged tragedy and interviewing proposed witnesses		$20.00
	Paid Livery & ferry &c		4.75
	Paid man to take out tape line and measure distances		3.00
	Fee advising on evidence		5.00
	Instructions for Brief		2.00
	Brief		10.00
April	Trial commenced between 3 and 4 P.M. on the 2nd April and continued until 10 P.M. that night. Resumed at 9 A.M. on thxe 3rd. and continued until 10.50 P.M. and on the 4th. Judge commenced to address Jury at 9 A.M. Verdict rendered about 11.30 A.M.		
	Counsel fee		175.00
	Disbursements made to witnesses		
	Mr. McLean Civil Engineer	$5.00	
	Joe Thomas	3.00	
	Cornelius Kioshk(Interpreter)	4.00	
	Hotel bill	8.00	
	Yet to pay that I promised		
	Joe Thomas	3.00	
	Cornelius Kioshk	5.00	
	Mrs. Angus Williams	7.00	35.00
	Preparing Petitions for Sarnia Reserve Indians and one for Walpole Island and attendances and conferences with Indians and Clergymen and attending Prisonerat Sarnia re commutation of sentence		20.00
			$274.75

736
sent
Aug 29/12

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

CANADA.

D. V.

DEPT. OF INDIAN AFFAIRS AUG 28 1912

Department of Justice

409935

Ottawa Aug 24 1912

E. D.

a/c Dr. J. S. Fraser K.C.
$ 274 75

Sir,

ACCOUNTANTS AUG 27 1912 BRANCH

I have the honour to acknowledge the receipt of your communication of the 22 inst 395 777 returns a/c certified

Legal

Recommended for Payment
Approved
D. O. C.

Note 30
942

I have the honour to be

Your obedient servant

Deputy Minister of Justice

The Secretary
Dept. Indian
Affairs

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADIAN PACIFIC R'Y CO.'S TELEGRAPH

NIGHT LETTERGRAM

The Canadian Pacific R'y Co.'s Telegraph transmits and delivers this night lettergram subject to the terms and conditions printed on the back of this blank.

JAS. KENT, Manager Telegraphs

RECEIVED AT

(WHERE ANY REPLY SHOULD BE SENT)

Sarnia Ont Sept 4-5th-1912.

J.D.McLean,

Indian Dept,

Ottawa:-

410342

I understand minister of Justice has copies of evidence given at last trial of Stephen Kyoshk. Could you secure me and forward at once for use in defence attorney generals department Toronto have one for use of crown counsel need copy of evidence immediately for proper preparation defence.

R.V.Lesueur.

9.46 a.M.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, 5th September, 1912.

Sir,

I beg to acknowledge the receipt of your telegram of the 4th instant, asking for the copy in the hands of Minister of Justice of the evidence given at the last trial of Stephen Kiyoshk, which you require for preparationof the defence of this man.

In reply I beg to say that the official copy has been procured from the Department of Justice on the express understanding that it be returned immediately at the close of the trial. This copy is enclosed herein. Be good enough to return this promptly, as requested, to this Department.

Enc.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

R.V.Lesueur, Esq.,
Barrister,
Sarnia,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

J.D.C.

Ottawa, September 5th. 1912

Encl.

410344

Dear Sir,-

Referring to the telegram received by you from Mr. R.V.LeSueur, counsel for the defence in the case of Stephen Kiyoschk, to be tried for the crime of murder at Sarnia, 19th. inst., I am sending you herewith our official copy of the evidence given at the last trial of this man.

I have been directed to do so, on the express promise on the part of your Department, that this transcript of evidence shall be returned to this Department immediately at the close of the trial.

Will you be good enough to arrange that this is done?

Telegram returned.

Yours truly,

J.D. Clarke

for D.M.J.

Sept 30, 1912
Handed dept Justice copy of evidence referred to, a.s.w.

J.D.McLean, Esq.,
Secretary and Assistant Deputy,
Indian Affairs Department,
OTTAWA.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

Ottawa, 5th September, 1912.

Sir,

I beg to acknowledge the receipt of your favour of today's date, together with your official copy of the evidence at the last trial of Stephen Kiyoshk, which is required by Mr. Lesueur for the preparation of the defence of this man. It is noted that this copy is procured on the express understanding that it be returned to your Department immediately at the close of the trial and Mr. Lesueur has been instructed accordingly.

Your obedient servant,

Asst. Deputy and Secretary.

The Deputy Minister,
Justice Department,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395·775

St John's Mission
Stony Indian Reserve
Sep 22/12

No Journeyman

617314

Dear Sir —

It is with a feeling of profound thankfulness to Almighty God I am able to say that my contention that Stephen Kiyoosh was innocent has been justified and the prisoner declared innocent of the crime.

I pity the three witnesses on whose evidence he was sentenced to death at last assize. as they admitted they had perjured themselves at that time but claimed they were telling the truth now

The elders, who say Kiyoosh committed the murder have

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

411314

sent to jail. I think he should be kept there for some time. His wife and daughter will undoubtedly be dealt with also.

I have nothing but contempt for Arnoldi the Crown prosecutor who had Florie thrown into jail on an accusation after the fact, to discredit her. She was released as soon as Kiyoshi was acquitted. Now he has to remain incarcerated until the Government can get at him, but themselves out of a hole.

Mr Fraser has not covered himself with glory. He left me scant time to get my case into shape. Mr Ladner said I had a case and gladly took it. Fraser never took the trouble to get at the facts. He told me he was guilty. I said "It is not merely his innocence but my sanity" both have been vindicated. I can afford to be forbearing but I very much question whether both lawyers should not receive censure.

I hope that I'll never have to trouble

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poo
Cop

3

411314

The Dept wish any such business in the future.
Thanking you for kindly hearing

I am
Yours very Resp

Walter Rigby

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

395775

EX'D.

Ottawa, 26th September, 1912.

Reverend Sir,

I beg to acknowledge the receipt of your favour of the 22nd instant, with reference to the trial and acquittal of Stephen Kiyoshk. You have as you state great reason for thankfulness at the outcome of the trial of this unfortunate man in whose interest you laboured so faithfully and effectively.

In reply I beg to say that the Department desires to express its appreciation of the services rendered by you in this matter.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

Rev. Walter Rigsby,
St. Clair Mission,
Sarnia,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Sarnia Reserve
Sep 22/15

411361

E. F. Newcombe.

Dear Sir.

No doubt you have learned ere this of the acquittal of Stephen Kiyoohk at the late assize

You can readily understand my feeling in this matter.

I was perfectly satisfied that his case had been badly mismanaged and what is still worse when I went down to Fraser after he had the retained for me ten months he refused to even consider my claim that Kiyoohk was innocent and after my urging him to let me have a chance to prove his innocence, as well as my sanity, he wrote me to say he had written

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

2

to the department to secure other counsel in the case.

Lelieur did himself and the case full justice

I am pretty indignant at Arnoldi counsel for crown for his attitude: he knew Flossie Williams arrested as an accomplice & discharged her as a witness but he grummously failed. he shirked his duty by refusing to have her released on the Habeas Corpus & this case thing. Kyook had been acquitted in the Habeas case. knowing as he did the latter case coincided with the former. It was a gratuitous insult to an innocent girl so far as knowing anything about the murder was concerned. which I am satisfied could have been substantiated

Flossie came out of jail and Joe Williams went into jail on charge of admitted perjury. his wife & daughter being equally guilty

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

the Department with any such
manners in the future.

I cannot but add I still
think that the conditions on
Walpole Island could be immeasurably
improved if the agent were removed
I don't want to meddle in matters
that do not concern me but in looking
up evidence I became convinced
that what the island need is that
men like the agent, James Reserve
has had should be placed on
Walpole Island.

Whatever other defect they may have
had they have been above suspicion
of having very low moral ideals
I don't want you to infer I have
evidence such as I had in Kenyon's
case because I did not seek but
were I empowered to procure it as a
first cl. I don't think I could make much
of a failure. Yours Respy Walter Rigsby

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

September 25th 2

411361

Dear Sir:-

I have to acknowledge receipt of your letter of [redacted] 2nd inst.respecting the acquittal of the Indian,Stephen Kiyoshe,and am sending your letter to the Department of Indian Affairs,as the matter more particularly concerns that Department,

Yours truly,

Minister of Justice.

The Rev.Walter Rigsby,M.A.,
Sarnia Reserve,
Ontario,

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

DEPT. OF INDIAN AFFAIRS
SEP 28 1912

Ottawa September 25th 1912

411361

Dear Sir:-

I have the honour to enclose herewith a letter dated the 22nd inst.which I received from the Rev.Mr.Rigsby with respect to the trial of the Indian Stephen Kiyoshe. I also enclose copy of my letter to Mr. Rigsby.

Enc.,

Yours truly,

Deputy Minister of Justice.

The Secretary,
Department of Indian Affairs,
Ottawa,

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

395-775-

File

411382

THE CASE OF STEPHEN KYOSHK.

Stephen Kyoshk will not be hanged. The three witnesses on whose evidence his conviction of murder largely depended have admitted that in some particulars they lied at the first trial. In the trial just closed Kyoshk, who was on the former occasion found guilty and sentenced to be hanged for the murder of Adam Johns on Walpole Island during a drunken quarrel, has been found not guilty of murdering Charles Nahdee, who was undoubtedly killed at the same time by the same person. That Kyoshk will be set free as soon as Judge Middleton brings the facts before the Department of Justice seems certain.

All the parties concerned are Indians, and Kyoshk would unquestionably have been hanged had not the Rev. Walter Rigsby, who was called in as his spiritual adviser after Kyoshk had been sentenced to death, become thoroughly convinced of his innocence. Kyoshk was not able to place his case before the clergyman in English, but through an interpreter he put Mr. Rigsby in possession of facts that convinced him it would have been impossible for the Indian to commit the crime and hide the bodies where they were found in the time at his disposal. With the utmost persistence in the face of rebuffs in unexpected quarters Mr. Rigsby insisted on the reprieve of Kyoshk, and now it has been shown that the evidence on which the Indian was convicted in the first instance was largely a tissue of lies.

The case cannot be permitted to rest where it is. Two men were done to death that day on Walpole Island. If Kyoshk did not kill them who did? The witnesses who told the story on which he was condemned are held for perjury. It is quite possible that a more serious charge may be made. The acquittal of the innocent is important, but so is the punishment of the guilty. In dealing with the Indians of Ontario as well as the Northwest it is of the greatest moment that the tirelessness of the law as well as its rectitude shall not be called in question. There can be little doubt that the true story of the killing of Adam Johns and Charles Nahdee is known on Walpole Island. By the providential circumstance that sent the Rev. Walter Rigsby to Kyoshk's cell a horrible miscarriage of justice has been averted. The honor of the law will not be fully vindicated, however, till the murderers are discovered and take Kyoshk's place in the felon's cell.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775-

File

DEPARTMENT OF INDIAN AFFAIRS
SEP 22 1912

41 [illegible] 82

Globe
24 SEPT. 1912

THE CASE OF STEPHEN KYOSHK.

Stephen Kyoshk with [illegible] was hanged. The three witnesses on whose evidence his conviction of murder largely depended have admitted that in some particulars they lied at the first trial. In the trial just closed Kyoshk, who was on the former occasion found guilty and sentenced to be hanged for the murder of Adam Johns on Walpole Island during a drunken quarrel, has been found not guilty of murdering Charles Nahdee, who was undeniably killed at the same time by the same person. That Kyoshk will be set free as soon as Judge Middleton brings the facts before the Department of Justice seems certain.

All the parties concerned are Indians, and Kyoshk would unquestionably have been hanged had not the Rev. Walter Rigsby, who was called in as his spiritual adviser after Kyoshk had been sentenced to death, become thoroughly convinced of his innocence. Kyoshk was not able to place his case before the clergyman in English, but through an interpreter he put Mr. Rigsby in possession of facts that convinced him it would have been impossible for the Indian to commit the crime and hide the bodies where they were found in the time at his disposal. With the utmost persistence in the face of rebuffs in unexpected quarters Mr. Rigsby insisted on the reprieve of Kyoshk, and now it has been shown that the evidence on which the Indian was convicted in the first instance was largely a tissue of lies.

The case cannot be permitted to rest where it is. Two men were done to death that day on Walpole Island. If Kyoshk did not kill them who did? The witnesses who told the story on which he was condemned are held for perjury. It is quite possible that a more serious charge may be made. The acquittal of the innocent is important, but so is the punishment of the guilty. In dealing with the Indians of Ontario as well as the Northwest it is of the greatest moment that the tirelessness of the law as well as its rectitude shall not be called in question. There can be little doubt that the true story of the killing of Adam Johns and Charles Nahdee is known on Walpole Island. By the providential circumstance that sent the Rev. Walter Rigsby to Kyoshk's cell a horrible miscarriage of justice has been averted. The honor of the law will not be fully vindicated, however, till the murderers are discovered and take Kyoshk's place in the felon's cell.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

8

395775

HANNA, LE SUEUR & McKINLEY
Barristers, Solicitors &c.

W. J. HANNA, K.C. R. V. LE SUEUR.
A. I. McKINLEY.

SARNIA, ONT. Sept. 23rd, 1912.

41378

DEPARTMENT OF INDIAN AFFAIRS
SEP 26 1912

J. D. MacLean, Esq.,
Assistant Deputy Secretary,
Dept. of Indian Affairs, Ottawa, Ont.

Dear Sir,- Re No. 395775.

In accordance with your letter of August 16th I proceeded to investigate and work up the defence of Stephen Kiyoshk to the charge of murdering Charles Nahdee. I am glad to be able to report that the trial commenced on Thursday, September 19th and finished on Saturday, September 21st, at noon, when the Jury returned a verdict of "Not Guilty".

Stephen Kiyoshk was convicted of the murder of Adam Johns on April 4th last on the evidence of Joe Williams, Belva Williams and Mrs. Amy Williams. At the trial last week all of the above three witnesses under cross-examination admitted that they had fabricated and told in April last to the Court a false story, which led to the condemning to death of Stephen Kiyoshk. So glaring did this appear that Mr. Justice Middleton, the Presiding Judge, ordered that a charge of perjury be laid against all three of the above parties and Mr. Joseph Williams is now confined in the Sarnia jail awaiting the next Assizes. Belva Williams and Mrs. Amy Williams were not confined but the Crown was directed to lay and prosecute a charge for perjury

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

411378

against them. Under these circumstances their does not appear to be any question but that the sentence imposed on Stephen Kiyoshk at the last trial should be remitted. It might be that your Department can take this up with the Department of Justice more directly and more effectively at Ottawa. I will, therefore, take no steps in that direction until I receive instructions from you.

Very truly yours,

R. A. Lessard

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

DEPT. OF INDIAN AFFAIRS
SEP 28 1912

HANNA, LE SUEUR & McKINLEY
Barristers, Solicitors &c.

W. J. HANNA, K.C. R. V. LE SUEUR.
A. I. McKINLEY.

SARNIA, ONT. Sept. 26th, 1912.

Leat Clerk

411428

J. D. MacLean, Esq.,
Secretary Department of Indian Affairs,
Ottawa, Ont.

Dear Sir,- Re Kiyoshk.

I am returning you, by concurrent express, copy of the evidence herein, which was kindly loaned to me by the Department of Justice through your efforts prior to the Stephen Kiyoshk trial. Your kindness was of very material assistance in the defence.

Very truly yours,

R. V. Le Sueur

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

copy

Sarnia, Ont.Sept.23rd, 1912.

J.D.McLean, Esq.,
Assistant Deputy Secretary,
Department of Indian Affairs,
Ottawa, Ont.

Dear Sir,

Re. No.395775.

In accordance with your letter of August 16th I proceeded to investigate and work up the defence of Stephen Kiyoshk to the charge of murdering Charles Nahdee. I am glad to be able to report that the trial commenced on Thursday, September 19th and finished on Saturday, September 21st, at noon, when the Jury returned a verdict of "Not Guilty."

Stephen Kiyoshk was convicted of the murder of Adam Johns on April 4th last on the evidence of Joe Williams, Belva Williams and Mrs. Amy Williams. At the trial last week all of the above three witnesses under cross-examination admitted that they had fabricated and told in April last to the Court a false story, which led to the condemning to death of Stephen Kiyoshk. So glaring did this appear that Mr. Justice Middleton, the Presiding Judge, ordered that a charge of perjury be laid against all three of the above parties and Mr. Joseph Williams is now confined in the Sarnia jail awaiting the next Assizes. Belva Williams and Mrs. Amy Williams were not confined but the Crown was directed to lay and prosecute a charge for perjury against them. Under these circumstances their does not appear to be any question but that the sentence imposed on Stephen Kiyoshk at the last trial should be remitted. It might be that your Department can take this up with the Department of Justice more directly and more effectively at Ottawa. I will, therefore, take

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

no steps in that direction until I receive instructions from you.

Very truly yours,

R.V.LeSueur.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ottawa, 3rd October, 1912.

Sir,

I beg to enclose herein a copy of a letter which has been received from Mr. R.V.LeSueur, who defended Stephen Kiyoshk on his trial for murder at Sarnia on September 21st. This letter speaks for itself. Would you be good enough to advise this Department as to what instructions, if any, should now be given to Mr. LeSueur.

Enc.

Your obedient servant,

Asst. Deputy and Secretary.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

INDIAN AGENT'S OFFICE,

Sarnia,

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER

Oct. 1st 1912

411660

Sir,—

An indian by the name of Joe Williams of Walpole Island is confined in the gaol for having committed perjury in giving evidence in the case against Stephen Keyoshk for murder. The Council Attorney wishes to bring him before the Judge at as early a date as possible and have him elect for trial and thinks that an attorney should be appointed to act in his behalf and requests me to write you to this effect.

If you will appoint an attorney please do so at your earliest convenience and advise me.

Your obedient servant,

R. C. Palmer,

Indian Agent.

J. D. McLean, Esq.,
Ass't Deputy & Sec.
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

The Great North Western Telegraph Co.

OF CANADA

Form 2.

[illegible] agreed between the sender of the following message and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or [illegible] error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the [illegible] its lines, for errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same. [illegible] guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages [illegible] times the amount received for sending and repeating.

[illegible] losses in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual [illegible] repeated messages, viz.: one per cent. for any distance not exceeding 1000 miles, and two per cent. for any greater distance.

[illegible] Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only [illegible] agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

H. P. DWIGHT, President. HEAD OFFICE: TORONTO. GEO. D. PERRY, General Manager

DIRECT CONNECTION WITH WESTERN UNION TEL. CO. CABLE SERVICE TO ALL THE WORLD.

CUSTOMERS' TYPE-WRITER BLANK.	Sent No.	Sent By.	Rec'd By.	Time Sent.	Time Filed.	Check.

Send the following message, subject to the above terms, which are hereby agreed to.

Indian Affairs, Ottawa, 8th October, 1912

R.C.Palmer,
Indian Agent,
Sarnia,
Ont.

Yours first as to defence of Joe Williams.

Has Williams any means to defend himself.

J.D.McLean.

chg. I.A.

Lt
a.s.w.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

D. No

CANADA. 395775

OCT 5 1912

412013

Department of Justice

Ottawa Oct 4 1912

Law Clerk

Ken Kiyoshk

Sir,

I have the honour to acknowledge the receipt of your communication of the 3 inst. 395775 Would you kindly inform Mr Lesueur that it will not be necessary for him to take any further action in respect of the first trial & conviction of Kiyoshk at anyrate for the present as this Department has already taken up the matter with the Attorney General's Department at Toronto.

I have the honour to be

Your obedient servant

Francis H. Gisborne

Secretary, Department of Justice

The Secretary
Dept Indian
Affairs

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775-Ty.

EXD.

Ottawa, 8th October, 1912.

Sir,

I beg to acknowledge the receipt of your favour of the 23rd ultimo, with reference to the trial and acquittal of Stephen Kiyoshk on the charge of murder, the contents of which have been noted. The question as to what action should be taken with respect to the former trial and conviction of Stephen Kiyoshk was taken up with the Department of Justice as you suggested.

In reply I beg to say that this Department has just been advised by the Department of Justice that it will not be necessary for you to take any further action in respect to the first trial and conviction of Kiyoshk, at any rate for the present, as the Department of Justice has already taken up the matter with the Attorney General's Department at Toronto.

The copy of the evidence taken at the former trial, which was forwarded to you for perusal, has been received by the Department.

Fwd
asw.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

R.V.LeSueur, Esq.,
Barrister,
Sarnia,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

The Great North Western Telegraph Company of Canada.

CABLE SERVICE TO ALL THE WORLD.

TERMS AND CONDITIONS.

All messages are received by this Company for transmission, subject to the terms and conditions printed on their blank form No. 2, which terms and conditions have been agreed to by the sender of the following message.
This is an unrepeated message, and is delivered by request of the sender under these conditions.

H. P. DWIGHT, President.

HEAD OFFICE: TORONTO

GEO. D. PERRY, General Manager.

DEPARTMENT OF INDIAN AFFAIRS
OCT 9 1912

172,,N..GR. 10---

412431

Sarnia Ont 8th Oct 1912.

J.D.MacLean,

Asst Deputy & Secy Dept Indian Affairs,....Ottawa O

Williams without means comes before Judge tomorrow at two thirty

R.C.Palmer,,

600p

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

The Great North Western Telegraph Company of Canada.

CABLE SERVICE TO ALL THE WORLD.

TERMS AND CONDITIONS.

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message.
This is an unrepeated message, and is delivered by request of the sender under these conditions.

H. P. DWIGHT, President. HEAD OFFICE: TORONTO GEO. D. PERRY, General Manager.

39577 5

243

134 n j 34Op 10

Sarnia Ont Oct 8-12

412429

TELEGRAMS & MESSENGERS accepted by telephone at any hour. Call No. 4600

J D McLean,

Asst Deputy & Secy Dept Indian Affairs,

Ottawa Ont.

I dont think williams has means will inquire and advise

R C Palmer.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

The Great North Western Telegraph Co.

FORM 2.

OF CANADA

Agreed between the sender of the following message and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Correctness in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent. for any distance not exceeding 1000 miles, and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

H. P. DWIGHT, President. HEAD OFFICE: TORONTO. GEO. D. PERRY, General Manager

DIRECT CONNECTION WITH WESTERN UNION TEL. CO. CABLE SERVICE TO ALL THE WORLD.

CUSTOMERS' TYPE-WRITER BLANK.

Sent No.	Sent By.	Rec'd By.	Time Sent.	Time Filed.	Check.

Send the following message, subject to the above terms, which are hereby agreed to.

Indian Affairs, Ottawa, 9th October, 1912.

R.C.Palmer,
Indian Agent,
Sarnia,
Ont.

Department will wire later name of lawyer to defend Williams. If name does not reach you before time of trial ask for postponement.

J.D.McLean.

chg. I.A.

Fwd asw.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

T. D. FORM 2 B

Canadian Pacific Railway Company's Telegraph

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS

It is agreed between the sender of the following message and this Company that the said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cypher or obscure messages or for errors from illegible writing, beyond the amount received for sending same. To guard against errors the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Corrections in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz:—One per cent. for any distance not exceeding 1,000 miles and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender, and without liability therefor. This Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices: if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent: if by telephone, the person receiving the message acts therein as Agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages unless the same be claimed in writing, within sixty days after receipt of telegram for transmission. No employee of the Company shall vary the foregoing.

B. S. JENKINS, Gen. Supt., Winnipeg, Man.
J. FLETCHER, Supt., Vancouver, B.C.
J. McMILLAN, Supt., Calgary, Alta.
J. TAIT, Supt. Winnipeg, Man.
R. N. YOUNG, Supt., Moosejaw, Sask.
F. T. JENNINGS, Supt., North Bay, Ont.
W. MARSHALL, Supt., Toronto, Ont.
JNO. F. RICHARDSON, Supt., Montreal, Que.
F. J. MAHON, Supt., St. John, N.B.

JAS. KENT,
Manager Telegraphs, Montreal.

SENT NO.	SENT BY	REC'D BY	TIME SENT	TIME FILED	CHECK

Send the following Message, subject to the above terms, which are hereby agreed to:

Ottawa, October 9th, 1912.

R. C. Palmer,
Indian Agent,
Sarnia, Ontario.

Minister of Justice has telegraphed Lesueur to arrange for defence Williams on perjury charge. Better see Lesueur.

Frank Pedley.

Chg. I. A.

☞ READ THE NOTICE AND AGREEMENT AT THE TOP

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. Williams
Law Clerk

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

F. W. No. 1.

The Great North Western Telegraph Company of Canada.

CABLE SERVICE TO ALL THE WORLD.

TERMS AND CONDITIONS.

All messages are received by this Company for transmission, subject to the terms and conditions printed on their blank form No. 2, which terms and conditions have been agreed to by the sender of the following message.
This is an unrepeated message, and is delivered by request of the sender under these conditions.

H. P. DWIGHT, President.

HEAD OFFICE: TORONTO

GEO. D. FRENCH, General Manager.

DEPARTMENT OF INDIAN AFFAIRS
OCT 25 1912

412096

TELEGRAMS & NIGHT LETTERS accepted by telephone at any hour. Call No. 4500

167 n j 354p 13

Sarnia Ont Oct 9-12

File

E.C.D.

J P McLean,

Asst Deputy & Secy Dept Indian Affairs,

Ottawa Ont.

Williams case postponed sine die judge urges early appointment of lawyer am writing.

R C Palmer.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

295-775

P.M.C.

DEPARTMENT OF INDIAN AFFAIRS
OCT 8 1912

Ottawa, October 5th. 1912

Sir:-

412016

I have the honour to acknowledge the receipt of your letter of the 3rd inst., enclosing a copy of a letter which has been received from Mr. R. V. LeSueur, who defended Stephen Kioyoshk on his trial for murder at Sarnia on September 21st.

The Minister of Justice has decided to order a new trial of the prisoner upon the charge of murder of which he was convicted, in the month of April last. The Department of the Attorney General of Ontario has been notified to the effect and they have been requested to make arrangements for a special sitting of the High Court at the earliest possible moment. It would be well to notify Mr. LeSueur to this effect, and as soon as the date has been signified to this Department, Mr. LeSueur will be informed of it, so that he may, if so advised, take the necessary steps to have the prisoner brought before a judge and make an application to have him released on bail, pending trial.

I have the honour to be,
Sir,
Your obedient servant,

E. Newcombe
D.M.J.

The Assistant Deputy and Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

EX'D.

Ottawa, 12th October, 1912.

Sir,

In further reference to the Stephen Kiyoshk matter, I beg to say that this Department has just been advised that the Minister of Justice has decided to order a new trial of the prisoner upon the charge of murder upon which he was convicted, in the month of April last, and that the Department of the Attorney General of Ontario has been notified to that effect, and that they have been requested to make arrangements for a special sitting of the High Court at the earliest possible moment. As soon as the date of this trial is determined you will be further advised in the matter.

Your obedient servant,

J. D. Hazen

Assistant Secretary.

R.V. LeSueur, Esq.,
Barrister,
Sarnia,
Ont.

a.s.w.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

412871

DEPARTMENT OF INDIAN AFFAIRS
OCT 12 1930

Lennie Reserve Oct 9.19

(1)

J.D. McLean
Secretary
Low Clerk

412871

Can you give me any light on the causes for delay in releasing ~~Stephen~~ Kiyooke. When the witnesses for the prosecution admitted they lied the prosecution admitted as soon as the facts were given by the judge he served he set free.

The matter is kept fresh before me because Flossie Wetham is stopping with me, and I do not hesitate to say she deserves great credit for her unwavering faithfulness to Kiyooke in this case

I expect to marry them, as soon as he is released and I hope & have reason to expect they will live good lives in the future at least that is the present outlook.

I feel indignant at Arnold the lawyer for the prosecution because he ~~[illegible]~~ had Flossie arrested at

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

412871

DEPARTMENT OF INDIAN AFFAIRS
OCT 12 1930

the last trial, and imprisoned,
no doubt, to discredit her as a witness.
and when K— was declared
innocent of killing Nuhdee. he
insisted that she also be held as
an accessory in the Adam Johns
case, although his witnesses had
admitted their previous evidence
was perjured. The Judge allowed her
to go accepting her own bail.
And this worries her old think she
will have to "run the gauntlet" again.
Women have been convinced that
Kyoshkwa was innocent in both cases.
But a very pertinent question I
have asked about the prosecution in
this: when the Crown lawyer told the
jury in opening, they would amend the
evidence given in Adam Johns case
did he to the character of the new
evidence? If not why not? If not they
was incapable. If they did they were
criminally culpable and practically
accessories before the fact!

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

412871

DEPARTMENT OF INDIAN AFFAIRS
OCT 12 1920

3/ Mr Ketchum did good service
and need not a word about poor
Joe Williams. I think I know more
about this whole business than any
other person, not excepting Ledoux
It is not my business to discover the
guilty party or parties and all along I resolutely
refused to aid in that job and I am
glad that in the defence Kiyoohs was
not called upon to tell his story - but apart
from the perjury admitted (and I regret
to say repeated in another way) trying to
incriminate Kiyoohs & Hoogoo Williams.

I sympathise with Joe Williams.
I think the getting rid of two brutes
looked like advancing civilization.
and if a man may escape scot free
who kills a burglar ~~entering~~ freing an entrant to his
premises, to steal his goods, surely
by analogy the man, or men, who
debauch his wife & daughter deserve
no more favorable treatment
and the one strong obstacle to
convert the public to a belief in K's
innocence was that Joe Williams

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

395778

412871

DEPARTMENT OF INDIAN AFFAIRS
OCT 11 1912

4/ was a respectable man &c.

If he had said, at first, I killed these men because they were making my women drunk & there is no doubt they were threatening degrading them, it would have been hard to have convicted him, when it was shown he had been threatened and grabbed his gun which was standing outside the door in a moment of passion.

In the opinion of I had not been interfered with in my efforts I might have got Jones confession myself. It was simply one of many instances of bungling by the Constables & detectives in connection with this case. As soon as I got Kyoshts story I sent a trustworthy Indian to Wagpole, to interview Wellington, but in the interval a white Constable went to Chilliwack for a gun and told W - he was suspected of the murder and when my man went to the house he found "the fat in the fire"

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

412871

DEPARTMENT OF INDIAN AFFAIRS
OCT 21 1930

5. Then if the said constable had helped to follow out the clues and I never would have needed to meddle further but in every hand I was baulked. The Crown attorney had no sympathy, and even Justice Fraser must put his influence against me by voting of Green, and Arnoldi and the Indian Constables. In fact the whole lot of the Crown representatives were led astray by the Indians in the island and ~~about~~ one of the satisfactions I could wish is to see the whole lot of opponent bundled out of office - I will think of that were better white men representing the Government in the island. Under other conditions would prevail. among other things the white men would not have as free a hand because I believe they are or have been warned. I want to tell you one thing that is of peculiar interest in connection with Indian testimony and that is that the Indians have a "medicine" they chew when they are giving false witness expecting to outwit their opponent. I got this from good authority. It was noticeable in the first trial that Joe Williams was chewing vigorously. I can't say as much about the latter

395775

412871

DEPARTMENT OF INDIAN AFFAIRS
OCT 11 1912

6/ both his wife and daughter were
and the Crown Counsel had to ask
the daughter to take that stuff out of
her mouth. —

One of the men who told me about
this said he felt satisfied that
William was lying at the first trial
in this account and yet he never breathed a
word to me until after the second
trial. They are as fatalistic if
not more so as the Chinese or
Mohammedans: and let things take
their course. It seems to me hardly fair to
judge them as we judge the white
and yet I think it our duty to
continually try to lift them up to
a higher moral plane. It's a big
contract, and a slow job.

Hoping that this case will
soon be closed up to the benefit
of the Indians, as a whole, and
thanking you for your kindly
consideration

Yours Sincerely
Walter Rigsby

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

395778

412871

DEPARTMENT OF INDIAN AFFAIRS
OCT 1912

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poo
Cop

345-775

Sarnia Oct. 9th 1912

412869

DEPARTMENT OF INDIAN AFFAIRS
OCT 12 1912

Sir:-

I sent you the following telegram which I now confirm, namely:-

"Williams case postponed sine die but Judge urges early appointment of a lawyer."

To this I would add that Williams has been in jail for some time and his wife and daughter are to come up for trial at the same time he does, although they are out on bail, but he is confined in the jail. On this account the Judge thinks that there should be no further delay. He evidently will elect speedy trial, at least this is the impression which the Court received from what he said.

It is merely possible however, that his lawyer, when appointed, may otherwise decide.

Trusting you can give the matter early attention.

Your obedient servant,

R. C. Palmer,

Indian Agent.

J. D. McLean, Esq.,

Ass't Deputy & Sec.

Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

412867

Law Clerk
Civil Secy

HANNA, LE SUEUR & McKINLEY
Barristers, Solicitors &c.

W.J. HANNA, K.C. R.V. LE SUEUR.
A.I. McKINLEY.

SARNIA, ONT. Oct. 10th 1912

DEPARTMENT OF INDIAN AFFAIRS
OCT 12 1912

J.D. McLean Esq.,

Sec'y & Asst. Deputy Dept. Indian Affairs,

Ottawa, Ont.

Dear Sir,- Rex v. Kiyoshk.

A verdict of not guilty was returned at this trial and on Monday, Sept. 21st, I wrote explaining the circumstances and asking that the matter be taken up with the Department of Justice with a view to securing the release of Stephen Kiyoshk, or that I be instructed to do so. Stephen Kiyoshk has asked me on several occasions what was being done. I advised him that the matter was in the hands of your Department and was receiving attention. I would appreciate it very much if you could advise me exactly what steps are being taken so that I can advise Kiyoshk and give him some idea of the approximate date when he may expect his liberty.

I am enclosing you my bill which I understand has to be submitted to the Department of Justice and for which I would be pleased to receive cheque at your early convenience. The disbursements may seem large but the case was desperate, the man had already been condemned and to make a defence at all it was absolutely necessary to spend a great deal of time and considerable money in gathering evidence at the Island, which is about 30 or 35 miles from here, and elsewhere.

Very truly yours,

R.V. Le Sueur

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ottawa, 14th October, 1912.

Reverend Sir,

I beg to acknowledge the receipt of your favour of the 9th instant, in further reference to the Kiyoshk case, the contents of which have been carefully noted.

In reply I beg to say that the Kiyoshk case is receiving the attention of the proper authorities and will be promptly dealt with.

Your obedient servant,

S. Stewart,

Assistant Secretary.

Rev. Walter Rigsby,
St. Clair Mission,
Sarnia,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395.775-Ty

EX'D.

Ottawa, 16th October, 1912.

Sir,-

I have the honour to enclose herewith for taxation an account rendered at $1,478.30 from Mr. R. V. LeSueur, of Sarnia, for professional services rendered this Department.

Your obedient servant,

S. STEWART

For Asst. Deputy and Secretary.

The Secretary,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Referred to the Department of Indian Affairs for their information
Pl. for D.I.A.
18-10-17 -

HANNA, LE SUEUR & McKINLEY
Barristers, Solicitors &c.

W. J. HANNA, K.C. R. V. LE SUEUR.
A. I. McKINLEY.

DEPARTMENT OF INDIAN AFFAIRS
OCT 22 1912

SARNIA, ONT. Oct. 15th, 1912.

The Honourable C. J. Doherty,
Minister of Justice,
Ottawa, Ont.

Dear Sir,- Re Defence Williams.

I have taken up the question of suggesting a counsel for the defence of Joseph Williams on his trial of perjury with my father, several others interested, and with Mr. Hanna. Most of them think that I should undertake the defence, and Mr. Hanna says that he considers it my duty to take the defence on the ground that having spent a great deal of time on Squirrel Island, knowing the Indians, their relationship and general attitude towards one another, as well as being fully acquainted with the evidence at the two trials and at the inquest, that I would be in a much better position, than any person going into the case now. I personally feel that a great deal of what Mr. Hanna says is true but at the same time feel a delicacy in undertaking the defence of Joseph Williams who admitted perjury on a cross-examination in the Kiyoshk trial. I will leave it entirely in the hands of your Department and if you think it proper that I should undertake the Defence I will do so. If you think not then the name suggested is Mr. John R. Logan, Barrister, of Sarnia.

Very truly yours,

R V Le Sueur

RVL/AIK.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

895-775

412786

File

October 17th. 1918.

Dear Sir,

I have your letter of the 15th. instant, re Williams. I regret that I cannot concur in the opinion that you should defend him. Your defence was successful because you discredited Williams. I do not see how you can consistently assume the duties of his defence. Moreover Kiyoshk will have to undergo a second trial, and I don't think anybody under the circumstances would deem ~~the~~ one attorney the proper person to conduct the three defences.

of Kiyoshk

I have given instructions that Mr. John R. Logan, Barrister, Sarnia, be instructed to take up Williams' Defence. I thank you for your kindness in the matter.

Yours very sincerely,

Signed C. J. DOHERTY.

R.V. LeSueur, Esq.,
Barrister,
Sarnia, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Canadian Pacific Railway Company's Telegraph

TERMS AND CONDITIONS

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message. This is an unrepeated message, and is delivered by request of the sender under these conditions.

H. S. JENKINS, Gen. Supt., Winnipeg, Man.
T. FLETCHER, Supt., Vancouver, B.C.
J. McMILLAN, Supt., Calgary, Alta.
R. N. YOUNG, Supt., Moose Jaw, Sask.
J. TAIT, Supt., Winnipeg, Man.
W. J. CAMP, Elect. Engr., Montreal, Que.
F. T. JENNINGS, Supt., North Bay, Ont.
W. MARSHALL, Supt., Toronto, Ont.
JNO. F. RICHARDSON, Supt., Montreal, Que.
F. J. MAHON, Supt., St. John, N.B.

JAS. KENT, Manager Telegraphs, Montreal.

00281

DEPARTMENT OF INDIAN AFFAIRS OCT 18 1912

a124 rn o 16

Sarnia Ont Oct 16-12.

413277

EXPEDITED

Hon.C.J.Doherty,

Parliament Bldgs,

Ottawa:-

Judge MacWatt has set Monday October twenty first at ten a.m. for election by Joseph Williams.

R.V.Lesueur.

4.29 p.m.

Transferred to Dept of Indian affairs. Fwd for info. J.D.O.

John R. Logan Barrister Sarnia O.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

The Great North Western Telegraph Co.

FORM 2.

OF CANADA

It is agreed between the sender of the following message and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Correctness in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent. for any distance not exceeding 2000 miles, and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the claim be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

E. F. DWIGHT, President. HEAD OFFICE: TORONTO. GEO. D. PERRY, General Manager

DIRECT CONNECTION WITH WESTERN UNION TEL. CO. CABLE SERVICE TO ALL THE WORLD.

CUSTOMERS' TYPE-WRITER BLANK.	Sent No.	Sent By.	Rec'd By.	Time Sent.	Time Filed.	Office.

Send the following message, subject to the above terms, which are hereby agreed to.

Indian Affairs, Ottawa, 18th October, 1912.

John R. Logan, Esq.,
Barrister,
Sarnia, Ont.

On the instructions of the Department of Justice you are hereby authorized to undertake the defence of Joseph Williams an Indian now in Sarnia jail charged with perjury who comes before Judge McWatt on Monday the twenty-first at ten A.M. for election. Wire Department as to whether you can act of not.

chg I.A.

S. Stewart.

a.s.w.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. A. Williams,
Law Officer,
Dept of Indian Affairs,
Ottawa

re Rex vs Jos Williams -

Mr. John R. Logan, Barrister, Sarnia, is to be retained to defend the accused -

Bnat

for D.M.G.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

W. S. E.

413130

Enc.

Ottawa 23rd. October 1912

DEPARTMENT OF INDIAN AFFAIRS OCT 25 1912

Please address reply to
Deputy Minister of Justice

A.

ACCOUNTANTS OCT 25 1912 BRANCH

EXD.

Sir:

Referring to your letter of the 16th. inst. (395.775. - T.Y.) I beg to return herewith the account of Mr. R. V. Le Sueur, Barrister, Sarnia, Ont., for professional services rendered in connection with the second trial of Kiyoshk for murder, certified at the sum of $1278.30.

I also enclose the file of your Department, which was left with me by Mr. Williams.

I have the honour to be.

Sir,

Your obedient servant,

Francis H. Gisborne

Secretary.

Vote 303 at $1278.30

Approved for Payment

999

41124 Aud Nov. 4/12

The Assistant Deputy Minister & Secretary,

Department of Indian Affairs,

OTTAWA.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

DEPARTMENT OF INDIAN AFFAIRS
NOV 8 1912

HANNA, LE SUEUR & McKINLEY
Barristers, Solicitors &c.

W. J. HANNA, K.C. R. V. LE SUEUR.
A. I. McKINLEY.

SARNIA, ONT. November 6th, 1912.

414055

J. D. MacLean, Esq.,
Secretary Dept. of Indian Affairs,
Ottawa, Canada.

Dear Sir,-

I beg to acknowledge receipt of your favor enclosing cheque for $1278.30 my fees and disbursements in connection with the defence of Stephen Kiyoshk on his trial for the murder of Charles Nahdee. I take it that this is the figure at which my bill taxed. I thank you very much for the same.

Very truly yours,

RVL/AIK.

R V Le Sueur

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775
414057

DEPARTMENT OF INDIAN AFFAIRS
NOV 9 1912
R.M.C.

Ottawa, November 4th, 1912

Sir:-

The King vs Stephen Kiyoshk.

I return herewith the fyle of your Department No. 395775 relating to the above matter. I beg to say that the Minister of Justice has made an order, which has been sent to the Attorney General of Ontario, granting a new trial to the prisoner in respect of the indictment of murder of Adam John of which the prisoner was convicted in the month of April last, such trial to be held at the next sitting of the High Court of Justice in the County of Lambton, whether such sitting be a regular or special one. In view of the peculiar circumstances of the case, and if there be no special sitting called of the High Court, and inasmuch as the regular sitting will probably only be held next spring, it might be suggested to the counsel for the prisoner to make a motion before the proper judge to have the prisoner released on bail pending his trial.

I may say that the Minister of Justice, in writing to the Attorney General of Ontario, expressed the hope that should such application be made, there would be no objection offered by the Crown.

I have the honour to be,
Sir,
Your obedient servant,

for D.M.J.

Deputy Minister,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

595775

Ottawa, Nov., 11th 1912.

Sir,

Encl.

In further reference to the prisoner, Stephen Kiyoshk, I beg to enclose herewith a copy of a letter which has just been received from the Department of Justice, the contents of which you will note.

If the suggestion meets with your approval the Department would be glad to have you take the necessary steps to have the prisoner released on bail pending his trial.

Your obedient servant,

Asst. Deputy and Secretary.

R.V. LeSuer, Esq.,
Barrister,
Sarnia, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

DEPARTMENT OF INDIAN AFFAIRS
NOV 14 1912

HANNA, LE SUEUR & McKINLEY
Barristers, Solicitors &c.

W. J. HANNA, K.C. R. V. LE SUEUR.
A. I. McKINLEY.

SARNIA, ONT. November 12th, 1912.

Leo Lefebvre notified

E. D. 414343

J. D. MacLean, Esq.,
Assistant Deputy and Secretary
Department of Indian Affairs,
Ottawa, Canada.

Dear Sir,-

I have your favor of November 11th and note contents thereof. I am daily expecting word from the Department of the Attorney General of Ontario as to whether it is possible for them to have a special sittings of the High Court for the trial of Kiyoshk. As soon as such word is received we will know our position and if no special sittings is to be held we will take the necessary steps to have the prisoner released on bail.

Very truly yours,

RVL/AIK.

R V Le Sueur

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

P.M.O?

414600

November 14th, 2

Dear Sir:-

I have the honour to acknowledge receipt of your letter of the 11th inst., re Joe Williams' defence. This Department is not in any way concerned with this matter ~~and~~ beyond the appointment of counsel for the prisoner, The matter is one which is entirely under the control of the Department of Indian Affairs, to which Department I have sent your letter. Any further communication with regard to this case might be had by you directly with that Department.

I have the honour to be,
Sir,
Your obedient servant,

R. Cote

for D.M.J.

F. W. Willson, Esq.,
Barrister, etc.,
Petrolia, Ont.

Indian Affairs (RG 10, Volume 7467, File 19040, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

414600

Moncrieff & Willson
Barristers & Solicitors.
F. W. Willson Geo. G. Moncrieff
Cable Address "Wilmon"

Solicitors for
The Town of Petrolia.
The Bank of Toronto.
The Crown Savings and Loan Company.

DEPARTMENT OF JUSTICE NOV 15 1912
DEPARTMENT OF INDIAN AFFAIRS NOV 13 1912
CANADA

Petrolia Nov 11th 1912

Deputy Minister of Justice
Ottawa

Dear Sir

Re Jos Williams defence

I wired you today saying I have not received copies of evidence asked for in my letter of 6th inst. Would like these depositions if you have them.

Was down to Squirrel Island on Saturday with interpreter and saw Mrs and Miss Melva Williams. The story they give is that the evidence they gave at the last murder trial was the true story and on the face of it that makes the situation look bad for Joe on the perjury charge.

I see some possible difficulties that the Crown may not overcome in proving the case, but if they get the evidence in in good shape I am bound to say that the chances of acquittal are slim. In the worst event I believe that if a verdict of guilty is recorded, the sentence will not be severe.

I have the honor to remain
Your obedient servant

F. W. Willson

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

DEPARTMENT OF JUSTICE

MEMORANDUM.

Mr Scott

No answer is necessary to James Deacon Nicholson's letter with accompanying papers, asked for by Mr Williams

A. Williams

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DEPARTMENT OF JUSTICE

MEMORANDUM.

Refer to the Department of Indian Affairs for their information.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Moncrieff & Willson
Barristers & Solicitors.
F. W. Willson Geo. G. Moncrieff
Cable Address "Wilmon"

Solicitors for
The Town of Petrolia.
The Bank of Toronto.
The Crown Savings and Loan Company.

DEPT OF JUST
NOV 15 1912
CANADA

Petrolia. November 13, 1912.

Deputy Minister of Justice,
Ottawa, Ontario.

Dear Sir;- REX vs WILLIAMS

The copy of evidence taken at Kiyoshk trial in April which you wired yesterday that you were sending came in this evening. It was the copy of the September trial evidence that I asked for. I had already seen the copy of April trial evidence having procured it from Mr. LeSueur.

Will likely be able to manage without the one sent for but as I understood you had a copy I thought it well to have it before the trial.

Yours truly.

W-B. F. W. Willson

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

KODAK SAFETY FILM

Moncrieff & Willson
Barristers & Solicitors.
F. W. Willson Geo. G. Moncrieff
Cable Address "Wilmon"

414663

MENT OF JUSTICE
NOV 18 1912
ADA

Solicitors for
The Town of Petrolia.
The Bank of Toronto.
The Crown Savings and Loan Company

Petrolia. November 15,1912.

Deputy Minister of Justice,
Ottawa, Ontario.

Dear Sir;-

REX V JOS. WILLIAMS
REX V MAY WILLIAMS
REX V ELVA WILLIAMS

The trial of the Indian, Jos. Williams for perjury was held before Judge Taylor at Sarnia yesterday and as indicated in my letter of the 11th instant, the defence looked very hopeless.

I enclose copy of the indictment. The prosecution gave verbal evidence in proof of the statements alleged in the two counts of the indictment and also of the evidence given by defendant at the Kiyoshk trial in September, and beyond having the witnesses show that Williams admitted at the September trial that the statements he made at the inquest and former trial were not true in reference to the point about his wife and daughter being at home when the shots were fired, the only corroboration was the evidence of the daughter Belva who also said she and her mother were not at home at that time.

I was only able to draw from the witnesses on cross-examination that Belva had sworn on previous trial that she was at home when the shots were fired and then offer some very strong evidence of the good character of the accused and to show his condition of ignorance.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

In argument I contended that the prosecution having failed to put in certified copies, of the evidence given by the accused at the trial, had failed to make out a sufficient case- that the evidence alleged to be false had not been taken as required by Sections 151 and 152 of the Indian Act and there could be no charge of perjury based on it- that it was insufficient merely to show that one thing was sworn at one trial and another at the second trial, as it is necessary to show that the first evidence was false and the second trial evidence true and there was no real corroboration since the evidence of Belma was of no value in a consideration of the testimony since she had sworn both ways and her evidence was tainted in the same way as was the defendant's. I further contended that a verdict of guilty would lead to an absurdity in that it would establish the fact that Belva and her mother saw Kiyoshk shoot the murdered Indians although the jury at the last trial found he was not guilty.

The argument seemed very effective at the time and the Judge adjourned the Court for some two hours to give the matter more careful consideration. On resuming he announced that he felt bound to give a verdict of guilty but in view of defendant's character and of the two months he has been in jail he would allow him to go on suspended sentence.

The indictment against Williams' wife was practically the same as the one against him and the evidence of both sides no stronger than in the first case and the same disposition was made of it as of the case against Joseph Williams, the Judge being influenced largely by the fact that she was needed at home

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

to look after the small children and he specially gave the warning that no future case of the kind from the Reserve would be dealt with as leniently.

The indictment against Belva was also in two counts and about the same as the other two. I objected to this being pressed as the Crown had used her evidence against the others and the Crown Attorney decided not to press it and she was declared not guilty.

I believe that everything possible was done on behalf of the prisoners and am very much pleased to be able to report a result as favorable as that which was obtained.

Any further instructions you desire to give I shall be pleased to carry out.

I have the honor to remain,

Your obedient servant,

W-B.

F. W. Wilson

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

414663

DEPARTMENT OF JUSTICE
NOV 12 1912
CANADA

CANADA
PROVINCE OF ONTARIO
COUNTY OF LAMBTON
TO WIT

The day of October A.D. 1912 at the Town of Sarnia, int the County of Lambton.

Before DANIEL FRASER MACWATT, ESQUIRE, County Judge of the said County exercising Criminal Jurisdiction under the provisions of the Act entitled "An Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanors in the Province of Ontario and Quebec".

JOSEPH WILLIAMS

who is committed for trial to the Common Gaol of the said County, and is now a prisoner in close custody therein, stands charged this day before the said Judge, sitting in public Court, assembled for the trial of the said

JOSEPH WILLIAMS

for that he the said Joseph Williams on the Twelfth day of January in the year of our Lord one thousand nine hundred and twelve at the Township of Sombra in the said County of Lambton.

falsely wilfully and corruptly committed perjury at an inquest held on the body of Adam John, by J. I. Ferguson, Esquire, a Coroner in and for the County of Lambton, at the Township of Sombra in the said County of Lambton, by swearing, first, to the effect that on the night of the first day of January, 1912, his wife Amy Williams and his daughter Belva Williams were at home with him at his home when he heard six gun shots at or near the house of Charles Nahdee, Secondly to the effect that it was after his said wife and daughter came home that he the said Joseph Williams heard the said gunshots, and thirdly

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

414663

to the effect that it was some time after his said wife and daughter had been in his house that he heard the said gun shots then well knowing the said statements and all of them to be false.

And also for that afterwards, to wit, at the Town of Sarnia in the County of Lambton the said Joseph Williams at the Court of Oyer and Terminer and General Gaol delivery in and for the said County of Lambton on the First day of April, 1912, falsely wilfully and corruptly committed perjury by swearing first to the effect that on the night of the first day of January,1912, his said wife and daughter were at home with him when he heard six gun shots at or near the house of Charles Nahdee, Secondly, to the effect that it was after his said wife and daughter came home that he heard the said gun shots, and Thirdly to the effect that it was some time after his said wife and daughter had been in his house that he heard the said gun shots, then well knowing that the said statements and all of them to be false.

(signed) Julius P.Bucke,
County Crown Attorney
County of Lambton

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775 P.M.G.

DEPARTMENT OF INDIAN AFFAIRS
NOV 21 1912

Ottawa November 19th, 1912

Please address reply to
Deputy Minister of Justice

Law Clerk

414663

Dear Sir:-

Rex vs. Williams.

I have the honour to enclose herewith for your information a letter and enclosures from Mr. Willson, who was retained by your Department to defend the prisoners upon their trial.

I have the honour to be,
Sir,
Your obedient servant,

for D.M.J.

The Deputy Superintendent General,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Ottawa, November 28th 1912.

E.D.

Sir,

I beg to acknowledge the receipt of your favour of the 15th inst., with reference to the trial of Joseph, May and Belva Williams for perjury, which was addressed to the Deputy Minister of Justice. The contents of your letter have been noted.

The Department would be glad to receive your bill in triplicate which will be submitted to the Department of Justice for taxation and a cheque will be issued for the amount taxed.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

F.W. Willson, Esq.,
Barrister, etc.,
Petrolia, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

IN THE COUNTY JUDGE'S CRIMINAL COURT IN AND FOR

THE COUNTY OF LAMBTON.

THE KING

vs

JOSEPH WILLIAMS

vs

AMY WILLIAMS

vs

BELVA WILLIAMS.

1912

Oct. 21. Having received instructions per telegram from Minister of Justice to defend prisoner Joseph Williams
Attending to phone Crown Attorney and paid .25

22. Having received letter of instructions
Letter to Deputy Minister acknowledging

23. Attending prisoner at jail in Sarnia, long interview with him by means of interpreter when received instructions; attending Mr. Bucke, County Crown Attorney and discussing matter with him and perusing the indictment containing a charge of perjury on two counts, making copies of indictment &c;
The charge against prisoner having arisen out of the Kiyoshk trial for murder; attending Mr. LeSueur, Counsel for Kiyoshk at last trial when obtained from him plans and copy of evidence in Kiyoshk trial given in April last and long discussion with Mr. LeSueur in reference to whole matter in order to get at the evidence of the case.
Paid railway fare to Sarnia .95
Paid hotel and street car fare .70

24. Attending to phone Crown Attorney in reference to arranging for appointment to have prisoner elect as to form of trial and also attending telephone when called by Judge MacWatt in reference to convenient date for said appointment. .25

25. Attending to telephone Crown Attorney, discussing with him in reference to appointment when finally completed arrangements to have prisoner brought before Judge for election on the 26th; Carefully going through all the evidence and proceedings of the trial of Kiyoshk held in April, of which some 200 pages and carefully considering the whole question of the form of trial prisoner is to have.

Forward.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Brought Forward..... 2.15

Oct. 26. Attending at Sarnia before Judge MacWatt when in the presence of prisoner, interpreter, Crown Attorney and myself he elected to be tried by Judge and jury, at jury sittings to be held in Sarnia on December 10th; Attending Mr.LeSueur, Kiyoshk's Counsel and further discussing the whole matter and received from him stenographer's copy of examination in chief of defendant upon the trial in September at which trial the prisoner gave evidence of different effect to that given at trial in April.
Paid railway fare (special rates) .75
Paid hotel expenses .50
Letter to Deputy Minister of Justice advising of election by prisoner &c and asking if the Department had any special desire in reference to trial by Judge or otherwise.

27. Letter to G. M. Hendrie enquiring as to his views of Williams' character; he employs Williams frequently

Nov. 4. Having received letter in reply stating that any disposition Crown Attorney and myself might make would be satisfactory to the Department and having learned that prisoner might be tried before Judge Taylor at an early date and having given the matter full consideration

5. Attending Crown Attorney at Sarnia and discussing with him the matter of getting an early trial by having the prisoner re-elect; telephoning Judge Taylor to ascertain if an early date could be fixed for prisoner to re-elect and also to have trial- paid auto livery 4.00

6. Attending to phone agents to arrange for appointment for re-election and attending phone again when agents called saying that appointment would be had for the 7th;
Paid phone messages .40
Having received letter from Mr. Hendrie in reference to prisoner and his good character, letter to him in reply .02
Letter to Chief Jacobs in reference to the matter of defending prisoner and of getting his assistance in looking up evidence; Letter to Deputy Minister of Justice .02

7. Attending before Judge Taylor with prisoner and interpreter when prisoner re-elected to be tried by Judge Taylor and date fixed for trial as the 14th instant; also discussing with Crown Attorney re trial of Mrs. Williams and Belva who are also under similar charges

Forward..... 7.84

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Brought Forward..... $ 7.84

Nov. 8.	Attending to phone agents to have them interview interpreter to meet me in the evening to discuss matter of looking up evidence and to go with him to Squirrel Island for the purpose of interviewing Mrs. May Williams and Belva Williams and to see some witnesses and to look up other evidence- paid phone	.25
	Agents having made arrangements with interpreter,paid them for sending messenger &c.	1.00
	Paid agents fee in the matter	1.00
	Having previously attended Crown Attorney and discussing with him the matter of the trial of May Williams and Belva Williams on similar charges of perjury which charges were directed to be made against them by presiding Judge at Assizes in September; attending him again in afternoon at Sarnia to discuss arrangements for their being tried at the same time as Joseph Williams; Perusing and considering form of proposed indictment against them; attending interpreter in the evening and discussing various phases of the matter with him in reference to the education and other advantages had by the prisoner and to the whole question of their power to understand the nature of an oath &c. when arranged to go down to Squirrel Island early following morning and spend the day looking up evidence &c- paid fare to Sarnia	.95
	Paid phone messages and street car fare	.50
	Paid hotel and other items	.90
9.	Attending with interpreter at Squirrel Island when had long interview with Mrs Williams and Belva Williams in reference to the facts of the case and receiving in formation from them as to evidence which would be available for the trial Attending also at several other places on the Island and learned of various facts respecting the character of the defendant and in reference to the whole circumstances,arrived back in Sarnia too late for last train for Petrolia-	
	Paid hotel at Port Huron	1.50
	Paid fare to Algonac and return	.60
	Paid C.E.Cook for boat hire to and about Island	4.00
	Paid interpreter for his time and expenses	4.90
	Paid for dinner, other meals &c	1.25
	Attending agents at Sarnia,advising and discussing; Attending Crown Attorney and making arrangements for him to have Subpoenas served on two witnesses at same time as Crown witnesses were being served Attending at Law Library and going over various authorities-Paid auto hire back to Petrolia	5.00
	Forward.....	$ 29.69

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Brought Forward .....$ 29.69

Nov. 11. Attending to phone Sheriff in reference to serving witnesses and paid .25

Letter to C. E. Cook, Marine City to come and give evidence as to character of defendant as arranged for on the 9th; Not having received copy of proceedings at September Court from Department. attending to telegraph and paid .35

12. Having learned that Sheriff could not serve Rev. S. Brigham, one of chief witnesses owing to his being in London
Attending to phone Synod advising and paid .30
Attending to phone Rev. Mr. Gunne of London to have Mr. Brigham call me up and .30
Paid phone message

13. Attending phone when Rev. S. Brigham called and arranged to be present; paid phone message .30
Making copies of memo of evidence for Brief and going over authorities and briefing same and considering various phases of whole matter.
Under arrangement with Crown Attorney- Mrs. Williams and Belva Williams were brought before Magistrate to-day; and they were formally committed for trial; Crown Attorney having prepared indictment against Mrs. Williams and Belva Williams, perusing and considering same and making copies
Arranged with Crown Attorney to have their cases tried on 14th also

14. Attending witnesses before trial and going over matter
Paid witness fee C.E.Cook 4.00
Paid witness fee Rex v Brigham 4.00
No witness fee charged by Thos. Chambers
Paid Railway fare .95
Paid hotel account &c 2.50

Attending trials when all evidence taken and argument made time 11 A.M. to 4.15 P.M.

Long letter to Department of Justice reporting

Letters to Rev. S. Brigham and George M. Hendrie; Letter to Sheriff inquiring as to his fees for serving witnesses

21. Receiving reply saying he included our witnesses in Crown Subpoena and makes no charge against us.

22. Attending to mail report of Kiyoshk case back to Department

Fee of F.W.Willson for all of above $400.00 $ 42.54

$400.00
42.54
$442.54

1323

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CO. JUDGE'S C. COURT

CO. LAMBTON

THE KING
V
JOSEPH WILLIAMS
V
AMY WILLIAMS
V
BELVA WILLIAMS

MEMO OF FEES AND DISBURSEMENT
OF F. W. WILLSON
DEFENDANT'S COUNSEL

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

415140

IN THE COUNTY JUDGE'S CRIMINAL COURT IN AND FOR

THE COUNTY OF LAMBTON.

THE KING

vs

JOSEPH WILLIAMS

vs

AMY WILLIAMS

vs

BELVA WILLIAMS.

EXD

1912

Oct. 21. Having received instructions per telegram from Minister of Justice to defend prisoner Joseph Williams
Attending to phone Crown Attorney and paid .25

22. Having received letter of instructions
Letter to Deputy Minister acknowledging

23. Attending prisoner at jail in Sarnia, long interview with him by means of interpreter when received instructions; attending Mr. Bucke, County Crown Attorney and discussing matter with him and perusing the indictment containing a charge of perjury on two counts, making copies of indictment &c;
The charge against prisoner having arisen out of the Kiyoshk trial for murder; attending Mr. LeSueur, Counsel for Kiyoshk at last trial when obtained from him plans and copy of evidence in Kiyoshk trial given in April last and long discussion with Mr. LeSueur in reference to whole matter in order to get at the evidence of the case.
Paid railway fare to Sarnia .95
Paid hotel and street car fare .70

24. Attending to phone Crown Attorney in reference to arranging for appointment to have prisoner elect as to form of trial and also attending telephone when called by Judge MacWatt in reference to convenient date for said appointment. .25

25. Attending to telephone Crown Attorney, discussing with him in reference to appointment when finally completed arrangements to have prisoner brought before Judge for election on the 26th; Carefully going through all the evidence and proceedings of the trial of Kiyoshk held in April, of which some 200 pages and carefully considering the whole question of the form of trial prisoner is to have.

Forward.....

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

415140

IN THE COUNTY JUDGE'S CRIMINAL COURT IN AND FOR

THE COUNTY OF LAMBTON.

THE KING

vs

JOSEPH WILLIAMS

vs

AMY WILLIAMS

vs

BELVA WILLIAMS.

EXD

1912

Oct. 21. Having received instructions per telegram from Minister of Justice to defend prisoner Joseph Williams
Attending to phone Crown Attorney and paid .25

22. Having received letter of instructions
Letter to Deputy Minister acknowledging

23. Attending prisoner at jail in Sarnia, long interview with him by means of interpreter when received instructions; attending Mr. Bucke, County Crown Attorney and discussing matter with him and perusing the indictment containing a charge of perjury on two counts, making copies of indictment &c;
The charge against prisoner having arisen out of the Kiyoshk trial for murder; attending Mr. LeSueur, Counsel for Kiyoshk at last trial when obtained from him plans and copy of evidence in Kiyoshk trial given in April last and long discussion with Mr. LeSueur in reference to whole matter in order to get at the evidence of the case.
Paid railway fare to Sarnia .95
Paid hotel and street car fare .70

24. Attending to phone Crown Attorney in reference to arranging for appointment to have prisoner elect as to form of trial and also attending telephone when called by Judge MacWatt in reference to convenient date for said appointment. .25

25. Attending to telephone Crown Attorney, discussing with him in reference to appointment when finally completed arrangements to have prisoner brought before Judge for election on the 26th; Carefully going through all the evidence and proceedings of the trial of Kiyoshk held in April, of which some 200 pages and carefully considering the whole question of the form of trial prisoner is to have.

Forward..... 2.15

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Brought Forward..... $ 2.15

Oct. 26. Attending at Sarnia before Judge MacWatt when in the presence of prisoner, interpreter, Crown Attorney and myself he elected to be tried by Judge and jury, at jury sittings to be held in Sarnia on December 10th; Attending Mr.LeSueur, Kiyoshk's Counsel and further discussing the whole matter and received from him stenographer's copy of examination in chief of defendant upon the trial in September at which trial the prisoner gave evidence of different effect to that given at trial in April.
Paid railway fare (special rates) .75
Paid hotel expenses .50
Letter to Deputy Minister of Justice advising of election by prisoner &c and asking if the Department had any special desire in reference to trial by Judge or otherwise.

27. Letter to G. M. Hendrie enquiring as to his views of Williams' character; he employs Williams frequently

Nov. 4. Having received letter in reply stating that any disposition Crown Attorney and myself might make would be satisfactory to the Department and having learned that prisoner might be tried before Judge Taylor at an early date and having given the matter full consideration

5. Attending Crown Attorney at Sarnia and discussing with him the matter of getting an early trial by having the prisoner re-elect; telephoning Judge Taylor to ascertain if an early date could be fixed for prisoner to re-elect and also to have trial- paid auto livery 4.00

6. Attending to phone agents to arrange for appointment for re-election and attending phone again when agents called saying that appointment would be had for the 7th;
Paid phone messages .40
Having received letter from Mr. Hendrie in reference to prisoner and his good character, letter to him in reply .02
Letter to Chief Jacobs in reference to the matter of defending prisoner and of getting his assistance in looking up evidence; Letter to Deputy Minister of Justice .02

7. Attending before Judge Taylor with prisoner and interpreter when prisoner re-elected to be tried by Judge Taylor and date fixed for trial as the 14th instant; also discussing with Crown Attorney re trial of Mrs. Williams and Belva who are also under similar charges

Forward..... $7 .84

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Brought Forward..... $ 7.84

Nov. 8,	Attending to phone agents to have them interview interpreter to meet me in the evening to discuss matter of looking up evidence and to go with him to Squirrel Island for the purpose of interviewing Mrs. May Williams and Belva Williams and to see some witnesses and to look up other evidence- paid phone	.25
	Agents having made arrangements with interpreter,paid them for sending messenger &c.	1.00
	Paid agents fee in the matter	1.00
	Having previously attended Crown Attorney and discussing with him the matter of the trial of May Williams and Belva Williams on similar charges of perjury which charges were directed to be made against them by presiding Judge at Assizes in September; attending him again in afternoon at Sarnia to discuss arrangements for their being tried at the same time as Joseph Williams; Perusing and considering form of proposed indictment against them; attending interpreter in the evening and discussing various phases of the matter with him in reference to the education and other advantages had by the prisoner and to the whole question of their power to understand the nature of an oath &c. when arranged to go down to Squirrel Island early following morning and spend the day looking up evidence &c- paid fare to Sarnia	.95
	Paid phone messages and street car fare	.50
	Paid hotel and other items	.90
9,	Attending with interpreter at Squirrel Island when had long interview with Mrs Williams and Belva Williams in reference to the facts of the case and receiving in formation from them as to evidence which would be available for the trial Attending also at several other places on the Island and learned of various facts respecting the character of the defendant and in reference to the whole circumstances,arrived back in Sarnia too late for last train for Petrolia-	
	Paid hotel at Port Huron	1.50
	Paid fare to Algonac and return	.60
	Paid C.E.Cook for boat hire to and about Island	4.00
	Paid interpreter for his time and expenses	4.90
	Paid for dinner, other meals &c	1.25
	Attending agents at Sarnia,advising and discussing; Attending Crown Attorney and making arrangements for him to have Subpoenas served on two witnesses at same time as Crown witnesses were being served Attending at Law Library and going over various authorities-Paid auto hire back to Petrolia	5.00
	Forward.....	$ 29.69

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

415140

Brought Forward .....$ 29.69

Nov. 11, Attending to phone Sheriff in reference to serving witnesses and paid .25

Letter to C. E. Cook, Marine City to come and give evidence as to character of defendant as arranged for on the 9th; Not having received copy of proceedings at September Court from Department, attending to telegraph and paid .35

12, Having learned that Sheriff could not serve Rev. S. Brigham, one of chief witnesses owing to his being in London
Attending to phone Synod advising and paid .30
Attending to phone Rev. Mr. Gunne of London to have Mr. Brigham call me up and .30
Paid phone message

13, Attending phone when Rev. S. Brigham called and arranged to be present; paid phone message .30
Making copies of memo of evidence for Brief and going over authorities and briefing same and considering various phases of whole matter.
Under arrangement with Crown Attorney- Mrs. Williams and Belva Williams were brought before Magistrate to-day; and they were formally committed for trial; Crown Attorney having prepared indictment against Mrs. Williams and Belva Williams, perusing and considering same and making copies
Arranged with Crown Attorney to have their cases tried on 14th also

14, Attending witnesses before trial and going over matter
Paid witness fee C.E.Cook 4.00
Paid witness fee Rex v Brigham 4.00
No witness fee charged by Thos. Chambers
Paid Railway fare .95
Paid hotel account &c 2.50

Attending trials when all evidence taken and argument made time 11 A.M. to 4.15 P.M.

Long letter to Department of Justice reporting

Letters to Rev. S. Brigham and George M. Hendrie; Letter to Sheriff inquiring as to his fees for serving witnesses

21, Receiving reply saying he included our witnesses in Crown Subpoena and makes no charge against us.

22, Attending to mail report of Kiyoshk case back to Department

Fee of F.W.Willson for all of above $400.00 $ 42.54

$400.00
42.54
$442.54

Dept. Justice
Cert. Nov. 27/12
for $442.54
Jgd. F.H. Gibbons

1323

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CO. JUDGE'S C. COURT

CO. LAMBTON

THE KING
V
JOSEPH WILLIAMS
V
AMY WILLIAMS
V
BELVA WILLIAMS

MEMO OF FEES AND DISBURSEMENTS
OF F. W. WILLSON
DEFENDANT'S COUNSEL

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775-

W. S. E.

End.

Ottawa November 27th, 1912.

Please address reply to
Deputy Minister of Justice

DEPARTMENT OF INDIAN AFFAIRS
NOV 28 1912

45140

A. 3.

Sir,-

I have the honour to enclose herewith the account of Mr. F. W. Willson, Barrister, Petrolia, Ont. for services rendered in connection with the defence of Joseph Williams, May Williams and Belva Williams for perjury, certified at $442.52. A cheque in payment of this account may properly issue to Mr. Willson.

I have the honour to be,

Sir,

Your obedient servant,

Francis H. Gisborne

Secretary.

The Assistant Deputy Minister and Secretary.

Department of Indian Affairs,

OTTAWA.

Legal Vote 303

RECOMMENDED FOR PAYMENT
303 Accountant.
APPROVED, 28
D. S. G. of I. A.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395775

Moncrieff & Willson
Barristers & Solicitors.
F. W. Willson Geo. G. Moncrieff.
Cable Address "Wilson"

Solicitors for
The Town of Petrolia.
The Bank of Toronto.
The Crown Savings and Loan Company.

DEPARTMENT OF INDIAN AFFAIRS
DEC 7 1912

Petrolia. December 6, 1912.

E.C.D.

405805

J. D. McLean, Esq.,
Assistant Secretary,
Department of Indian Affairs,
Ottawa, Canada.

Dear Sir;- REX vs WILLIAMS

I have the honor to acknowledge the receipt of your favor enclosing cheque No. 1323 for my fees and disbursements re defence of Joseph, Amy and Belva Williams for which accept my very best thanks.

I have the honor to remain
Your obedient servant,

W-B.

F. W. Willson

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

395-775

St Clair Mission
Sarnia Reserve
Dec 18/12

DEPARTMENT OF INDIAN AFFAIRS
DEC 21 1912

Dr Duncan Mclean

416501
E

Dear Sir.

ACKNOWLEDGMENTS DEPARTMENT

I have been thinking lately of writing to you about a little matter connected with the Kiyosh case

We were very fortunate in securing the services of R. V. Lelieur ~~in that~~ for the defence and since the trial he has cooperated with me in looking after Kiyosh having secured a home for him in Sarnia and employment in the Imperial Oil works

Florence Williams who had lived with him for three years turned up a few days after his liberation and I promptly married them.

Before Kiyosh came up for trial I got him a suit of clothes to make him presentable I told him he could pay me for them some time. but if you know anything about the

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

416501

rapidity with which the average Indian pays his debts my prospects of getting payment are not very bright.

If the Department seems fit to assume that obligation I can furnish a voucher from the person I got them from.

I regret that the Department of Justice did not permit Kiyoosh to be ~~[illegible]~~ retained on the Adam Johns case, instead of taking up unrelated and an entirely unnecessary burden resting upon me, as well as Kiyoosh.

I hear rumours that the Crown Attorney intends to make it a real rather than a formal trial in april. I have no way of knowing save by inference, what he intends to do. but I hear from various source that he still thinks Kiyoosh guilty.

When, against overwhelming odds, we convinced the judge and jury, (especially judge Mindalain) that Kiyoosh was the victim of a conspiracy we did a good deal and when I presented my evidence to Mr. Lebeau and said "Don't you think I have a good case" he said "I do" and he completed the link in the chain so that the prosecution utterly failed

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

416501

3/ and the culmination came when the star witness admitted perjury.
but what astonished me was that the Crown Counsel in opening said "we intend to amend our evidence" & amending the evidence the witness told a new story. were not the prosecution "accessories before the fact" in doing this?

No wonder Joe Williams was allowed to go on "suspended sentence" despite the fact that he swore falsely in a murder case when, by his own admission.

I never held up Kiyoohk as a pattern of propriety. I simply said "It was a question of character" for they contended Joe Williams was a respectable man.

The question is "Did he kill these two men?"

In fact I look upon the killing of these two men as a sign of advancing civilization, perhaps a drastic remedy, for which a milder remedy might have been found? I admit that Joe Williams ~~is a murderer~~ planned murder. Except in his attitude towards Kiyoohk, but it looks to me according to Kiyoohk's testimony that he was patched up

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

of Nahdees house when he protested against the treatment accorded his wife & daughter & was guilty of manslaughter. Nahdee had lived with several women. So had Johns & they were public nuisances and on the impulse of passion Indians shot them. The final ten shots were fired at the house and it was made plain by white witnesses that Kiyoosh could not have fired one of the shots which glanced horizontally along the ceiling of the house and must have been fired by a man four or five inches taller than he.

I have no wish to convict Indians that is the business of the Government. I am satisfied that the Government detectives were misled by the interpreter they used: a relative of Indians and Blacks tome. If he had to do with the Crown acting of the lie, Indians & his family admitted giving as the truth, in the first trial. The testimony in the second case was equally false and so proven.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

53

It is hardly fair that I should have six months extra care over Kiyoshi as I began in april and the next trial comes in the spring

Of course the fact that he was allowed out on bail shows the attitude of the Govt but why should it have been necessary for me to go his security? When if he had been tried again in Lohar case he would have gone free?

It looks to me as if there is a legitimate claim upon some one for false imprisonment at least for detention from Sept to November last? With thanks for your courtesy in any rather peculiar relation in this case

I remain
Your Resp Walter Rigsby

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

595775

No action required by the Department. The correspondence

Ottawa ,27th December,1912.

Sir,

I beg to acknowledge the receipt of your letter of the 18th instant, relative to the Kiyoshk case; and in reply I beg to say with regard to the clothing which you supplied to the man that if you submit an account in detail for the same,which account should bear the Indian's acknowledgement for the goods the Department will take into consideration the question of payment. There should be attached to the account a written request signed by Kiyoshk to the Department to make payment of the amount of the account and retain the money from his interets shares as the same fall due.

The other matters referred to in your letter will be brought to the attention of the Law Clerk,who is at present absent from the Department.

Your obedient servant.

D. McLean

Asst. Deputy & Secretary.

Revd Walter Rigsby,
St Clair Mission,
Sarnia Reserve,
Sarnia, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

W Rigsby
Burkburnia. Ont.

SARNIA, ONT.
APR 30
10 30 AM
1913

1

J. D McLean
Indian Dept
Ottawa
Ont

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-775

Kamloops Agency April 30/13

J. McLean
Hydaburg

424999

DEPARTMENT OF INDIAN AFFAIRS
MAY 2 1913

Sec'y

I have not had any occasion to trouble you lately but thought it might not be amiss to say now that the Kigookh case has become a matter of history that I appreciate the courtesy shown me by the Department. You did all I could expect and I am mightily relieved that I am personally released from all further responsibility.

Perhaps I might be permitted to say that I have never supposed that Kigookh was an exemplary character. The account he gave of his conduct on the day of the murder indicates that his ideals were low. I could tell a long and tedious story about my experiences which would not be particularly profitable

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

I think in all probability the feeling held on the island that Joe Williams, whom Keyoosh said did the shooting was probably, to all appearance, a better citizen than Keyoosh. he is not a drinking man K—, according to his own admission, is, If he had not been he would never have been arrested. he would not have been with that crowd and his former paramour (now his lawful wife, ~~called~~ has also been addicted to the use of drink. whatever may be his desire he is handicapped by his marriage into the Williams family (she is a niece of Joe Williams.)

I hold no grudge against Joe W— from the fact I avoided doing anything personally to fix the blame on him according to Keyoosh's statement the shooting by Williams was not premeditated. The men ~~killed~~ were a social pest. ~~[illegible]~~ during the past few weeks. Belva, Joe's daughter, has had an illegitimate child she cannot be much over sixteen

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

3/ The only thing that prejudices me against Jacquelieuw is the fact that he and his family, according to their own testimony perjured themselves in the evidence they gave at the first trial, in which Kiyoshk was convicted, and to anyone who heard the testimony given at the second trial it is equally certain they added to their perjury. My own opinion is they did not manufacture the evidence unaided. If you read Jones & Lupp on Indian Evidence you can learn that perjury is not an uncommon thing among the Indian people

As regards Kiyoshk's future I cannot take a very hopeful outlook he has no high ideals. never had. but if every low down Indian was hanged gallows would be at a premium.

I mentioned having spent some money to cover his nakedness that he might appear decently clothed in Court It doesn't worry him. he tells other people that he is grateful to me, but his general conduct does not indicate it

I have not expected much & certainly I have not been disappointed.

He thinks and I mind confess there is

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"4 reason for the thought that he might have some remuneration for false imprisonment. He spent ten months in prison. Two of these after the jury declared him innocent in Nahdee case.

I do not grudge what I have done it was simply my duty as I saw it. I am thankful that I am free from further responsibility having imperilled my reputation and my judgment by declaring that it was innocent.

You know something of the difficulties I had to face and against which I warn'nt

Again permit me to thank you for your courtesy in the matter saving me from unnecessary friction and needly worry

I remain
Yours Sincerely
Walter Rigsby

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395,775

DEPARTMENT OF INDIAN AFFAIRS CANADA

Memorandum,

The Secretary,-

Kiyoshk has no legal ground for his claim ~~of the~~ for compensation for false imprisonment, he having been arrested on reasonable grounds and convicted of a crime, even though he was subsequently acquitted.

If Mr. Rigsby has any claim for advances made to Kiyoshk I think it might properly be considered by the Department.

A.S. Williams

Law Clerk.

Ottawa, May 3rd, 1913.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395777

EXT.

Ottawa ,3rd May, 1913.

Revd Sir,

I beg to acknowledge the receipt of your letter of the 28th April in further reference to the Kiyoshk case;and in reply I beg to say with reference to your statement that the Indian considers he is entitled to compensation for imprisonment, that he has no legal ground for such claim. He was arrested on reasonable groundsand convicted of a crime,even though he was subsequently acquitted.

With regard to your remark that you expended money for clothing for Kiyoshk,I have to refer you to official letter of the 27th December last in which you were told that if you submit an account for the clothing the question of payment will be considered. The account should be in detail,and should bear the Indian's acknowledgement for the goods received,and and there should be attached to it a written request, signed by him to the Department to make payment of the amount of the account and retain the money from his interest shares as the same fall due.

Your obedient servant.

Asst. Deputy & Secretary.

Revd Walter Rigsby
St Clair Mission,
Sarnia Reserve,
Sarnia,Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395-77

Sarnia Ont
June 42-1408 3

2a Jones Lane
West Ham

Dept

ACCOUNTANTS
JUN 10 1913
BRANTFORD

JUN 9 1913

Stephen Kingsbury
signed the enclosed today.
If you can accede to the
arrangement I shall be pleased
to do so at your
convenience

Yours truly
Stephen Kingsbury

59
14

Yours Resp
Walter Rogers

Auditors to be
requested to
advise that a cheque
is to be issued
payable to
Kingsbury & others
Dept

Accounts
Jun 12
1913

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395778
426523

Indian Office

Sarnia Reserve
May 30/13

S. McLean
Agency

Dear Sir

Yours of 3th received I should be glad to aid Mr Palmer in any way I can and I might add it would be quite a convenience if there was a phone in his office - Sometimes as there are times when the Indians would like to send a message and also he need little favors himself I have a phone I am glad to hear that he is able to be in his office again.

I was talking to Dr Bradley the physician for the Reserve he thinks the suggestion about the mid day meal a good one and thinks the children are often poorly nourished

By the way I have not seen Kiyoshi lately - In regard

Ethel Made
Then is a phone in Indian Office
17/6/13

DEPARTMENT OF INDIAN AFFAIRS
MAY 23 1913

ACCOUNTANTS BRANCH
MAY 30 1918

SCHOOLS BRANCH
MAY 31 1918

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

what I said about his views
as his imprisonment the reference
was especially to his detention after
he had been acquitted in Septr
last. He was detained until
late in November when the Govt
connected to which type of no prosecution
and in april dropped the case
If it were your own case, if your
imagination is vivid enough, would
you not think that two months
detention was unfair?

Further: I urged them to try him
on the original case. Adam Johns
indeed they took Chas Nahdee's case
If he had been tried on Johns case he
would have gone free at once his detention
was the result of ~~the~~ an error in judgment

I suppose they thought my views were
wrong and I could not shake good.

If I get a chance I will talk to Kiyoshi
but I have very good reasons for not
wishing to do so.

I regret to say that he is, what he
has always been an undoubted Indian
like many others and, as I have learned by years
of experience, a very vague idea of

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor
Copy

3/ what a decent white man considers a "code of honor". To me it is simply amazing how the Indian will gradually increase liabilities and be utterly indifferent to his obligations.

I have a case in my mind now. a decent Indian judged by his sobriety and general good behavior at the time lost a child. I lent him five dollars, he paid me one in work, actually four years have gone he never mentions it. I offered him a little more work yesterday for the other day and had to refuse him credit. It grieves me to do so but they have to be taught honesty and as it goes

I am sending Mr Scott ales and you can compare notes

with thanks for your kindly consideration and encouragement

426523

Gratefully

Yours Sincerely

Walter Rigsby

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

395,775

ACCOUNTANTS
ACCOUNTANTS
ACCOUNTANTS
14 JUN 1913

E.C.

Ottawa, 11th June, 1913.

With Cheque

Sir,-

I beg to transmit herewith cheque No. 1457 for $14.25 in payment of an account submitted in favor of the Rev. W. Rigsby. Kindly hand the cheque to him. The amount of the cheque is to be collected from the interest shares of Kayoshk as they fall due and the money to be returned to the Department. A note with regard to the matter should be placed in your interest pay-list.

Your obedient servant,

F. D. McLEAN

Asst. Deputy and Secretary.

R. C. Palmer, Esq.,
Indian Agent,
Sarnia, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

325775

Ottawa, June 5th, 1916.

Sir:-

I beg to draw your attention to the fact that in June 1913 a payment of $14.25 for clothing was made on behalf of Stephen Kiyosk No. 283 of the Chippewas of Walpole Island. His interest money to the amount of $12.30 has been retained toward payment of the debt, but there is a balance of $1.95 still due by Kiyosh in this connection. This balance should be retained from him when you make the distribution of interest money to the Chippewas of Walpole Island in the Fall. The amount in question $1.95 should be forwarded to the Department under cover of a letter of explanation, and you should make a note in the pay-list in regard to the matter, and quote the date of this letter and fyle number as your authority for retaining the money referred to from Kiyosh.

Your obedient servant,

D. McLean

Asst. Deputy and Secretary.

T.A.McCallum Esq.,
Indian Agent,
Walpole Island, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"O" Division. Sarnia Detachment.

Western Ontario District.

"O" Div. Ref. 20/86

Sarnia, Ont, September 13th, 1923.

The Officer Commanding
R.C.M.Police,
Western Ontario District,
Toronto, Ont,

Sir;-

I beg to report that I called upon Indian Agent Paul, P.O.Building, Sarnia, Ont, to ascertain from him if he had any knowledge of the shooting of an Indian on Walpole Island twelve or thirteen years ago.

Mr Paul remembers of a shootincof two Indians on Walpole Island in 1912 but did not know the circumstances of the case, as it was before his appoint ment as Indian Agent at Sarnia.

For further information I called upon Chief Jacob, of the Chippewa tribe on the local reserve just four miles south of Sarnia, on the St, Clair river. Jacob informed me that there was a shooting took place on Walpole Island Indian reserve about thirteen years ago which to the best of his knowledge was never investigated it was entirely among the Indians, and there was very little to be learned of the shooting.

Chief Jacob informed "that he was an interpr eter on a shooting case which took place on the 1st, of January, 1912 and the one refered to by Mr Paul. In this case Stephen Kiyoshk, Indian Walpole Island, shot and killed Adam John, Indian, and was suspected of shooting, and hiding the body of Chas, Nahdee, Indian the same night.

Chief Jacob stated that he did not clearly remember the circumstances surrounding the case, and I visited Mr Saunders, clerk of the Surrogate Court for further information, Mr Saunders had nothing definite, and I visited Crown Attorney F.W. Wilsons Office, the conviction was not obtainable, but I gathered from the evidence taken and the inquest held, that Stephen Kiyoshk was tried for the murder of Adam John, and sentenced to be hanged on June 6th, 1913. In the meantime the body of Chas, Nahdee was found evidently in the river, and Kiyoshk was again tried for the murder of Nahdee, and owing to the evidence submitted in the latter case, Kiyoshk was aquitted of murder in both cases.

Your Obedient Servant.

T. F. Lynch Const,
Reg. No. 6454 (T. F. Lynch)
I/C. Sarnia Detachment.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE.
"O" Division.

Western Ontario District. Windsor Detachment.

Ford City, Ont., Sept. 6th, 1923.

The Officer Commanding,
Royal Canadian Mounted Police,
Western Ontario District,
Toronto, Ontario.

Sir:-

Re - Anonymous letter re Joseph Longton, Little River, Town of Riverside, near Ford City, Ontario.

I beg to enclose herewith an anonymous letter with covering envelope, Post dated Walkerville, Aug.31, 7 P.M., addressed to R.C.M.P., Sandwich Street, Ford, Ont., delivered here by morning's mail on the 1st instant. The letter is quoted hereunder for filing copies. :-

"Sept. 1/23."

"R.C.M.P."

"If your are still looking for the man "that killed an Indian on Walpole Island 12 "or 13 years ago, he is to be found. His "residence is by Little river; his name is "Joseph Longton, better known as "Plasterer". "He lives there with his family, before that "he used to reside on St. Luke Road (Ford City). "At the time that Indian was shot he was working "in Wallaceburg at the Glass factory. He said "he killed the man in self defence. I don't no."

Joseph Longton is a French Canadian, residing at Little river, about five miles East of this Detachment. I know "Longton" personally, but have never heard his name connected with the death of an Indian at Walpole Island.

Indian Agent Paul, Post Office Building, Sarnia, Ontario, has jurisdiction over the Walpole Island Indians, and no doubt he can furnish information on the matter in question.

Your obedient servant,

Enclos.

Reg. No. 4493. (A. Birtwistle). Sergt.
I/C. Windsor Detachment.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"O" Division
Western Ontario District.

"O" Div, Ref. 20/86 Toronto, Ont. Sept. 14th, 1923.

The Commissioner,
R.C.M. Police,
OTTAWA, Ontario.

Sir:-

I enclose herewith report submitted by Sgt. Birtwistle dated Sept. 6th, together with original anonymous letter referred to therein. On receipt of this the matter was referred to the Sarnia Detachment, and Constable Lynch's report hereon is attached. I am forwarding this as possibly the Indian Department may have further information in connection with the shooting of the Indian on Walpole Island twelve or thirteen years ago.

It is noted from Constable Lynch's report that Chief Jacob of the Chippewa tribe informed him that there was a shooting took place on Walpole Island Indian Reserve about thirteen years ago, which to the best of his knowledge was never investigated, and little was ever learned of the shooting. This may be the incident in question. However, I await to hear from you as to what further action is desired to be taken.

I have the honour to be,
Sir,

Your obedient servant,

H.M. Newson

H.M. Newson, Supt.,
Commanding Western Ontario District.

HD/D.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DEPT. OF INDIAN AFFAIRS
SEP 19 1923
RECORDS
FILE NO.

68428

ROYAL CANADIAN MOUNTED POLICE

ADDRESS ADDRESSED:
THE COMMISSIONER,
R.C.M.P.

OFFICE OF THE COMMISSIONER

OTTAWA.

File No. 23 D 478 [illegible]

September 18th, 1923.

Sir;

Re- Alleged Murder of Indian at Walpole Island, Ont.

I have the honour to enclose herewith, for your information, copy of report dated the 14th instant, which has come to hand from the Officer Commanding at Toronto, in connection with the above case, together with the enclosures referred to therein.

I have the honour to be,

Sir,

Your obedient servant,

Cortlandt Starnes,
COMMISSIONER.

The Deputy Superintendent General,
Department of Indian Affairs,
Ottawa.

JF.

Refer to the Shawanaga Indian reserve

Keep for remember

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-1

EXC

September 20, 1923.

Sir,-

With reference to your letter of the 18th instant, (No. 23D 478 E 2) enclosing copy of a report from the Officer Commanding at Toronto in connection with an alleged murder on Walpole Island about thirteen years ago, I beg to say that a shooting affray occurred at the house of Charles Nahdee on Squirrel Island on the 1st January, 1912, when two Indians, Charles Nahdee and Adam Johns, were killed. A coroner's jury returned a verdict of murder against Stephen Kiyoshk, an Indian of the Walpole Island band, who was committed for trial at Sarnia. Counsel was employed to defend Kiyoshk. At the assizes in April, 1912, Kiyoshk was convicted of murder and sentenced to be hanged on the 6th June of that year. The file of papers relative to the case, together with a communication from the Rev. Walter Rigsby of Sarnia, was referred to the Justice Department with a view to clemency being exercised if possible. This Department was informed by the Department of Justice on the 21st May, 1912, that that Department had been advised that the Attorney General of Ontario would proceed against Kiyoshk on the indictment of having murdered Nahdee. The Department was informed on the 23rd September, 1912 by Kiyoshk's counsel that at the trial which took place from the 19th to the 21st September, 1912, the jury returned a verdict of not guilty against Kiyoshk.

Your obedient servant,

A. F. MacKenzie
Acting Asst. Deputy and Secretary.

The Commissioner,
R.C.M. Police,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19033-2	1	ST. REGIS AGENCY - CHARGE OF ATTEMPTED MURDER AGAINST JOHN SAWATTIS (CLIPPINGS)	1903-1904
19033-3	1	ST. REGIS AGENCY - MURDER OF ERNEST GATIEN BY LOUIS JOCKO (CLIPPINGS)	1930-1931
19033-4	1	ST. REGIS AGENCY - MURDER OF ANGUS THOMPSON	1931-1933
19033-5	1	ST. REGIS AGENCY - MURDER OF TOMMY MARTIN BY JOE CASEY AND LEWIS HERNE	1937
19034	1	TYENDINAGA AGENCY - MURDER OF JAMES SERO BY THOMAS SMART	1909
19035-2	1	TEMISCAMING AGENCY - ABITIBI WOMAN MURDERS HER HUSBAND	1903
19035-3	1	TEMISCAMING AGENCY - MURDER OF XAVIER TABISCON BY HIS BROTHER DAVE TABISCON	1937-1939
19040	1	SARNIA AGENCY - MURDER ON WALPOLE ISLAND OF ADAM JOHN AND CHARLES NAHDEE BY STEPHEN KLYOSHK	1912-1923
19040-2	1	SARNIA AGENCY - MURDER OF ARCHIE ALTMAN BY SYDNEY SHERKEY	1915
19040-4	1	SARNIA AGENCY - CHARGE AGAINST PETER KIJOSHK FOR ATTEMPTED MURDER OF CHARLES PETERS	1917-1919
19040-5	1	SARNIA AGENCY - MURDER OF JERRY BLACKBIRD BY STEPHEN KIYOSHK (CLIPPINGS)	1940-1941

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19040-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

WALPOLE ISLAND

MURDER OF ARCHIE ALLINAN

EX'D M

DORMANT

FILE NO. 19040-2

DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-2 = 19040-2

No. ~~163581~~

Department of Indian Affairs.

Feby 1915

19040-2

Walpole Island

Murder of Archie Allman

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

T. W. No. 1

The Great North Western Telegraph Company of Canada

CABLE SERVICE TO ALL THE WORLD

TERMS AND CONDITIONS.

No. 2. All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Forms which terms and conditions have been agreed to by the sender of the following message. This is an unrepeated message, and is delivered by request of the sender under these conditions.

Z. A. LASH, President. HEAD OFFICE: TORONTO. GEO. D. PERRY, General Manager.

DEPARTMENT OF INDIAN AFFAIRS FEB 19 1915

44 n t 24 Via Marine City 2 exa

Algonac Michigan 18th February 1915

Mr J D McLean,

Care Indian Department, Ottawa Ont.

Archie Altman was murdered last night by Sid Shirkey by white man on Russel Island do we have to furnish coffin answer

Thomas A McCallum

Indian Agent.

453581

1058am

Answ.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

The Great North Western Telegraph Co.

OF CANADA

Form 2.

It is agreed between the sender of the following message and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from the negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Correctness in the transmission of messages can be insured by contract in writing, stating the amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent. for any distance not exceeding 1000 miles, and 10 per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will use care to forward the telegrams by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

H. P. DWIGHT, President. HEAD OFFICE; TORONTO. L. McMICHAEL, Vice-President and General Manager.

DIRECT CONNECTION WITH WESTERN UNION TEL. CO. CABLE SERVICE TO ALL THE WORLD.

CUSTOMERS' TYPE-WRITER BLANK.	Sent No.	Sent By.	Rec'd By.	Time Sent.	Time Filed.	Check.

Send the following message, subject to the above terms, which are hereby agreed to.

453581

Ottawa, 18th Feb.,1915.

Thomas A.McCallum, Esq.,
Indian Agent,
Algonac, Mich.
Via(Marine City)

If Altman a member of band coffin not exceeding ten dollars may be furnished.

J. D. McLean.

chg. I.A.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463581

INDIAN AGENT'S OFFICE,

Vulpine Island

Feb 22nd 1915

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER

463795

Regarding the shooting of Archie Allmann by a White man by the name of Sid Shinkey on Russell Island just across the channel from here this Shinkey was a crane tender on this Island they were quarreling and Shinkey was trying to scare Allmann of the Island it seems Shinkey fired two shots in the ground and the third one into Allmans heart and killed him instantly the Dr told me that made the Post mortem that bullet went right through both valves of the heart

Regarding the coffin for Allmann Mrs Allmann requested me to ask the Department why they only allowed $10.00 on this coffin and we are allowed $15.00 on all large coffins

Shinkey is in Pt Simpson Jail awaiting trial going to Prince Rupert on Saturday the 27th Feb

Allmann was shot on the night of 17th of Feb 1915

Your obedient Servant

Wm. A. McCallum
Ind Agt

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463581

Ottawa, Ist. March, 1915.

Sir:-

In reply to your letter of the 22nd. instant, I beg to say that when the Department telegraphed you on the 18th February with regard to the funeral of the Indian Altman, it was stipulated that the price of the coffin should not exceed $ 10.00 as it was thought that probably the other arrangements of the funeral would bring the cost to $ 15.00, and I may say that $ 15.00 is the maximum amount allowed for the burial of Indians. You should submit an account for the coffin, etc. in the usual way, and when it is received payment will be considered.

Your obedient servant,

Asst. Deputy and Secretary.

T. A. McCallum, Esq.,
Indian Agent,
Walpole Island, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463581

DEPARTMENT OF INDIAN AFFAIRS
MAY 29 1915

469160

Sarnia, Ontario,
May 27th, 1915.

D. C. Scott, Esq.,
Asst. General Supt. Indian Affairs,
Ottawa, Canada.

Dear Sir:-

While in Ottawa I omitted to mention to you a matter which should have been laid before you. About February 28th last one, Sydney Sherkey an American, is supposed to have shot Archie Altman of Walpole Island Indian Reserve. The shooting took place on Russel Island which is an American Island. Sherkey was charged with murder and so far as I can ascertain evidence against him is very strong. Some proceedings were taken in the American Courts but Sherkey has now been let out on bail and it looks to me as if he would escape any punishment. My idea was that as Altman was a ward of the government it would, perhaps, be right for the Government to ascertain the exact status of the proceedings against Sherkey and to see that the life of an Indian was valued just the same as the life of a white man would be; as I believe that the Indians at Walpole should be made to think that the government protects them against outside parties as well as insists upon order being kept among them. If I could give further

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

information I would be glad to do so.

Very truly yours,

Thos. A. McCallum
Ind Agt
Walpole Island Reserve

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

465581

Mr. Sellars
Mr. Fillmore has written this in view of the
thought that in view of the
capital etc. it might be
well if we could have the state
of the case in the future
for future
reference

Ottawa, 1st June, 1915.

Sir,

I beg to acknowledge the receipt of your letter of the 24th ultimo, referring to the case of Sydney Sherkey, an American, who was charged with the murder of Archie Altman of Walpole Island and who it appears is now out on bail awaiting his trial and you suggest that the Department ascertain the status of the proceedings against Sherkey so that the Indians of Walpole Island may be impressed with the interest which the Government takes in them.

In reply I beg to say that the Department is advised that this prosecution would be in the hands of the attorney prosecuting on behalf of the State and that it does not appear that the case calls for any intervention by the Dominion Government.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

T.A.McCallum, Esq.,
Indian Agent,
Walpole Island,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

465581

Ottawa, 17th June, 1915.

Sir,

I beg to acknowledge the receipt of your letter of the 27th ultimo, and note what you have to say with respect to Sydney Sherkey.

In reply I beg to say that the representations you have made have been conveyed to the Department of Justice for such action, if any, as the matter appears to call for.

For Asst.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary

T.A.McCallum, Esq.,
Indian Agent,
Walpole Island,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463581

Ottawa, 17th June, 1915.

Sir,

The Department has received a communication from Mr. Agent McCallum of Walpole Island stating that about February 28th last one Sydney Sherkey, an American, is supposed to have shot Archie Altman of Walpole Island Reserve and that the shooting took place on Russel Island, which is an American Island. He states that Sherkey was charged with murder, that proceedings were taken in the American courts but that Sherkey has now been let out on bail and that it looks as if he might escape punishment. The Agent has asked the question as to whether this Government should not ascertain the exact status of the proceedings against Sherkey in view of the seriousness of the offense and of the prospect of the offender escaping punishment.

The Department would be glad to be advised as to whether inquiry as suggested by Mr. Agent McCallum should be made and if so whether any action is required by this Department.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary

The Deputy Minister of Justice,
Ottawa.

Fol asw.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463581

DEPARTMENT OF INDIAN AFFAIRS
JUN 25 1915

1023/15.

Ottawa, 21st June 1915.

470115

Sir;

Referring to your letter of 17th instant, with regard to the shooting of Archie Altman of Walpole Island Reserve by Sydney Sherkey, an American, upon Russel Island, which is said to be an American island, the particulars stated are rather meagre, ~~and~~ but I think it may be advisable to make inquiry of the United States Government about this prosecution, and I have transferred your letter to the Department of External Affairs for the purpose.

I have the honour to be,

Sir,

Your obedient servant,

E. Newcombe.

Deputy Minister of Justice.

The Assistant Deputy Minister,
Dept of Indian Affairs,
OTTAWA.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

1 - Reference
To file

2 - [illegible] Williams
noted

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

463581

DEPARTMENT OF INDIAN AFFAIRS
JUN 29 1915

DEPARTMENT OF EXTERNAL AFFAIRS
CANADA

Ottawa, 26th June, 1915.

file

Sir,

I am in receipt of your letter of the 17th instant on the subject of the shooting case in which one Sydney Sherkey, an American, is alleged to have shot Archie Altman on Russel Island in the State of Michigan.

I will take steps to have His Majesty's Embassy at Washington communicated with in the matter.

I have the honour to be,

Sir,

Your obedient servant,

Under-Secretary of State
for External Affairs.

J. D. McLean, Esq.,
Assistant Deputy and Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

463,561.

September 9th, 1915.

Dear Sir -

In further reference to your communication of the 27th May, last, regarding Sydney Sherkey, who is alleged to have shot Archie Altman on Russel Island, I beg to say that the Department is advised that Sherkey has been released on bail, but that the authorities are certain that there is no possibility of his escaping. The Prosecuting Attorney of St. Clair County, Michigan, who gave this information, states that the case will come up for trial in the October term of Court and will no doubt be disposed of then.

Yours very truly,

Duncan C. Scott

Deputy Superintendent General.

Thomas A. McCallum, Esqr.,
Indian Agent,
Walpole Island,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463581

DEPARTMENT OF INDIAN AFFAIRS
SEP 1915

472842

EXD.

BRITISH EMBASSY,
WASHINGTON,
August 22, 1915.

Sir:-

On the receipt of Your Royal Highness' despatch No: 165 of the 2nd ultimo I duly made enquiry of the United States Government as to the exact status of the proceedings against Sydney Sherkey.

I have now received a reply from the Department of State to the effect that Sherkey has been released on bail, but that the authorities are certain that there is no possibility of his escaping. The Prosecuting Attorney of St. Clair County, Michigan, by whom this information was given, also states that the case will come on for trial at the October term of court and will no doubt be disposed of at that time.

I have the honour to be,
Sir,
Your Royal Highness' most obedient,
Humble servant,
(Signed) CECIL SPRING RICE.

Field Marshal
His Royal Highness
The Duke of Connaught and Strathearn, K.G.,
etc., etc., etc.,
The Governor General,
CANADA.

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

403581

DEPARTMENT OF EXTERNAL AFFAIRS.

M

HIS MAJESTY'S AMBASSADOR

AT WASHINGTON

To the Governor General

No.209 22nd August, 1915. 19

Proceedings against Sydney Sherkey.

Referred to the Honourable the Superintendent General of Indian Affairs.

By Command

Under-Secretary of State for External Affairs.

OTTAWA, 26th August, 1915. 19

Indian Affairs. (RG 10, Volume 7467, File 19040-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19033-2	1	ST. REGIS AGENCY - CHARGE OF ATTEMPTED MURDER AGAINST JOHN SAWATTIS (CLIPPINGS)	1903-1904
19033-3	1	ST. REGIS AGENCY - MURDER OF ERNEST GATIEN BY LOUIS JOCKO (CLIPPINGS)	1930-1931
19033-4	1	ST. REGIS AGENCY - MURDER OF ANGUS THOMPSON	1931-1933
19033-5	1	ST. REGIS AGENCY - MURDER OF TOMMY MARTIN BY JOE CASEY AND LEWIS HERNE	1937
19034	1	TYENDINAGA AGENCY - MURDER OF JAMES SERO BY THOMAS SMART	1909
19035-2	1	TEMISCAMING AGENCY - ABITIBI WOMAN MURDERS HER HUSBAND	1903
19035-3	1	TEMISCAMING AGENCY - MURDER OF XAVIER TABISCON BY HIS BROTHER DAVE TABISCON	1937-1939
19040	1	SARNIA AGENCY - MURDER ON WALPOLE ISLAND OF ADAM JOHN AND CHARLES NAHDEE BY STEPHEN KLYOSHK	1912-1923
19040-2	1	SARNIA AGENCY - MURDER OF ARCHIE ALTMAN BY SYDNEY SHERKEY	1915
19040-4	1	SARNIA AGENCY - CHARGE AGAINST PETER KIJOSHK FOR ATTEMPTED MURDER OF CHARLES PETERS	1917-1919
19040-5	1	SARNIA AGENCY - MURDER OF JERRY BLACKBIRD BY STEPHEN KIYOSHK (CLIPPINGS)	1940-1941

Indian Affairs. (RG 10, Volume 7467, File 19040-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DORMANT DORMANT

FILE NO. 19040-4

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

WALPOLE ISLAND
MURDER
ATTEMPT - PETER KIYOSHT
TO MURDER CHAS. PETERS.

EX'D
M

DORMANT FILE NO. 19040-4 DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3753

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19040-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19040-4

Department of Indian Affairs

19.....

WALPOLE ISLAND

MURDER

ATTEMPT - PETER KIYOSHT TO MURDER CHAS. PETERS.

Indian Affairs. (RG 10, Volume 7467, File 19040-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 1 U.T.

CLASS OF SERVICE	SYMBOL
Day Message	
Night Message	Nite
Night Letter	N L

If neither of these two symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

GREAT NORTH WESTERN TELEGRAM

TELEGRAPH GREAT NORTH WESTERN AND CABLE

Z. A. LASH, PRESIDENT — HEAD OFFICE, TORONTO, ONT. — GEO. D. PERRY, GENERAL MANAGER

M 8 49P

467 N SH 47 NL 2 WB

WALLACEBURG ONT 10

493698

J D MCLEAN

DEPT OF INDIAN AFFAIRS OTTAWA ONT

EVENING OF APRIL THIRD AN INDIAHN PETER KI YOSHK A DESERTER FROM THE 149 TH BATTALION SHOT AN INDIAN CONSTABLE CHARLES PETERS WHO WENT TO ARREST HIM WILL THE DEPARTMENT PAY FOR COUNSEL TO DEFEND KI YOSHK HAS TRIAL ON SATURDAY 14 TH APRIL

THOS MCCALLUM

INDIAN AGENT.-

DEPARTMENT OF INDIAN AFFAIRS APR 12 1917

Indexed

Indian Affairs. (RG 10, Volume 7467, File 19040-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

The Great North Western Telegraph Co.

FORM 2.

OF CANADA

It is agreed between the sender of the following message and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Correctness in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent. for any distance not exceeding 1000 miles, and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability thereofer. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

H. P. DWIGHT, President. HEAD OFFICE: TORONTO. I. McMICHAEL, Vice-President and General Manager.

DIRECT CONNECTION WITH WESTERN UNION TEL. CO. CABLE SERVICE TO ALL THE WORLD.

CUSTOMERS' TYPE-WRITER BLANK.

Sent No.	Sent By.	Rec'd By.	Time Sent.	Time Filed.	Check.

Send the following message, subject to the above terms, which are hereby agreed to.

Ottawa, 11th April, 1917.

Thomas McCallum,
Indian Agent,
Walpole Island, Ont.

a.s.w.

Yours tenth, is this a trial for murder if so has accused means for his own defence. Where is the preliminary hearing on Saturday to take place.

J.D.McLean.

chg. D.I.A.

Indian Affairs. (RG 10, Volume 7467, File 19040-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 1 U.T.

CLASS OF SERVICE	SYMBOL
Day Message	
[illegible]	Nite
[illegible]	N L

If neither of these two symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

GREAT NORTH WESTERN TELEGRAPH AND CABLE

CLASS OF SERVICE	SYMBOL
Day Message	
Night Message	Nite
Night Letter	N L

If neither of these two symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

TELEGRAM

Z. A. LASH, PRESIDENT — HEAD OFFICE, TORONTO, ONT. — GEO. D. PERRY, GEN[illegible]

DEPARTMENT OF INDIAN AFFAIRS APR 12 1917

372

458 N SH 23 COL [illegible]

WALLACEBURG ONT 11 493700

JNO MCLEAN

DEPT INDIAN AFFAIRS OTTAWA ONT

CHARGE IS FOR ATTEMPTED MURDER OF SHOOTING WITH INTENT

TRAIL TO BE AT PORTLAMBTON ON SATURDAY ACCUSED HAS NO COUNSEL

FOR DEFENCE

THOS MCCALLUM.

Copied as

Indian Affairs. (RG 10, Volume 7467, File 19040-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

The Great North Western Telegraph Co.

OF CANADA

FORM 2.

It is agreed between the sender of the following message and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Corrections in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent. for any distance not exceeding 1000 miles, and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

H. P. DWIGHT, President. HEAD OFFICE: TORONTO. J. McMICHAEL, Vice-President and General Manager.

DIRECT CONNECTION WITH WESTERN UNION TEL. CO. CABLE SERVICE TO ALL THE WORLD.

CUSTOMERS' TYPE-WRITER BLANK.

SENT NO.	SENT BY.	REC'D BY.	TIME SENT.	TIME FILED.	CHECK.

Send the following message, subject to the above terms, which are hereby agreed to.

Ottawa, 12th April, 1917.

Thomas McCallum,
Indian Agent,
Walpole Island, Ont.

Department does not undertake defence of Indians except on charge of murder. Indian will have to provide his own defence.

J. D. McLean.

chg. D.I.A.

asw

Indian Affairs. (RG 10, Volume 7467, File 19040-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

493698

EXTRACT
ORIGINAL ON
254039-40.

519613

DEPT. OF INDIAN AFFAIRS
FEB 12 1919

Minutes of Council meeting, Feb. 3, 1919.

x x x

That a recommendation be sent for the pardon of Peter Kijoshk who was sent to Kingston Penitentiary on account of wife and child being destitute.

x x x

D.W. Osahgee, Sec.

Signed Thos. Paul,
Agent.

Indian Affairs, (RG 10, Volume 7467, File 19040-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

493698

EXD.

Ottawa, 17th February, 1919.

Sir,

With reference to resolution of Council of the 3rd instant recommending the pardon of Peter Kijoshk, I beg to say that the particulars of this case should be stated in a petition and forwarded to the Minister of Justice by Secretary D.W.Osahgee The petition should give the name of the Magistrate who tried the case with any other information that would be helpful to the Minister of Justice in coming to a conclusion.

Your obedient servant,

J.D McLean

Asst. Deputy and Secretary.

Thomas Paul, Esq.,
Indian Agent,
Sarnia,
Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19033-2	1	ST. REGIS AGENCY - CHARGE OF ATTEMPTED MURDER AGAINST JOHN SAWATTIS (CLIPPINGS)	1903-1904
19033-3	1	ST. REGIS AGENCY - MURDER OF ERNEST GATIEN BY LOUIS JOCKO (CLIPPINGS)	1930-1931
19033-4	1	ST. REGIS AGENCY - MURDER OF ANGUS THOMPSON	1931-1933
19033-5	1	ST. REGIS AGENCY - MURDER OF TOMMY MARTIN BY JOE CASEY AND LEWIS HERNE	1937
19034	1	TYENDINAGA AGENCY - MURDER OF JAMES SERO BY THOMAS SMART	1909
19035-2	1	TEMISCAMING AGENCY - ABITIBI WOMAN MURDERS HER HUSBAND	1903
19035-3	1	TEMISCAMING AGENCY - MURDER OF XAVIER TABISCON BY HIS BROTHER DAVE TABISCON	1937-1939
19040	1	SARNIA AGENCY - MURDER ON WALPOLE ISLAND OF ADAM JOHN AND CHARLES NAHDEE BY STEPHEN KLYOSHK	1912-1923
19040-2	1	SARNIA AGENCY - MURDER OF ARCHIE ALTMAN BY SYDNEY SHERKEY	1915
19040-4	1	SARNIA AGENCY - CHARGE AGAINST PETER KIJOSHK FOR ATTEMPTED MURDER OF CHARLES PETERS	1917-1919
19040-5	1	SARNIA AGENCY - MURDER OF JERRY BLACKBIRD BY STEPHEN KIYOSHK (CLIPPINGS)	1940-1941

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19040-5 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

WALPOLE ISLAND
MURDER
JERRY BLACKBIRD

EXD
M

DORMANT FILE NO. 19040-5 DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19040-5

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

WALPOLE ISLD.

MURDER

JERRY BLACKBIRD

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-

Sec'y

Globe and Mail
August 19, 1940

Indian Held After Body Found Chained to Boat

Wallaceburg, Aug. 18 (Special).—A few hours after the finding of the battered body of Jerry Blackbird, 32, chained by the ankle to a boat in River St. Clair, 53-year-old Stephen Kiyoshk, Walpole Island Indian, was arrested tonight for questioning.

Kiyoshk was apprehended, police claimed, as he was attempting to remove bloodstains from the flood of his kitchen. The two men are believed to have fought there after a drinking bout.

The younger man was believed to have been killed by blows on the head with an axe. After the slaying, the body was dragged out of the house, placed in a wheelbarrow, and transported to a small rowboat alongside Kiyoshk's dock.

Blackbird's body was found face down in shallow water of the river. An anchor chain was looped about his ankles and fastened to the gunwale of the boat.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

8

OFFICE OF THE INDIAN AGENT

CANADA
DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE

Set 4

Department of Mines and Resources Indian Affairs Branch
AUG 21 1940
REGISTERED

The Secretary
Indian Affairs Branch
Dept. Mines and Resources
Ottawa

Walpole Island, Ontario
Aug. 20, 1940

Dear Sir:

I beg to report that on Aug. 17th Jerry Blackbird, Chip. No. 371 was killed at the home of Stephen Kiyoshk, Chip. No. 283. At the present time the police are holding Stephen Kiyoshk on a nominal charge of vagrancy, but I believe that this will be changed to one of murder.

On the night of Aug. 17th, Walter Wright, local Indian Constable, called me on the telephone and asked me to assist in the arrest of a drunken Indian who had ditched his car. Shortly after this he asked me to go to another place to investigate an Indian beating his wife. About this time word reached his home of the fight at Stephen Kiyoshk's. I hesitated about going, and after many attempts to get the Mounted Police by telephone, was successful. Corporal Elliott of the Port Lambton detachment came down to the reserve and he, and Walter Wright, found evidence that somebody had been killed or badly hurt. They returned to my office and notified the Provincial Police. The Provincial Police arrived shortly after and took over the investigation from there.

The body of Jerry Blackbird was discovered the following morning.

During the investigation the night of the 17th, there were five other drunken Indians whom we met on the roads besides the one we had put in the jail. There are many complaints regarding this condition on the Reserve from both Indians and white people, including Dr. Roland. I might say here, the week previous Dr. Roland was struck by an intoxicated Indian (Gordon Sands, Chip. No. 253). He was struck by a flashlight and had his glasses broken and face cut in two places. It is my opinion that there are many houses on this Reserve in which liquor is being made. The chief difficulty being that the Constable has to go to Sarnia to get search warrants before a raid can be made. In the meantime the liquor is consumed or hidden. Is there no way that these search warrants can be signed here, or at least Wallaceburg?

Your obedient servant

James W. Baley

James W. Baley
A/ Indian Agent

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-5

EXTRACT
ORIGINAL ON
19-40

Ans yours

Acc'd

ROYAL CANADIAN MOUNTED POLICE.

Port Lambton, Aug. 23, 1940.

Re: Annual Fall Fair-
Walpole Island Indian Reserve, Ont.

x x x

2. At the present time both members of this Detachment are very busy. There are five cases pending under the Indian as a result of a drinking spree at this reservation on the night of Aug. 17th and the early A.M. of Aug. 18th, 1940. after which one member of the party was found murdered, viz, JERRY BLACKBIRD. This matter requires the fullest investigation. Cst. Blyth, of this Detachment, and the writer, have been summoned to appear in Sarnia Police Court on Tuesday next, Aug. 27th, to testify at the preliminary hearing in the case of Stephen KIYOSHK, who is charged with the murder of the above named Indians.

x x x

L. Elliott.....A/CPL.
Port Lambton Detachment.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Q

19040-5

August 29, 1940.

Dear Sir:

I am enclosing herewith for your consideration copy of a letter that has been received from Mr. James W. Daley, Acting Indian Agent at Walpole Island, with regard to conditions on the Walpole Island Indian Reserve.

Yours very truly,

T.R.L.MacInnes,
Secretary.

The Commissioner,
The Royal Canadian Mounted Police,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

40 T 1380/115. Toronto, Ont., August 23, 1940.

The N.C.O. in Charge,
R.C.M.Police,
PORT LAMBTON, Ontario.

Re: Stephen KIYOSHK (Murder) C.C.of C.
Walpole Island, Ont.

1. In reference to your report in the above connection, dated the 19th in tant, it is noted that you have concluded the file as Handed Over to the Department Concerned.

2. As the Indian Affairs Branch will no doubt be interested in this case, please have further reports submitted covering the trial of KIYOSHK, until the matter is finally disposed of.

3. It is noted you are probing into the liquor angle of the case and separate reports will, therefore, be submitted under appropriate headings and Diary Date is set for receipt thereof at 30-8-40.

W/EC

D.D.
30-8-40

(F. W. Schutz) Insp.
i/c C.I.B.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

40 T 1380/115 Toronto, Ont., August 23rd, 1940.

The Commissioner,
Ontario Provincial Police,
Parliament Buildings,
TORONTO, Ontario.

Sir: Re: Stephen KIYOSHK (Murder) C.C.of C.
Walpole Island, Ont.

Attached hereto for your information is copy of our Port Lambton Detachment report in the above connection, dated the19th instant.

Apparently the murder was committed at the culmination of a drinking bout which had been taking place on the premises of the above named at Squirrel Island which is part of the Walpole Island Reservation.

Further investigation is being made by the N.C.O. in charge of our Port Lambton Detachment with a view to obtaining sufficient evidence to warrant prosecution proceedings under the Indian Act against the other Indians involved in the drunken brawl.

It is understood that Kiyoshk is being formally charged with murder by your Sarnia Detachment and every assistance to the members thereof will be extended by the members of our Port Lambton Detachment.

Yours very truly,

(V. A. M. Kemp) Supt.
Comdg. "O" Div.

W/RC.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

8

"O" Division Ref. 40 T 1380/115 (Stephen KIYOSHK (Murder) C.C. of C., Walpole Island, Ontario).

THECOMMISSIONER:

1. FORWARDED together with Port Lambton Detachment report dated 19-8-40, and copies of memorandum to the N.C.O. in charge Port Lambton Detachment under this date.

2. It will be noted from Paragraph 5 of the report that remours were current prior to the murder that KIYOSHK had threatened the life of Blackbird with whom he had been residing.

3. In Paragraph two it is related that the N.C.O. in charge Port Lambton Detachment did not have a Warrant to search. It may be stated here that it would be most helpful if the Acting Indian Agent at Walpole Island could be invested with the powers of a J.P. to obviate the necessity of patrolling to Sarnia, a distance of some 25 miles, for the purpose of securing warrants, etc.

4. There appears to be little doubt that KIYOSHK was responsible for the murder of Blackbird and the case has been turned over to the O.P.Police at Sarnia, with every assistance being rendered by the members of Port Lambton Detachment. It is believed a drinking bout had been taking place at KIYOSHK'S premises prior to the murder, the liquor having been brought over by him from Algonac, Michigan, in his rowboat.

5. Further reports covering the trial of the above named will be duly submitted.

STILL UNDER INVESTIGATION.

Toronto
August 23/40
W/EC.

(V. A. M. Kemp) Supt.
Comdg. "O" Div.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40T 1380/115

F. 237

8

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"O"		Port Lambton
Province		Date
Ontario		Aug.19th,1940.

File References

Headquarters

Sub-Division

Detachment

P. C. R.

Re: Stephen KIYOSHK (Murder) C.C. of C.
Walpole Island,Ont.
Assistance to Ontario Provincial Police.

17-8-40.

1. On the above date,Indian Agent James W.Daley,of Walpole Island Indian Reserve,telephoned this Detachment and reported that Indians were causing a disturbance on Squirrel Island,possible a drunken brawl,and requested assistance in the matter. Telephone call was received about 11.45 PM. The writer at once proceeded to the Walpole Reservation and there met Indian Cst.W.Wright. Accompanied by Cst.Wright,proceeded to Squirrel Island which forms part of the Reservation. On the way to Squirrel Island,Indian Cst.Wright,stated that he believed the trouble was being caused at the home of above named Indian. Arrived at Stephen KIYOSHK's premises about 12.30 PM.

2. When we arrived the premises were in darkness,so with the aid of flashlights we followed a trail from the gate to his shack. There was no one in the shack when we arrived. To the rear of the shack there is a small building which is used as a kitchen. Went to this building and did not find any person there. As we were about to open the kitchen door ,a voice was heard coming from the direction of a small workshop. Proceeded to the workshop and opened the partly closed door. In this workshop Stephen KIYOSHK,was found lying on his back mumbling incoherently. The writer,called him by name and he answered "whats' the trouble",to this I replied that people had complained of hearing loud noises at his premises and that the police were there to investigate. He then began to talk fairly rational,although it was evident that he had consumed liquor,as his breath gave off a strong odour of whiskey. He was questioned as to why he had chosen the workshop to lie down in,and he explained that he had been drinking and had had a bottle too much,and he supposed that he felt groggy and headed for the first building in sight . As the accused appeared to be feigning drunkness,the writer suspected that he had some other reason for this act. It was observed that his boots and trousers were water soaked,and there was one or two blood stains on the sleeve of his shirt,also a blood stain on the front of the shirt,and he was perspiring freely. He appeared to be at the point of exhaustion rather than as a result of consuming liquor. As we did not have a Warrant to search his house,it was decided to give him the impression that if he kept quiet and conducted himself hies arrest would not be effected (this of course was a ruse to restrain his suspicions) until such time as a Warrant could be obtained, because it was believed that there was a quantity of liquor somewhere on the premises.

CON'TD.

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Stephen KIYOSHK (Murder) C.C.ofC.
Walpole Island,Ont.
Assistance to Ontario Provincial Police.

3. After conversing with the accused for a few minutes,he gave his assurance that he would be alright there until the morning. The door of the building was then closed on him and fastened on the outside by means of a hasp. Before leaving the premises a preliminary search was made around the outside of the buildings. While engaged in this survey,a blood stained axe was noticed leaning against the front wall of the kitchen. The axe was picked up and closely examined by the writer. The blade of the axe was smeared with blood stains. Then the light was turned towards the steps leading up to the kitchen door. The steps too,were marked with congealed blood. The screen door being the only barrier to the kitchen was also examined,but did not reveal anything. Then the light was directed into the small kitchen,on the floor of which were several large pools of congealed blood,and in the centre of the pools lay a white straw hat . No person was in the kitchen,so the trail of blood was followed. It led from the kitchen right across the front lawn down as far as the gate. From the gate there were traces of blood on the grass ~~xtg~~ on down to the bank of the St.Clair River. The approximate distance from the kitchen to the river is about 100 yards. It was then evident that a murder had been committed,as it did not seem possible for anyone to lose so much blood and be alive.

4. Indian Cst.W.Wright,accompanied by the writer made a quick search for the victim,but found nothing. We went over the trail again and near the blood trail on the front lawn,a blood stained liquor bottle was found. It contained approximately 4 ounces of "Kentucky Cream" American liquor. By this time it was felt certain that a murder had been committed and the body deposited in the river. The blood stained axe and bottle of American liquor/were retained by the writer,and a trip was immediately made to the office of the Indian Agent,where a telephone call was made to the O.P.P.,at Sarnia,and the circumstances reported. Cst.Blyth,of this Detachment,was also called and he arrived at about 1.15 AM.,of the 18-8-40. On his arrival the premises were kept under observation until the arrival of the O.P.P.

18-8-40.

5. At approximately 1.30 A.M.,of the above date, Provincial Constables Whiting and Grant,arrived at the scene from Sarnia,Ont.,and together with them the investigation was continued. On entering the premises the accused was found in the kitchen with a flashlight in his hand. He was in the act of washing the blood stains from the floor. The kitchen stove was lit,and on removing the stove lid,it revealed a burning straw hat. Evidently the accused had released himself by shaking the door of the workshop,thus releasing the door hasp,and opening the door. He was arrested by Prov.Cst.Whiting,in the kitchen. Examination of his clothing revealed that he had taken off the blood stained shirt and replaced it with a clean one. He was still wearing the water soaked trousers and boots. The investigation also revealed that the trail of blood stains had been heavily watered in an apparent attemptto remove evidence of blood marks. The attempt did not meet with success on account of the darkness and his defective flashlight. During the progress of this search,the accused kept saying that his Indian partner,Jerry BLACKBIRD, was a bad man when drunk and that he might have been in a fight .

CON'TD.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Stephen KIYOSHK (Murder) C.C. of C.
Walpole Island, Ont.
Assistance to Ontario Provincial Police.

.....been in a fight. The inference gathered from accused's remarks, was that the victim was his partner, Jerry BLACKBIRD, another Indian. It was known that these two men lived together at the premises, and it was learned that rumours were current previous to this date, that the accused had threatened the life of BLACKBIRD. It was also learned that a party of Indians had assembled at the Kiyoshk premises in the early afternoon of the 17-8-40, and that they had engaged in a drinking spree. Evidence of a drinking spree was borne out by the condition of the premises and the number of empty liquor bottles in the kitchen and on the grounds outside. A full bottle of American liquor was found in the kitchen by Prov.Cst.Whiting, and retained by him. Present at the party referred to above were, Stephen KIYOSHK (Indian) - Jerry BLACKBIRD (Indian) - Allan ISAAC (Pottawatamie Chief) Henery ISAAC (Indian) Ira WHITE (Indian) It was said that a sixth Indian was present at the party, but the name of this person has not yet been ascertained. From investigations made so far, it is believed that the liquor was procured by Stephen KIYOSHK, in Algonac, Michigan, and ferried over by him in his row boat.

EXTRACT 32-40

6. Continuing the investigation, a torn man's shirt was found at the end of the trail of blood. The shirt was submerged in the St.Clair River near the bank. There was a pack of "Camel" cigarettes in the breast pocket of the shirt. On the river bank near where the shirt was found, there was a blood stained wheelbarrow the property of accused, and it was learned that accused's row boat was missing. A search was made for the boat, but on account of the darkness it was not located. In view of these conditions, the O.P.P., decided to gather up all the exhibits and convey the accused to Sarnia Jail. Further search was abandoned until daylight. In the A.M., of the 18-8-40, the body of Jerry BLACKBIRD, was discovered lying in the water of the St.Clair River a short distance from the scene of the occurrence. The body was located by Miss Elinor BLACKBIRD, who is a cousin of the deceased. It was tied to the stern of KIYOSHK's row boat with a light chain fastened around the ankles of the dead man. The body was stripped to the waist. There were several deep gashes on the head, any one of which could have caused his death.

Copied E.O.

7. Every possible assistance was rendered to the O.P.P., in this case. Exhibits found by members of this Detachment, have been handed over properly marked for future identification. It is understood that there will be no inquest in the case of J.BLACKBIRD, and that the accused is being formally charged with the crime of murder.

8. The liquor angle in this matter is being thoroughly probed by this Detachment, and charges under the Indian Act will likely follow. Further reports will cover this angle of the investigation.

HANDED OVER TO DEPT.CONCERNED.

.....A/Cpl.
(L.Elliott) Reg.#10388.
i/c Port Lambton Detachment.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19040-5

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

124947

OUR FILE No. 40 D 1380-2-E-191 OTTAWA. August 28, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Sec'y

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources
OTTAWA, Ontario.

JSC/WM

Department of Mines & Resources
Indian Affairs Branch
AUG 28 1940
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-5

August 30,1940.

Dear Sir:

I have to refer to your letter of August 20 with regard to the death of Jerry Blackbird, a member of the Walpole Island Band.

Please advise me whether the charge of vagrancy laid against Stephen Kiyoshk was changed to one of murder. If so, steps will be taken to provide counsel to defend him.

Yours very truly,

T.R.L.MacInnes.
Secretary.

J.W.Daley,Esq.,
Indian Agent,
Walpole Island,Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Mr. St. Louis.

Please have extracts made for the election file with regard to the conduct of the chief, Allan Isaac.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-5a

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE_____

WALPOLE ISLAND ONT.
SEPTEMBER 4,1940

Dear Sir;

In reply to your letter of August 30, No 19040-5 re Stephen Kiyoshk etc.I beg to state that Kiyoshk has been formally charged with murder. I understand that he has either hired a counsel or one has been retained to defend him.

Your obedient servant,

James W. Daley

JAMES W. DALEY
A/INDIAN AGENT

Department of Mines & Resources
Indian Affairs Branch
SEP 9 1940
REGISTERED

THE SECRETARY
INDIAN AFFAIRS BRANCH
DEPT. MINES & RESOURCES
OTTAWA

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5 a

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS "C" DEPARTMENT

IN REPLY PLEASE QUOTE

FILE No. 40 D 1074-3-E-8
40 D 1380-2-E-191
C 11-1-10

OTTAWA, September 9, 1940.
CANADA

Your Ref: 19040-5
4-40.

Department of Mines & Resources
Indian Affairs Branch
SEP 10 1940
REGISTERED

Sir,-

Re: Conditions amongst Indians,
Walpole Island Indian Reserve.

1. With reference to your letter of the 29th ultimo, relative to the above, your attention is directed to the reports on Stephen Kiyoshk, Murder, Walpole Island, copies of which were forwarded to your Department, on the 28th of August and 7th of September last, and from which you will note that further action is being taken in regard to conditions on this Reserve.

Yours truly,

K. Duncan, Supt.,
Assistant Director,
Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

GAV:JB

Indian Affairs (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 40 T 1474-4/57

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"O"		SARNIA
Province		Date
Ontario		September 1st. 1940.

File References
4-9-40.

Re: ANNUAL FALL FAIR-Walpole Island Indian Reserve, Ontario.

Headquarters

Sub-Division

Detachment

P. C. R.

28-8-40

1. With reference to the above and Insp. Schutz' memo dated 26-8-40 the writer, accompanied by S/Cst. Lucas patrolled to Port Lambton this date per P.C. Code #805Z. The N.C.O. i/c Port Lambton was contacted and instructions received from him as to the duties to be performed at the Fair.

2. The patrol proceeded to Walpole Island and the Indian Constable W. Wright was contacted. Assistance was given to him in carrying out general Police duties until the Fair closed for the evening at 12.30 A.M. The small crowd in attendance at the Fair was very well behaved and nothing unusual occurred.

29-8-40

3. On this date the writer, accompanied by S/Cst. Lucas, patrolled to the Fair at Walpole Island and contacted the Indian Constable. Assistance was rendered to him in carrying out general police duties at the Fair. A small crowd was again in attendance and was very well behaved. The Fair closed down at 1.30 A.M. and the patrol left the Island at approximately 2.00 A.M.

4. Copy attached for the Port Lambton Detachment.

Expenses- F. 93 August 16/31, 1940.

R. T. Ewing 2/Cst.
R.T. Ewing Reg. No. 13118.

To - The O.C. "O" Division

1. The above patrols were made in accordance with request of the N.C.O. in charge Port Lambton Detachment. Copy of this report is being sent direct to Port Lambton.

Sarnia, Ont.
2-9-40.

R. F. Karrow L/Cpl.
R.F. Karrow, Reg. No.11381.
I/C Sarnia Detachment.

The Commissioner:
FORWARDED, together with Sarnia Det. report of the 1st inst. Reports covering those Indians mentioned in para. 4 thereof will be duly submitted. Handed to Dep't Concerned. CASE CONCLUDED.

Toronto
5-9-40

(V.A.M. Kemp) Supt.,
Comdg. "O" Div.

~~W/WB. D.D. 9-9-40 (further reports)~~

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

132.11

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40 D 1380-2-E-191

OTTAWA, September 7, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

GAV:JB

SEP 10
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAF

COPY

Your File:
No. 40 T 1380/115

ONTARIO PROVINCIAL POLICE

Parliament Buildings,
Toronto - August 28, 1940.

Superintendent V. A. M. Kemp,
Commanding "O" Division
Royal Canadian Mounted Police,
Bay and Front Streets,
Toronto.

Stephen KIYOSHK (Murder) Walpole Island, Ont.

Dear Sir:

In the absence of Commissioner Stringer, I wish to acknowledge receipt of your letter of the 23rd instant enclosing copy of report submitted by your Port Lambton Detachment regarding the marginally named subject, for which I thank you.

This matter is at the present time under investigation by Inspector E.C. Gurnett of our Criminal Investigation Branch and members of our Sarnia Detachment.

Thanking you for your kind co-operation,

I am,

Faithfully yours

H.S.McCready

DEPUTY-COMMISSIONER.

"O" Div. 40 T 1380/115

N.C.O. I/C FORT LAMBTON Det.

Forwarded for your information.

Toronto
30-8-40
W/D

(F.W.Schutz) Insp.,
I/C C.I.B.

THE COMMISSIONER:

Forwarded for your information.

Toronto
30-8-40
W/D

(V.A.M.Kemp) Supt.,
Comdg. "O" Div.

D.D. 409-40

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40 T 1380/115 F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"O"		Port Lambton

Province	Date
Ontario.	August 29th, 1940.

File References

Re: Stephen KIYOSHK - Murder - C.C. of C.
Walpole Island Indian Reserve, Ont.
Assistance to Ont.Prov. Police.

Headquarters

1. The above named appeared before Magistrate A. B. Arnold, at Sarnia, Ont., on the 27-8-40, and he was committed for trial at the fall assizes on a charge of murdering one Jerry BLACKBIRD, Chippewa resident of Squirrel Island. Fall assizes commence on 9-9-40.

Sub-Division

2. Crown Attorney H.M.Taylor, of Sarnia, Ont., conducted the case for the Crown. B.J.Spencer Pitt, counsel for defendant, and Frank McKinley, of Windsor, Ont., associate defence counsel.

Detachment

3. Both members of this Detachment were present at the preliminary hearing which lasted for several hours, having been summoned to appear. Mileage costs and witness fees were collected. Amount collected is made up as follows:

P. C. R.
19-8-40.

A/Cpl.Elliott-Witness fee.....	$2.50
Cst.Blyth-Witness fee.....	$2.50
Mileage - Pol-Car, Code #330 - 46 Miles (.15one way).....	$3.45
Total.....	$8.45

ARV #2028/48
Cash Receipt
#2160/5

4. Above noted sum of money is being deposited to the credit of the Receiver General of Canada, Bank of Montreal, Wallaceburg, Ont., and will be forwarded by Draft for the period, Aug.16/31, 1940.

5. Both members of Detachment will be required to give evidence at the trial of this accused, and a further report will be submitted in this connection.
CARRIED FORWARD.

D. D. 15-9-40.

----------A/Cpl.
(L.Elliott) Reg.#10388.
i/c Port Lambton Detachment.

THE COMMISSIONER:

FORWARDED. It will be noted Kiyoshk has been committed for trial on a charge of murder, and that A/Cpl. Elliott and Cst. Blyth will be required to give evidence in connection therewith. CARRIED FORWARD.

TORONTO
3-9-40
W/D
D.D. 18-9-40.

(V.A.M.Kemp) Supt.,
Comdg. "O" Div.

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 40 T 1474-4/57

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"O"	-	SARNIA
Province		Date
Ontario		September 1st, 1940.

File References

D.D. 4-9-40

Headquarters

Sub-Division

Detachment

P. C. R.

Port Lambton 23-8-40

Re: ANNUAL FALL FAIR - Walpole Island Indian Reserve, Ontario.

28-8-40

1. With reference to the above and in compliance to instructions received in the letter dated 26-8-40 from the Officer Commanding C.I.B. the writer patrolled via P.C. #8052 to Port Lambton in the P.M. of the above date and instructions were received from the N.C.O. i/c Port Lambton Detachment as to my duties at the Annual Fall Fair on Walpole Island Indian Reserve.

2. The writer patrolled to the Island and contacted the Indian Constable W.Wright and Acting Indian Agent J. Daley who acquainted me with the place in general. Assistance was given these men in maintaining peace and order throughout the afternoon. Assistance was also given the Customs and Immigration in the handling of passengers disembarking and embarking on the Passenger Boat 'Columbia'

3. Nothing unusual occurred on this date so the writer returned to Sarnia Detachment at 7.30 p.m.

29-8-40.

4. Patrol was continued on this date to Walpole Island Indian Reserve at 10 a.m. The writer contacted the Indian Constable and the Indian Agent giving them all the assistance possible in the handling of Joe and John Emintinger and Richard Blackbird charged with intoxication contrary to Sec. 135 Indian Act. Further assistance was rendered in the maintenance of peace and order during the day. Returned to Sarnia Detachment at 8.30 p.m.

30-8-40

5. The writer attended court in the Office of Mr. G. Down, Indian Agent, Sarnia, Ontario at 2 p.m. of the above date re Richard Blackbird - Intoxication-sect 135 Indian Act.1927. PORT LAMBTON DETACHMENT CASE.

6. Copy attached for the Port Lambton Detachment.

Expenses - P.93 August 16/31st, 1940.

A.T. Schriber Cst.
A.T.Schriber Reg. No. 12909.

To - The O.C. "O" Division

1. Forwarded 2-9-40. The above patrols were made in accordance with request of the N.C.O. in charge of Port Lambton Detachment. Copy of this report direct to Port Lambton.

R.F. Karrow Cpl.
R.F. Karrow, Reg. No.11381.
I/C Sarnia Detachment.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40 D 1074-3-E-8 OTTAWA, September 11, 1940.

YOUR FILE No. 19040-5

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Lea'y

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

GAV:JB

Department of Mines & Resources
Indian Affairs Branch
SEP 12 1940
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

Q

Yours.

September 9, 1940.

Dear Sir:

I have to advise you that Stephen Kiyoshk, an Indian of the Walpole Island Band, Ontario, was recently charged with the murder of Jerry Blackbird, also a Walpole Island Indian.

I should be obliged if you would authorize the employment of counsel to defend this Indian.

Yours very truly,

H. Jones

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Note.

September 19.

No reply from Justice yet.
Telephoned Mr. Pearson
September 19.
Our letter sent September 9.

E.A. Shaunessy
Patterson

Dear Sir:

I have to refer to your communication of September 4, in which you advised me that Stephen Kiyoshk, an Indian of your Agency, has been formerly charged with the murder of Jerry Blackbird.

I have requested the Department of Justice to authorize the employment of a counsel to defend this Indian, and you will be further advised with regard thereto in due course.

Yours very truly,

T.R.L.MacInnes,
Secretary.

James W. Daley, Esq.,
Acting Indian Agent,
Walpole Island, Ontario.

Letter Mail
Sept 19.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Poor Copy

Globe & Mail
Sept 19.

INDIAN DENIES KILLING FRIEND AFTER DRINKING

Explains Underwear and Shirt Were Stained by Blood From His Nose

WAS NOT FIGHTING

Sarnia, Sept. 18 (Special). — Stephen Kiyoshk, Walpole Island Indian, accused of the murder of Jerry Blackbird, fellow Indian, was placed on the witness stand late this afternoon by his counsel, B. J. Spencer Pitt of Toronto, and he denied that he committed the crime which it is alleged followed a drunken party at the Kiyashk home.

Asked if he hated the decesaed or if there was any bad feeling between they, Kiyashk replied in the negative.

"Did Jerry do anything to you to cause you to kill him?" asked his council.

"No," replied Kiyoshk.

"Did you kill him?"

"No."

"Did you have a fight with Jerry or anybody that night?"

"No."

Under cross-examination by W. B. Common, K.C., who asked accused how he accounted for human bloodstains on his shirt and underwear, Kiyoshk replied: "Well, one day before that, I was walking around and my nose started to bleed."

Earlier Kiyoshk admitted that he had been drinking beer on the Michigan side of the river in the afternoon and later there was drinking in his own home. He persistently denied that there had been a quarrel at the house, although he admitted having been "pretty drunk."

Placed in the witness box by his counsel, B. J. Spencer Pitt of Toronto, Kiyoshk said that he owned land on both Walpole Island and Squirrel Islands. He had known Jerry Blackbird for twenty-five years and the latter had stayed at his house for several weeks prior to Aug. 17. The two got along well, Kiyoshk said, and never quarreled.

On the day of the alleged murder, Kiyoshk said he was engaged all day in rowing Indians from Squirrel Island to Sans Souci, Mich., and he admitted having several bottles of beer across the river. He was drunk whe nhe returned to the island and got his clothes wet.

In the early evening, he said, he and several others drank whiskey in his house. Blackbird was present and eventually the others left him and Blackbird alone in the house. Kiyoshk added that drinking continued, and said Blackbird supplied the liquor.

Accused said he then went out to the shed, lay down and went to sleep. He denied having told Constable A. F. Grant, when awakened by the latter, that Blackbird was "a bad man" and "always gets into a fight when he gets drunk." He then made a blank denial that he had killed Blackbird or that the two had had a fight.

He was cross-examined by W. B. Common, K.C., special prosecutor, as to earlier relations with Blackbird at the time Kiposhk's wife was living and admitted that once he returned from Chatham and found Blackbird at his house. Accused said his wife at that time asked hime to get an officer to put Blackbird off the premises.

Kiyoshk denied that he had heard any noise in the house such as complained of by Mr. and Mrs. Sabine Williams, earlier witnesses, and admitted that he did not expect the officers to return after their first visit to the house in answer to the complaint made by the Williams.

"How do you account for the blood stains on your underwear corresponding to the marks on the shirt you say Blackbird was wearing?"

"Well, one day just before that I was walking around without my top shirt on and my nose started to bleed."

Blood taken from Blackbird, was of Group 4, the same category as the bloodstains found on an axe and other articles seized by police, Dr. Edgar Frankish, medico-legal expert, testified.

Dr. Frankish said the fourth group was rare, being found in only about 3 per cent of all human beings. He told of making tests of a piece of board, said to have been removed from a wheelbarrow; a pie plate and some earth. Bloodstains on these articles were in the same group, he declared.

"I visited Kiyoshk's home and found a tin can on which there were bloodstains and these stains were so placed as to suggest they had come from an artery which was spurting blood," said Dr. Frankish. "There were similar stains on a bushel basket. I also examined bloodstains on a shirt and underwear belonging to the accused, but I was not able to make a grouping of the blood because there was not enough of it."

Mr. Justice W. D. Roach refused to admit in evidence a statement allegedly made to police by Kiyoshk.

It is expected the case will go to the jury tomorrow night.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADIAN PACIFIC TELEGRAPHS

C.D. 2X

CLASS OF SERVICE	
Full Rate	
Day Letter	X
Night Message	
Night Letter	

Please mark an X opposite the class of service desired.

MONEY TRANSFERRED BY TELEGRAPH TO PRINCIPAL POINTS IN CANADA AND THE UNITED STATES

CANADIAN PACIFIC COMMUNICATIONS

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD
RADIOGRAMS TO SHIPS

TIME FILED
CHECK

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

Ottawa, September 19, 1940.

J.W.Daley,
Indian Agent,
Walpole Island, Ont.

DEPARTMENT OF JUSTICE HAS AUTHORIZED EMPLOYMENT OF E A SHAUNESSY OF PETROLIA TO DEFEND STEPHEN KIYOSHK CHARGED WITH MURDER. PLEASE ADVISE MR. SHAUNESSY ACCORDINGLY.

C.M.R.
I.A.

T.R.L.MacInnes.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADIAN PACIFIC TELEGRAPHS

DIRECT CONNECTION WITH
POSTAL TELEGRAPHS - COMMERCIAL CABLES
IMPERIAL CABLES - CANADIAN MARCONI

MONEY TRANSFE BY TELEGRA

C.D. /13

This is a full-rate Telegram or Cablegram unless otherwise indicated by signal in the check or in the address.

TELEGRAM		CABLEGRAM	
FULL RATE		FULL RATE	
DAY LETTER	DL	CODE	CDE
NIGHT LETTER	NL	DEFERRED	LC
NIGHT TELEGRAM	NM	NIGHT CABLE LETTER	NLT

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

STANDARD TIME

1940 SEP 20 AM 9 26

Phoned W. Pearson Sept 21/40

..

87

RNA37 26 COLLECT DL CNT PNS

WALLACEBURG ONT 20 917A

SECTY INDIAN AFFAIRS BRANCH

DEPT MINES AND RESOURCES OTTAWA

REPLY TO TELEGRAM RE COUNSEL FOR KIYOSHK DATED SEPTEMBER NINETEENTH

TRIAL ENDED YESTERDAY SENTENCED TO BE HANGED PITT (COLORED) TORONTO

DEFENDED KIYOSHK LETTER FOLLOWING

J W DALEY ACTING INDIAN AGENT

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

OFFICE OF [redacted]
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch
SEP 23 1940
REGISTERED

PLEASE QUOTE
FILE_____

Sec'y

Walpole Island, Ont.
Sept. 20, 1940.

Dear Sir:

Re your telegram of Sept. 19, 1940 regarding Stephen Kiyoshk charged with murder.

I am forwarding this letter as a further explanation of my telegram to you of Sept. 20. When your telegram arrived I was in Sarnia as a witness in this trial. On that day the crown and defense council had summed up the case and shortly after 9 or 9.30 the judge sentenced Kiyoshk to be hanged. Just who hired the defence council Mr. Pitt (coloured) I can not say. I am convinced however that he did defend Kiyoshk to the best of his ability. Mr. Pitt had been defence council for one other murder trial in Sarnia and a man accused of armed robbery. In Kiyoshk's case he showed no mean ability in finding, in my humble opinion, every loop hole in the crown witnesses.

I have not notified Mr. Shaunessey of Petrolia as directed in your wire because the trial was already over. Somehow I feel that possibly I have been remiss in regard this matter and yet I cannot see just how unless it is in regard to not wiring you immediately he was arrested. When I heard indirectly that Mr. Pitt had been hired as defence council I took it for granted that your department had been communicated with prior to him being hired.

Hoping this clarifies my position in this regards.

Your obedient servant,
James W. Daley
James W. Daley
Acting Indian Agent.

The Secretary
Indian Affairs Branch
Dept. Mines and Resources
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19040-5

BLOOD FOUND WHERE INDIAN ALLEGED SLAIN

THE GLOBE AND MAIL, TORONTO,

WEDNESDAY, SEPTEMBER 18, 1940

Police Testify Prisoner Said Victim Bad Man When He Was Drinking

ACCUSED SOBER

Sarnia, Sept. 17 (Special).—When Stephen Kiyoshk, Walpole Island Indian, being tried here on a charge of murdering Jerry Blackbird, a fellow-Indian, was first seen by police following the slaying, he was not drunk in the opinion of Corporal J. L. Elliott of the R.C. M.P., who gave evidence today.

Corporal Elliott told the court that when he had been summoned to the reservation he had found accused asleep on the floor of a tool shed near the house in which Kiyoshk and Blackbird lived together, and had aroused him.

"I did not consider him drunk, although he said he had been drinking," the officer said. He added that accused had told him "Blackbird is a bad man when he gets drunk and starts to fight. If you will let me stay here (in the tool shed) I will be all right in the morning, and if Jerry comes home he will go to the house."

Accused, the officer said, had told him the liquor drunk at a party before an alleged fight had been brought from Michigan. Accused denied knowing Blackbird's whereabouts.

Corporal Elliott stated that he had locked accused in the tool shed while he continued his preliminary investigation.

His evidence was corroborated by Constable J. T. Blyth of the R.C. M.P., who added that he had found a blood-stained glove in the house.

Constable A. F. Grant of the Ontario Provincial Police, testified that when he arrived at Kiyoshk's house in company with Provincial Officer Robert Whiting he asked accused what had happened and Kiyoshk replied: "I don't know; looks like they had a big fight. I was sleeping in the shed." Witness added Kiyoshk's clothing was wet, and there was something burning in the stove. It was at this time Constable Whiting arrested accused on a nominal charge of vagrancy.

Witness said he and the other officers investigated the yard and found various traces of blood.

At the water's edge they found a wheelbarrow, which was stained with blood. A search in the water failed at that time to reveal the body of Blackbird.

The body of Blackbird was not recovered until the next morning when it was found with the feet shackled to a boat. There were several fractures of the skull.

Today's proceedings were adjourned early by Mr. Justice Roach and court officials considered it doubtful if the Crown would complete its case tomorrow.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040 5

Department of Mines & Resources
Indian Affairs Branch
SEP 24 1940
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 20th September, 1940

WRJ/LB

Received to enter
Return to
Mr. Ford

Telephoned to Mr Kaeson re Issued of Final

B. 28 - M. & R.
Ont.

Dear Sir,-

Referring to your letter of the 9th instant, I beg to inform you that the Minister of Justice has authorized the employment of E.A. Shaunessy, Esq., Petrolia, Ontario, in connection with the defence of Stephen Kiyoshk, an Indian of the Walpole Island Band, Ontario, who was recently charged with the murder of Jerry Blackbird, also a Walpole Island Indian.

Yours truly,

for Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a .

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

75-40

19040-5

Walpole Island, Ont., Oct. 1, 1940

File

AGENT'S REPORT FOR MONTH OF SEPTEMBER.

x x x

By far the most important thing which happened on the reserve this month was the arrest, conviction and sentencing of Stephen Kiyoshk for the murder of Jerry Blackbird. The Indians seem to have taken this matter somewhat lightly at first but now seem to believe Kiyoshk will hang.

x x x

James W. Daley.
Indian Agent.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Waldron
Phone 2521

Attention Mr. Waldron.

Ottawa, October 1, 1940.

Dear Mr. Gallagher:-

I have to refer to telephone conversation of this afternoon with regard to the case of Stephen Kiyoshk, Indian of Walpole Island, sentenced to death for the murder of Jerry Blackbird, also a Walpole Island Indian.

As requested I am enclosing herewith our file, No. 19040-5, dealing with this case.

Yours very truly,

T.R.L. MacInnes.
Acting Director.

M.F. Gallagher, Esq.,
Chief of the Remission Branch,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Nov 26.

To Hang.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Nov 26
Globe & Mail

REPRIEVE GIVEN INDIAN ON EVE OF EXECUTION

Stay of Death Sentence Is Granted in Walpole Island Murder Case

APPEAL SURPRISE

Windsor, Nov. 25 (CP). — Less than twenty-four hours before he was to have gone to the gallows, Stephen Kiyoshk, 49-year-old Walpole Island Indian was granted a stay of execution until Jan. 3 today after a surprise application before Mr. Justice J. Gerald Kelly for the reprieve.

Kiyoshk, who was convicted of murder once before and acquitted after a second trial, was to be hanged tomorrow morning for the murder last August of another Island Indian, 36-year-old Jerry Blackbird.

The arrangements for his execution at the Lambton County Jail in Sarnia had been completed this afternoon after Sheriff A. J. Johnston received word from Ottawa the Department of Justice would not interfere with the sentence. The application before Mr. Justice Kelly followed and a stay of execution was ordered.

Acts on Sister's Behalf.

Gordon L. Fraser made the application on behalf of Kiyoshk's sister, Eva, and told the court he had been advised to make the application before Mr. Justice Kelly when he telephoned the Minister of Justice at Ottawa, Hon. Ernest Lapointe.

Fraser presented to the court a statement sworn to by Mrs. Anna Kicknosway of Detroit concerning the evidence submitted at the trial. Attached to the statement was a letter addressed to the Deputy Minister of Justice saying that Detroit friends of Kiyoshk had advanced money to investigate new evidence, and that at least two weeks would be required to obtain the evidence.

Reasons for Appeal.

The statement said the time between the arrest of Kiyoshk and his trial was inadequate to prepare a defense and gave the following reasons for a stay of execution: Indians fear the courts and dread being called as witnesses. Indians refuse information to strangers. They answer questions too literally. Material witnesses moved off the reserve immediately after the trial. Certain evidence was not adduced at the trial and is now available. Evidence concerning a shirt worn by Kiyoshk was erroneous, and there was perjury by certain witnesses.

In 1912, Kiyoshk was convicted of the murder of a fellow-Indian in an argument over a woman, Miss Flossie Williams, who became Mrs. Kiyoshk after Kiyoshk won a second trial and was acquitted.

He has been confined in the same cell at the Lamton Jail where he was held after being convicted in his first trial for the murder of Adam John.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040 - 5

C.C.520.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA, November 22nd, 1940.

Department of Mines & Resources
Indian Affairs Branch
NOV 27 1940
REGISTERED

Dear Sir:

Re: Stephen Kiyoshk -
capital case.

I return herewith your File No. 19040-5, in the case of the above named, and thank you for the loan of same.

Yours very truly,

M. F. Gallagher,
for Deputy Minister of Justice.

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
O T T A W A .

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. St. Louis. Mr Young

Will you please let me have the information you previously sent me with respect to how many Walpole Island murders there have been. The file seems to have left my room. You will see from the clipping that this Indian had previously been charged with a murder but had been acquitted after a second trial.

Stephen Kiwyockh was convicted in April 1912 for murder but was subsequently acquitted on a new trial.

There is no record of any other Indian of Walpole having been convicted of murder.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Received Mrs Young
File 19040-1
herewith
Can I have
please
per

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-

Dimond

File

Indian Affairs
1940
Publicity & Information

The Alberton 26/11/40

STAY HANGING OF INDIAN

Execution Postponed With Only 24 Hours to Go—New Evidence

WINDSOR, Ont., Nov. 25.—Less than 24 hours before he was to have gone to the gallows, Stephen Kiyoshk, 49-year-old Walpole Island Indian was granted a stay of execution today until Jan. 3, after a surprise reprieve application.

Kiyoshk, convicted of murder once before and acquitted after a second trial, was to be hanged for the murder last August of another Island Indian, 36-year-old Jerry Blackbird.

The arrangements for his execution at the jail in Sarnia had been completed.

Detroit friends of Kiyoshk had advanced money to investigate new evidence.

In 1912, Kiyoshk was convicted of the murder of a fellow-Indian in an argument over a woman, Miss Flossie Williams, who became Mrs. Kiyoshk after Kiyoshk won a second trial and was acquitted.

He has ben confined in the same cell at the Lambton jail where he was held after being convicted in his first trial for the murder of Adam John.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

SUNDAY MIRROR
(Copyright, 1940, Daily Mirror, Inc.)
BRIEF COMPLETE
FINAL EDITION
Vol. IX. No. 50. P Published Each Sunday New York, Sunday, December 15, 1940 56 PAGES Including 20 Page Magazine and Sixteen Pages of Comics.

New York

Indian Scoffs at Noose Over Head

SARNIA, Ont.—Although he twice has been sentenced to die, Stephen Kiyoshk, 50-year-old Indian, stolidly passes away the time in his small cell confident that he will never be hanged.

As matters stand now, Kiyoshk has been granted a reprieve until Jan. 3. That reprieve was granted to him a few hours before he was to climb the gallows a few minutes after midnight on Nov. 26. He was sentenced to die for the murder of Jerry Blackbird, 32.

He received the news of his stay calmly. In fact, he was playing cards with a cellmate when the tidings reached him. He listened momentarily, then turned away to gather in a trick.

Back in 1913 when Kiyoshk was a mere youth, he was sentenced to hang for the alleged slaying of Adam Johns and Charlie Mahdee, both Indians. According to the testimony at the time, Kiyoshk allegedly killed the two men because he suspected them of being "unduly friendly" with his fiancee.

With the stolidness of his race, he accepted his fate calmly. He offered no comment when new evidence was unearthed and he was granted a new trial and acquitted.

He went back to nearby Walpole Island and lived his simple life, more or less shunning the world.

In later years, he married. It was a woman who again was indirectly responsible for him being in a jail cell and in the shadow of the noose.

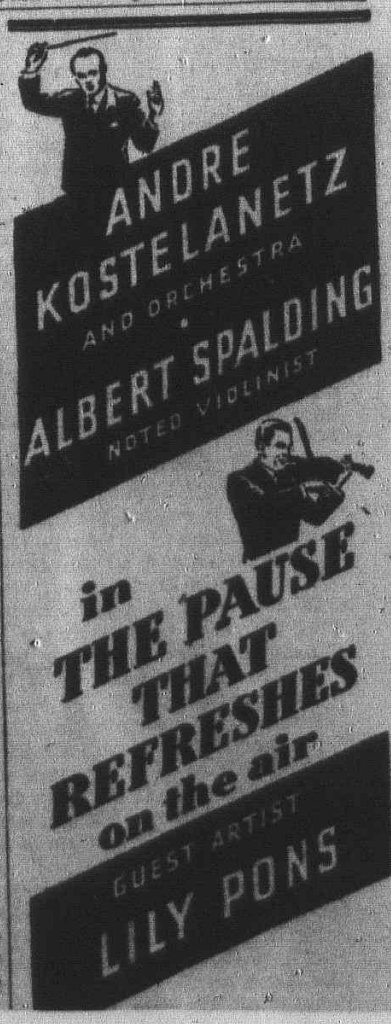
On the morning of Aug. 19, 1940, Blackbird was found brutally murdered. His head was split open and his ankles were shackled to the edge of a houseboat.

Kiyoshk was arrested and charged with the murder. Evidence produced at the trial tended to indicate that Kiyoshk murdered Blackbird because he thought Blackbird flirted with Mrs. Kiyoshk who had died a short time before.

So the Indian, still noncommital, was marched off once more to the Lambaton County jail. Preparations were made once more for a hanging. This was to be the first hanging in the county in 67 years.

A hangman was hired. The gallows were constructed in the jail courtyard. Everyone was nervous but Kiyoshk. He just played cards and remarked tersely to the cellmate that he would not hang.

And he didn't hang. At least not in the early hours of the morning of Nov. 26, as per schedule. He says he won't hang on Jan. 3 or any other time.



Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19040-5

Globe & Mail

Twice Escaped Gallows, Indian Finally Hanged

Sarnia, Jan. 3 (Friday) (Special). —Stephen Kiyoshk, 49-year-old Walpole Island Indian, shortly after midnight paid with his life for the murder Aug. 15 of Jerry Blackbird, 36, fellow-Indian with whom Kiyoshk had resided on the island reservation in the St. Clair River.

Resigned to his fate for several days, since no word of interference by Federal authorities with the sentence pronounced Sept. 19 had been received, Kiyoshk in his last hours exhibited all the characteristic stoicism of his race, and he mounted the gallows with firm step.

This was the third occasion in his lifetime on which the stockily built Indian had made last preparations to meet the hangman. Twenty-seven years ago last April he had been convicted of the murder by shooting of Adam John, Walpole Island Indian. He was reprieved in the following June, granted a new trial and was acquitted.

Found guilty in September last of slaying Jerry Blackbird with an axe, following a drunken Saturday night brawl in their Island shack, Kiyoshk was sentenced to be hanged Nov. 26 by Mr. Justice Roach. A few hours before he was to march to the scaffold, Mr. Justice Kelly in Supreme Court at Windsor granted a stay of execution until Jan. 3, on an application made on the ground that new evidence relative to the case had come to light. However, no new trial was order.

Early in the evening of Aug. 15, Kiyoshk returned to Walpole Island from a visit to Algonac, Mich. He had been drinking there with Blackbird, and several other Indians carried on the party in his home with liquor he had brought back with him. Eventually Kiyoshk and his fellow boarder were left alone. Shortly afterward Mr. and Mrs. Sabina Williams, living nearby, heard sounds of a quarrel. Alarmed, they walked three miles to notify the R.C.M.P. at Port Lambton by telephone.

Police found Kiyoshk asleep in an out-house. Of Blackbird there was no sign but there was blood on the floor of the Kiyoshk kitchen and they found a blood-stained axe. Kiyoshk denied he knew of his fellow boarder's whereabouts but there were bloodstains leading to a small dock in the river. Next morning Eleanor Blackbird, cousin of Jerry, found his body, shackled to the stern of a rowboat which was tied to another dock a quarter mile away from Kiyoshk's place. His head was badly battered and evidence uncovered by the police and given at the trial revealed that Kiyoshk had moved the body to the river in a wheelbarrow and had then chained it to the boat and rowed it away.

Kiyoshk denied he killed Blackbird but circumstantial evidence resulted in conviction.

It was believed that Kiyoshk had altogether slain thre men. Twenty-seven years ago when convicted of the murder by shooting of Adam John, Charles Nahdee was missing from the Walpole Reserve. It was after Kiyoshk had been convicted of slaying the first named that the bullet-ridden body of Nahdee emerged from beneath the ice of the St. Clair River.

Kiyoshk was acquitted of the murder of John at a new trial when the evidence of an Indian girl, which had convicted him at the first trial, was reversed. Kiyoshk after his acquittal married the girl and she died two years ago.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

TRACE
ORIGINAL ON
7-40

Secret

Walpole Island, Ont.
Dec. 3, 1940.

Dear Sir: Agent's Confidential report for November/40.

x x x

There was a petition around to try and win a reprieve for Stephen Kiyoshk, convicted of murder, but there were many Indians who would not sign. This to me was rather unusual, and condemning to Kiyoshk.

x x x

James W. Daley
Indian Agent.

The Secretary
Indian Affairs Branch
Dept. Mines and Resources
Ottawa. Ont.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor
Copy

MEMORANDUM 19040-5

FROM THE OFFICE OF THE
SECRETARY TO THE GOVERNOR GENERAL

Jan. 6th 1911.

To The Director of Indian Affairs

This letter has not been acknowledged.

Department of Mines & Resources
Indian Affairs Branch
JAN 8 1938
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19140-5

EXD.

January 8,1941.

Dear Sir:

I am enclosing herewith for your attention a letter that has been received from the office of the Governor General from Nicholas Plain, an Indian of Sarnia, respecting the case of Stephen Kiyoshk, an Indian of the Walpole Island Indian Agency, who murdered Jerry Blackbird.

Will you inform Mr. Plain that Stephen Kiyoshk paid the supreme penalty for the crime on January 3 last and advise him that his communication was received.

Please return the letter for our files in due course.

Yours very truly,

T.R.L.MacInnes.
Secretary.

G.W.Down,Esq.,
Indian Agent,
Sarnia,Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

December 30, 1940.

To His Excellency, The Earl of Athlone,
Governor General of Canada,
Rideau Hall,
Ottawa, Canada.

Your Excellency:

I am an Indian, an Ex-Chief of the Chippewa Band of the St. Clair Reserve of which my father was also a former chief. As head of this group I have always worked unremittingly for thrift and sobriety among my people, and have tried my best to instill in their minds the value of education and the benefits of religion. Along with every thing else our family has always been devoutly loyal to our Sovereign the King, and have always made the observance of law and order a foundation stone in all our efforts, and in recognition of my services to my people, His Majesty the King granted me the King's Coronation medal.

It is therefore in no spirit of wantonly interfering with the course of the law that I come to you directly to make this final appeal to the representative of our King for clemency on behalf of Stephen Kiyoshk who, if nothing intervenes, will be hanged at Lambton County Jail shortly after 12 am, Friday morning, January 3, 1941. I know that this case has been reviewed by the Department at Ottawa, and it was decided not to interfere in the matter, but I am not satisfied that all has been said that should be said, and so I would crave your permission to briefly state my grounds for coming to you.

In the first place, this is not the first time that this man has been sentenced to death, and had a gallows built for him. Years ago he was charged with a murder committed down at Squirrel Island--near Walpole Island--and was tried, convicted, and sentenced to death. I made it a point to visit the young man, and tried to minister to him in spiritual things, but he always balked at confessing this crime. He said he had nothing to confess. The time drew near, and still he maintained his innocence. I spoke to the officials in charge about it, and finally it was decided that I should go down into the locality of the murder and see if I could find anything that would help him. I went down, not knowing what to expect, but in an hour had found the clue which resulted in a new trial and this man's freedom. Since that time he has kept clear of the law, but the shadow of that affair has dogged him, and I firmly believe no matter how impartial everyone connected with this last trial tried to be influenced the result decidedly.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

This present crime was the outcome of a drunken spree. There was no motive whatever. Kiyoshk had befriended the victim, and shared his house with him. They got liquor, a fight started and the result was this death. Information reached the police of the fight, and it was only a matter of time till Kiyoshk was in jail again charged with murder once more. On November 26, he was to be executed and all preparations made. He had said good-bye to his folks, and was counting the hours when a stay of execution came. With that phase of the case I know nothing. It came as a welcome surprise but I have not heard of anything further being done and unless help comes he must go shortly after Thursday at midnight or the early moments of Friday morning. I have been visiting him regularly trying to have him prepare himself for the worst if it should come, but I have utterly failed to find any idea in his mind of having deliberately taken this man's life, in fact he declares his innocence.

My reaction to the whole matter is that if the former affair had never happened this man would have been charged with manslaughter instead of murder. Much would have been made of it as just another big drunken spree with an unfortunate ending, and I think that defence counsel in this case did not press home this fact as it ought to have been. However, the time is short, and I have chosen to pass all other barriers and come to you as the representative of the King for which our Indian boys went out to fight in the Great War and will go again in this, to ask you if it is humanly possible to use your influence to have his sentence commuted to imprisonment and spare those of us who must go through with the ghastly thing not only the sorrow of those fateful moments, but a gruesome memory that will follow us down through the years. Surely a man who has practically suffered execution three times has suffered enough. I have every confidence that you will do what you consider wise and just, and if you can do what I am asking you will make the ties that bind we Indians to the Crown even firmer and stronger than they are now, I have the honor to be Sir,

Your obedient servent,

Nicholas Plain

335 Exmouth Street,

Sarnia, Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 165

Sept

Department of Mines & Resources
Indian Affairs Branch
JAN 13 1941
REGISTERED

SARNIA, Ontario,
January 10, 1941

Dear Sir:

This is to advise that Nicholas Plain has been informed that Stephen Kiyoshk paid the supreme penalty for his crime on January 3, also that his letter to His Excellency, the Governor General of Canada was received in Ottawa.

Enclosed please find letter for your files.

Your obedient servant,

Geo W Down

Geo. W. Down,
INDIAN AGENT.

T. R. L. MacInnes, Esq.,
The Secretary,
Indian Affairs Branch,
Dept. Mines & Resources,
OTTAWA, Canada.

Enc.
GWD:GF

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

File

The Albertan 4/1/41

TWICE SAVED INDIAN HANGED

Escaped Gallows 27 Years Ago and Last Fall

SARNIA, Ont., Jan. 3.—Stephen Kiyoshk, 49-year-old Indian of Walpole Island, walked to the gallows early today and paid with his life for the axe-slaying in a drunken brawl last Aug. 15 of Jerry Blackbird, a fellow island Indian.

Kiyoshk escaped the gallows twice before being hanged today.

Twenty-seven years ago, charged with the murder of Adam John, another Indian, he was granted a new trial a few hours before he was to be executed. He was acquitted at the second trial in the John case. Again last Nov. 26, his execution was postponed a few hours before it was scheduled.

The stay was granted to allow new evidence to be brought before the courts, but the evidence was never presented.

Winn. Free Press 4/1/41

Calm Indian Walks To Death Gallows

Sarnia, Ont., Jan. 3. (BUP)—Stephen Kiyoshk, a Chippewa Indian who said his ancestors fought with Tecumseh, walked calmly to his death on a gallows today.

The phlegmatic Indian went to his death without confessing the murder last summer of Jerry Blackbird, an acquaintance and for a brief time business partner on Walpole island. His jealousy over attentions paid to Flossie Williams, whom he married in 1913, twice brought Kiyoshk to court on murder charges.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

EXTRACT
ORIGINAL ON
25-40

Walpole Island, Ont.
Feb. 4, 1941.

Dear Sir:

Agent's Confidential Report for January 1941.

x x x

The fact that Stephen Kiyoshk was hanged for the murder of Jerry Blackbird has had a marked effect upon the Indians, it would appear to have relieved them mentally as many were really afraid of Kiyoshk and it also had a sobering effect upon them.

x x x

James W. Daley,
Indian Agent.

The Secretary
Indian Affairs Branch
Dept. Mines & Resources
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 39T.1274-4/53. F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"O"		Port Lambton
Province		Date
Ontario		April 30th. 1941.

File References	Re: WALPOLE ISLAND INDIAN RESERVE.ONT. GENERAL PATROLS - APRIL 1941.
Headquarters	1. The following patrols were made to Walpoles Island Indian Reserve during the Month of April 1941 by members of this detachment.
Sub-Division	5-4-41 Cst.Green. Walpole Island.Ont. 18 miles.
	12-4-41 Cst.Blyth. Walpole Island.Ont. 23 miles.
Detachment	19-4-41 Cst. Green & Blyth. Walpole Island.Ont. 17 miles.
P. C. R.	26-4-41 Cst.Green & Blyth. Walpole Island.Ont. 21 miles.
P.L. 31-3-41.	29-4-41 Cst.Green. Walpole Island.Ont. 25 miles.
	2. The above noted patrols were made for the purpose of maintaining proper supervision in regard to the enforcement of the Indian Act. No infractions of the Indian Act were observed during these patrols.
	TOTAL MILEAGE 104.
	CARRIED FORWARD - D.D. 31-5-41.
	S.W. Green Const. S.W.Green.Reg.No.10785. i/c Port Lambton Det.
	The Commissioner: 1. FORWARDED for your information. Carried forward Toronto May 8/41 FW
	(V.A.M.Kemp) Supt. Comdg. "O" Div.

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19040-5

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 D 1074-3-E-8 OTTAWA May 10, 1941.

YOUR FILE No. 19040-5

File

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
MAY 12
REGISTERED

JHA/DK

Indian Affairs. (RG 10, Volume 7467, File 19040-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19[illegible]-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19040-6 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

WALPOLE ISLAND MURDER RUSSELL RILEY
ROBT JOHNSON
WALTER JOHNSON
RICHARD RILEY CHARGED WITH MURDER OF NEGRO HERBET CROSBY

NI: EXD M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
	Pa	22.11.50	[illegible]	Secy	Reg.	[illegible]	21.11.50
12/5/18	Pa	25.8	[illegible]	Secy	Reg.	[illegible]	9.5.57

DORMANT FILE NO. 19040-6 DORMANT

SECOND SERIES

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19040-6

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

WALPOLE ISLAND

MURDER

RUSSELL RILEY
ROBT JOHNSON
WALTER JOHNSON

RICHARD RILEY
CHARGED WITH
MURDER OF
NEGRO Herbert Crosby

R. 1953

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Reeves

Montreal Star
March 23/46

NEGRO IS SLAIN WOMAN INJURED 4 INDIANS HELD

Special to The Star

Chatham, March 23—Four Walpole Island Indians have been arrested for questioning in connection with the slaying here last night of Herbert Victor Crosby, 24, Negro resident of Degge St.

His companion, Margaret Duncan, is in hospital suffering from shock and cuts about her hands when she fought with the men who had attacked Crosby.

Police say that early last night Crosby, his uncle Clarence Crosby, and Miss Duncan were attending a party.

"We are told that three Indians in a car stopped in front of the house and began to chat with those at the party," Chief C. E. Bagnall said. "They were invited into the house but the host objected. Then the party moved to Crosby's uncle's home.

"Soon after they got there, Margaret Duncan came into the house and said that Crosby was fighting with the Indians in the backyard," police said.

"The girl called for Clarence Crosby and he went out, and they apparently slugged it out for a while. Then, he told me," the chief said, "he thought he saw a knife, so he vanished and took a taxi to the police station."

When police arrived they found Herbert Crosby lying semi-conscious in the back yard. Beside him was Margaret Duncan in a dazed condition. Crosby was still alive and, according to police, "mumbling and asking for his uncle." He was pronounced dead, however, on arrival at the hospital.

The men are expected to appear in court here today as soon as they can be brought from Wallaceburg.

A dragnet of city, provincial and R.C.M.P. working with border point immigration officers began a search for the men soon after the fracas.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

File
1
2 - [illegible]

19040-6

By hand.

Department of Mines & Resources
Indian Affairs Branch
MAR 26 1946
REGISTERED

Ottawa, March 25,1946.

The Department of Justice,Ottawa.

The Indian Agent for the Walpole Island Indian Agency, Ontario, has advised me by wire that Russell Riley, Robert Johnson, Walter Johnson, and Richard Riley, Walpole Island Indians, were arraigned on charges of murder in Chatham last Saturday.

The agent further states that the preliminary trial will be held on Friday, March 29, at Chatham.

It would be appreciated if you would authorize the employment of counsel to defend the above mentioned Indians.

F.R.L.M

Director.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W.D.NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

Secy.

Department of Mines & Resources
Indian Affairs Branch
MAR 3 1940
REGISTERED

RNA269 40 COLLECT DL

WALLACEBURG ONT 25 1552P

INDIAN AFFAIRS BRANCH

OTTAWA

RUSSELL RILEY ROBERT JOHNSON WALTER JOHNSON RICHARD RILEY AMALGAMATED BAND MEMBERS WERE ARRAIGNED ON CHARGE OF MURDER IN CHATHAM LAST SATURDAY STOP PRELIMINARY TRIAL TO BE HELD FRIDAY MARCH TWENTY NINTH IN CHATHAM WOULD APPRECIATE HELP FROM JUSTICE DEPARTMENT.

JAMES BALEY INDIAN AGENT

Re

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Johnson L=7

Chatham

Ja McKenzie
at Chatham

Mr Johnson
M-G-

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
TORONTO

CLASS OF SERVICE DESIRED	
FULL RATE MESSAGE	
DAY LETTER	X
NIGHT MESSAGE	
NIGHT LETTER	
EVENING & SUNDAY	

PLACE X OPPOSITE SERVICE DESIRED

CHECK	RECEIVERS NO.	TIME FILED	CHARGE TO DEPT. OR ADDRESS

Send the following message, subject to the terms on back hereof, which are hereby agreed to

OTTAWA, MARCH 28, 1946.

MR. J.A. McNEVIN, BARRISTER, CHATHAM, ONT.

THE DEPARTMENT OF JUSTICE HAS AUTHORIZED YOUR EMPLOYMENT TO DEFEND RUSSELL RILEY, ROBERT JOHNSON, WALTER JOHNSON, AND RICHARD RILEY, WALPOLE ISLAND INDIANS STOP HAVE INSTRUCTED MR. JAMES DALEY INDIAN AGENT WALPOLE ISLAND TO GIVE YOU ANY INFORMATION AND ASSISTANCE POSSIBLE.

R.A. Hoey
Director.

Charge Indian Affairs,
Mines and Resources.

FORM 6102

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
TORONTO

CLASS OF SERVICE DESIRED	
FULL RATE MESSAGE	
DAY LETTER	X
NIGHT MESSAGE	
NIGHT LETTER	
EVENING & SUNDAY	

PLACE X OPPOSITE SERVICE DESIRED

CHECK	RECEIVERS NO	TIME FILED	CHARGE TO DEPT. OR ADDRESS

Send the following message, subject to the terms on back hereof, which are hereby agreed to

OTTAWA, MARCH 28, 1946

MR. JAMES DALEY, INDIAN AGENT, WALLACEBURG, ONT.

THE DEPARTMENT OF JUSTICE AUTHORIZED EMPLOYMENT OF J.A. McNEVIN OF CHATHAM TO DEFEND INDIANS CHARGED WITH MURDER STOP PLEASE GIVE MR. McNEVIN ANY INFORMATION AND ASSISTANCE POSSIBLE.

R.A. Hoey
Director.

Charge Indian Affairs
Mines and Resources

F.R.L.M

FORM 6102

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CD 1R

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W.D.NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

Secty

RNA224 27

1946 MAR 28 PM 2 34

CM CHATHAM ONT 28 215P

R A HOEY

105

DIRECTOR DEPT OF INDIAN AFFAIRS OTTAWA

WIRE RECEIVED RE DEFENCE OF RUSSELL RILEY ROBERT JOHNSON WALTER JOHNSON AND RICHARD RILEY STOP APPOINTMENT SATISFACTORY STOP FIND PARTIES HAVE ENGAGED WINDSOR COUNSEL STOP WIRE INSTRUCTIONS

J A MCNEVIN

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
TORONTO

CLASS OF SERVICE DESIRED	
FULL RATE MESSAGE	
DAY LETTER	X
NIGHT MESSAGE	
NIGHT LETTER	
EVENING & SUNDAY	

PLACE X OPPOSITE SERVICE DESIRED

CHECK	RECEIVERS NO	TIME FILED	CHARGE TO DEPT. OR ADDRESS

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, March 28, 1946.

J.A.McNevin, Barrister, Chatham, Ontario.

RETEL ACCUSED ENTITLED EMPLOY COUNSEL ON OWN RESPONSIBILITY BUT IF THEY DO THIS DEPARTMENT WILL NOT BE RESPONSIBLE FOR ANY INDEBTEDNESS INCURRED STOP PLEASE ADVISE ACCUSED ACCORDINGLY AND IF THEY PERSIST IN CHOICE WITHDRAW FROM CASE AND SUBMIT BILL FOR YOUR SERVICES TO DATE STOP HAVE ADVISED AGENT ACCORDINGLY.

R.A.Hoey,
Director

Charge Indian Affairs
Mines and Resources

FROM

FORM 6102

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W M ARMSTRONG GENERAL MANAGER
TORONTO

CLASS OF SERVICE DESIRED	
FULL RATE MESSAGE	
DAY LETTER	X
NIGHT MESSAGE	
NIGHT LETTER	
EVENING & SUNDAY	

PLACE X OPPOSITE SERVICE DESIRED

CHECK	RECEIVERS NO	TIME FILED	CHARGE TO DEPT. OR ADDRESS

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, March 28, 1946.

James W. Daley, Indian Agent, Walpole Island, Ontario.

Mr. McNevin advises that Walpole Island Indians have engaged Windsor counsel stop Have advised him that in such event department will withdraw from case and not be responsible for any expenditure they incur stop Report further by letter.

H. A. Hoey
Director.

Charge Indian Affairs
Mines and Resources.

T.R.L.M

FORM 6102

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EIN

Mar. 20, 48.

8 - Mines and Resources - Ont.

Dear Sir:-

The Minister of Justice has nominated you as counsel to defend Russell Riley, Robert Johnson, Walter Johnson and Richard Riley, Walpole Island Indians, who have been charged with murder. You may expect word in the matter from the Indian Affairs Branch of the Department of Mines and Resources.

It is understood that this assignment if undertaken will be upon the same basis as work is accepted by agents of the Minister of Justice set out in the attached copy of "Instructions to Agents".

Yours truly,

MMC.

for Deputy Minister.

J. A. McKevin, Esq., K.C.,
Chatham, Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

WDJ

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

DEPARTMENT OF JUSTICE, CANADA

OTTAWA Mar. 28, 1946.

Department of Mines & Resources
Indian Affairs Branch
MAR 29 1946
REGISTERED

8 - Mines and Resources - Ont.

Referring to your letter of March 25th and confirming telephone conversation, I have to advise you that the Minister of Justice has nominated J. A. McNevin, Esq., K.C., of Chatham, Ontario, as counsel who may be employed in the defence of Russell Riley, Robert Johnson, Walter Johnson and Richard Riley, Walpole Island Indians, who have been charged with murder. It is anticipated that Mr. McNevin will receive word of his nomination from your department. Attached is copy of letter today being addressed to him.

ENC.

for Deputy Minister.

The Director of Indian Affairs,
Dept. of Mines and Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

J. A. McNEVIN, K.C.
FRANK R. GEE, B.A.
L. G. O'CONNOR, B.A.

McNEVIN, GEE & O'CONNOR
BARRISTERS, SOLICITORS, ETC.
SOLICITORS FOR THE BANK OF MONTREAL
CHATHAM, ONTARIO

DEPARTMENT OF JUSTICE CANADA
APR 1 1946

March 29th, 1946.

APR 3 1946
REGISTERED

Mr. R. A. Hoey,

Director, Department of Indian Affairs,

OTTAWA, Ontario.

8 Gen 'M' Ont

Dear Sir: re: Russel Riley et al

I duly received your two telegrams sent yesterday. It happened that yesterday afternoon was our weekly half holiday and I had no stenographers in the office and was unable to do anything more than just to telegraph you.

On receipt of your first wire I got in touch with Mr. Daigneau, the Governor of the jail, in order to make an appointment for these men. He told me then that Mr. J. H. Clark, K.C. of Windsor had been retained by the families of some of the men and that Mr. Clark had been at the jail a couple of days ago.

This morning I met the four men in the Police Court. I read both wires to them and explained the position very fully. They told me that their families were putting up the money and had engaged Mr. Clark and said that they themselves had given Mr. Clark $150.00. A couple of them wanted to know if it would not be possible for us to work together, that is Mr. Clark and myself. I told them that I did not know what the attitude of your department would be if they were able to secure their own counsel.

They asked me if they might have some time in order to talk it over with their relatives before making a decision and I told them that this would be all right. Later this morning they were brought before the Magistrate and remanded for another week. The Crown

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILM

Mr. R. A. Hosy

Attorney said that he would not be able to go on with the case until the week of the 12th of April. As soon as I hear anything more from them I will let you know.

In the meantime kindly accept my thanks for sending the work to me.

Yours sincerely,

JAM/LM

P.S. Since writing the above I received the letter of March 28th from the Deputy Minister of Justice and hence enclose this letter in an envelope to him.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

WDJ

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA Apr. 1, 1946.

Department of Mines and Resources
APR 3 1946
REGISTERED

8 - General - "M" - Ont.
Re Russel Riley et al

Further to my letter herein of March 28th, enclosed is original letter dated March 29th, just received from Mr. J. A. McNevin, K.C., of Chatham, Ont.

ENC.

for Deputy Minister.

The Director of Indian Affairs,
Dept. of Mines and Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

Ottawa, April 3,1946.

Dear Sir:

I have to acknowledge receipt of your letter of March 29 and previous correspondence with regard to Russell Riley, Robert Johnson, Walter Johnson and Richard Riley, Walpole Island Indians, charged with murder.

In explanation of my second telegram to you of March 28 I may say that the interest of this Branch in connection with the prosecution of an Indian charged with an offence for which the punishment is death, is to be assured that the defence of the Indian accused is presented adequately. Where, however, the defence is undertaken by the Indian concerned or his friends, as appears in the present case, then the need for the provision of the services of counsel by this Branch is thereby considered as being dispensed with.

This Branch, moreover, would not be prepared to enter into any arrangement for the defence involving the joint services of counsel nominated by the Minister of Justice and other counsel employed privately as suggested by the Indians in this case.

Yours very truly,

Director.

J.A.McNevin,Esq., K.C.,
Barrister, etc.,
Chatham, Ontario

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Mr. Vowel

19040-6

Ottawa, April 3,1946.

Dear Sir:

I have to acknowledge receipt of your letter of March 29 and previous correspondence with regard to Russell Riley, Robert Johnson, Walter Johnson and Richard Riley, Walpole Island Indians, charged with murder.

In explanation of my second telegram to you of March 28 I may say that the interest of this Branch in connection with the prosecution of an Indian charged with an offence for which the punishment is death, is to be assured that the defence of the Indian accused is presented adequately. Where, however, the defence is undertaken by the Indian concerned or his friends, as appears in the present case, then the need for the provision of the services of counsel by this Branch is thereby considered as being dispensed with.

This Branch, moreover, would not be prepared to enter into any arrangement for the defence involving the joint services of counsel nominated by the Minister of Justice and other counsel employed privately as suggested by the Indians in this case.

Yours very truly,

Director.

J.A.McNevin,Esq., K.C.,
Barrister, etc.,
Chatham, Ontario

FRZ:M

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

46 T 1380/50 Re: Robert JOHNSON (Indian), et al, Murder - Chatham, Ont. - Asst to the Chatham Municipal Police.

THE COMMISSIONER.

FORWARDED for your information. A charge of murder has been laid by the Chatham City Police against Johnson and his three companions. Constables Spencer and Pritchett will be called as witnesses for the prosecution covering which a further report may be expected.

CARRIED FORWARD.

TORONTO
29-3-46 GD.

(A. G. Marsom) Supt.
Commanding "O" Division.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA.

19040-6

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE NO. 46 D 1180-2-E-8

OTTAWA, April 3, 1946.
CANADA

Re: Robert JOHNSON, Walter JOHNSON,
Russell RILEY and Richard RILEY,
Murder - Chatham, Ontario.

Enclosed herewith is a copy of Wallaceburg Detachment report dated March 23, 1946, in the above connection. A further report may be anticipated in due course.

J. A. Cruickshank for
C. E. Rivett-Carnac, Supt.,
Assistant Director,
Criminal Investigation.

TO: The Director,
Indian Affairs Branch,
Department of Mines & Resources,
OTTAWA, Ontario.

Encl.

Department of Mines & Resources
Indian Affairs Br.
APR 5 1946

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION "C" DIVISION FILE No.
SUB-DIVISION DETACHMENT Wallaceburg
PROVINCE Ontario. DATE 25-3-46.

FILE REFS.

RE: Robert JOHNSON (Indian), et al, Murder, Chatham, Ontario.
Assist. to the Chatham Municipal Police.

HEADQUARTERS

SUB-DIVISION

DETACHMENT

C.I.B. 2320

P.C.R.

First

A. R. V. No.

DIARY DATE

SET FOR

1. With reference to the above, the writer has to report that at about 2:45 a.m. on the 23-3-46 a telephone message was received requesting the assistance of this Force in apprehending four Indians who were believed to have attacked and stabbed one Herbert Victor CROSBY (Negro) at Chatham at about 1:20 a.m. the same date.

2. At this time Chief Cst. C. E. Bagnall was of the opinion that the four Indian were residents of the Walpole Island Indian Reserve and stated that he believed they were now heading for this Reserve in an old Buick car. Chief Bagnall could not furnish any information as to the description of these suspects other than one was called "Bob" and one was called "Russell".

3. Accordingly the writer and Cst.Pritchett together with Prov. Constables McQueen and Patterson began patrolling the town of Wallaceburg and the highways and by-roads leading to this town and to the ferries at Walpole Isle. This patrol was continued until 7:45 a.m. when the four Indians referred to above were intercepted at the lower Walpole Island Ferry by the writer, Cst.Pritchett and Prov. Cst's. McQueen and Patterson. These Indians gave their names as: Robert JOHNSON, Walter JOHNSON, Russell RILEY and Richard RILEY. They all admitted being in Chatham and being involved ina brawl. It was noted that Robert JOHNSON had blood on his hands, shirt and shoes and on being searched by the writer was found to be in possession of a large jack-knife which was also covered with blood. All four Indians were placed under arrest by Prov. Cst.McQueen and the writer and Cst.Pritchett assisted in their escort to Chatham where they were handed over to the Chatham City Police.

4. As the victim succumbed these four Indians have now been jointly charged with murder by the Chatham City Police and are to appear for their preliminary hearing at Chatham on the 30-3-46.

5. As the writer and Cst.Pritchett will be called as witnesses for the Prosecution a futher report will be submitted to comply with the undermentioned diary date.

P.C.C.# 2715 - 147 Miles, P.C.C.#8414 - 39 Miles.

Expenses Incurred.

S. U. I. - D.D. 6-4-46.

Cst.
(A.B.SPENCER.) 10988
1/C-WALLACEBURG DETACHMENT.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040 - 6

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

WALPOLE ISLAND ONT.
APRIL 1/46

Department of Mines & Resources
Indian Affairs Branch
APR 5 1946
REGISTERED

Dept. Mines & Resources Indian Affairs Branch Ottawa

Re four Indians charged with murder in Chatham

The families involved definitely wanted Maj. James Clark of Windsor to defend the accused and having enough money to retain him hired him accordingly. They would appreciate any financial help that you could give them but I told them that I was sure that you would not give financial aid unless the Counsel was appointed by your Justice Dept. They then asked that in the event that a man was appointed by your Dept. would he act with Major Clark. I told them that this was doubtful too but that I would write you and find out.

It would appear that they had heard that in a recent murder case in Toronto that the defence Counsel was paid by the govt. and appointed by it and that his salary was $25.00 per day whereas the prosecuting counsel was paid $150.00 per day. Which difference appeared too great to them and that they had better hire their own counsel.

James W. Daley

JAMES W. DALEY INDIAN AGENT

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040 6

McNEVIN, GEE & O'CONNOR
BARRISTERS, SOLICITORS, ETC.
SOLICITORS FOR THE BANK OF MONTREAL
CHATHAM, ONTARIO, April 5th, 1946.

J. A. McNEVIN, K.C.
FRANK R. GEE, B.A.
L. G. O'CONNOR, B.A.

Department of Mines and Resources,
Indian Affairs Branch,
OTTAWA, Ontario.

APR 8 194
REGISTERED

Attention: The Director

Dear Sirs: Your file 19040-6

I have yours of 3rd instant. To tell the truth I am very happy at your ruling. While I was prepared to act at the request of the Department I am very glad that these parties have secured independent counsel. I think if they had asked me in the first place I would have asked them to get somebody else.

Yours sincerely,

JAM/LM

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Information copy sent to Mr. Daley.

19040-6

Ottawa, April10, 1946.

The Department of Justice,
Ottawa, Ontario.

8 - General - "M" - Ont.
Re: Russell Riley et al

I have to refer to your letter of April 1 and previous correspondence with regard to Russell Riley, Robert Johnson, Walter Johnson and Richard Riley, Walpole Island Indians, charged with murder.

We duly notified Mr. J.A. McNevin. It has transpired that the Indians accused have engaged another counsel independently, and in consequence this Department, in accordance with established policy, has withdrawn from the case, and we have so advised Mr. McNevin.

T.R.L.M

Director.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION FILE No. 46 T 1380/50

DIVISION "O" SUB-DIVISION DETACHMENT Wallaceburg

PROVINCE Ontario DATE March 30, 1946.

FILE REFS. RE: Robert JOHNSON (Indian), et al, Murder, Chatham, Ontario. Assistance to the Chatham Municipal Police.

HEADQUARTERS

SUB-DIVISION

DETACHMENT

CIB.2320

P.C.R.

25-3-46

A. R. V. No.

DIARY DATE

SET FOR.....

1. With further reference to the above, the writer has to report that the above named together with Walter JOHNSON, Russell RILEY and Richard RILEY appeared before Magistrate Craig at Chatham on the 29-3-46 and were remanded in custody until the 12-4-46 when they will then be taken before the Court for preliminar hearing.

2. Mr. J.A.McNevin, K.C. has been retained by the Department of Indian Affairs as defence counsel for the four Indians and, they in turn have secured the services of Major J.H.Clark, K.C., of Windsor to assist Mr.McNevin.

3. A further report will be submitted to comply with the diary date as shown below.

Expenses - Nil.

S.U.I. - D. D. 19-4-46.

Cst.
(A.B.SPENCER.) 10988
1/C-WALLACEBURG DETACHMENT.

THE COMMISSIONER.

FORWARDED for your information.

CARRIED FORWARD.

TORONTO
5-4-46 GD.

(A. G. Marsom) Supt.
Commanding "O" Division.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 46 D 1180-2-E-8 OTTAWA. April 9, 1946.

YOUR FILE No.

TO: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

Secy

APR 11 1946

Report dated Wallaceburg, March 30, 1946, forwarded for your information, re Robert JOHNSON, Walter JOHNSON, Russell RILEY & Richard RILEY, Chatham, Ont.

Enc.
ATL:DAS

for Director, Criminal Investigation.
per

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

OFFICE OF THE
INDI[redacted]NT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

WALPOLE ISLAND ONT.
APRIL 13/46

APR 7 1947
REGISTERED

Dept. Mines & Resources Indian Affairs Branch Ottawa

RE FOUR INDIANS ARRAIGNED ON A CHARGE OF MURDER

On Friday April 12 I attendd a preliminary court in Chatham re the above. The accused Indians were represented by Maj. Jas. Clark of Windsor. As you are aware the man who met his death supposedly at the hands of the Indians was a negro. Several negroes were called as crown witnesses and it was very obvious that no two of them saw or heard the same things on the night in question . There is no doubt in the writer's mind that the Indians were drunk but there is a very definite doubt that they were responsible for the death of the man in question. All evidence submitted showed that there was no trouble in the houses that they were in or had been in. The evidence showed also that it was a cold night; cold enough that the fire in the house near where the fight took place was started twice that evening. Yet the man, who was killed, when he learned that the two youngest Indians had gone into the back yard, took off his jacket and went into the back yard after them. The man who lived in the room where the men were, prior to the fight, said to his girl friend , "lets get out of here, there is going to be trouble".

I believe that it was the intention of the Negro who was killed in the brawl, to go into the yard to rob the young Indians thoq had plenty of money on them, and who were supposedly drunk. The one Indian had become sick on his stomach and had vomited and I believe that this had probably sobered him enough that he put up afight.

I am confident that the charge will be reduced to manslaughter and that three of them will get off, while the fourth one will probably get a light sentence.

James W Daley

JAMES W. DALEY INDIAN AGENT

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE

P. 257

DIVISION FILE No. 46 T 1380/50

DIVISION "O" SUB-DIVISION DETACHMENT Wallaceburg

PROVINCE Ontario DATE 13-4-46

FILE REFS. RE: Robert JOHNSON (Indian), et al, Murder, Chatham, Ontario. Assistance to the Chatham Municipal Police.

HEADQUARTERS

SUB-DIVISION

DETACHMENT

CIB.2320

P.C.R. 30-3-46

A. R. V. No.

DIARY DATE

SET FOR 24-4-46.

1. With further reference to the above and report as marginally noted, the writer has to report that the above named together with Walter JOHNSON, Russell RILEY and Richard RILEY appeared before Magistrate Craig at Chatham, Ontario, on the 12-4-46 for their preliminary hearing on a joint charge of murder. After hearing the evidence of 24 witnesses for the prosecution they were all remanded in custody and judgment was reserved until the 18-4-46. This decision was largely based on the strong argument of the defence counsel that a prima facia case had not been made against Russell RILEY and Walter JOHNSON.

2. A further report will be submitted to comply with the diary date as shown below.

Expenses Incurred.

Cst.
(A.B.SPENCER.) 10988
I/C-WALLACEBURG DETACHMENT.

THE COMMISSIONER.

FORWARDED for your information.

CARRIED FORWARD.

TORONTO
23-4-46 GD.

(A.G. Marsom) Supt.
Commanding "O" Division.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19040-6; Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 46 D 1180-2-E-8 OTTAWA. April 29, 1946.

YOUR FILE No.

To: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

Report dated Wallaceburg, Ont., 13-4-46, forwarded for your information, re Robert JOHNSON.

Enc.
ATL:DAS

Director, Criminal Investigation.
per

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Toronto Globe & Mail
25 March, 1946

19040-6

Charge 4 Walpole Men With Murder of Veteran

Chatham, March 24 (Special).—Arrested as they waited for the first ferry to Walpole Island early Saturday, four men from the Walpole Reservation were formally charged at 5 o'clock yesterday afternoon with the murder of Herbert Victor Crosby of 23 Degge St. The four are: Richard Riley, 18; Russell Riley, 36; Walter Johnson, 32, and Robert Johnson, 21.

They were arrested on a murder charge following a knifing affray in the backyard at the home of Mrs. Annie Duncan, 27 Forster St., between 1:30 and 2 o'clock Saturday morning. Herbert Crosby received multiple stab wounds about the neck and body and died on the way to hospital, while his fiance, Margaret Duncan, was severely wounded about both wrists, tendons being severed.

Crosby, one of three brothers who served with the armed forces overseas, returned last October after four and a half years' service with the RCA, First Canadian Army, overseas. He was to have been married within the next six months.

The four accused were identified yesterday afternoon around 4:30 out of a lineup of some 15 men from the reserve by Clarence Crosby, uncle of the victim, who participated in the affray and went to get police help. Neighbors who watched the early morning battle also took part in the identification parade.

One of the four accused paraded in his stocking feet. When apprehended he was wearing only one shoe. A shoe found at the scene of the murder matched that found on one of the accused men, police said.

The four accused did not enter a plea in court, but were remanded until next Friday at the request of Chief Constable C. E. Bagnall.

It is alleged the brawl started about an argument over a bottle of wine. The two Crosbys and Miss Duncan had been out to a hotel earlier in the evening and then had visited several friends. While they were at the home of Nelson Parker on Huron St., the four accused, are reported to have come to the door. The four had some wine with them, and the party adjourned to the Duncan home.

Clarence Crosby was in the front of the house, he claims, visiting Mrs. Duncan when trouble started in the back kitchen where the girl, Herbert Crosby and the four accused were drinking. He rushed to the scene to find a fight going on in the backyard.

The veteran was defending himself against the four other men, while Miss Duncan was wielding a broken beer bottle. The accused had knives, according to Clarence Crosby.

"I knocked two of them down, and went for the police as I thought Herbert had things in hand," Clarence Crosby stated. "When I got back the four men had left. Herbert was on the ground bleeding profusely, and Margaret was standing beside him bleeding and in a hysterical condition."

The murdered man had a three-inch cut on the left side of his throat, a cut on the top of his left shoulder, a stab just over the heart, and three stabs on the right side of the body.

Clarence claimed Herbert did not have a knife, but said it was so dark he didn't know whether one or all of the accused had knives.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE F. 237

DIVISION FILE No. 46 T 1380/50

DIVISION [illegible] SUB-DIVISION DETACHMENT Wallaceburg

PROVINCE Ontario DATE April 25, 1946.

FILE REFS. RE: Robert JOHNSON (Indian), et al, Murder, Chatham, Ontario.
AMENDED TO: Robert JOHNSON (Indian), et al, Manslaughter, Chatham, Ontario
Assistance to the Chatham Municipal Police.

HEADQUARTERS

SUB-DIVISION

DETACHMENT

CIB.2320

P.C.R.

13-4-46

Noted for Arrest

A. R. V. No.

1. With further reference to the above and report as marginally noted, the writer has to report that on the 18-4-46 when the above named together with Walter JOHNSON, Russell RILEY and Richard RILEY appeared before Magistrate Craig for his decision regarding their committal on the joint charge of murder. Magistrate Craig ruled that the Crown had not sufficient evidence to warrant a committal on this charge. The Crown then produced a new Information jointly charging all four with Manslaughter under section 268 of the C.C. of C. At this point the Presiding Magistrate, The Crown Counsel and the Defence Counsel agreed to accept the evidence as given at the preliminary hearing on the joint murder charge as the evidence for the preliminary hearing on the manslaughter charge and the four accused were committed for trial at the next sitting of the Court of Competent Jurisdiction.

2. On the 18-4-46, all four accused appeared in the County Criminal Court before His Honour Judge Grosch who set bail for each at $1000.00 cash or $2000.00 property.

3. At the present time it is not expected that this trial will be held until the fall sitting of the Supreme Court in the latter part of September next. It is therefore requested that the diary date for a further report be extended to the 5-10-46.

Expenses - Nil.

COMMITTED FOR TRIAL - D.D. 5-10-46.

Cst.

(A.B.SPENCER.) 10988
1/C-WALLACEBURG DETACHMENT.

THE COMMISSIONER.

FORWARDED for your information.
CARRIED FORWARD.

TORONTO
30-4-46 GD.

(A.G. Marsom) Supt.
Commanding "O" Division

DIARY DATE

SET FOR----------

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ATL/MD

19040-6

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 46 D 1180-2-E-8 OTTAWA. May 7, 1946

YOUR FILE No.

TO: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

EX'D. MAY 14 1946

Report dated Wallaceburg, Ont., April 25, 1946 forwarded for your information. re Robert Johnson, et al, Chatham, Ont.

Enc.

for Director, Criminal Investigation.
PER:

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

Toronto Globe and Mail

26 Sept. 1946

Post

Four Indians Face Charge of Slaying

Chatham, Sept. 25 (Special). — Four Walpole Indians will face charges of manslaughter in connection with the killing of Herbert Crosby of Forster St., war veteran, on March 23, at the jury sittings of the Supreme Court of Ontario here next month. Court will open Oct. 15, with Mr. Justice Kelly presiding.

The four defendants are Richard and Russell Riley and Robert and Walter Johnson. They were arrested the morning after the killing when endeavoring to cross the Walpole Island ferry. Originally arraigned for murder, they were given a preliminary hearing on April 12, and Magistrate I. B. Craig committed them on the manslaughter charge.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE

DIVISION FILE No 46 T 1380/50.

DIVISION "O" SUB-DIVISION DETACHMENT Wallaceburg

PROVINCE Ontario. DATE October 26th, 1946.

FILE REFS. RE Robert JOHNSON (Indian), et al, Manslaughter, Chatham, Ontario. Assistance to the Chatham Municipal Police.

HEADQUARTERS

SUB-DIVISION

DETACHMENT

CIB.2320

P.C.R.

4-10-46

A. R. V. No

21649

1. With further reference to the above and report as marginally noted, the writer has to report that on the morning of the 16-10-46 the Grand Jury returned a True Bill against the above named Robert JOHNSON, Walter JOHNSON, Russell RILEY and Richard RILEY and, at 1:30 P.M. of the same date when they appeared before the Court Robert JOHNSON entered a plea of guilty and the other three men all entered pleas of not guilty. At this time the Crown Attorney, A. D. Bell, K. C., addressed the Court and stated that he was prepared to accept the pleas and requested that the indictment againt the three who pleaded not guilty be dismissed.

2. After hearing the evidence for the prosecution Robert JOHNSON was sentenced to one year imprisonment, and the indictment against the other three men was nullified.

3. The costs covering witness fees and mileage for Cst. Pritchett and the writer have been received and deposited to the credit of the Receiver General at the Bank of Montreal, Wallaceburg, Ontario, on the 25-10-46. These costs will be forwarded in the usual manner for the period ending October 31 st via A.R.V. No.21649 and Cash Receipt No.6092/2.

Expenses Incurred.

CONVICTED. CONCLUDED.

Cst.

(A.B.SPENCER.) 10988
1/C-WALLACEBURG DETACHMENT.

DIARY DATE

SET FOR

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE NO. 46 D 1180-2-E 8 OTTAWA. November 9, 1946

YOUR FILE NO. .....

To: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

Department of Indian Affairs
NOV 12 1946
Registered

File

Report dated 26/10/46 from Wallaceburg, Ont., forwarded for your information, re Robert JOHNSON, Chatham, Ont.

Enc. 1

Director, Criminal Investigation.
per

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

Toronto Globe and Mail 16 Oct 1946

Sept 5.12.46

Indians Charged With Manslaughter

Chatham, Oct. 15 (Special). — A grand jury of the Supreme Court of Ontario which opened its sittings here today under Mr. Justice Kelly of Toronto, this afternoon deliberated on manslaughter charges against four Walpole Island Indians, charged in connection with the slaying of ex-gunner Herbert Crosby of Forster Street on March 23. Accused are: Richard, 18, and Robert Riley, 38, and Robert, 21, and Walter Johnson, 32. Crosby died as a result of stab wounds received in a brawl in the Forster Street district of the city's east end.

The four Indians were arrested a few hours after the slaying and booked on charges of murder. At the preliminary hearings they were committed on a lesser count of manslaughter. It is believed the trial will start tomorrow, providing true bills are found against accused.

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-6

Sevey
3.12.46

Indian Sentenced, Others Are Freed

Chatham, Oct. 16 (Special).—The trial of four Walpole Island Indians on a charge of manslaughter took a surprising turn in Supreme Court here this afternoon, when one of the accused pleaded guilty before Mr. Justice D. P. J. Kelly of Toronto, and was sentenced to one year in jail. The remaining three were freed. Sentenced was Robert Johnson, 21. Those who were freed were his brother, Walter, 32; Richard Riley, 18, and Robert Riley, 38.

The plea of guilty on the part of Robert came after a long conference between Defense Counsel Major James H. Clark of Windsor and Crown Attorney A. Douglas Bell, KC.

The four were charged in connection with the death of Herbert Crosby of Forster St., former RCA gunner, with thre years' overseas service. Crosby died of knife wounds on March 23, sustained in a brawl in a back yard of a Forster St. home, in which the four Indians were implicated. The Indians were arrested a few hours after the slaying and originally booked on murder charges. At the preliminary hearing Magistrate I. B. Craig committed them for trial for manslaughter.

At the preliminary hearing some 20 witnesses were called by the Crown, but only several testified this afternoon after the guilty plea. Included was the testimony of Clarence Crosby, his uncle, who is under indictment by the Norfolk grand jury for armed robbery. He will be removed to Simcoe County jail tomorrow to stand trial there.

Clarence was with Herbert on the night he was fatally wounded and participated in the closing phases of the brawl. Evidence disclosed that the victim and accused had been drinking prior to the fight.

In passing sentence, Mr. Justice Kelly informed accused he was fortunate he did not face a more serious charge of murder. He admonished Robert to profit by the lesson he had learned and go straight when he gets out of jail.

Toronto Globe and Mail
17. Oct 1946

EBD

Indian Affairs. (RG 10, Volume 7467, File 19040-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY ▲ FILM

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19040-7, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. DORMANT 19040-7 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

SUBJECT MURDER

WALPOLE ISLAND

ANDREW KIYOSHK BY

SILAS SHOBWAY

VOLUME 1

FROM

TO

FILE NO. 19040-7 DORMANT

REFERENCE				DISPOSAL			
Referred To	By	Remarks	Date	PA or BF	By	Date	For Records Use
RSI	CR4		22/7/49	PA.	JEa	22/7/49	
Sect	JEa		23/7/49	Pa	[illegible]	25.7.49	CR 28
Secy	CR9	4521	26/7	Pa	[illegible]	3.8.49	CR9 Aug 4
Secy	CR-13	762 Opat 40/18-23	12-8	PA	[illegible]	18.8.49	CR9 Aug 19
Secy	CR9	14455 pubrat 40/18-23	10/9	Pa	[illegible]	15.9.49	
RSI.	Secy	14455 for Comments	13.9.49	Pa	CR3	20/9/49	CR9 Sep 20
Secy	CR7	Request.	9-5-50	Pa	[illegible]	[illegible]	12-5-50
[illegible]	14	Reg.	8/9/54	PA	[illegible]	9/9/54	

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19040-7, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-7 R.S.2

Ottawa, July 22, 1949.

Memorandum:

T.R.L.MacInnes, Esq.,
Secretary

The following is information which I received from CKOY Broadcasting Station, which was an item of news broadcast at 7 A.M., July 22, 1949.

"Constable Provincial Police Inspector Harold Graham is taking charge of the investigation into the death of Andrew Kiyoshk, No. 92, 59-year old Indian who died following a week-end brawl at the Walpole Island Reserve near Sarnia. Another Indian, 62-year old, Silas Shobway, No. 69, was arraigned in Court, in Sarnia, yesterday on charge of assault. He was remanded without bail".

I spoke with Superintendent Stallwood, by telephone, this morning and he advised that he had already forwarded a report, which is in the mail. He said that, in his opinion, if we had had adequate police protection - possibly this would not have occurred.

J. E. Morris

J. E. Morris,
Regional Supervisor of Indian Agencies for the Province of Ontario.

JEM:kh.

Indian Affairs. (RG 10, Volume 7467, File 19040-7, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

INSPECTOR OF INDIAN AGENCIES

CANADA

DEPARTMENT
OF
MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

19040-7 R.S.2

Ottawa, July 22, 1949.

Memorandum:

T.R.L.MacInnes, Esq.,
Secretary

The following is information which I received from CKOY Broadcasting Station, which was an item of news broadcast at 7 A.M., July 22, 1949.

"Constable Provincial Police Inspector Harold Graham is taking charge of the investigation into the death of Andrew Kiyoshk, No. 92, 59-year old Indian who died following a week-end brawl at the Walpole Island Reserve near Sarnia. Another Indian, 62-year old, Silas Shobway, No. 69, was arraigned in Court, in Sarnia, yesterday on charge of assault. He was remanded without bail".

I spoke with Superintendent Stallwood, by telephone, this morning and he advised that he had already forwarded a report, which is in the mail. He said that, in his opinion, if we had had adequate police protection - possibly this would not have occurred.

J. E. Morris,
Regional Supervisor of Indian Agencies for the
Province of Ontario.

JEM:kh.

Indian Affairs. (RG 10, Volume 7467, File 19040-7, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CANADIAN PACIFIC TELEGRAPHS
World Wide Communications

W.D.NEIL, GENERAL MANAGER, MONTREAL

"The filing time shown in the date line is STANDARD TIME at place of origin. Time of receipt is STANDARD TIME at place of destination."

RAA296 58 NL

WALLACEBURG ONT 23

JUL 23 5 44 PM '49

19040-7

T R L MACINNIS 4:34

INDIAN AFFAIRS BRANCH OTTAWA

REFERENCE OUR LETTER JULY TWENTY FIRST RE DEATH ANDREW KIYOSHK STOP SILAS SHOBWAY HELD ON ASSAULT CHARGE WHICH MAY BECOME MANSLAUGHTER STOP SHOBWAY REQUESTING JACK BURGESS WALLACEBURG LAWYER AS COUNSEL STOP PLEASE ADVISE IF DEPARTMENT PAYS FOR DEFENSE IN SUCH CASES STOP CAN DEFENDANT CHOOSE HIS OWN LAWYER WHEN DEPARTMENT IS PAYING STOP PRELIMINARY HEARING JULY TWENTY SEVENTH

R J STALLWOOD

Indian Affairs. (RG 10, Volume 7467, File 19040-7, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-7(Secy.)

, July 25th, 1949.

R. J. Stallwood, Esq.,
Superintendent, Indian Agency,
Walpole Island, Ontario.

This will acknowledge your telegram of July 23rd, concerning Silas Shobway who is at present being held on an assault charge (which may become manslaughter) which resulted in the death of Andrew Kiyoshk.

With regard to the employment of counsel you are advised that this Branch furnishes defence counsel for Indians charged with murder only and the provision of such counsel is not a constitutional or legal obligation on any account. It is done as a matter of grace where the accused is financially unable to provide counsel for himself and by reason of that fact alone. This Branch in no case provides counsel for Indians accused of assault or manslaughter as in the present case.

The appointment of counsel is always made by the Department of Justice here and this Branch is not authorized to appoint any other counsel or to recognize any other appointment other than that made by the Department of Justice.

If such counsel is appointed for an Indian charged with murder, he cannot choose his own counsel he must accept counsel provided for him by the Department of Justice.

T. R. L. MacInnes,
Secretary.

Indian Affairs. (RG 10, Volume 7467, File 19040-7, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19040-7

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

4521

PLEASE QUOTE
FILE 21-40

Secy

Department of Mines & Resources
Indian Affairs Branch
JUL 26 1949
P.M.
REGISTERED

Walpole Island, Ont.
July 21, 1949.

Indian Affairs Branch,
Dept. of Mines & Resources, OTTAWA.

Re: Police - Walpole Island.

This is to advise you of the death, today, of Andrew Kiyoshk, a member of this Reserve, in St. Joseph's hospital, Sarnia, Ontario, resulting from an assualt that took place on Walpole Island on July 16, 1949. The R.C.M.P. and the Provincial Police are investigating and they have taken one Indian into custody.

Another assault case, involving Walpole Island Indians took place in Algonac, Michigan on July 16-17 but this case was handled by the Michigan State Police.

This is the third assault case that has taken place this summer, with the drinking of beer and liquor as a contributing factor. Please see our letter of June 20, 1949 recommending the stationing of R.C.M.P. on Walpole Island.

I have been requested by the local R.C.M.P. to apply to the Department for authority to act as Justice of the Peace on Walpole Island. This is for the purpose of signing warrants, etc., due to the fact that the nearest magistrate is in Sarnia.

Aug. 3.49
Action re appointing Indian Agent as Justice of the Peace. Advise file. F.H.

R J Stallwood
Robert J. Stallwood,
Superintendent of Indian Agency.

Indian Affairs. (RG 10, Volume 7467, File 19040-7, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19044-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DORMANT DORMANT

FILE NO. 19044-2

DORMANT

DORMANT FILE NO. 19044-2 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

TREATY 9
CHARGE OF MURDER AGAINST MRS. MIZZETOWEKEESIE OF OSNABURG

EX'D M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19044-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

~~[illegible]~~ 19044-2

No.

Department of Indian Affairs.

Mch 1914 19044 –

Treaty 9

Charge of Murder against Mrs Mizzeldowkanne of Osnaburg.

Indian Affairs. (RG 10, Volume 7467, File 19044-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

The Hudson's Bay Company

Onaburgh 10/2 1914

W J M Lawless Esq
Indian Agent
Fort Alexander

443440

Dear Sir,

My wife, from whom I have parted on account of the same, is accused of murdering a new born babe some two years ago. We can produce evidence to prove it and I would like to have the matter taken up at the Treaty Payment at Onaburgh summer of 1914.

I am
Yours respectfully
Mizzetowikwic
7137.0

Indian Affairs. (RG 10, Volume 7467, File 19044-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

OFFICIAL CORRESPONDENCE
TO BE ADDRESSED
THE FUR TRADE COMMISSIONER
THE HUDSON'S BAY COMPANY
WINNIPEG.

CABLE & TELEGRAPHIC
ADDRESS
MINK [redacted]
WINNIPEG.

The Hudson's Bay Company

Fur Trade Commissioner's Office

Winnipeg. 2nd March 1914.

NMcC

443440

IN YOUR REPLY REFER TO No. 118

Sir,

The enclosed letter addressed to you has been received through the Officer in Charge at Osnaburgh Post, Mr. J. Williams.

Kindly inform me whether you wish Mr. Williams to take any special steps in this case.

Yours faithfully,

N. H. Bacon

Fur Trade Commissioner.

Per ...

W. J. McLean, Esq.,
276, Furby Street,
CITY.

Indian Affairs. (RG 10, Volume 7467, File 19044-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Duplicate

276 Furby Street,
Winnipeg, 5th, March, 1914.

N. H. Bacon, Esq.,
Fur Trade Commissioner,
Hudson's Bay Company,
C I T Y.

443440

Sir:-

I beg to acknowledge receipt of your letter of the 2nd inst., enclosing a letter from an Indian to me from Osnaburg, which letter, you inform me, was transmitted to you by your officer in charge of the Osnaburg Post, Mr. Jabez Williams. As Mr. Williams is not implicated in any wise with the alleged charge made by the Indian, which is of long standing, I think he is quite exempt from taking any further notice of the matter.

I will submit the Indian's accusation against his cast off wife, to the Department of Indian Affairs, to be considered, and take such action as they may deem proper.

Yours very respectfully,

Sgd W. J. McLean

Paying Officer for Treaty No. 9.

Indian Affairs. (RG 10, Volume 7467, File 19044-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

276 Furby St. Winnipeg.
6th March 1914.

AGENT OF INDIAN AFFAIRS
MAR 9 1914

Sec'y. Department of Indian Affairs,
Ottawa.

443440

Sir.-
The enclosed herewith letters will explain why I consider it proper to submit them to the Department. No intimation was ever brought to me heretofore of the alleged crime which No. 137 of the Osnaburg Band accuses his wife of being guilty of, although he must have had an opportunity for doing so before, if he desired to do so.

Your obedient Servant,
W. J. McLean
pay's Officer for Treaty No 9.

Indian Affairs. (RG 10, Volume 7467, File 19044-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

445440

Ottawa, March 9, 1914.

Sir,-

In reply to your letter of the 6th inst., enclosing letter dated the 2nd inst., from the Trade Commissioner of the Hudson Bay Company and copy of your reply of the 5th inst., I beg to say that as the Provincial authorities are responsible for the administration of criminal justice, the accusation against the wife of Miszetourkeesic should be laid before the Attorney General of the Province if the Indian referred to is desirous of having the matter prosecuted.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

W.J. McLean, Esq.,
Paying Officer for Treaty No. 9,
276 Furby Street,
Winnipeg, Man.

Indian Affairs. (RG 10, Volume 7467, File 19044-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19044-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19044-3 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

TREATY 9
MURDER
NINE WOMEN AND CHILDREN KILLED BY
MRS. MARY ANN MATTINAS

EX'D
M

FILE NO. 19044-3 DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19044-3, Pt. 4).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19044-3

Department of Indian Affairs

19.....

TREATY 9

MURDER

NINE WOMEN & CHILDREN KILLED BY
MRS. MARY ANN MATTINAS.

Indian Affairs. (RG 10, Volume 7467, File 19044-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CANADIAN PACIFIC TELEGRAPHS

T.O. 1

DIRECT COMMUNICATION WITH

THE INTERNATIONAL SYSTEM - IMPERIAL AND INTERNATIONAL

POSTAL TELEGRAPH - MACKAY RADIO COMMUNICATIONS LIMITED -

COMMERCIAL CABLES - ALL AMERICA CABLES IMPERIAL CABLES - BRITISH PACIFIC CABLE

MONEY TRANSFERRED BY TELEGRAPH HALIFAX AND BERMUDA CABLE CO.

This is a full-rate Telegram or Cablegram unless otherwise indicated by signal in the check or in the address.

DL	DAY LETTER
NL	NIGHT LETTER
NM	NIGHT TELEGRAM
LCO	DEFERRED
NLT	CABLE LETTER
WLT	WEEK END LETTER

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

RNA156 PAID DPR STANDARD TIME

1952 SEP 13 PM 3 38

SX TORONTO ONT 13

OTTAWA OFFICE
PHONE QUEEN 1077

EGGLESTON

PRESS GALLERY OTTAWA ONT

280

INDIANS AT MOOSEONEE DECLARE MRS MARY ANN MATTINAS KILLED 9 WOMEN AND CHILDREN BEFORE HER DEATH IN 1912. SAY SHE BURNED SIX BODIES AND DROPPED THREE THROUGH ICE HOLE. SAY KILLINGS WIDELY KNOWN BUT NO ACTION TAKEN AGAINST MRS MATTINAS SEVERAL FAMILIES CONFIRM STORY HAS OTTAWA ANY RECORD OF IT? ANY INVESTIGATION AND IF NO, WHY NO FURTHER ACTION? WANT OTTAWA END OF STORY IN TIME FOR USE THURSDAY

STAR

1952 SEP 13 PM 3 41

By ..... Time .....

Indian Affairs. (RG 10, Volume 7467, File 19044-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-3

52305

ROYAL CANADIAN MOUNTED POLICE

OFFICE OF THE COMMISSIONER

REFERENCE TO BE ADDRESSED:
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA.

OTTAWA,

DEPARTMENT OF INDIAN AFFAIRS
JUN 18 1924
REGISTRY

FILE No. 24/D 478-2 E 1

June 17th, 1924.

Sir;-

Re- Shooting of Margaret Oombash -
Osnaburgh Dist. Albany River, Ont.

I have the honour to enclose for your information, concerning the above mentioned matter, copy of report dated the 11th instant, together with copy of enclosures referred to therein.

As stated by Inspector Dann, telegraphic particulars of the case and request for authority to send a patrol in company with the Treaty payment party were received on the 13th instant and authority immediately wired, also suggesting that the intention to send a patrol be kept as quiet as possible, in order to assist in its work. Further reports will be submitted as received.

I have the honour to be,

Sir,

Your obedient servant,

Cortlandt Starnes,
COMMISSIONER.

The Deputy Superintendent General,
Department of Indian Affairs,
Ottawa.

SM/F.

Indian Affairs. (RG 10, Volume 7467, File 19044-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19044-4 DORMANT

DORMANT

DORMANT FILE NO. 19044-4 DORMANT

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

TREATY 9

MURDER

AGNES SAYLORS AND HENRY SAYLORS

MURDER OF BROTHER-IN-LAW

CROSS REFERENCE

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19044-4

Department of Indian Affairs

19.....

TREATY 9

MURDER

AGNES SAYLORS & HENRY SAYLORS
MURDER OF BROTHER-IN-LAW.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

104 Drinkwater Street.
Sudbury.Ont.Jan 30th,1937.

19044-4

A.F.MacKenzie Esqr.
Secretary.Dept.of Indian Affairs.
Ottawa.Ont.

Dear Sir:-

Henry Saylors and his wife,agnes,belonging to the Moose Factory Cree Band of Indians and residents of Chapleau are in the District jail here,The woman is charged with the murder of her brother-in-law ,on Thursday night last and her husband for inciting her to commit the crime.

I have been up at the jail and talked over their plight with both of them,with the consent of the Crown Attorney,and the other officials.The Inquest is to be held at Chapleau on Feb 5th,and it is more than likely that the couple will have to stand their trial at the Spring Assizes .

The man is a Cree with a rather limited knowledge of English and the woman is Ojibway and knows next to nothing of English.I generally act as interpreter in the courts here,but only when the act does not interfere with my duties as their Spiritual adviser.In this particular case I shall not be able to act,for the reason given.A good interpreter will not be easy to find.

To-day both the man and his wife plead for the privelegde of having good council to defend them,and begged me to write the Department on their behalf and ask that they be provided with a defence council.

Mr G.E.Buchanan.K.C.who is One of Sudbury's leading lawyers would I think be a very suitable man.In a conversation with him to-day he stated that he would be willing to take charge of the case if instructed by your Department to do so.I shall naturally do all I can for these unfortunate people and will endeavour to assist in any way possible.

I should be pleased to know the Department's mind on this matter.

Faithfully yours.

Geo. Preuss.

Indian Affairs Branch
FEB 1 1937
RECORDS

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

file

O T T A W A,
February 1, 1937.

Dear Sir:-

We desire the name of Counsel to defend Mrs. Sayless, an Indian woman, and her husband, on charges of murder and inciting to murder respectively, committed on an Indian reserve near Chapleau, Ontario.

Yours very truly,

Director of Indian Affairs.

a.s.w.

The Deputy Minister,
Department of Justice,
O T T A W A.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-4

Mines & Resources
Indian Affairs Branch
FEB 2 1937
RECORDS

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

Chapleau January 31st, 1937.

R

Sir,

I beg leave to report that there was a shooting affray here on Friday last, in which and Indian Wm. Saylors No.I, Chapleau Crees was shot and killed by His Brothers wife of No.41, of the same band, under circumstances which appears she was justified in doing so in self defence.

The woman Agnes Saylors wasat home in her cabbin on the Cree reserve with her youngest child about five years of age, and some time during the night of Jany.28th, or friday morning of the 29th, Wm.Saylors went to the Reserve where he knew this woman and child was alone and tried to force his way into the cabin first smashing the window and when not able to get through the window he started to break down the doar, Mrs Saylors warned him to stop and after the doar was pretty well broken down the woman fired several shots close to him in the doar warning him that she would shoot him if he insisted on coming on in the cabin, and when he was almost through the opening he had smashed she fired again this time killing him instantly.

After seeing that she had killed the man she got out through the window and came to Chapleau bringing her small child with her and gave herself up to the authorities leaving the body of the man just as she had shot him partly in the house and partly outside hanging in the broken doar.

The Provincial Police have arrested the husband owing to the fact that he had told his wife that if any man molested her when he was away from home to use the rifle and shoot them, as the cabin or home is over a mile from any other dwelling on the reserva. Both the man and woman are now confined in the District Jail at Sudbury waiting trial, the Investigation is to be held here on Friday the 5th, and I would like to reccomend that Council be supplied them for defence and would reccomend Mr. G.M.Miller, K.C.of Sudbury to defend them and the Crown Atorney feels they should have Council.

The Secretary,
Dept. Indian Affairs,
Ottawa, Ont.

Will you please advize me by wire immediately on receipt of this letter as I was not able to report on the case earlier owing to being unable to get details of the case.

Your obedient servant, Indian Agent.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C.D

CANADIAN PACIFIC TELEGRAPHS

CLASS OF SERVICE	
Full Rate	X
Day Letter	
Night Message	
Night Letter	

Please mark an X opposite the class of service desired.

MONEY TRANSFERRED BY TELEGRAPH TO PRINCIPAL POINTS IN CANADA AND THE UNITED STATES

CANADIAN PACIFIC COMMUNICATIONS

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD
RADIOGRAMS TO SHIPS

TIME FILED
CHECK

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

T. J. Godfrey,
Indian Agent,
Chapleau, Ontario.

MAY EMPLOY G E BUCHANAN SUDBURY DEFEND SAYLORS MURDER CHARGE

Harold W. McGill

G.S.W.
charge Indian Affairs Branch

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-4

EXD.

February 3, 1937.

Reverend and dear Sir:-

I have to acknowledge your letter of the 30th January, advising that a murder had been committed near Chapleau and that Mrs. Henry Saylors had been charged with the crime and her husband had been charged with inciting and that they desire counsel for their defense.

In reply I have to say that Agent Godfrey has been authorized to employ Mr. G. E. Buchanan, K.C., of Sudbury.

Yours very truly,

T.R.L. MacInnes,
Secretary.

a.s.w.

TRLM

Reverend Canon George Prewer,
104 Drinkwater St.,
Sudbury,
Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-4

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

Department of Mines and Resources
Indian Affairs Branch
FEB 8 1937
RECORDS

Chapleau February 5th, 1937.

Dear Sir:-

Refering to the Inquest, and the premilary trial of Mrs. Henry Saylors and her husband held here at Chapleau this datefor the Murder of William Saylors brother of Henry, I beg leave to report on the case as follows.

The Inquest was held at One P.M. before Coroner Dr. J.J. Sheahan, and Jury, the Verdict was as follows.

> " We the Jury find that William Saylors " came to his death on the night of January 28th, 1937, from a rifle shot fired from the hands of Mrs. Agnes Saylors, at her home One and a half miles North East of Chapleau on the Cree Indian Reserve in the Township of Cochrane, in defence of herself and Child.

Immediately after the Inquest the preliminary trial of Henry Saylors and his wife Agnes Saylors was held before Magistrate Cooper, the Crown Atorney Mr. E.D.Wilkenson, K.C. acting for the Crown, and Mr. G.E. Buchanan, K.C. for the Defence.

The case against Henry Saylors was dismissed, and Mrs. Agnes Saylors was committed for trial to come up early in March.

Mr. Buchanan is quite confident that the woman will be cleared of the charge.

The man was shot after being warned by three shots over his head while he was breaking down the doar, and when climbing through the broken panell of the doar Mrs. Saylors fired at him killing him instantly with a 303 Savage Rifle, the whole community feel that she was perfectly justified in doing as she did.

Your obedient servant,

D. Cooper

Indian Agent.

The Secretary,
Department of Indian Affairs,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

RG/RC

19044-4

Department of Mines & Resources
Indian Affairs Branch
FEB 9 1937
RECORDS

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA February 8th 19 37.

1/n Buchanan

B.28- Mines and Resources,Ont.

Dear Sir:

With reference to your letter of the 1st instant, I beg to say that the Minister of Justice has authorized the employment of G.E. Buchanan,Esq.,K.C., Sudbury,Ont., to defend Mrs. Saylass, an Indian woman, and her husband, on charges of murder and inciting to murder respectively, committed on an Indian reserve near Chapleau,Ont.

Yours truly,

F.P. Varcoe

for Deputy Minister.

Director of Indian Affairs,
Dept. of Mines and Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Toronto Globe & Mail
Feb. 6th 37

Indian Woman Sent For Trial on Charge Of Murder in North

Accused of Fatally Wounding Brother-in-Law; Seven Witnesses at Preliminary Hearing at Chapleau

Chapleau, Feb. 5 (CP). — Mrs. Agnes Saylors, 32-year-old Indian woman, today was committed for trial on a murder charge by Magistrate Willard Cooper. She is accused of shooting her 28-year-old brother-in-law, Willie Saylors, Thursday night of last week. The woman's husband, Henry Saylors, was acquitted on a charge of complicity in the slaying.

Seven witnesses, including the husband, testified at Mrs. Saylors' preliminary hearing in this northern Ontario town, about 130 miles northwest of Sudbury. In her statement to the police the woman was said to have admitted shooting the man when he attempted to break into her home, a mile north of here.

Evidence showed the woman fired a rifle three times as a warning to the intruder. The fatal shot was fired as Saylors was smashing his way through the cabin door.

Earlier in the afternoon a Coroner's jury found Saylors was shot by his sister-in-law in self defense as she sought to protect herself and 4-year-old daughter, alone at the little frame home on the Cree Indian reserve.

Coroner J. J. Sheahan presided at the inquest, with E. D. Wilkins, K.C., Sudbury, acting for the Crown and G. E. Buchanan, K.C., for the defense.

Dr. R. J. Ball testified he visited the Saylors' home and examined the body of Willie Saylors, which was sprawled over the opening which he smashed in the door.

Dr. Ball placed the time of death about 8 o'clock.

Mrs. George Fortunato and Evelyn Gategee told of the arrival in Chapleau of Mrs. Saylors and her story of the slain man's visit to her home. Other witnesses were Robert Mercer, Provincial Constable P. Poland, Chief Constable P. Derry and Henry Saylors, the husband.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Toronto Daily Star
Feb 6th 37

HOLD WOMAN FIRED SHOTS TO SCARE AWAY INTRUDER

Claim Mrs. Saylors Stated Brother-in-law Threw Axe Through Window

ACCUSED OF MURDER

Special to The Star

Chapleau, Feb. 6.—A coroner's jury yesterday brought in a verdict that Willie Saylors, 28, found by police on Jan. 28 with a bullet in his neck, had come to his death by a shot from a rifle in the hands of his sister-in-law, Mrs. Agnes Saylors, 32, when he attempted to break into her home a mile from this town. The jury added she had shot him in defence of herself and infant daughter.

At the preliminary hearing on the charge of murder against Henry Saylors and his wife, Agnes Saylors, held immediately after the inquest, witnesses stated they had heard Mrs. Saylors tell her husband she had shot Willie Saylors when he attempted to break into her home.

Witnesses stated that when Mrs. Saylors came to town after the shooting she had a cut on her leg which she claimed to have received when Willie Saylors threw an axe through the window. After the shooting Mrs. Saylors told witnesses that when Willie Saylors was attempting to break down the door he had said "If I get in here I'll kill you." It was said Mrs. Saylors had picked up the axe and warned Willie to go away. Then she had picked up the rifle and fired three shots in the air in an attempt to frighten him. By this time Willie had his head and shoulders through the broken door and she shot him making her own exit through the window, said witnesses.

The charge of complicity laid against Henry Saylors last week was dismissed by Magistrate Cooper. Mrs. Saylors was committed for trial on a charge of murder.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Ottawa Journal 6/2/37

Chapleau Woman Facing Trial For Murder

Charged with Slaying Brother-in-Law Who Broke Into Her Home.

CHAPLEAU, Ont., Feb. 5.—(CP)—Mrs. Agnes Saylors, 32-year-old Indian woman, today was committed for trial on a murder charge by Magistrate Willard Cooper. She is accused of shooting her 28-year-old brother-in-law, Willie Saylors, January 29.

The woman's husband, Henry Saylors, was acquitted on a charge of complicity in the slaying.

Seven witnesses, including the husband, testified at Mrs. Saylors' preliminary hearing in this Northern Ontario town, about 130 miles northwest of Sudbury.

Admits Firing Shot.

In her alleged statement to police, the woman was said to have admitted shooting the man when he attempted to break into her home, a mile north of here.

Evidence showed the woman fired a rifle three times as a warning to the intruder. The fatal shot was fired as Saylors was smashing his way through the cabin door.

Earlier in the afternoon, a coroner's jury found Saylors was shot by his sister-in-law in self defence as she sought to protect herself and four-year-old daughter, alone at the little frame home on the Cree Indian reserve.

Coroner J. J. Sheahan presided at the inquest with E. D. Wilkins, K.C., Sudbury, acting for the Crown and G. E. Buchanan, K.C., for the defence.

Dr. R. J. Ball testified he visited the Saylors home and examined the body of Willie Saylors which was sprawled over the opening when he smashed in the door.

Dr. Bell placed the time of death about eight o'clock.

Mrs. George Fortunato and Evelyn Categee told of the arrival in Chapleau of Mrs. Saylors and her story of the slain man's visit to her home. Other witnesses were Robert Mercer, Provincial Constable P. Poland, Chief Constable P. Derry and Henry Saylors, the husband.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044 4

Department of Mines & Resources
Indian Affairs Branch
FEB 16 1937
RECORDS

File

Montreal Daily Star
6/2/37

MURDER CHARGED TO INDIAN WOMAN

Mrs. Agnes Saylors, 32, Held For Shooting Brother-in-Law

CHAPLEAU, Ont., Feb. 6—(C.P.)—Mrs. Agnes Saylors, 32-year-old Indian woman, yesterday was committed for trial on a murder charge by Magistrate Willard Cooper. She is accused of shooting her 28-year-old brother-in-law, Willie Saylors, January 29.

The woman's husband, Henry Saylors, was acquitted on a charge of complicity in the slaying.

Seven witnesses, including the husband, testified at Mrs. Saylors' preliminary hearing. In her alleged statement to police the woman was said to have admitted shooting the man when he attempted to break into her home, a mile north of here.

Evidence showed the woman fired a rifle three times as a warning to the intruder. The fatal shot was fired as Saylors was smashing his way through the cabin door.

SELF-DEFENCE

Earlier in the afternoon a coroner's jury found Saylors was shot by his sister-in-law in self defence as she sought to protect herself and four-year-old daughter, alone in their home on the Cree Indian Reserve.

Coroner J. J. Sheahan presided at the inquest with E. D. Wilkins, K.C., Sudbury, acting for the Crown and G. E. Buchanan, K.C., for the defence.

Dr. R. J. Ball testified he visited the Saylors home and examined the body of Willie Saylors which was sprawled over the opening.

Mrs. George Fortunato and Evelyn Gategee told of the arrival in Chapleau of Mrs. Saylors and her story of the slain man's visit to her home. Other witnesses were Robert Mercer, Provincial Constable P. Poland, Chief Constable P. Derry and Henry Saylors, the husband.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

G.E.BUCHANAN.

T.J.Godfrey, Esq. Indian Agent, (Cont'd.) #2. March 4th 1937

I am very grateful to you for the assistance you gave me, both at Chapleau when the Inquest was held and the preliminary investigation, and also at the trial at Sudbury. I thank you very much.

Yours sincerely,

(Signed) G.E.Buchanan.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

(COPPY)

Sudbury, Ont. March 4th, 1937.

T.J.Godfrey,Esq.,
Indian Agent,
CHAPLEAU, Ontario.

Dear Mr. Godfrey:- Rex vs. Agnes Saylors.

As you were present at the trial at Sudbury in this case and you were with me at the Counsel table, I need not give you particularsas as to the case. As you know, Mrs. Saylors was indicted by the Grand Jury on Monday the 1st, of March, "THAT on or about the 28th, day of January, 1937, she did murder William Saylors, contrary to Section 263 of the Criminal Code." The trial commenced on Tuesday morning at ten o'clock before the Honourable Mr. Justice Chevrier and the Petit Jury. The evidence for the Crown and for the defence was completed about five o'clock and Court adjournedthen untill seven-thirty in the evening when addresses were delivered by the Counsel for the defence and for the Crown and the case was summed up by the Honourable Mr. Justice Chevrier to the Jury. The Jury were out about twenty minutes when they returned and brought in a verdict of "NOT GUILTY."

The witnesses who gave testimony on behalf of the Crown were:-

Mr. R.W.DeMorest,
Dr. Ball,
Mrs. Florence Fortunato,
Constable F.E.Dery,
Provincial Constable P.Poland,
Robert Mercier,
Josephine Mercier,
Eveline Cachagee, and
Esiah Saylors,

William McLeod acted as interpreter.On behalf of the defence, we had the following witnesses:-
Mrs. Agnes Saylors the accused, her husband, Henry Saylors, Mrs. Louisa Byce. I did not call Mr. Fred Bartowesky, or Mrs. Nellie Green.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

G.E.BUCHANAN.

T.J.Godfrey, Esq. Indian Agent. (Cont'd.) #2. March 4th 1937

I am very grateful to you for the assistance you gave me, both at Chapleau when the inquest was held and the preliminary investigation, and also at the trial at Sudbury. I thank you very much.

Yours sincerely,

(Signed) G.E.Buchanan.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-4

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

Chapleau March 8th, 1937.

Department of Mines & Resources
Indian Affairs Branch.
MAR 9 1937
RECORDS

Sir:-

R

I beg leave to report relative to the Mrs. Agnes Saylors trial for murder held at Sudbury on the first and secondday of March, and that the woman was acquitted.

I also wish to enclose coppy of letter from G.E.Buchanan.K.C. who defended this woman at the trial and which gives particulars of the trial.

In talking over the case with Mr. Buchanan after the trial he informed me that he would like to have me report on the matter and get information as to the amount payable to the witnesses for attending the trial for the defence, and as all the Crown witnesses received the sum of $34.00 for attending I presume the defence witnesses will receive the same.

In issuing the Summons to the defence witnesses it was necessary for me to give each one of them the sum of $2.00, and while at Sudbury I paid the board and lodging for some of the defence witnesses as well as issuing transportation warrants for them .

Mr. Buchanan advises me that he will issue cheque for all expenses that I may pay the witnesses then render his account through me for his legal servises for defending the woman.

If this arangement is satisfactory will you kindly instruct me that I may advise Mr. Buchanan.

Mr. Buchanan presumes that defence witnesses should be paid the same amount as Crown witnesses.

Waiting your instructions I beg to remain.

Your obedient servant,

A. Cooper

The Secretary,
Department of Indian Affairs,
Ottawa, Ont.

Indian Agent.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EX'D.

19044-4

Ottawa, March 16, 1937.

Dear Sir:-

I have to acknowledge receipt of your letter of the 8th instant with reference to the case of Mrs. Agnes Saylor, charged for murder, and in reply thereto I have to advise you that the department does not assume responsibility for witness fees in a case of this kind. It will be necessary for the witnesses to look to the local authorities for adjustment.

Yours very truly,

T.R.L. MacInnes

T.R.L. MacInnes.
Secretary.

TRM

T.J. Godfrey, Esq.,
Indian Agent,
Chapleau, Ont.,

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-4

G. E. BUCHANAN, K.C.
Barrister, Solicitor
Notary Public, &c.

Sept Resources

Offices 110-111
Huron Chambers

Sudbury, Ont.

March 20th, 1937.

R

ATTENTION: The Secretary.

The Department of Indian Affairs,
Booth Building,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch.
MAR 22 1937
RECORDS

Gentlemen:- Rex vs Saylors.

This was a murder case, the preliminary trial of which was held at Chapleau and the trial at Sudbury on the 1st and 2nd of March of this year.

I acted for the Defence on the instructions of Mr. Godfrey, the Indian Agent at Chapleau, who had been authorized to employ me by Dr. McGill.

I requested Mr. Godfrey to bring down from Chapleau, three witnesses, Mrs. Louise Byce, Mrs. Nellie Green and Fred Bartowesky. As a matter of fact, I only called Mrs. Byce as a witness. I did not call Mrs. Green or Fred Bartowesky because it was really a collateral matter. I objected to the Crown bringing in evidence on a collateral matter and that precluded my calling for evidence in a collateral matter.

As to the payment of these witnesses, I found out that the Crown were paying twenty cents per mile for each of their witnesses, which would be $34.00 for each, and I told Mr. Godfrey that we should pay the same. I could not ask the Crown to pay for these witnesses, I felt that they should be paid by your Department. Mr. Godfrey tells me that your Department

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

was reluctant in paying these fees, claiming that it is not the custom. I wish you would consider this matter further and allow these witness fees, as I feel that they are properly to be paid by the Department, particularly when I had these people subpoenaed and brought to Sudbury.

Could you therefore take up with Mr. Godfrey the paying of these fees, as I understand they are constantly inquiring about them.

Yours truly,

G. E. BUCHANAN,
Per acl

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-4

Ottawa, April 1, 1937.

Dear Sir,

I have noted your letter of the 8th of March and the Secretary's reply thereto in regard to Crown witness fees in the matter of Rex vs. Saylors.

If you will please submit a statement, duly certified by you, covering these fees payment will be made.

Yours very truly,

Director of Indian Affairs.

TRM

T. J. Godfrey, Esq.
Indian Agent,
Chapleau, Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-4

Ottawa, April 2, 1937.

Dear Sir,

Referring to our conversation and your letter of March 20 regarding Rex vs Saylors, I have to advise you that this department will pay Crown witness fees.

I have instructed the Indian Agent to submit a statement covering these fees.

Yours very truly,

Director of Indian Affairs.

TRM

Mr. G. E. Buchanan, K. C.,
Barrister, Solicitor, Etc.,
110-111 Huron Chambers,
Sudbury, Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

STATEMENT

FOLIO.....

Chapleau Apr. 6th 1937

M Department of Indian Affairs
Ottawa

In Acct. with L. J. Godfrey
Chapleau

TERMS

Apr.	6. 37					
		To Louis Byer witness				
		fees on behalf Defence Saylors				
		murder trial			15	40
		To Mrs Nellie Green				
		Witness fees behalf Defence				
		Saylors trial			21	40
		To Fred Barty				
		Witness fees behalf				
		Defence Saylors trial			21	40
				$	58	20

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

STATEMENT

FOLIO

Chapleau Apr. 6th 1937

To Department of Indian Affairs
Ottawa

In Acct. with T. J. Godfrey
Chapleau

TERMS

Apr. 6.37	To Louis Byer witness fees on behalf Defence Saylors Murder trial			15	40
	To Mrs Nellie Green Witness fees behalf Defence Saylors trial			21	40
	To Fred Barty Witness fees behalf Defence Saylors trial			21	40
			$	58	20

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

STATEMENT

FOLIO

Chapleau Apr. 6th 1937

M Department of Indian Affairs
Ottawa

In Acct. with T. J. Godfrey
Chapleau.

TERMS

Apr.	6.	37				
		To Louis Boyer Witness				
		fees on behalf Defence Taylors				
		Murder trial			15	40
		To Mrs Nellie Green				
		Witness fees behalf Defence				
		Day fees trial			21	40
		To Fred Barry				
		Witness fees behalf				
		Defence Taylors trial			21	40
				$	58	20

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

PAY TO: D. J. Geaprey

ADDRESS: Chapleau Ont

THIS SPACE FOR TREASURY ONLY

CHEQUE No.

DATE

VOTE		AGENCY	
ALLOT.	E. R.	AMOUNT	
TOTAL			

EXAMINED AND FOUND CORRECT

DATE

AUDITED FOR PAYMENT APR 23 1937 ACCOUNTS BRANCH INDIAN AFFAIRS

DATE		SERVICE	AMOUNT	
Apl 6/37		To Cash paid Louisa Bycas Witness Fees at Defence Murder Trial Mrs Taylors at Sudbury Mar 1/37	15	40
		To Cash paid Mrs Nellie Green as Defence Witness at Murder trial Mrs Taylors at Sudbury Mar 1/37	21	40
		To Cash paid Fred Baty as Defence Witness at Murder trial Mrs Taylors at Sudbury Mar 1/37	21	40
		TOTAL	$58	20

VOTE ..... AGENCY ..... ALLOT. ..... E. R. .....

Goods received or services performed. Prices fair and just. Certify for payment.

T. R. F. Markham

Paid at $58.20 Co Williams

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just, also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

Classpr 168

D. J. Geaprey

Agent

FORM No. 506

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CANADA

Letter No.

Office of the Chapleau Indian Agency,

April 6th 1937

Sir,

I enclose herewith Vouchers Nos.,

amounting to $8.00 in favour

of P. J. Godfrey

for Cash paid out to Defence witness as per their for attending Lawlors Trial March 1st 1937 at Sudbury.

This expenditure was authorized by Departmental authority

Letter No. 19044-4 dated April 11 1937

(Director of Indian Affairs)

Your obedient servant,

P. J. Godfrey

Indian Agent

The Secretary,

Department of Indian Affairs,

Ottawa.

Form No. 518

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-4

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

Chapleau April 6th, 1937.

Department of Indian Affairs
APR 7 1937
RECORDS

Sir,

I beg leave to enclose herewith statement of personal moneys paid out to defence witnesses called by defence Council Mr. G.E.Buchanan for the trial of Mrs. H.Saylors who was up on a murder charge for shooting her brother-in-law, she was acquitted at trial on March 2nd, at Sudbury.

There were but three witnesses namely Louisa Byce, Mrs. Nellie Green, and Fred Barty.

These witnesses were paid the same fees as the Crown witnesses who received 20¢ per mile one way a distance from Chapleau to Sudbury of 170 miles less their transportation to Sudbury and return amounting to $10.60, plus $2.00 cash paid by me when summons was served, in addition to this it was necessary for me to pay for room at Hotel Sudbury as they had no funds to pay, these amounts are not included in the statement as I had already rendered my quarterly expence account for this office and these expenditures were included in the quarterly account.

The amounts in the enclosed account are the balances due the witnesses and which I have paid with personal funds as these people have been calling from day to day wanting their money, and I have paid them and attach their receipts for payment, and which clears up the expence of this trial with the exception of Mr. Buchanan's Legal fees, and which I presume he will forward direct to the Department.

Your obedient servant,

The Secretary,
Department of Indian Affairs,
Ottawa, Ont.

Indian Agent.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF
MINES AND RESOURCES

CANADA

INDIAN AFFAIRS BRANCH

FILE No. 19044-4

EX'D.

TREASURY OFFICE

Ottawa, April 19th, 1937.

MEMO:

The Secretary,-

Witness Fees - $58.20
T.J.Godfrey, Indian Agent, Chapleau.

With references to the account hereunder I wish to say that in the past such accounts were taxed by Mr. Williams. I would suggest that this account be submitted to the Departmental Solicitor for taxation.

Chief Treasury Officer.

HMG/B

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044 4

G. E. BUCHANAN, K.C.
Barrister, Solicitor
Notary Public, &c.

~~P.O. Box 306~~

Offices 111-112
Huron Chambers

Sudbury, Ont.

May 15th, 1937.

EX'D.

R

Department of Mines & Resources
Indian Affairs Branch
MAY 17 1937
RECORDS

The Department of Mines & Resources,
Indian Affairs Branch,
OTTAWA, Canada.

Gentlemen: Rex vs. Agnes Saylors.

I acted as counsel in this matter and now enclose herewith three copies of my account.

Mrs. Saylors, an Indian woman, was charged with murder, the trial took place at Sudbury and she was found, "Not Guilty".

Yours truly,

G. E. BUCHANAN,
Per

Enc.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

urgent

Mr. St-Louis.

Have you another file of the same sort that will guide me in this case. I think the account is sent to the Dept of Justice for approval, but I am not sure.

Mm Foster

Please see file 19168-3 herewith

VAH

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-4

EX'D.

Your file No.B.28

June 8,1937.

Dear Sir:- Rex vs Agnes Saylors.

I am enclosing an account for taxation in favour of Mr. G. A. Buchanan, K.C., Barrister, of Sudbury, Ontario, whose employment was authorized by your department on the 8th of February last to defend the above named Agnes Saylors, charged with murder, committed on an Indian reserve near Chapleau, Ontario.

Yours very truly,

T.R.L.MacInnes.
Secretary.

The Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044 4

Mines & Resources
Indian Affairs Branch.
JUN 14 1937
RECORDS

FILING

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA June 11th 1937.

E. D.

Dear Sir,

A-3-Mines & Resources, Ontario.

Re Rex v. Agnes Saylors.

In reply to your letter of June 8th, I return the account of Mr. G.E. Buchanan, K.C., of Sudbury, which I have taxed and certified at the sum of $286.65.

Yours truly,

Acting Deputy Minister.

"Encl."

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a.

RECEIVED
JUN 18 1937
INDIAN AFFAIRS BRANCH

Representative of the Treasury
JUN 17 1937
INDIAN AFFAIRS

Indian Affairs. (RG 10, Volume 7467, File 19044-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19044-7 DORMANT

DORMANT

DORMANT FILE NO. 19044-7 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

ALLEGED MURDERS
BEECHER ISLANDS N.W.T.

GENERAL CORRESPONDENCE

CROSS REFERENCE

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19044-7

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

ALLEGED MURDERS
BEECHER ISLANDS
N.W.T.

GENERAL CORRESPONDENCE

R. 9036

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY

All Correspondence To Be Addressed:-

The Commissioner,
R.C.M. Police,
Ottawa

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS "C" DEPARTMENT

In Reply Please Quote

File No. 41 D 636-13-L-1

OTTAWA, March 26, 1941.
Canada

SPECIAL MESSENGER

Sir;

Re: Alleged Murders,
Belcher Islands,
N. W. T.

With reference to your letter of March 14th in regard to alleged murders at Belcher Islands, arrangements are being made for a patrol to this point by plane, to investigate the matter.

2. Would you be kind enough to appoint Inspector Douglas James Martin, Officer Commanding "G" Division, R.C.M. Police, a Coroner in and for the Northwest Territories, as this appointment will be necessary in this investigation.

3. It is also requested that Dr. T. J. Orford, the Indian Agent at Moose Factory, Ontario, who was formerly Medical Officer for the Northwest Territories Administration at Pangnirtung, N.W.T., be authorised to accompany the patrol to Belcher Islands and that you would instruct him accordingly. This is for the purpose of giving medical evidence at the preliminary hearing and inquests which are likely to take place whilst the patrol is there.

4. It would be appreciated if you would give this matter your attention as soon as possible as it is necessary for the patrol to leave immediately.

Yours truly,

K. Duncan, Supt.,
Assistant Director,
Criminal Investigation.

The Deputy Commissioner,
Administration of Northwest Territories,
Department of Mines and Resources,
Ottawa, Canada.

KD/RB

4640

17 OCT 17

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

OFFICE OF THE
DEPUTY COMMISSIONER

ADMINISTRATION
OF THE
NORTHWEST TERRITORIES
CANADA

OTTAWA

March 26, 1941.

Dear Dr. McGill,

Re - Reported Murders at Belcher Islands.

I am sending you herewith a copy of a letter just received by special messenger from the Commissioner of the Royal Canadian Mounted Police.

You will observe that it is desired that Dr. Orford accompany Inspector Martin on the trip to Belcher Islands. It would seem desirable to arrange this if at all possible. Will you please advise Commissioner Wood, sending me a copy of your letter.

Yours very truly,

R.A. Gibson,
Deputy Commissioner.

Department of Mines & Resources
Indian Affairs Branch
MAR 28 1941
REGISTERED

H. W. McGill, Esq., M.D., M.C., V.D.,
Director of Indian Affairs,
Department of Mines and Resources,
O t t a w a.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Ottawa, Ontario,
March 26, 1941.

Dear Sir:

Re: Alleged Murders,
Belcher Islands,
N. W. T.

Your communication of March 28th, addressed to the Deputy Commissioner, Administration of Northwest Territories, your File 41 D 636-13-L-1, has been referred to me.

I note that it is desired that Dr. Orford should accompany Inspector Martin on the trip to Belcher Islands. I concur in this suggestion and have communicated with Dr. Orford today and have instructed him to be ready to leave immediately.

Yours very truly,

Director.

The Commissioner,
Royal Canadian Mounted Police,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

99-44

Ottawa, Ontario,
March 26, 1941.

Dear Mr. Gibson:

Re: Reported Murders at
Belcher Islands.

I have to refer to your communication of March 26th, wherewith you enclosed a copy of letter received by special messenger from the Commissioner of the Royal Canadian Mounted Police.

For your information I am enclosing herewith copies of a letter and telegram that have been sent today to the Royal Canadian Mounted Police and Dr. Orford, respecting this matter.

Yours very truly,

Director.

R.A.Gibson, Esq.,
Deputy Commissioner,
Administration of Northwest
Territories,
Ottawa.

P01

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Form 6102B

CLASS OF SERVICE DESIRED	
FULL-RATE MESSAGE	
DAY LETTER	X
NIGHT MESSAGE	
NIGHT LETTER	

PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

Ottawa, Ontario,
March 26, 1941.

Dr. T.J.Orford,
In Charge Indian Agency,
Moose Factory, Ontario.

Royal Canadian Mounted Police are sending a patrol to Belcher Islands to investigate alleged murders They are desirous you should accompany the patrol to get medical evidence at preliminary hearing and inquests stop Inspector Martin will stop at Moosonee within next few days stop Please hold yourself in readiness to accompany him.

Harold W. McGill.

Charge
I.A.
D.M.R.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FORM 61

CLASS OF SERVICE	SYMBOL
Full-Rate Message	
Day Letter	
Night Message	A
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

CANADIAN NATIONAL TELEGRAM (56)

TELEGRAPH CANADIAN NATIONAL AND CABLE

D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

MAR 2 AM 7 57

STANDARD TIME

RA69 11 COLLECT 50 & 90 VIA COCHRANE ONT=MOOSONEE ONT 2

744A

HAROLD W MCGILL=

INDIAN RESERVE BRANCH DEPT MINES AND RESOURCES

OTTAWA ONT=

PLANE HAS NOT ARRIVED STOP WHEN MAY WE EXPECT IT=

DR ORFORD.

Sent

024

copied

This is a Collect message (no charge) to be charged to your account unless we are notified at once to the contrary.

Department of Mines and Resources
APR 2 1941
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Note for file.

By telephone the RCMP advised that they would wire to Dr. Orford. The delay has been caused by the difficulty in obtaining a plane.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

99-44

L.H. 6A.

Royal Canadian Mounted Police

(C. I. B.)

IN REPLY PLEASE QUOTE

DIV. FILE No. 41 G 636-1

H. Q. FILE No. 41 D636-13-L-1

Ottawa, Ontario
April 2nd, 1941.

Department of Mines & Resources
Indian Affairs Branch
APR 4 1941
REGISTERED

Note
DJ

Dr. H. W. McGill,
Director of Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ontario

Dear Sir:

Re: Alleged Murders - Belcher Islands, N. W. T.

1. I wish to advise you that we have experienced some difficulties in regard to getting our Norseman plane C.F. - MPF, into proper condition for the flight from Ottawa to Belcher Islands, N.W.T., via Moose Factory, Ontario, at which latter place we intend to pick up Dr. T.J.Orford, your Indian Agent at that point, whom you have kindly instructed to accompany the police party to Belcher Islands.

2. I have today advised Dr. Orford by telegram of these delays and have informed him that we expect to be at Moose Factory on Friday next, April 4th.

Yours truly,

D J Martin

D.J.Martin Inspector,
Commanding "G" Division.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

99-44

Ottawa Citizen
April 3/41.

Report Killings On Belcher Islands

Commissioner S. T. Wood of the Royal Canadian Mounted Police today told the Canadian Press that a message from the North indicated that three Eskimos had been killed in murders on Belcher Islands in Hudson Bay, in February.

The commissioner said the police information did not show whether men, women or children were the victims although there was the possibility they might have been children.

A mounted police officer would leave Ottawa immediately to undertake investigation and would travel by air, the commissioner said.

Arrangements had been made to have him start on the flight at once in an R.C.M.P. machine.

Commissioner Wood would not give the exact wording of the telegram reporting the deaths.

The message was said to have been received from a Hudson's Bay Post official in the North.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-7

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. MOUNTED POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 41 D 636-13-L-1

OTTAWA, May 8, 1941.
CANADA

Director

Department of Mines & Resources
Indian Affairs Branch
MAY 9 1941
REGISTERED

Sir:

Re: Alleged Murders -
Belcher Islands,
N. W. T.

Further to my telephone conversation of the 6th instant with a representative of your Branch, regarding the assistance of Dr. T. J. Orford at the investigation into the above murders, I wish to advise you that at a meeting of the Northwest Territories Council on Tuesday morning, May 6th, it was decided to hold the trials at Belcher Islands in preference to holding them at Moose Factory, Ontario. The services of Dr. Orford as coroner at the inquest to be held on the two remaining bodies yet to be recovered and also to give medical evidence at the trials of the accused natives is essential and it would be appreciated if this could be arranged.

2. The judicial party is expected to arrive at the Belchers about July 10th next. It will be necessary for the police party, including Dr. Orford, to be at the Belchers about ten days in advance of the judicial party in order to hold the inquests referred to above and to otherwise complete the police investigation in readiness for the trials.

3. The Police aeroplane will arrive at Moose Factory from Ottawa about June 28th. It is understood that Dr. Orford will at that time be absent from Moose Factory engaged in his duties as Indian Agent and will probably be in the vicinity of Port Albany or Attawapiskat, Ontario. He could be picked up by the Police aeroplane at either one of those two places or their vicinity, which would eliminate his long return trip by boat.

4. Dr. Orford could then leave with the police party in the aeroplane for the Belchers. If it is convenient for him our aeroplane could, whilst en route to the Belchers from Moose Factory, land at

The Director of Indian Affairs,
Department of Mines and Resources,
Ottawa, Canada.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

such places on the east coast of James Bay as Rupert House, Eastmain, Fort George and Great Whale River in the Province of Quebec, where Dr. Orford may have Departmental duties to perform. It is understood that Dr. Orford will ordinarily have to visit those places by boat this summer, therefore, by calling at them in our aeroplane he would be saving considerable time which he would otherwise spend on a boat.

5. It would be appreciated if you would advise me if the above tentative arrangements would be convenient for you.

Yours truly,

K. Duncan, Supt.,
Assistant Director,
Criminal Investigation.

KD/RB

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-7

G

Ottawa, May 9th, 1941.

EXD.

Dear Sir:

I wish to acknowledge receipt of Mr. Duncan's letter of May 8th last regarding the investigation into the alleged murders at Belcher Islands.

The arrangements suggested have been submitted to Dr. Orford at Moose Factory, Ontario and on receipt of his reply, I will again communicate with you.

Yours truly,

Director.

The Commissioner,
Royal Canadian Mounted Police,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-7

FORM

CLASS OF SERVICE	SYMBOL
Full-Rate Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of these symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

CANADIAN NATIONAL TELEGRAM

D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

STANDARD TIME

OTTAWA 16 PM 8 26

RA739 12 NM VIA COCHRANE ONT=MOOSONEE ONT 16

1055

SECRETARY INDIAN AFFAIRS BRANCH=

DEPT OF MINES AND RESOURCES OTTAWA ONT=

ARRANGEMENTS SUGGESTED BY POLICE REGARDING TRIP TO BELCHERS SATISFACTORY STOP LETTER FOLLOWING=

ORFORD.

copied

Department of Mines & Resources Indian Affairs Branch MAY 17 1941 REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

3-44
19044-7

RS

Ottawa, May 22th, 1941.

EXD.
A.

Dear Sir:

Further to my letter of May 9th last, I wish to advise that a communication has been received from Dr. Orford, Moose Factory, Ontario, approving of the arrangements suggested in your letter of May 8th last, regarding the trip to the Belchers.

Dr. Orford is particularly pleased that it will be possible for the plane to land at different places on the East Coast.

Yours truly,

Director.

The Commissioner,
Royal Canadian Mounted Police,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"G" Division

41 G 636-1

41 D 636-13-L-1

Ottawa, Ont. June 6th. 1941

The Officer Commanding,
R.C.M. Police,
"O" Division,
TORONTO, Ont.

Re: Alleged Murders - Belcher Islands, N.W.T.

1. Tentative arrangements have now been made by the Northwest Territories Administration and the Department of Justice for the trials at Belcher Islands, and they will take place a month later than what was expected. The Judicial party, headed possibly by Mr. Justice Plaxton, will likely leave Moosonee on the H.B.Co. vessel "Fort Charles" around August 6th. for the Islands.

2. The Police party will most likely leave Ottawa in our Norseman aircraft about July 28th. next for Belcher Islands, to complete the investigation, hold the remaining inquests and hold the preliminary hearings, so that everything will be ready before the arrival of the Judicial Party.

3. It is noted in Constable Dexter's report of May 26th. that Doctor Orford expects to be picked up by the Police aircraft at Attawapiskat on June 28th. Will you kindly instruct Constable Dexter to advise Dr. Orford of the postponment and have him advise me of where Dr. Orford will be on July 30th-31st. next so that he can be picked up by our aircraft.

4. Copies of this letter will be sent to the Commissioner for his information and that of the Director of Indian Affairs, Ottawa.

(D.J. Martin) Insp.
Commanding "G" Division.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-7

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 41-D 638-13-L-1

OTTAWA, June 12, 1941.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TSC/RB

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
JUN 13 1941
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Exclusive Connection with WESTERN UNION TELEGRAPH CO.
Cable S[illegible] to all the [illegible]d
Money Transferred by Telegraph

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

CLASS OF SERVICE DES[illegible]
FULL-RATE MESSAGE
DAY LETTER
NIGHT MESSAGE
NIGHT LETTER
PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED, OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

RECEIVER'S NO.	TIME FILED	CHECK

1941 AUG 4

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la depeche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

[illegible] OTTAWA ONT

DR ORFORD

INDIAN AGENT MOOSEFACTORY ONT VIA MOOSONEE ONT
RETEL POLICE REPORT PLANE NOW GROUNDED UNCERTAIN WHEN AVAILABLE
THEREFORE SUGGEST YOU TAKE BOAT TOMORROW SAFEST PLAN

T R L MACINNES

copied

INDIAN AFFAIRS

1. File
2. Secretary

copy

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CNT 6296
5-36

CONFIRMATION OF TELEGRAM

Telephoned

TO BE ... Mr Gm

CLASS O
Full-R
Day L
Night
Night

If none of these (three symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

FORM 7125

CANADIAN NATIONAL TELEGRAM

D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

STANDARD TIME

641 AUG 3 PM 6 21

RXRA200 77 VIA COCHRANE=MOOSONEE ONT 3 550P

DR MCGILL, INDIAN AFFAIRS BRANCH 1126
=DEPT MINES AND RESOURCES OTTAWA ONT=

=ARRIVED MOOSE SATURDAY FROM BELCHERS BY POLICE PLANE WHICH HAS GONE ON TO CHURCHILL WITH INSPECTOR MARTIN STOP JUDICIAL PARTY LEAVING ON FORTCHARLES TUESDAY MORNING REQUIRE LEAVE FOR TRIAL BUT TO ACCOMPANY THEM BY BOAT I WOULD BE AWAY UNTIL AUGUST TWENTY FIRST AT LEAST STOP COULD ARRANGEMENTS POSSIBLE BE MADE FOR POLICE PLANE FLY ME TO BELCHERS AUGUST ELEVENTH AND RETURN WHEN TRIAL COMPLETED STOP WILL REQUIRE ANSWER AUGUST FOURTH DUE TO BOAT SAILING EARLY TUESDAY=

DR ORFORD.

Department of Mines & Resources
Indian Affairs Branch
AUG 6 1941
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-7

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 41 D 636-13-L-1

OTTAWA, August 5, 1941.
CANADA

Department of Mines & Resources
Indian Affairs Branch
AUG 6 1941
REGISTERED

Acy

Dear Mr. MacInnes:

Re: Alleged Murders, Belcher Islands, N. W. T.

I enclose herewith the telegram from Dr. Orford, dated the 3rd instant, which you sent to me yesterday.

2. As I explained to you in our telephone conversation, it is regretted that in view of the fact that our plane has been held at Kapuskasing for repairs and as it has to proceed to the Churchill and Chesterfield Inlet areas when these repairs have been completed, it would be impossible to comply with Dr. Orford's request.

Yours truly,

K. Duncan

K. Duncan, Supt.,
Assistant Director,
Criminal Investigation.

T. R. L. MacInnes, Esq.,
Secretary, Indian Affairs Branch,
Department of Mines and Resources,
Ottawa, Canada.

KD/RB
Enc.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044.

August 7,1941.

Dear Sir:

Re alleged murders - Belcher Islands,N.W.T.

I have to confirm my telegram to you of August 4 as follows:

"RETEL POLICE REPORT PLANE NOW GROUNDED UNCERTAIN WHEN AVAILABLE THEREFORE SUGGEST YOU TAKE BOAT TOMORROW SAFEST PLAN."

The Royal Canadian Mounted Police advised me that the plane was grounded at Kapuskasing for repairs, and that when it these are made, the plane must proceed to Chesterfield Inlet, and that consequently they regret the inability to meet your request.

Yours very truly,

T.R.L.MacInnes.
Secretary.

Dr. T.J.Orford,
Indian Agent,
Moose Factory,Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-7

File

Eskimo Woman Will Plead Insanity at Murder Trial

Great Whale River, Aug. 15 (CP). —Mina, Eskimo woman charged with murder, will plead insanity when her trial starts before Mr. Justice C. P. Plaxton of Toronto, at Belcher Islands, Defense Counsel J. P. Madden said today.

Insanity would be a secondary defense in the case of six other Eskimos, charged jointly with Mina following an outbreak of violence on Belcher Islands last March that resulted in death of nine persons. Police said the deaths were the outcome of debates over religious matters which developed in Eskimo encampments during the winter.

Mr. Madden and R. A. Olmstead, acting for the Crown, completed preparation for the trial during a delay of five days here due to bad weather. The trial, to be held in a large tent, will start as soon as the judicial party reaches the island after the weather clears.

Mina, alleged to be a follower of Charlie Ouyriack, who claimed divine power, is charged with driving two women and four children into the snow where they died of exposure. She allegedly believed that with the coming of a divine power clothing would be unnecessary.

Guns and other hunting equipment were destroyed by other Eskimos holding this belief.

Mina, taken south after her arrest, adapted herself to the ways of the white people until she suffered a mental disturbance and was taken to Toronto for observation. In her case the court will be asked to try the issue as to her fitness to stand trial.

Globe & Mail
Aug. 16.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

August 22

Globe & Mail

19044-7

file

2 More Eskimos Guilty In Killings Over Religion

(By JAMES McCOOK.)

Belcher Islands, Aug. 21 (CP). — The three-day murder trial of seven Eskimos, held under jurisdiction of the white man's court in a huge tent on this Hudson Bay outpost, ended today. Court proceedings followed as result of an outbreak of violence on the islands last February and March.

Mina, Eskimo woman, was adjudged insane and verdicts of guilty of manslaughter were returned in the cases of Charlie Ouyerack and Peter Quarack.

The jury, made up of newspapermen, a mining party and a schooner crew, yesterday returned a verdict of manslaughter against Peter Sala and Ablaykok, acquited Alec Apawkok and judged Akeevik, another Eskimo woman, temporarily insane.

Mr. Justice C. P. Plaxton, head of the judical party, which arrived here this week after a thirteen-day journey by schooner from Moose Factory, will pass sentences tomorrow.

Nine island Eskimos were murdered during the arguments that arose from contention of some natives that Christ had come to earth again.

Quarack, said to be the best hunter on the island, charged with shooting Ekpuk, otherwise known as Alec Kaytoweik, because Ouyerack said another Eskimo, Ekpuk, was Satan, said on the stand today that other Eskimos called him Jesus and after a time he believed them.

The real Jesus, he said, looks like a person, only He was brighter than the sun. Natives shot their dogs last spring because they believed the animals were Satans, he added. He no longer believed he was Jesus, but thought Satan was trying to get people to go wrong.

Sixteen Eskimo witnesses testified that at the time of the deaths Peter Sala and Ouyerack were God and Jesus. Witnesses said they believed Sala and Ouyerack when they declared Satan inhabited the bodies of those killed. The dead were refused a normal Eskimo burial, they testified.

A young woman, Nellie, said she believed Ouyerack and Sala were divine and was glad when Kaytoweik was killed, because she feared him as Satan. Inookpuk, another witness, said he believed Sala and Ouyerack had divine powers, but there was a God in heaven as well.

Quarack said on the stand that he had no quarrel with Ekpuk, but Ouyerack said he was Satan, so he killed him. Ouyerack said he was not in his right senses when he told Quarack to kill Ekpuk.

R. A. Olmsted, acting for the Crown, and Defense Counsel J. P. Madden agreed in addresses to the jury that there was need of action to prevent repetition of such crimes on the island and to improve conditions under which the natives live.

The judicial party leaves the island tomorrow.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-7

Globe & Mail

Monday, August 25, 1941

30 Eskimos Give Pledge They Will Kill No More

(By JAMES McCOOK.)

Belcher Islands, Hudson Bay, Aug. 24 (CP).—Thirty Belcher Islands Eskimos standing with raised arms symbolized their acceptance of the white man's laws and their promise to kill no more as murder trials of seven of their number concluded here last week.

The natives were answering the request of Mr. Justice C. P. Plaxton of Toronto, who presided at the trials where four were found guilty of manslaughter, that they demonstrate their willingness to live peacefully after the storms of religious controversy which caused nine deaths early this year.

When the natives had heard the judge's words, they left the tent court room for a few minutes and then returned to sing hymns and listen with close attention to Rev. George Nielson, Anglican missionary from Great Whale River, as he spoke to them in Eskimo, explaining that biblical teachings forbid the taking of human life and require obedience to one God.

The natives greeted with approving cries of "Ayeeh!" the judge's statement. He had a few words for them in regard to the murders.

"You have attended the trials of those responsible for these murders, and you have seen and I trust you understand how I, the judge, hear the stories of all the people so I will understand what has happened," he said.

"These trials were carried out in the same way as are white men's trials all over the world."

Again the Eskimos interrupted with cries of "Ayeeh!"

One King for All.

The King was the King of white men and Eskimos alike, Mr. Justice Plaxton said. He had been sent to the islands as judge so "bad" Eskimos might be punished.

The Belchers were only a small part of Canada and there were more white men than it was possible for Eskimos to count. Where there were so many people, the Great White Father, the King, had to make laws. In these laws it was set forth how people should act, and white man and Eskimo should obey them.

With the rain drumming on the roof of the tent in which the trials were held the judge, speaking through the veteran interpreter Harold Udgarten, said that a girl, Sarah, and Keytowiek and Ekpuk, were killed because Eskimos believed they had the devil in them. It was wrong to believe people had devils in them. If all Eskimos lived good lives they would be rewarded by God after they died.

Claimed Divine Powers.

"I want you to remember that no man or woman among you can be God," said the judge, referring to the cases of Peter Sala and Charlie Ouyerack, both convicted of manslaughter, who claimed they had divine powers.

A person who claimed divine powers was trying to take advantage of other Eskimos, the judge said. When anything went wrong in Eskimo camps he advised the natives to inform the Hudson's Bay Company post manager on the Belchers. Eskimos should help each other all they could in time of sickness and see all were kept warm and had food.

"I hope all you people will live good lives, be happy among yourselves and not quarrel," the judge said. "If there are any more murders on these islands the police and other white men will come again and the Eskimos who have been bad will be punished more severely.

Human Life Sacred.

"Human life is sacred. No man has the right to kill any man, woman or child. It is the law that no white man shall kill any other white man, and that is also the law for Eskimos. It is the law of God who is in Heaven and watches over both white man and Eskimo."

The Great White Father wanted Eskimos to be free to hunt and fish and wanted them to see that when a man was away no other man would steal from him. It was wrong for an Eskimo not to hunt for food when he could do so.

The first hand raised in promise of future good behavior was that of Peter Sala, whose punishment will be two years at the Chesterfield Inlet, N.W.T., post of the R.C.M.P.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-7

L.H. 3A

ROYAL CANADIAN MOUNTED POLICE

IN REPLY PLEASE QUOTE

DIV. FILE No. QM.77-3

H. Q. FILE No.

Ottawa, Ont,
August 30th, 1941

The Director
Indian Affairs Branch
Department of Mines & Resources
OTTAWA, Ont.

Department of Mines & Resources
Indian Affairs Branch
SEP 3 194
REGISTERED

Dear Sir :-

1 During the course of recent operations at Belcher Islands N.W.T., the Pilot of our Aircraft CF-MPF arranged to obtain 143 gallons of 87 octane aviation gasoline from a cache at Great Whale River understood to be the property of your Branch.

2 This withdrawal was made by permission of Dr., Orford, Moose Factory, and I shall be obliged if you will kindly advise me whether there is any charge and if so the amount of same.

Yours truly

T.B. Caulkin

T.B. Caulkin, A/Commr.
Commanding "G" Division.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-7

H.Q.D.

September 4, 1941.

Dear Sir:-

In reply to your QM.77-3 of August 30th, I have to inform you that the gasoline you used was received by this department through the Salvage Officer without payment, consequently there will be no charge.

Yours truly,

T.R.L.MacInnes,
Secretary.

T.B.Caulkin, Esq.,
Asst. Commissioner,
Commanding "G" Division,
R.C.M.Police,
O T T A W A.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044 2

File

EXTRACT
ORIGINAL ON
600352

MINUTES OF THE ONE HUNDRED AND FORTY-FIRST
SESSION OF THE NORTHWEST TERRITORIES COUNCIL
HELD IN THE OFFICE OF THE COMMISSIONER ON
TUESDAY THE 21st APRIL, 1942, at 11:30 o'Clock.

x x x

8. Eastern Arctic Matters -

(ii) Belcher Islands trials -
(a) Health and welfare of prisoners 12003

Mr. Gibson referred to the discussion and resolution of Council at the last regular session. He said disturbing reports on the general health of the Eskimos in custody were becoming more frequent. Dr. Orford reported that the chief offender, Charlie Ouyerack, is in very poor health and recommended that he be transferred from the Newnham Hospital at Moose Factory to the General Hospital at Cochrane, Ontario. Dr. Ross Millar, who advice had been sought in connection with the Belcher Islanders, is not disposed to accept Dr. Orford's suggestion until more information is available and the Administration was acting on his advice. Dr. Camsell agreed with this opinion but added that the necessary precautions should be taken to restore the health of these Eskimos. In reply to Dr. Keenleyside, Mr. Gibson explained that these Eskimos were far removed from their native environment and confined in wooden structures and supplied with strange foods. For the information of Council he said the possibility of moving these natives this summer was now being explored. Noted.

x x x

Charles Camsell,

Commissioner.

Department of Mines and Indian Affairs
MAY 15 194
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Globe & Mail
Aug. 29, 1942.

19044-7

New Start for Eskimo Slayers of Doubters

Ottawa, Aug. 28 (CP).—Peter Sala, Adlaykok, Akeenik and Mina are travelling back into Eskimo country for a new start in life after having learned that the justice of Kabloona, the white man, extends even to the barren shores of the Belcher Islands.

A year ago they faced trial on the Hudson Bay Islands before Mr. Justice C. P. Plaxton of the Ontario Supreme Court on murder charges following an outbreak of violence in which nine persons lost their lives. Sala was sentenced to two [illegible]rs detention, Adlaykok to one, [illegible] Mina and Akeenik, both women, [illegible]ere held to have been insane at [illegible]he time of the crimes of which [illegible]ey were accused.

A fifth Eskimo, Charlie Ouyerack also was sentenced to two years' detention at a northern Royal Canadian Mounted Police post. The five [illegible]re brought south by boat to [illegible]ory, Ont., and held there [illegible]nsfer to detention points. [illegible]ied at Moose Factory [illegible]ar.

[illegible]and Resources officials [illegible] four Eskimos were being [illegible]ved north from Moose Factory, [illegible]nt., to Great Whale River, on the [illegible]ast coast of Hudson Bay, where Rev. George Nielson, a missionary and teacher with knowledge of the Eskimo language and who visited the Belchers last year, would see they were given instruction in harmonious living and prepared for a new start in life somewhere in the north. At Great Whale, the two men will be joined by their families who will be moved from the islands about seventy miles to the east.

Officials said there was no intention of returning the four who had appeared before the court to the Belcher Islands, and when their instruction had been completed they would probably be settled on some point on the mainland. While they are at Great Whale they will not be maintained in idleness but will be encouraged to hunt and trap for their livelihood, as the climate and hunting conditions will be like those on the Belchers.

Only in case of need will Government assistance be given in feeding them, as authorities have no wish to remove their self-reliance as hunters.

Two or three Eskimos from the Cape Good Hope Islands in James Bay are also being moved to Great Whale River. They are part of an isolated band which made this territory their hunting ground several years ago. As the band had grown, new hunting grounds were needed, and the younger men being moved to Great Whale will be assisted in making a fresh start.

Since the five prisoners were moved from the Belchers peace has reigned on the lonely islands in contrast to the sporadic violence which flared in igloo and tent during the winter of 1940-41. Sala and Ouyerack were charged with having claimed divine powers and encouraged those who believed in them to kill those who doubted.

Twenty years previously another outburst of violence involving controversy over religion sent the Mounted Police to the Belchers to investigate two deaths.

Indian Affairs. (RG 10, Volume 7467, File 19044-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs, (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19044-8 DORMANT DORMANT

DORMANT

FILE NO. 19044-8

SECOND SERIES

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

TREATY 9
MURDER
INFANT BY ALICE BULLFROG

CROSS REFERENCE

EX
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

219021

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19044-8

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

TREATY 9

MURDER

INFANT BY ALICE BULLFROG

R. 701

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C. I. B. "G" DIVISION

44 G 625M-1 Ottawa, March 18. 1944.

The Commissioner.
R.C.M.Police.
Ottawa.

Re: Alice BULLFROG (Indian) - Fort George, P.Q., - Neglect in Child Birth - Sec.271, C.C.C.

1. The following radiogram has been received here from Cpl. W.G.Kerr of our Moose Factory Detachment who is at present at Fort George on patrol:

"Via Cochrane.Ont.
Fort George. Que. 17 252P

O.C. R.C.M.P..
"G" Divn. OTTAWA.Ont.

ALICE BULLFROG INDIAN GIRL DELIVERED SELF BABY IN BUSH ONE HUNDRED MILES NORTH OF FORT GEORGE BABY PUT IN TREE ALIVE AND DESERTED FOUND LATER BEING EATEN BY DOGS HAVE BROUGHT GIRL AND BODY OF BABY HERE WITNESS IS NOT ABLE TO REACH FORT GEORGE UNTIL MIDDLE OF JULY SUGGEST BABY BE EXAMINED BY RESIDENT NURSE AND MYSELF THEN BURIED GIRL COULD BE LEFT HERE UNTIL SUMMER PENDING ACTION PLEASE ADVISE VIA FORT HARRISON RADIO SOON AS POSSIBLE OWING TO TRAVELLING CONDITIONS.

KERR".

2. In the absence of a detailed report from Cpl. Kerr it is not possible to form an opinion as to the degree of this Indian girl's guilt, and it may be some three or four weeks or more before we can receive a report from Cpl. Kerr as he is at present patrolling along the east coast of James Bay and the south east coast of Hudson's Bay, possibly as far north as Great Whale River, P.Q. I have therefore wirelessed to Cpl. Kerr today as follows:

"REFERENCE ALICE BULLFROG HAVE BODY OF BABY EXAMINED AT FORT GEORGE AS SUGGESTED BY YOU AND BURIED THERE ALSO ALLOW GIRL REMAIN AT FORT GEORGE.

SGD. D. J. Martin".

3. You will note that this matter occurred in the Province of Quebec. At the present time there is no legal machinery

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"G" Div. 44 G 625M-1

Re: Alice BULLFROG (Indian) Fort George, P.Q. -
Neglect in Child Birth - Sec.271. C.C.C.

continued-

existing in this part of the Province for dealing with court cases and there is no coroner. If the girl is brought to trial it will be necessary for the Provincial Authorities to make special arrangements and appointments for the trial and it will be first of all necessary for the Provincial Authorities to appoint a coroner in order that an inquest may be held. It will not be feasible for a Judicial Party to proceed to Fort George until after the opening of navigation on James Bay next July or August, unless in the meantime the party were to be flown in by aeroplane before the end of this present winter's flying season. But in any case I would suggest that nothing be done until we receive a full report from Cpl. Kerr. In the meantime I would suggest that copies of this report be sent to the Provincial Authorities as well as to the Director of Indian Affairs.

S. O. I.

D.D. 28-4-44.

D. J. Martin.

D. J. Martin, Supt.,
Officer Commanding, "G" Division.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

1-72

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
[redacted] POLICE,
[redacted]AWA.

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE
FILE No. 44D 638-1 1

OTTAWA, March 21, 1944.
CANADA

Re: Alice BULLEFROG, Fort George,
P.Q., Neglect in Child Birth.

Attached, for your information, is copy of memorandum dated the 18th instant relative to the above noted girl, the contents being self-explanatory.

2. The Attorney General for the Province of Quebec has also been advised of the full facts concerning this case.

P. Armitage
~~P. Armitage, Insp.~~,
Assistant Director,
Criminal Investigation.

TO: The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA.

Encl.

MAR 22 194

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

1-72

Ottawa, April 3, 1944.

Dr. T. J. Orford, Indian Agent, Moose Factory, Ontario.

I am in receipt of a report from the Royal Canadian Mounted Police with regard to the case of Alice Bullefrog, who recently gave birth to a child.

The report states that she placed the baby in a tree alive, and it was found later being eaten by dogs.

I should be obliged if you would let me have a report respecting this case.

A. Howe

Director.

T.R.L.M

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

1-72

Bungalow
Sexty

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE IA-7

Moose Factory,
April 10,1944.

Mines & Resources
APR 18 1944

Indian Affairs Branch, Ottawa.

Re;file 1-72;letter of April 3,1944.

There are no details at this office concerning the Bullfrog case at Fort George other than the report of Corp. Kerr on his return from his recent patrol and I understand that a copy of this has been sent to you from his head office.

Corp. Kerr discovered the case at Rogan river north of Fort George while on patrol past that camp.There will be no opportunity for any further information until our summer trip to Fort George this coming season.

Dr. T.J. Orford.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE

DIVISION FILE No.....

DIVISION "G" | SUB-DIVISION - | DETACHMENT Moose Factory

PROVINCE Ontario | DATE April 4th,1944

FILE REFS. Re: Alice Bullfrog (Non-Treaty Indian) Fort George, P.Q.- Death of infant.

HEADQUARTERS

SUB-DIVISION

DETACHMENT

P.C.R.

A. R. V. No.

DIARY DATE

SET FOR.....

1. While at Great Whale River, P.Q. on patrol on March 10th, Harold Udgarden reported that there was a story circulating amongst the Eskimo that an Indian Girl had disposed of a new-born infant in the vicinity of little Cape Jones. Details were lacking, but it was rumoured that foul play had been committed.

2. On my return south I stopped at Richard Fleming's Camp at little Cape Jones and made further inquiries. Fleming is a half-breed Eskimo and is camped some 50 miles south of Great Whale River on the coast. He informed me that he had heard the story in question from an Indian at the camp where the alleged crime was performed. As the camp was situated some 50 miles south east of little Cape Jones and inland amidst a maze of lakes, I hired Richard Fleming as guide. This was on March 14th. On the morning of March 15th we proceeded inland and after a journey through bush and lakes arrived atan Indian encampment on Lake Manikskagami in the evening. There we found ane Wigwack (Wigwam made of split logs) and in which lived John Seebeeoo and his family, David Bullfrog and his daughter Alice, and several old widows.

3. We set up our tent and I called in the Indians for questioning with the exception of John Seebeeoo who was absent on a trip to the trading post at Roggan's River. From them the following story was extracted;

> In the latter part of January (Exact date unknown) Alice Bullfrog who,unknown to the others at the camp, had been pregnant since the previous summer, left the Wigwack after dark one evening and did not return for at least an hour. She came back and sat by the fire and nothing untowards was noticed at the time. In February, about two weeks later, Harry Seebeeoo, age 12, sone of John Seebeeoo, saw a dog chewing something near the camp and,on looking closer, saw that it was the body of a baby. He called his Mother,who after investigating, asked Jane Benjamin,an aged widow, to come and help her retrieve it from the dog. This they did. John Seebeeoo was absent from the Camp, but David Bullfrog,father of Alice Bullfrog and almost blind,was in the Wigwack. The body of the baby was placed on a fish staged Later the same evening Alice Bullfrog told the assembled Indians that the baby was here, and she had given birth to it on the evening in January when she had left the Wigwack. She stated that she had placed the new-born infant in a tree and had returned to the Wigwack. The next morning Dianna Seebeeoo and Jane Benjamin buried the body in the bush. The dog that had been eating the baby was shot.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Alice Bullfrog (Non-treaty Indian)
Fort George, P.Q. - Death of Infant.

4. From the Indians present the following statements were taken;

Manikskagami Lake, P.Q.
March 15th,1944

Harry Seebeeoo states as follows;

I am 12 years old. I live with my parents in a Wigwack at Manikskagami Lake. Alice Bullfrog and other Indians live in the same Wigwack.
In the first part of February, 1944, I saw a dog eating something near the Wigwack. I went to see what it was (It was near dark). I saw it was a little baby and I ran and told my Mother. She came out and looked at it and then went back into the Wigwack and came back with Jane Benjamin. They chased the dog away and put the body on a stage. I saw that the right leg had been chewed off.
I heard Alice Bullfrog say the same evening in the Wigwack that she had given birth to a baby about two weeks before and that it was hers

Witnessed and interpreted by (Sgd) Harry Seebeeoo
Robert Linklater (Syllabics)

Dianha Seebeeoo states as follows

I live at Manikskagami Lake in the same Wigwack as Alice Bullfrog.
I did not know Alice Bullfrog was pregnaant. In the first part of February my sone Harry came into the Wigwack and said a dog was eating something outside. I went out to see and found a dog eating a baby. The right leg had been eaten. It was nearly dark. I called Jane Benjamin and we put the body on a stage. I went into the Wigwack and I heard Alice Bullfrog say that the body was that of a baby she had given birth to,two weeks previous. The next morning Jane Benjamin,Flora Bullfrog and myself buried the body near the camp. No men,besides Alice's Father, were around.

Witnessed and interpreted by
Robert Linklater (Sgd) Dianna Seebeeoo
(Syllabics)

Jane Benjamin states as follows

I live at Maniksakagami Lake in a Wigwack with Alice Bullfrog and other Indians.
In the first part of February Seebeeoo,near dark one evening came into the Wigwack and said a dog was eating something. Dianna Seebeeoo went out to see what it was. She came back and called me out to go with her. I saw a dog eating an infant.The right leg was gone. We put it on a stage. I came back and told David Bullfrog,the father of Alice about it. Alice was in the Wigwack and I heard her say that she had given birth to a baby two weeks before in the bush and that it was the one the dog was eating. The next day I helped Dianna Seebeeoo bury the body of the baby near the camp.

Witnessed and Interpreted by
Robert Linklater. (Sgd) Jane Benjamin
(Syllabics)

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

4. (Continued)
David Bullfrog states as follows;

I am the father of Alice Bullfrog. She is about 25 years and has never been married.
I am nearly blind and did not know that my daughter was pregnant but Alice told me she was and that Alfred Matthew,an Indian, was the father.
In the latter part of January my daughter went out of the Wigwack,where we live with other Indians,late at night and, I believe, gave birth to a baby unattended. About two weeks later Harry Seebeeoo and who also lives in the Wigwack, found one of the dogs eating the body of a new-born infant. He said he saw where the dog had pulled it outof a tree.
I believe my daughter Alice to be the one who gave birth to the infant and put it in the tree. She (Alice) had a previous baby who died during the measles epidemic in the summer of 1942.

Witnessed and interpreted by
Robert Linklater (Sgd) His Mark

Alice Bullfrog made the following voluntary statement

Early last Summer (1943) I knew I was pregnant. Alfred Matthew was the father. In the latter part of January,1944, I had labour pains and knew I was to give birth to a baby. I left the Wigwack, where I live with my family and other Indians at Manikskagami Lake and went about 100 yds into the bush. I gave birth to a baby girl. It was alive but I must have hurt it in delivering myself. I think it was dead when I put it in a bag and hung it up in a tree. I did it becaus Alfred Matthew would not marry me. If he would I would have tried to keep the baby. I returned to the Wigwack and did not say anything to anyone.
About two weeks later Harry Seebeeoo came into the Wigwack and said a dog was eating something. It was the bay I had out in the tree. I am sorry for what I had done.

Witnessed and Interpreted by
Robert Linklater (Signed) Alice Bullfrog
(Syllabics)

5. Alfred Matthew,the alleged father of the baby, lives at Fort George and was married last fall to another Indian girl at that place.

6. The next morning,accompanied by Jane Benjamin and Flora Bullfrog, I went to the place where the body was buried and uncovered it. I found the body of a small baby with both arms and and the right leg apparently chewed off and the neck and chest gnawed. I wrapped it up in my sleeping bag cover and brought it and Alice Bullfrog with me to Roggan River where we arrived at 5.30 P.M. the same evening. Shortly after I arrived a plane arrived flown by Gordon Mitchell of the Austin Airways Ltd who was freighting for the H.B.Co. in the district. He made the detour to Roggan River to assist me if possible. He kindly offered to fly me to Fort George with Alice Bullfrog and the body at no charge. We left the same evening and arrived at Fort George at about 7.15 P.M.

7. On March the 17th I radioed the following message to the Officer Commanding "G" Division at Ottawa;

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Alice Bullfrog (Non-treaty Indian)
Fort George,P.Q. - Death of Infant

7.(Continued)
(Begins) Alice Bullfrog Indian Girl delivered self of baby in bush 100 miles north of Fort George. Baby put in tree alive and deserted. Found later being eaten by dog. Have brought girl and body of baby here. Witnesses not able to reach Fort George until middle of July. No Quebec coroner or Justice of Peace in detachment area. Suggest body be examined by resident nurse and myself then buried. Girl could be left here until summer pending action. Please advise via Port Harrison radio as soon as possible owing to travelling conditions. (Ends)

8. On March 18th the following reply was received from the Officer Commanding;
(Begins) Reference Alice Bullfrog. Have body of Baby examined at Fort George as suggested by you and buried there also allow girl remain at Fort George. (Ends).

9. On March the 20th Miss M.Campbell,Nurse at the Anglidan Hospital at Fort George and myself examined the body.

<u>Miss M.Campbell states as follows;</u>

Fort George,P.Q.
March 20th,1944

I am Nurse-in-charge St.Philipps Anglican Mission Hospital at Fort George, P.Q.
I have this date examined a human body shown to me by Corpl.W.G.Kerr of the Royal Canadian Mounted Police.

The body is that of an infant,possibly new-born and under normal conditions was viable. Both arms and right leg competely missing and the neck and body badly chewed but no bones showing. The sex is female and the left leg is normal and well formed. Head fully covered with hair. Face contorted and appears to have been cyanosed.Eyelids distinctly puffy. I would say that the body,complete with missing parts, would have weighed between 6½ and 7 pounds.

(Sgd) M.E.Campbell Reg.N.

10. The body was later buried the same day(After being placed in a local made casket) in the Anglican Cemetery at Fort George.

11. Arrangements were made to have Alice Bullfrog given a small ration, pending the arrival of her Father next Summer. She is lodged with the Hudson's Bay Co.post servant, who lives with his wife in a small shack.

12. The witnesses in this case have been warned to hold themselves in readiness at Fort George next July. They cannot reach that point until open water. As they come to Fort George every summer it will evoke no hardship on them.

13. Original statements of witnesses on file at this Detachment.

14. Pictures of the body of the infant were taken and the film is being forwarded under separate cover. As no Fresh film was available, I borrowed a camera from the Reverend Hamilton at Fort George which was already loaded and pictures of his own bay appear on the same film. It is requested that these be returned as they have no bearing on the case.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Alice Bullfrog (Non-treaty Indian)
Fort George, P.Q. - Death of Infant

15. It is presumed that arrangements will be made with the Quebec authorities by Headquarters for further action in this case.

Still under investigation

(W.G.Kerr) Corpl.
Reg.No.7685
1/c Moose Factory Detachment

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"G" Div. 44 G 625M-1

Re: Alice BULLFROG (Non-Treaty Indian) Fort George, P.Q. - Neglect in Child Birth - Section 271 (a) C.C.C.

The Commissioner,
R.C.M.Police,
Ottawa.

1. Sir: FORWARDED 10-4-44, three copies of Moose Factory Detachment Report of April 4, 1944, for your information and that of the Attorney General, Province of Quebec, and the Director of Indian Affairs, Ottawa.

2. This report indicates that Alice BULLFROG is guilty of an offence under Section 271(a) C.C.C.

3. The contents of your communication to me of 30-3-44, have been noted.

4. You will note that Alice BULLFROG is at present lodged with another Indian and his wife at Fort George, P.Q. and is receiving a small ration of food the cost of which will be charged to the Indian Affairs Branch, and that witnesses will be in Fort George next summer. I propose to let those arrangements stand pending further advice from you as to the disposition of the case.

Noted DVI EAR

5. I enclose herewith the film which is mentioned in para. 14 of the report and would ask that the number of prints be made in our photographic section at Headquarters of all exposures on the film and prints sent to me for transmission to Moose Factory Detachment together with the negatives which are not connected with this case.

S. U. I.

D. J. Martin, Supt.,
Officer Commanding, "G" Division.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

44 D 638-D-1
Your Ref: 21469/44

April 19, 1944.

Dear Sir:

Re: Alice BULLFROG, Fort George,
P.Q., Neglect in Child Birth.

A copy of your communication dated March 24th was forwarded to our Moose Factory Detachment. However, in the meantime Corporal Kerr, who submitted the previous report in regard to the above mentioned woman, was absent at Great Whale River, P.Q., and secured some further information regarding the circumstances surrounding the death of baby Bullfrog and, for your information, I am attaching copy of his further report.

2. In view of your letter of March 24th, no further action is to be taken in the above connection unless requested by you.

Yours sincerely,

S. T. Wood,
COMMISSIONER.

The Honourable the Attorney General
for the Province of Quebec,
QUEBEC, P.Q.

Encl.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-8

RESPONDENCE TO BE
ED:—
E COMMISSIONER,
R. C. M. POLICE.
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 44 D 638-D41

OTTAWA, April 18, 1944.
CANADA

Re: Alice BULLFROG, Fort George,
P.Q., Neglect in Child Birth.

With reference to our letter dated the 21st ultimo, embodied hereunder is copy of letter received from the Deputy Attorney General, Quebec, P.Q., dated the 24th ultimo.

"I am directed by the Attorney General to acknowledge receipt of your letter of March 21st concerning the above mentioned case.

We will give our best attention to the matter."

Department of Mines
Indian Affairs
APR 20 1944

2. We are also in receipt of a further report from our Moose Factory Detachment dated the 4th instant, a copy of which is attached, together with 2 photographs, one each, of the body of the infant and Alice Bullfrog.

3. Copy of the enclosure has also been forwarded to the Attorney General, Quebec, P.Q., and should further correspondence be received from that Department, a copy of same will be directed to you.

4. It may be added that this case is somewhat similar in detail to the case captioned "Charlotte Mayabanoose, Death of Illegitimate Child, Eastman, P.Q., bearing your reference numbers 19044-6 and 1-72.

R. Armitage, Insp.,
Assistant Director,
Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Encl.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-8

Ottawa, April 29,1944.

Dr.T.J.Orford,Indian Agent, Moose Factory,Ontario.

I have to refer to your letter of April 10 and previous correspondence with regard to Alice Bullfrog, whose baby was eaten by dogs.

Please submit a further report after you have visited Fort George this coming summer.

Director.

T.R.L.M

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

copy MED

QUEBEC
DEPARTMENT OF THE ATTORNEY-GENERAL

Please reply to the
Deputy Attorney General
and refer to
No. Z1469/44

QUEBEC, April 27, 1944

Mr. S. T. Wood, Commissioner,
Royal Canadian Mounted Police,
Headquarters,
Ottawa, Ont.

Re - Alice BULLFROG - Fort George, P.Q.
Neglect in Child Birth - Your File
44 D 638-D-1

Dear Sir:

In pursuance to the last report communicated to us by your letter of April 19th, the evidence secured appears to be sufficient for a complaint being laid against Alice Bullfrog under paragraph a of Section 271 or under Section 245 of the Criminal Code.

The preliminary inquiry might be held before a Justice of the Peace and the accused committed for trial. We cannot find any sections of the Code dealing with such an offence which allow us to have it disposed of by Summary trial before a Justice of the Peace.

As you are aware, offences which may be dealt with, by way of Summary trial before two Justices of the Peace, are limited by sub-paragraph 7 of paragraph a of Section 771 of the Criminal Code.

Could you let us know if you expect to be able to hold these preliminary proceedings before a Justice of the Peace, at Fort George or in the vicinity, when these points can be reached sometime in July.

Yours very truly,

Sgd. ?
ASSISTANT DEPUTY ATTORNEY GENERAL

RC/JK

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-8

Director

44D 628-D-1

Your Ref. 44G 628M-1

May 1, 1944

To: The O.C., "G" Div., R.C.M.Police, OTTAWA, Ont.

Re - Alice BULLFROG - Fort George, P.Q.
Neglect in Child Birth

Attached, for your information, please find copies of communication received from the Quebec Provincial Authorities, which is self-explanatory.

2. We are of the opinion that the facts revealed by the file would support a charge under Code Section 245. In deciding under what Section to lay the charge it should be borne in mind that if the woman caused her newly born child's death the act was done when her power of self-control was greatly weakened.

3. Would you kindly submit a report giving the information required in the concluding paragraph of the letter in question.

(R. Armitage) Inspector,
Asst. Director, Criminal Investigation.

MAY 2 1944
REGISTERED

Enc.
D.D. 29-5-44

To
The Director, Indian Affairs Branch, Department of Mines and Resources, Ottawa, Ontario.

With reference to previous correspondence, attached, for your information, is copy of a letter dated April 27 received from the Assistant Deputy Attorney General for the Province of Quebec, together with copy of our communication to the Officer Commanding "G" Division, R.C.M.Police, Ottawa.

C.M.K. Kirk, Insp. for
(R. Armitage) Inspector,
Asst. Director, Criminal Investigation.

Ottawa,
May 1, 1944.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY

HUDSON'S BAY COMPANY

Fort George Post

INVOICE

Royal Canadian Mounted Police, May 31st, 1944

No. 1 MOOSE FACTORY DETACHMENT.

May 31 To:

Following issue given to Alice Bullfrog:

16	lb	Flour	1.12		
4	lb	Suet	.68		
2	lb	Sugar	.28		
1	lb	Salt	.09		
½	lb	B.Pwdr.	.12		
¼	lb	Tea	.19	2.48	
3 months March, April, May					7.44
2	pr.	Bloomers	.45	.90	
2	ea.	Vests	.85	1.70	
1	ck.	Soap	.07	.07	2.67
					$ 10.11
1	ea.	Sealskin			.95
					$ 11.06

Please Mail cheque to:)
Hudson's Bay Co.)
James Bay District Office)
Winnipeg, Man.)

Above issued on instructions of Cpl. Kerr.
Expenditure incurred for subsistence for Alice Bullfrog while living at Fort George pending legal proceedings against her. Reference "G" Division File 44G 625-M-1 and "HQ" File 44D 638-D-1

Representative of the Treasury RECEIVED JUL 22 1944 INDIAN AFFAIRS.

AUDITED FOR PAYMENT JUL 24 1944 Treasury Office I.A. BRANCH

AGENCY 44 VOTE 75 ALLOT 02 E.R. 3-62 Goods Received or Services Performed. Prices Fair and Just. Approved for Payment R. A. HOEY

CERTIFIED CORRECT

(Sgd.) D. J. Martin

D.J. Martin, Supt.
Officer Commdg. "G" Division

Certified Correct.

Kerr
.....Corpl.
o/c R.C.M.P. Moose Factory.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"G" Division

Moose Factory Detachment

44G 625-M-1

44D 638-D-1

Moose Factory, Ont.
July 6th, 1944

The Officer Commanding,
R.C.M.Police,"G" Division,
Ottawa, Ont.

Re: Alice Bullfrog - Fort George, P.Q.
Neglect in Childbirth

1. I attach hereto an account submitted by the Hudson's Bay Co., Fort George, P.Q. for the amount of $11.06, covering the issue of subsistence to Alice Bullfrog who is staying at Fort George, pending legal proceedings against her.

2. When Alice Bullfrog arrived at Fort George she was without a change of clothing and so authority was given for the issue to her of the articles of wearing apparel listed.

(W.G.Kerr) Corpl. 7685
1/c Moose Factory Detachment

The Commissioner,
R.C.M.Police,
Ottawa.

1. Sir: FORWARDED 12-7-44, together with the account referred to in the sum of $11.06.

2. I do not know as to whom this account should be referred to for payment, that is whether it would be the Indian Affairs Branch in Ottawa, or the Attorney General's Department of the Province of Quebec. I would suggest that it might be first sent to the Director of Indian Affairs for his comments. May I please be advised when payment has been made. The cheque can be sent through this office for transmission to Moose Factory Detachment.

S. U. I.

Denis Martin, Supt.,
Officer Commanding, "G" Division.

VOTE
AGENCY
ALLOT
Goods received or services performed. Prices fair and just. Accounts for payment.
T.R.K. Marshall

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"G" Division Moose Factory Detachment

44G 625M-1

44D 638-D-1

Moose Factory, Ont.
July 9th,1944

The Officer Commanding,
"G" Division,
R.C.M.Police,
Ottawa, Ont.

Re: Alice Bullfrog- Fort George, P.Q.
Neglect in Childbirth

1. Reference the Officer Commanding's letter of July 4th, concerning legal proceedings in the above mentioned case.

2. There is no one, to my knowledge, in my detachment area, who is authorized by the Province of Quebec to take oaths. I presume the nearest person in this category would be at Senneterre or Amos in Quebec.

3. With regard to boat itineraries from here to Fort George, it will be necessary to have the Preliminary hearing in the case concerned proceeded with in the early part of August. The Dept. of Indian Affairs Boat will be at Fort George with Doctor Orford around the 5th or 6th of August, and the only other boat going there after that time will be the "Fort Charles" of the Hudson Bay Co. sometime in the latter part of September after it returns from the Belcher Islands and Port Harrison. The Indian Witnesses, if kept there until that time, will have difficulty in returning to their habitual hunting grounds far inland at Lake Maniksgagami.

4. It is suggested that I be appointed either a Notary Public or Commissioner of Oaths for the Province of Quebec in order that I may administer the necessary oath in connection with Doctor Orford's appointment. An alternative would be to have a member of the Provincial Police of Quebec and a Justice of the Peace from that Province proceed from either Senneterre or Amos to Fort George. I would, of course, accompany them to assist in proceedings.

5. It is requested that I be instructed, should Doctor Orford be sworn in in time, what disposition is to be made of the Prisoner, if she should be remanded for trial before a higher Court. Is She to be left a Fort George, where the prescribed legal remands could not be made owing to the absence of a Justice of the Peace, or should she be escorted to someplace in the Province of Quebec under a Warrant of Committment for Trial?.

[illegible] Corpl.
i/c Moose Factory Detachment

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

URGENT

"G" Div. 44G 625 M-1
H.Q.Div. 44 D 638-D1

Re: Alice BULLFROG - Fort George, P.Q. -
Neglect in Child Birth.

The Commissioner,
R.C.M.Police,
Ottawa.

1. Sir: FORWARDED 12-7-44, three copies of Moose Factory Detachment Report of July 9, 1944.

2. Dr. T.J.Orford was appointed a Justice of the Peace for the Province of Quebec by Quebec Order in Council 1196, dated June 16, 1944. He was also appointed a Coroner at the same time. His Commissions as Justice of the Peace (with the power of two Justices) and Coroner were forwarded to him through this office on 6-7-44, and he will have them by this time, but the difficulty is that he must take an Oath of Office and an Oath of Allegiance before a person authorized by the Province of Quebec to administer Oaths, before his appointments become effective, and there is no-one in his District who is empowered by the Province of Quebec to administer Oaths. If Dr. T.J.Orford does not take the Oaths of Office and Allegiance before he starts out on his annual trip to Fort George toward the end of this month, he will be unable to proceed with the Preliminary Hearing in the case of Alice BULLFROG, in which event we will be forced to recommend that Alice BULLFROG and the witnesses be released from Fort George where they are at present and to perhaps return next year for the trial of Alice BULLFROG. This difficulty however would be solved if the Deputy Attorney General of the Province of Quebec will send a District Magistrate for Quebec immediately to Fort George via Moose Factory in order to conduct the trial. He could go to Fort George with Dr. T.J.Orford on an Indian Department Boat if he got to Moose Factory in time. The District Magistrate could at the same time administer the Oath of Office and the Oath of Allegiance to Dr. T.J.Orford. Alice BULLFROG could, with her consent, be tried summarily under Part 18 of the Criminal Code (Sec. 774) by a District Magistrate for Quebec or Judge of the Sessions for the Province of Quebec.

3. Cpl. Kerr's suggestion that he be appointed a Notary Public or Commissioner of Oaths for the Province of Quebec in order that he may administer the necessary Oaths in connection with Dr. Orford's appointments, is a good suggestion but would only help us in so far as that it would make Dr. Orford's appointments effective and enable Dr. Orford to hold the Preliminary Hearing. It would not solve the matter of the trial.

4. In respect to the last paragraph of Cpl. Kerr's report in the matter of the custody of Alice BULLFROG should she be committed for trial by the Justice holding the Preliminary Hearing, this is another difficult matter. I feel that the Deputy Attorney General of the Province of Quebec would not want to have her brought from Fort George and placed in a Provincial Jail pending her trial. For one thing the expense would be great. A way out of that difficulty might be found by the Justice admitting Alice BULLFROG to bail under Sec. 696 of the C.C., if she is committed, but that raises the question of obtaining a surety or sureties for her bail. There is noone at Fort George who would want to become surety,

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"G" Div. 44 G 625 M-1
H.Q.Div. 44 D 638-D 1

Re: Alice BULLFROG - Fort George, P.Q. -
Neglect in Child Birth.

-continued-

Perhaps the Director of Indian Affairs in Ottawa might consent to becoming surety, and I would suggest that you might approach him in the matter.

5. I would emphasize that if Alice BULLFROG is committed for trial and whether she is admitted to bail or not, unless a District Magistrate is sent in this month by the Provincial Authorities to Fort George to hold the trial, it will not be feasible to hold the trial until perhaps this same time next year as it is usually only possible to get to Fort George once in the summer by boat, unless special arrangements were made to take the District Magistrate into Fort George later this summer by a special small boat that might be hired at Moose Factory or Moosonee for the trip.

6. To sum up, there are three questions raised herein upon which the Deputy Attorney General for the Province of Quebec might give directions, namely,

(a) The matter of Dr. T.J.Orford taking his Oaths of Office and Allegiance in respect to his appointments as Justice of the Peace and Coroner.

(b) Arrangements for the trial in the event that the Preliminary Hearing is heard this summer and Alice BULLFROG is committed for trial

(c) The matter of the place to which Alice BULLFROG should be committed to await trial if she is committed at a Preliminary Hearing or whether she could be released on bail if she is committed for trial.

7. In respect to the charge to be preferred against Alice BULLFROG I would suggest that it be laid under Sec. 245 of the Criminal Code (Abandoning or exposing child under the age of two years), but the Justice holding the Preliminary Hearing will have his own views on that.

8. May I please have a reply as soon as possible as Dr. T.J.Orford will be leaving Moose Factory for Fort George toward the end of this month.
S.U.I.

D. J. Martin, Supt.,
Officer Commanding, "G" Division.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

July 13, 1944.

44 D 638-D-1
Your Ref. 21469/44

Sir:

Re: Alice BULLFROG - Fort George, P.Q.,
Neglect in Child Birth.

With reference to previous correspondence and reports in connection with the above case, enclosed is copy of an additional report from our Moose Factory Detachment dated the 9th instant, together with copy of a memorandum dated July 12th from our Officer Commanding, "G" Division, Ottawa, dealing with the proposed trial of this Indian girl.

2. In view of the circumstances outlined therein, it is suggested that a magistrate from either Amos or Senneterre, Quebec, be sent to Moose Factory, at which point he could meet Dr. Orford and Corporal Kerr, and with them proceed to Fort George and dispose of the case. This would seem to be the best solution of the difficulty and the most economical way to deal with the case. At the same time he could also administer the Oath of Office to Dr. Orford.

3. In view of the urgency of the matter, your decision will be appreciated as early as possible, in order that we may notify Corporal Kerr and Dr. Orford.

Yours truly,

For Commissioner.

The Honourable the Attorney General
for the Province of Quebec,
QUEBEC, P. Q.

Encl.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

19044-8

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 44 D 638-D-1

OTTAWA, July 13, 1944.
CANADA

Department of Mines & Indian Affairs
RECEIVED
JUL 14 1944
OTTAWA

Representative of the Treasury
RECEIVED
JUL 20 1944
INDIAN AFFAIRS

Representative of the Treasury
RECEIVED
JUL 22 1944
INDIAN AFFAIRS

Re: Alice BULLFROG - Fort George, P.Q.
Neglect in Child Birth

Further to previous correspondence in the above connection, attached is copy of an additional report dated the 9th instant from our Moose Factory Detachment, together with copy of a memorandum from the Officer Commanding, "G" Division, and a copy of our letter to the Attorney General, Quebec, P. Q., the contents being self-explanatory.

2. Also enclosed, for the necessary attention by your Department, is account in the amount of $11.06 in favour of the Hudson's Bay Company, Fort George Post, Quebec, covering rations supplied for a three months' period to Alice Bullfrog, who is being held at Fort George, P. Q., pending legal proceedings.

for Director, Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa, Ontario.

Encl.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

URGENT

"G" DIVISION C.M.B.

44G 625-M1

44D 638-D1

Ottawa, Ont. August 23rd. 1944

The Commissioner, R.C.M.Police, OTTAWA.

Re: Alice BULLFROG - Neglect in Childbirth-
Fort George, P.Q.

1. The following telegram has been received here today from Corporal W.G.Kerr:

"Fort George, P.Q.
August 21, 1944

The O.C., R.C.M.Police, "G" Division.

ALICE BULLFROG COMMITTED FOR TRIAL SECTION TWO SEVENTY ONE CODE TO REMAIN AT FORT GEORGE I AM LEAVING HERE 26th FOR FACTORY RIVER.

Sgd. Kerr"

2. I would ask that this information be passed on to the Deputy Attorney General for Quebec who will no doubt make arrangements for the trial.

3. It is noted in the report submitted by Corporal Kerr, dated at Moose Factory, August 6th. 1944, that there is a possibility of a boat, the "Jane 2nd" leaving Moose Factory for Fort George next month and that this could be ascertained definitely from the Indian Affairs Branch in Ottawa. No doubt you have or will ask the Director of Indian Affairs in Ottawa for confirmation of this. If that sailing is made possibly accomodation could be securdd on the boat for the Judicial party if the Deputy Attorney General of the Province so desires.

S.U.I.

O.P.Farthing, Insp. for
O.C. "G" Division

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 44 D 638-D 1

OTTAWA, August 24, 1944.
CANADA

SPECIAL MESSENGER

Re: Alice BULLFROG - Fort George, P. Q.,
Neglect in Childbirth.

Further to previous correspondence forwarded to you in the above connection, attached, for your information, is copy of a memorandum dated August 23rd, received from our Officer Commanding "G" Division. It will be noted that Alice BULLFROG has been committed for trial under Section 271 of the Criminal Code and that she is to remain at Fort George.

With reference to the possibility of a boat, the "Jano 2nd", leaving Moose Factory for Fort George next month, would you kindly advise us as soon as possible whether or not this boat is making the trip and the date same will commence so that we may advise the Deputy Attorney General for Quebec, in the event that he may wish to make arrangements with you to proceed to Fort George for the trial of the above named.

for Director, Criminal Investigation.

To:
The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Enc.

AUG 24 1944

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Form 6102B

Exclusive Connection with WESTERN UNION TELEGRAPH CO.
Cable Service to all the World
Money Transferred by Telegraph

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

CLASS OF SERVICE DESIRED	
FULL-RATE MESSAGE	
DAY LETTER	X
NIGHT MESSAGE	
NIGHT LETTER	

PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED, OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

Ottawa, August 25, 1944.

Dr. T.J.Orford, Indian Agent, Moose Factory, Ont.

ROYAL CANADIAN MOUNTED POLICE WISH TO BE ADVISED WHETHER JANO TWO WILL BE LEAVING MOOSE FACTORY FOR FORT GEORGE NEXT MONTH AS DEPUTY ATTORNEY GENERAL FOR QUEBEC MAY DESIRE TO MAKE ARRANGEMENTS TO PROCEED TO FORT GEORGE FOR TRIAL ALICE BULLFROG UNDER SECTION TWO SEVEN ONE CRIMINAL CODE WIRE REPLY

Charge Indian Affairs
Mines and Resources

H.W.McGill.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CLASS OF SERVICE	SYMBOL
Full-Rate Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of these symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

FORM 6122

CANADIAN NATIONAL TELEGRAM

W. M. ARMSTRONG, GENERAL MANAGER, TORONTO, ONT.

Exclusive Connection with WESTERN UNION CABLES Cable Service to all the World Money Transferred by Telegraph

DM AUG 29 AM 9 52

DRA92 63/60 NL VIA MOOSONEE ONT=MOOSEFACTORY ONT AUG 28

DR H MCGILL. DIRECTOR INDIAN AFFAIRS

0091 =BRANCH DEPT M AND R OTTAWA ONT=

Minister Resource Dev

463

=RE YOUR TELEGRAM FRIDAY 25TH JANOS DATE OF RETURN TO FORT GEORGE ATTENDANT ON DECISION OF DR MOORE AND OTHER DEPARTMENT OFFICIALS AS TO WHICH COAST THEY INTEND TO VISIT FIRST DR MOORE EXPECTED HERE SEPT 9TH DR ORFORD EXPECTED TO RETURN FROM EAST COAST END OF THIS WEEK SHOULD YOU FURTHER WISH TO COMMUNICATE WITH HIM IN THIS MATTER=

DR ORFORDS OFFICE.

Department of Mines & Resources Indian Affairs Branch SEP 2 1941 REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EXD

Ottawa, September 1,1944.

The Commissioner, Royal Canadian Mounted Police, Ottawa.

I have to refer to your letter of August 24 with regard to the case of Alice Bullfrog, your file No.44 D 638 D 1.

I regret to advise you that our boat, the Jane II, owing to other requirements, will not be available, at least until the end of September. I shall endeavour to advise you more definitely in the matter at a later date, although in the meantime the Deputy Attorney General for Quebec may desire to make more expeditious arrangements by other means.

Director.

T.R.L.M

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FORM 264

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

Division G Div. Fyle No 44G 625M-1 Detachment Moose Factory

Defendant Alice Bullfrog Residence Fort George, P.Q.

Alias - Occupation Spinster

Nationality and Colour Cree Indian

Status in Country British Subject

Offence and Section of Act Neglect in Childbirth - Section 271 C.C.of C.

Date and Place of Offence On or about January 25th,1944-Lake Manikskskagami P.Q.

Authority for Search ----

Arrest or Summons. Date 21-8-44

Date and Place of Hearing 21-8-44 - Fort George, P.Q.

Heard by Thos.J.Orford, J.P. of Moose Factory, Ont.

Prosecutor or Pros'g Counsel Corpl. W.G.Kerr Defence Counsel none

Witnesses Harry Seebeeoo, Diana Seebeeoo, Jane Benjamin, William Grant Kerr, Margaret Campbell, Alice Bullfrog

Finger Prints and Photo forwarded to Headquarters None taken-to be forwarded later

Result of Hearing Committed for Trial - To remain at Fort George Pending holding of Trial

Bail None

Bondsmen -

Remarks Accused released on condition that she remain at Fort George pending holding of Trial by order of presiding Justice. (At present employed by R.C.Mission there.

Submitted by Corpl. W.G.Kerr

Fwd'd O.C. Sub-Dist. Fwd'd O.C. "G" Division 28-8-44 Fwd'd to Commissioner

In Charge Detachment In Charge Sub-District Commanding Division

Date 25/8/44 Date Date SEP 6 194

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION FILE No. 44 G 625-M-1

DIVISION "G" | SUB-DIVISION - | DETACHMENT Moose Factory

PROVINCE Ontario | DATE August 28th,1944

FILE REFS

RE: Alice Bullfrog - Fort George, P.Q.
Neglect in Childbirth.

HEADQUARTERS

1. On the 21st instant the Preliminary hearing in the case of Alice Bullfrog, charged with Neglect in Childbirth contrary to section 271 of the Criminal Code, was held at Fort George, P.Q. before Thos.J.Orford, Justice of the Peace.

SUB-DIVISION

2. Dianna Seebeeoo, Harry Seebeeo (Son of Dianna), and Jane Benjamin, all Cree Indians, gave evidence of the finding of the body,burying it, and hearing the accused admit she was the Mother of it.

DETACHMENT

3. Corpl.Kerr gave evidence of his investigation and of disinterring the body and bringing it to Fort George. Miss Margaret Campbell, R.N., gave evidence of examing the body at Fort George and her opinion as to the probable condition at birth.

P.C.R.

4. The accused, after being warned by the Justice and then having the warning explained to her, made a statement, which she signed, admitting parenthood and that she knew death would occur due to her action in abandoning the infant.

5. After hearing the evidence, the Justice committed the accused for trial, but permitted her to remain at Fort George. At the present time she is employed by the R.C.Mission there.

A. R. V. No.

6. A transcription of the evidence has been forwarded by this mail to Divisional Headquarters who, it is presumed, will forward it to the Clerk of the Court for the Territory of New Quebec.

7. Regarding the holding of the Trial in this case, the following is submitted for the information of Headquarters as to the only means of transport, other than aeroplane, to Fort George before Freeze-up;

Sept.10th - H.B.Co. Schooner "Fort Charles" on last trip to Fort George. Accomodations for 5 passengers but 8 already booked (2 H.B.Co. and 6 Anglican Mission,Fort George)

Sept.8th(?) - Dept. of Indian Affairs Boat"Jano 2nd" with Officails from Ottawa of that Dept. This boat might go to the West Coast of James Bay and to Fort George Later. Confirmation can be obtained from Dept. in Ottawa.

DIARY DATE

SET FOR.....

The Commissioner,R.C.M.P. Ottawa

Sir: FORWARDED 5-9-1944 together with Form 264, for transmission to the Deputy Attorney-General for Quebec.

(W.G.Kerr) Corpl. Reg.No.7685
1/c Moose Factory Detachment

S.U.I.

O.P.Farthing, Insp. for
O.C. "G" Division

FILE NUMBERS, HEADING AND SIGNATURE REQUIRED TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

19044-8

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

EX'D
A

IN REPLY PLEASE QUOTE

FILE No. 44 D 638-D-1

Director

OTTAWA, September 11, 1944.
CANADA

Re: Alice BULLFROG - Fort George, Que. -
Neglect in Childbirth.

Further to the above case, attached, for your information, is copy of our Moose Factory Detachment report dated the 28th ultimo, together with copy of Form 264, covering the preliminary hearing of this woman at Fort George, P.Q., on the 21st ultimo. It will be seen this accused was committed for trial and is to remain at Fort George pending the sitting of the Court.

for Director, Criminal Investigation.

TO: The Director,
Indian Affairs Branch,
Department of Mines & Resources,
O T T A W A, Ontario.

Encls.

Department of Mines & Resources
Indian Affairs Branch
SEP 14 1944
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

U R G E N T.

44 D 638-D-1

Your Ref. 21469/44

September 26, 1944.

Dear Sir,-

Re: Alice BULLFROG - Fort George, Que. - Neglect in Childbirth.

Referring to your communication dated the 14th instant in connection with the above case, we have instructed our Moose Factory Detachment to ascertain if there is a building or part of a building at Fort George that would be suitable for a gaol and we will communicate with you in this regard in due course.

2. Referring to paragraph 12 of your letter in which it is requested that our member at Moose Factory obtain from this girl a declaration to the effect that she make application for a speedy trial, we have taken no action in this respect as there does not appear to be any authority for this procedure and your further directions will be appreciated.

Yours very truly,

F. J. Mead,
Deputy Commissioner.

The Deputy Attorney General
for the Province of Quebec,
QUEBEC CITY, P. Q.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

URGENT

C. I. B. "G" DIVISION

44G 625M-1

44D 638-D1

Ottawa, September 21, 1944.

The Commissioner,
R.C.M.Police,
Ottawa.

Re: Alice BULLFROG Fort George, P.Q. - Neglect in Childbirth.

1. It is desired to report that Cpl. W.G.Kerr of our Moose Factory Detachment telephoned this office this afternoon from Moosonee advising that water navigation to Fort George by the regular boats from Moosonee has now finished for this year. He advised that the three Crown Witnesses in this case, who have been kept at Fort George since the holding of the preliminary hearing, are anxious to get back to their hunting and trapping grounds and that their continued retention at Fort George is likely to cause them and their dependents hardship as they should now be in thir hunting grounds preparing for their winter trapping and hunting operations which are their sole means of support. These witnesses had been kept at Fort George pending advice from the Deputy Attorney General of the Province of Quebec as to the probable date of the trial of Alice BULLFROG. To date we have received no advice as to when the trial might take place.

2. Cpl. Kerr advised further that the hunting grounds of these three witnesses are situated around a lake lying approximately 75 air miles west of Fort George and that an aeroplane can land on that lake in winter. Cpl. Kerr stated that there is likely to be two mail flights made by an aeroplane from Moose Factory to Fort George during the coming winter and the aeroplane can carry five passengers. He mentions this in the event that the Judicial Party decided to proceed to Fort George by plane. If this were done the plane could fly out to the lake mentioned above and bring in the three witnesses.

3. In view of the fact that water navigation has now ceased and in view of the hardship which might be caused to these three witnesses if they are kept any longer at Fort George, I would ask for your opinion and the opinion of the Deputy Attorney General of Quebec in the matter of their being allowed to leave Fort George for their hunting grounds immediately. I would recommend that they be allowed to leave Fort George now unless the Deputy Attorney General of Quebec has set a date in the very near future for the trial. I should add that it might be possible for the Judicial Party to charter a boat for a special trip to Fort George before James Bay freezes up for the winter but we could obtain further information as to that possibility from Cpl.Kerr should the Deputy Attorney General so wish. It may also be possible for the Judicial Party to charter a plane equipped with floats at any time in the near future which could take them to Fort George before freeze-up.

O.R.Farthing,Insp.,
For O.C. "G" Division,A.O.D.,

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY/LC

(CREST)

OFFICE OF THE ATTORNEY GENERAL
Province of Quebec

21469/44
J/C

QUEBEC, September 14, 1944.

Mr. S.T. Wood, Commissioner,
Royal Canadian Mounted Police,
OTTAWA.-

Re: Alice BULLFROG - Fort George, Que. -
Neglect in Childbirth.
Your ref: 44 D 638-D-1.

Dear Sir:

Your letters of the 24th ultimo, 7th and 11th instant duly received with enclosures.

In the memo prepared by one of your inspectors, it is suggested that arrangements be made for the trial of the accused at Fort George.

At this stage of the procedure, Alice Bullfrog having been committed to stand her trial, she is supposed to have a jury trial which cannot be held at Fort George.

Of course, she can make an option for a speedy trial and then fyle a plea of "guilty" or "not guilty".

As she has admitted her guilt, she would likely plead quilty and, if she does, we presume that a magistrate would impose a light sentence. In this respect, we intend to submit the whole record to a judge and to find out the length of the sentence he would impose in this special case.

Moreover our Court House and Gaol Act (R.S. Quebec 1941, Chap. 31) contains a section which reads as follows:

> 5. The Lieutenant-Governor in Council may order the construction, in any district of one or more gaols other than that already existing, or the acquisition or use of one or more buildings suitable for the purpose, to serve as gaols, and may declare such gaol or gaols, or buildings, to be common gaols and houses of correction for the said district.

We presume that, at Fort George, it exists a building which is suitable for the detention of one prisoner.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY/LC

If such is the case, we suggest that arrangements be made for the use of such a building or a part thereof, and that you send us a description of the same or of the part found suitable for a gaol.

If such arrangements can be made we would recommend the emission and publication of a proclamation declaring such building or a part thereof to be an additional common gaol and house of correction for the district of Quebec.

If such arrangements can be made and if a term of imprisonment is imposed on Alice Bullfrog, she could be detained in Fort George until discharged in due course of law.

Taking the above into consideration, can you possibly direct your Officer to obtain, from Alice Bullfrog a declaration to the effect that she make an option for a speedy trial and that she pleads guilty in accordance with the sworn declaration signed by her before Mr. Thos. J. Orford, J.P. for the Territories of Abitibi, Asuanapi, Mistassini, and New Quebec.

As stated above and after the receipt of the document above mentioned, we intend to submit the whole record to a judge in Quebec and to ask him to dispose of this matter without bringing Alice Bullfrog before him.

Yours very truly,

(Signed)

DEPUTY ATTORNEY GENERAL.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

RF/FEA COPY/LC

DEPARTMENT OF JUSTICE
(CREST)
C A N A D A

Please Address
The Deputy Minister of Justice
Ottawa.

OTTAWA, September 23rd, 1944.

J.R. 9816-44
Re: Alice Bullfrog, Fort George, Que.
Neglect in Childbirth.
Your No. 44 D 638-D-1

I am in receipt of your letter of September 19th, 1944, in connection with the above matter, enclosing copy of a letter from the Deputy Attorney-General of Quebec.

I note your remarks in connection with the suggestion for the provision of a building for the purposes of a gaol and I suggest that this matter be taken up by you direct with the Deputy Attorney-General.

The last two paragraphs in the Deputy Attorney-General's letter would suggest that you secure from Alice Bullfrog a confession of her guilt in an affidavit taken from her and that you forward the same to the Deputy Attorney-General. The Attorney-General then proposes to submit the affidavit to a judge and to have him find her guilty in absentia and impose a sentence as a result thereof. This would appear to be an unusual and improper procedure. It would appear that a fine may be imposed upon an accused person in his absence for some minor offence but where a major offence is involved, I am of opinion that an accused should be brought before the convicting magistrate and sentenced accordingly.

(SGD.) F. P. Varcoe

Deputy Minister.

The Commissioner,
R.C.M.Police,
O T T A W A.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
[redacted]TAWA

19044

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 44 D 638-D-1

OTTAWA, CANADA. September 26, 1944.

Department of Mines & Resources
Indian Affairs Branch
SEP 28 1944
REGISTERED

Re: Alice BULLFROG - Fort George, Que. - Neglect in Childbirth.

Further to your letter dated the 1st instant in connection with the above case, enclosed, for your information and record purposes, is copy of a letter dated September 14th received from the Deputy Attorney General of Quebec, together with copy of a communication dated the 23rd instant from the Deputy Minister of Justice and a memorandum from the Officer Commanding "G" Division dated September 21st, relative to the proposed trial of this girl. It will be noted in letter from the Deputy Minister of Justice there is no authority for the procedure suggested by the Judicial Officials at Quebec and we have written to the Deputy Attorney General and enclosed is copy of our reply in this regard.

2. We have instructed our Moose Factory Detachment to take no action in this case other than ascertaining if there is a building or part thereof at Fort George which could be used as a gaol. Further, there would seem to be no point in the witnesses in question remaining at Fort George, therefore, Cpl. Kerr has been instructed to advise them to return to their hunting grounds.

for Director, Criminal Investigation.

TO: The Director,
Indian Affairs Branch,
Department of Mines & Resources,
OTTAWA, Ontario.

Encls.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Mr. Young

The Commissioner, Royal Canadian Mounted Police, Ottawa.

Re Alice Bullfrog - Fort George, Quebec
Neglect in childbirth.

I have to refer to your letter of September 28 with regard to the above case, your file 44 D 638 D 1.

I have noted the letter from the Department of Justice, copy of which you enclosed, and your communication to the Attorney General for the Province of Quebec, in which I concur.

D. Scott

Director.

P.L.

T.R.L.M

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

44 D 638-D-1
Your Ref: 21469/44

October 12, 1944.

Dear Sir:

Re: Alice BULLFROG, Fort George, Que.,
Neglect in Childbirth.

With reference to previous correspondence in the above connection, in order that you may be aware of the latest developments, attached are copies of two additional reports dated September 27th and October 1, 1944.

2. It will be noted in report dated the 1st instant there is no building at Fort George that is unoccupied that would be suitable for a gaol. Also in view of the expense that would be involved in employing a person to act as gaoler, maintenance, etc., you will possibly not wish to proceed with this plan. It is also pointed out in paragraph 6 thereof, the only real punishment these natives would understand would be to remove them from familiar surroundings and persons known to them for the period of confinement.

3. In the event you wish to proceed with this woman's trial, your attention is directed to paragraph 7 thereof, in which it is suggested the accused and witnesses be conveyed by plane to the nearest point in the province where a court having competent jurisdiction could dispose of the case. If, however, you deem it advisable to postpone the trial until the coming summer, Cpl. Kerr, who is being transferred, will be kept at Moose Factory until August next.

4. Would you please give the pertinent points of this matter your early consideration and advise me of your decision as to what action you deem best under the circumstances.

Yours very truly,

S. T. Wood,
COMMISSIONER.

The Deputy Attorney General
for the Province of Quebec,
QUEBEC CITY, P.Q.

Encl.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE F 237

Page two

DIVISION FILE No. 44G 625-M-1

DIVISION "G" | SUB-DIVISION - | DETACHMENT Moose Factory

PROVINCE Ontario | DATE October 1st, 1944

FILE REFS. RE: Alice Bullfrog - Fort George, P.Q.
Neglect in Childbirth.

HEADQUARTERS 44D 638-D-1

SUB-DIVISION

DETACHMENT

P.C.R.

A. R. V. No.

7. I would suggest that to complete and concluded this case that the Prisoner and Witnesses be taken by Plane to the nearest place in Northern Quebec where a Court of competent Jurisdiction would be sitting and there the case disposed off. The witnesses would then be returned by Plane to their hunting grounds or Fort George. As the freeze-up is imminent this would not be practical until early January. I could, on behalf of the Quebec Authorities, make arrangemnts with the Aeroplane which is expected to carry the mail in James Bay this Winter to perform this mission, unless other arrangments were made with the Canadian Pacific Airlines who have a base at Senneterre, P.Q.

(W.G.Kerr) Corpl. Reg.No.7685
1/c Moose Factory Detachment

The Commissioner,
R.C.M.Police,
Ottawa.

1. Sir: FORWARDED 5-10-44. together with Moose Factory Detachment Report of 27-9-44. for your information and that of the Deputy Attorney General of Quebec.

2. Ref. para. 5 of the report of 27-9-44. Cpl. Kerr could be kept in charge of Moose Factory Detachment until the first part of August next, when the James Bay area should be clear of ice, making it possible for a judicial party to fly in to Fort George, P.Q.

S.U.I.

D. J. Martin, Supt.,
Officer Commanding, "G" Division.

DIARY DATE

SET FOR.....

FILE NUMBERS, READING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION FILE No. 44G 625-M-1

DIVISION "G" | SUB-DIVISION - | DETACHMENT Moose Factory

PROVINCE Ontario | DATE October 1st,1944

FILE REFS.

RE: Alice Bullfrog - Fort George, P.Q. - Neglect in Childbirth

HEADQUARTERS

44D 638-D-1

SUB-DIVISION

DETACHMENT

P.C.R.

A. R. V. No.

DIARY DATE

SET FOR.....

1. Reference correspondence forwarded to this Detachment in the above connection by the Officer Commanding "G" Division, under date of September 27th,1944.

2. There is no suitable building at Fort George, that is unoccupied or unused that is available for a gaol. I have today interviewed Mr.R.Duncan, Post Manager for the Hudson's Bay Co. at Moose Factory and formerly of Fort George, who made the foregoing statement.

3. As Fort George is some 350 miles from here it would be necessary, in the event that a gaol was established at Fort George, to appoint a Special Constable to be responsible for the conduct and behaviour of Alice Bullfrog while she was in custody there, this would necessitated the payment of a minimum salary of $2.00 per day to which would be added the rental of the building, fuel for cooking and heating, and the necessary rations for the subsistence of the Special Constable and the prisoner. A matron would be required unless it was decided to combine this office with that of a Special Woman Constable.

4. As the Hudson's Bay Co. staff at Fort George consists of only one man, Mr.James Soper, I am sure he would not want to accept the responsibility of supervising the Special Constable and arranging for subsistence. This would be advisable if the accused was to serve what would amount to, under the circumstances,as only a "Token" imprisonment.

5. The only other available supervisors would be the Anglican Minister, the Rev.Howard Hamilton, or the staff of the Roman Catholic Mission. I would not recommend either of these alternatives.

6. In conversation with the Chief of the Fort George Indians and others at Fort George this Summer, it was the consensus of opinion that Alice Bullfrog is deserving of punishment and I feel respect for Law and Order among the Indians would be lessened unless Alice Bullfrog was removed from Fort George to serve her sentence, after such was imposed by due process of law. To primitive Indians,as well as Eskimo, being regularly fed and housed even in a gaol is no punishment as such is looked upon as economic security, which it is after their precarious existence. The only and real punishment is to remove them from familiar surroundings and faces.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

F. 237

ROYAL CANADIAN MOUNTED POLICE

DIVISION FILE NO. 44G 625-M-1

SUB-DIVISION -

DETACHMENT Moose Factory

DATE September 27th, 1944

DIVISION "G"

PROVINCE Ontario

FILE REFS.

RE: Alice Bullfrog - Fort George, P.Q.
Neglect at Childbirth.

HEADQUARTERS 44D 638-D-1

SUB-DIVISION

DETACHMENT

P.C.R.

A.R.V. NO.

DIARY DATE

SET FOR.....

1. On the 21st instant I telephoned the Officer Commanding "G" Division at Ottawa from Moosonee, Ont. and requested instructions as to the disposition of Witnesses, who were still waiting at Fort George, in the above noted case. No information had been received as to the time the trial would be held and the season was so far advanced that the Witnesses would have difficulty in returning to their Winter Hunting grounds if they waited at Fort George much longer.

2. On the 27th instant the following Telegram was received here from the Officer Commanding "G" Division;

(Begins) Release Witnesses Alice Bullfrog case Stop Keep Alice Bullfrog at Fort George (Ends)

3. Instructions have now been sent by wireless to Fort George, P.Q. to the Hudson's Bay Co. Postmanager there instructing him to inform the Indian Witnesses concerned that they may depart for their hunting grounds and that Alice Bullfrog is to remain at Fort George pending further instructions from me.

4. Miss Margaret Campbell, R.N., Nurse-in-charge- of the Anglican Hospital at Fort George has been relieved and has gone outside. She was a witness insofar as she examined the body of the infant conderned with this case after I had brought it to Fort George. It is not expected that she will return.

5. It is expected that I will complete my tour of duty at this Detachment before open water next Summer and there will be the added expense of having me return to Fort George from whatever point I may be stationed after leaving here, if the trial is delayed until that time.

(H.G.Kerr) Corpl.
Reg.No.7685
1/c Moose Factory Detachment

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION FILE No. 44G 625-M-1

DIVISION "G" | SUB-DIVISION - | DETACHMENT Moose Factory

PROVINCE Ontario | DATE September 27th, 1944

FILE REFS. Re: Alice Bullfrog - Fort George, P.Q.
Neglect at Childbirth.

HEADQUARTERS 44D 638-D-1

SUB-DIVISION

DETACHMENT

P.C.R.

A. R. V. No.

DIARY DATE

SET FOR.....

1. On the 21st instant I telephoned the Officer Commanding "G" Division at Ottawa from Moosonee, Ont. and requested instructions as to the disposition of Witnesses, who were still waiting at Fort George, in the above noted case. No information had been received as to the time the trial would be held and the season was so far advanced that the Witnesses would have difficulty in returning to their Winter Hunting grounds if they waited at Fort George much longer.

2. On the 27th instant the following Telegram was received here from the Officer Commanding "G" Division;

(Begins) Release Witnesses Alice Bullfrog case. Stop Keep Alice Bullfrog at Fort George (Ends)

3. Instructions have now been sent by wireless to Fort George, P.Q. to the Hudson's Bay Co. Postmanager there instructing him to inform the Indian Witnesses concerned that they may depart for their hunting grounds and that Alice Bullfrog is to remain at Fort George pending further instructions from me.

4. Miss Margaret Campbell, R.N., Nurse-in-charge- of the Anglican Hospital at Fort George has been relieved and has gone outside. She was a witness insofar as she examined the body of the infant conderned with this case after I had brought it to Fort George. It is not expected that she will return.

5. It is expected that I will complete my tour of duty at this Detachment before open water next Summer and there will be the added expense of having me return to Fort George from whatever point I may be stationed after leaving here, if the trial is delayed until that time.

(W.G.Kerr) Corpl.
Reg.No.7685
1/c Moose Factory Detachment

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ESPONDENCE TO BE
ED—
COMMISSIONER,
. C. M. POLICE.
OTTAWA

19044-8

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE NO. 44 D 63[illegible]D-1

OTTAWA, October 14, 1944.
CANADA

Duplicate copy

Re: Alice BULLFROG, Fort George, Que.,
Neglect in Childbirth.

Further to our letter dated the 26th ultimo in connection with the above case, attached are copies of two additional reports dated September 27th and October 1st, together with copy of our letter to the Deputy Attorney General of Quebec which will bring your file up to date in this regard. You will be kept advised of any decision reached.

J. A. Regan Supt.
for Director,
Criminal Investigation.

TO: The Director,
Indian Affairs Branch,
Department of Mines & Resources,
OTTAWA, Ontario.

Mines & Resources
Indian Affairs Branch
OCT 16 1944

Encl.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"G" Division

Moose Factory Detachment 7-002 13-4-43

DUPLICATE

Hudson's Bay Company.

INCORPORATED 2ND MAY 1670.

FORT GEORGE.

7 "G" Division, 7-002, Ottawa

INVOICE

R.C.M.P. July 31st., 1944.

No. 275/1 MOOSE FACTORY DETACHMENT.

July	31.	To: Ration Issued to Alice Bullfrog months June and July.	
		16 lb. Flour 1.12 4 lb. Suet .85	1.97
		2 lb. Sugar. .30 1 lb. Salt. .07	.37
		½ lb. B.Pwdr. .15 ¼ lb. Tea. .23	.38
			2.72
		Two issues as above.	$ 5.44

FORT PAGE... 21 1944 Treasury Office J. A. BRANCH

Expenditure incurred for subsistence for Alice Bullfrog while living at Fort George, P.Q. pending holding of trial at which she will be the defendant. Reference - Alice Bullfrog - Neglect in Childbirth - Fort George, P.Q.- H.Q.Ref. 44D 638-D1, "G" Div.Ref.44G 625M-1. Issued on instructions of Corpl.W.G.Kerr.

Certified Correct.

Corpl
O/C R.C.M.P. Moose Factory

Representative of the Treasury RECEIVED NOV 20 1944 INDIAN AFFAIRS

VOTE
AGENCY
ALLOT E. R.
Goods received or services performed. Prices fair and just. Approved for payment.

WORK PERFORMED AND MATERIALS SUPPLIED ENTIRELY FOR GOVERNMENT SERVICE, ACCORDING TO CONTRACT, PRICES FAIR AND JUST.

ENCUMBRANCE No.

APPROVED:
Commanding "G" Division

VOTE
ALLOT
AGENCY
E.R.
Goods Received or Services Performed Prices Fair & Just. Approved for Payment
J. E. MORRIS

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE

C. I. B. "G" DIVISION

In reply please quote

Div.File No: 44G 625M-1

H.Q.File No: 44D 638-D-1

Ottawa, November 13, 1944.

The Commissioner,
R.C.M.Police,
Ottawa.

Re: Alice BULLFROG - Fort George, P.Q., -
Neglect in Child Birth.

1. I enclose herewith an account for $5.44, submitted by the Fort George Post of the Hudson's Bay Company for rations supplied to the above named prisoner who is held at Fort George, for the months of June and July, 1944. I would ask that this account be forwarded to the proper Department for payment.

2. Under date of 12-7-44, I forwarded to you a similar account in the sum of $11.06 for rations supplied to the girl during the months of March, April and May, 1944. We have received no advice here to date as to whether that account has been paid.

D. J. Martin

D. J. Martin, Supt.,
Officer Commanding, "G" Division.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY:ACH.

October 12, 1944.

44 D 638-D-1
Your Ref: 21469/44

Dear Sir:

Re: Alice BULLFROG, Fort George, Que.,
Neglect in Childbirth.

With reference to previous correspondence in the above connection, in order that you may be aware of the latest developments, attached are copies of two additional reports dated September 27th and October 1, 1944.

2. It will be noted in report dated the 1st instant there is no building at Fort George that is unoccupied that wou ld be suitable for a gaol. Also in view of the expense that would be involved in employing a person to act as gaoler, maintenance, etc., you will possibly not wish to proceed with this plan. It is also pointed out in paragraph 6 thereof, the only real punishment these natives would understand would be to remove them from familiar surroundings and persons known to them for the period of confinement.

3. In the event you wish to proceed with this woman's trial, your attention is directed to paragraph 7 thereof, in which it is suggested the accused and witnesses be conveyed by plane to the nearest point in the province where a court having competent jurisdiction could dispose of the case. If, however, you deem it advisable to postpone the trial until the coming summer, Cpl. Kerr, who is being transferred, will be kept at Moose Factory until August next.

4. Would you please give the pertinent points of this matter your early consideration and advise me of your decision as to what action you deem best under the circumstances.

Yours very truly,

S. T. Wood,
COMMISSIONER.

The Deputy Attorney General
for the Province of Quebec,
QUEBEC CITY, P.Q.

Encl.

Indian Affairs, (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-8

CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 44 D 638-D-1
Your Ref: 19044-8

OTTAWA, November 15, 1944.

Representative of the Treasury
RECEIVED
NOV 20 1944
INDIAN AFFAIRS.

Department of Mines & Resources
Indian Affairs Branch
NOV 16 1944
REGISTERED

Re: Alice BULLFROG, Fort George, P.Q.,
Neglect in Childbirth.

Further to previous correspondence in the above connection, attached is copy of our letter dated the 12th ultimo to the Deputy Attorney General for the Province of Quebec, dealing with this girl's trial. To date a reply has not been received. We have again written to the Deputy Attorney General on this date and his views will be made known to you when received.

2. Also enclosed, for the necessary attention by your department, are duplicate copies of an account for the amount of $5.44 in favour of the Hudson's Bay Company, Fort George, P.Q., covering rations supplied to Alice Bullfrog for a two-month period, who is being held at Fort George awaiting trial. The account referred to in paragraph two of memorandum from the Officer Commanding, "G" Division, dated the 13th instant, copy of which is also attached, was enclosed with our letter dated July 13, 1944.

for Director,
Criminal Investigation.

TO: The Director,
Indian Affairs Branch,
Department of Mines & Resources,
OTTAWA.

Encls.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"B.F." SLIP

"B.F."

FOR

Date June 16 W.C.

Initials BOJ

R 1403

EXCD.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

44 D 638-D-1
Your No. 21469/44

November 30, 1944

Dear Sir:

Re - Alice BULLFROG, Fort George,
P.Q. - Neglect in Childbirth

Will you kindly refer to my letters of September 26, October 12 and November 15, concerning Alice Bullfrog of Fort George, P.Q., especially that of October 12, in which I requested to be advised of your decision regarding what action would best meet the peculiar circumstances of this case.

2. It would be much appreciated if early consideration could be given as to when this young woman's trial will take place, since, apart from the desirability of having it disposed of, such knowledge will permit me to make arrangements for changes in personnel with some degree of certainty.

3. I am advising the Director of Indian Affairs that I have again written you and that I shall inform him immediately your reply is received.

Yours very truly,

(S. T. Wood)
COMMISSIONER.

The Deputy Attorney General for
the Province of Quebec,
QUEBEC CITY, P.Q.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-8

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 44D 638-D-1

Your No. 19044-8

Mines & Resources
DEC 1 1944
REGISTERED

OTTAWA, CANADA November 30, 1944

Director
Noted.

To: The Director, Indian Affairs Branch, Department of Mines and Resources, OTTAWA, Ontario.

Re - Alice BULLFROG - Fort George, P.Q.
Neglect in Childbirth

Further to our letter of the 15th instant, enclosed is copy of one directed to the Deputy Attorney General for the Province of Quebec asking that he please give early consideration to having the case of this young woman disposed of, for your information and records.

(V. A. M. Kemp)
Assistant Commissioner,
Director, Criminal Investigation.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-8

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER.
R. C. M. POLICE.
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 44 D 638-D-1

OTTAWA. December 26, 1944.
CANADA

Disclose

To: The Director, Indian Affairs Branch, Department of Mines and Resources, Ottawa, Ontario.

DEC 27 194

Re: Alice BULLFROG - Fort George, P.Q., Neglect in Childbirth.

Further to my letter of the 30th ultimo, undernoted, for your information and record, are copies of telegrams sent and received recently concerning the within case.

"OTTAWA DECEMBER 21 1944

THE DEPUTY ATTORNEY GENERAL
PROVINCE OF QUEBEC
QUEBEC CITY P Q

RE ALICE BULLFROG FORT GEORGE PQ NEGLECT IN CHILDBIRTH ADVICE RECEIVED THAT MANAGER HUDSONS BAY COMPANY IN FORT GEORGE IS INQUIRING CONCERNING THIS YOUNG WOMANS FUTURE STOP SHE IS PRESENTLY HOUSED IN HUDSONS BAY COMPANY BUILDING THERE WHICH IS ALSO OCCUPIED BY NATIVE EMPLOYEES OF COMPANY KINDLY REFER TO MY LETTER NOVEMBER THIRTIETH AND ADVISE

S T WOOD"

"QUEBEC DECEMBER 22 1944

COMMISSIONER RCMP OTTAWA

RE ALICE BULLFROG FORT GEORGE PQ YOUR FILE NO 44D 638-D-1 STOP RECEIVED MESSAGE DATED DEC 21 STOP UNFORTUNATELY HAVE BEEN UNABLE TO DISPOSE OF THIS CASE BEFORE TODAY STOP AFTER HAVING PERUSED THE WHOLE WE SUGGEST AS SOLE PRACTICAL LEGAL WAY OF DISPOSING OF CASE TO HAVE ALICE BULLFROG BROUGHT IN QUEBEC GAOL BY CORP W G KERR WHERE SHE WILL BE DETAINED PENDING TRIAL STOP AS SHE HAS ALREADY ADMITTED HER GUILT WE ANTICIPATE THAT WHILE IN JAIL SHE WILL ELECT FOR SPEEDY TRIAL AND PLEAD GUILTY STOP IN THIS EVENT NO WITNESSES

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

File No. 44 D 638-D-1

WILL BE NECESSARY STOP OTHERWISE CASE WILL BE POSTPONED UNTIL SPRING WHEN FURTHER ARRANGEMENTS COULD BE AGREED UPON STOP DO YOU THINK IT IS STILL POSSIBLE TO PROCEED AS ABOVE STATED STOP WE ARE READY TO PAY NECESSARY EXPENSES

L DESILETS DEPUTY ATTORNEY GENERAL"

"OTTAWA DECEMBER 23 1944

DEPUTY ATTORNEY GENERAL
QUEBEC P Q

RETEL ALICE BULLFROG STOP ARRANGEMENTS AUTHORIZED BY YOU VERY SATISFACTORY STOP I AM INFORMING THE OFFICER COMMANDING CONCERNED AND WILL ADVISE YOU LATER WHEN CPL KERR ABLE TO LEAVE WITH PRISONER AND MATRON FOR QUEBEC

S T WOOD"

Cdny. 12/2 Ap/4

for Director, Criminal Investigation.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ROYAL CANADIAN MOUNTED POLICE F. 337

DIVISION FILE No. ~~44G 695-M-1~~

DIVISION	SUB-DIVISION	DETACHMENT
"G"	-	Moose Factory
PROVINCE Ontario		DATE Feb.10th,1945

FILE REFS. RE: Alice Bullfrog - Fort George, P.Q. - Neglect at Childbirth

HEADQUARTERS

44D 638-D-1

SUB-DIVISION

DETACHMENT

P.C.R.

A. R. V. No.

DIARY DATE

SET FOR.....

Form 264 B and passum receipt attached

1. Further to report of January 11th in the above connection.

2. On January 31st I left Moosonee, Ont. on the Austin Airway Plane for Fort George where we arrived the same day. Inclement weather held us at Fort George until the afternoon of the 3-2-45. When I left Fort George with prisoner Alice Bullfrog enroute to the Provincial Gaol at Quebec City, P.Q.

3. We arrived at Moosonee the same evening where I lodged Alice Bullfrog with an Indian Family. On the 5th, accompanied by Matron Mrs.Maud Tyrer, we left Moosonee by T.& N.O. train at 6.30 P.M. We arrived at Cochrane in the afternoon where I lodged Alice Bullfrog in the Provincial Police Cells for the night.

4. At 1.15 P.M. the following day we left Cochrane for Montreal. The prisoner, who had never seen a train before the present journey, became violently train-sick which affected the matron and, as a result it was necessary for me to put both of them in a drawing room where they both would have a private toilet. We arrived at Montreal at noon of the 7th. The prisoner was put in the cell at "C" Division headquarters until we left for Quebec at 11.45 P.M. the same evening. We arrived at Quebec at 8.00 A.M. on February 8th, where I turned Alice Bullfrog over to the Provincial Authorities.

5. At 10.30 P.M. the same day Alice Bullfrog appeared before Judge Roy in chambers and elected for a Speedy Trial.

6. The accused pleaded "Guilty" and was remanded for sentence until the following day. Inspector Morel represented the Quebec Provincial Police and the Crown by Crown attorney Doumantier.

7. On February 9th Alice Bullfrog appeared before Judge Roy at 10.A.M. for sentence. She was sentenced to 5 months imprisonment in the Quebec Provincial Women's Gaol at Quebec City.

8. I left Quebec at 1.35 P.M. of the 9th instant with Matron Maud Tyrer and arrived in Ottawa at 10.45 P.M. the same evening.

Expenses - as per Form 93
Transport Reqs. Moose Factory 7416/18
Quebec Detachment "C" Div.52169-52170.

CASE CONCLUDED (W.P. Kerr) Insp. No. Const. 7555

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

AFETY ▲ FILM

ROYAL CANADIAN MOUNTED POLICE F. 357

DIVISION FILE No. ~~44G 625-N-1~~

DIVISION	SUB-DIVISION	DETACHMENT
"G"	-	Moose Factory
PROVINCE Ontario		DATE Feb.10th,1945

FILE REFS. RE: Alice Bullfrog - Fort George, P.Q. - Neglect at Childbirth

HEADQUARTERS

44D 638-D-1

SUB-DIVISION

DETACHMENT

P.C.R.

A. R. V. No.

1. Further to report of January 11th in the above connection.

2. On January 31st I left Moosonee, Ont. on the Austin Airway Plane for Fort George where we arrived the same day. Inclement weather held us at Fort George until the afternoon of the 3-2-45. When I left Fort George with prisoner Alice Bullfrog enroute to the Provincial Gaol at Quebec City, P.Q.

3. We arrived at Moosonee the same evening where I lodged Alice Bullfrog with an Indian Family. On the 5th, accompanied by Matron Mrs.Maud Tyrer, we left Moosonee by T.& N.O. train at 6.30 P.M. We arrived at Cochrane in the afternoon where I lodged Alice Bullfrog in the Provincial Police Cells for the night.

4. At 1.15 P.M. the following day we left Cochrane for Montreal. The prisoner, who had never seen a train before the present journey, became violently train-sick which affected the matron and, as a result it was necessary for me to put both of them in a drawing room where they both would have a private toilet. We arrived at Montreal at noon of the 7th. The prisoner was put in the cell at "C" Division headquarters until we left for Quebec at 11.45 P.M. the same evening. We arrived at Quebec at 8.00 A.M. on February 8th, where I turned Alice Bullfrog over to the Provincial Authorities.

5. At 10.30 P.M. the same day Alice Bullfrog appeared before Judge Roy in chambers and elected for a Speedy Trial.

6. The accused pleaded "Guilty" and was remanded for sentence until the following day. Inspector Morel represented the Quebec Provincial Police and the Crown by Crown attorney Doumantier.

7. On February 9th Alice Bullfrog appeared before Judge Roy at 10.A.M. for sentence. She was sentenced to 5 months imprisonment in the Quebec Provincial Women's Gaol at Quebec City.

DIARY DATE

SET FOR.....

8. I left Quebec at 1.35 P.M. of the 9th instant with Matron Maud Tyrer and arrived in Ottawa at 10.45 P.M. the same evening.

Form 264 B and passman receipt attached

Expenses - as per Form 93
Transport Reqs. Moose Factory 7416/18
Quebec Detachment "G" Div. 52169-52170.

CASE CONCLUDED (W. A. Morel) Insp. No. 7655 Corpl.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

H.Q. File No. 44 D 638-D-1 Div. File No. 44G 625-M-1 F. 264 B.

ROYAL CANADIAN MOUNTED POLICE

Sub-Division – S.Div. Ref. R.C.M.P. Seizure Number

Detachment Moose Factory Det. Ref. A.R.V. No.

Defendant Alice Bullfrog (NAME IN FULL) Address Fort George, P.Q.

Occupation Spinster Status in Canada Br.Subject (Cree Indian)

Nationality Indian Colour Dark Date of Birth 20-8-1918

Place of Offence Lake Manikskagami, P.Q. Date January,1944

Offence Neglect at Childbirth (DESCRIPTION) (NAME OF ACT) 271 - C.C.of C. (SECTION)

Information Corpl.W.G.Kerr (BY WHOM LAID) 21-8-44 (DATE) T.J.Orford J.P. (BEFORE) Fort George,P.Q. (PLACE)

Arrest or Summons Summons Date 21-8-44 Place of Trial Quebec City,P.Q. Date 8-2-45

Tried By Judge Roy Plea "Guilty"

Prosecutor or Pros'g Counsel Crown Attorney Doumantier Defence Counsel None

Disposition of Charge or Sentence imposed & date 5 Months imprisonment in Quebec Provincial Women's Gaol at Quebec City. Sentence imposed on February 9th,1945

Fine paid or gaol term taken Gaol Term

Costs Collected (Police)

Serving Summons – $

Arrest – $

Attending Court – $

Witness Fees – $

Mileage Miles @ c.p.m. $

Costs other than R.C.M.P.:

Authority for Search

Complainant:

Fingerprints to H.Q. To be forwarded by Provincial Police (DATE)

Photograph to H.Q. (DATE)

Last previous conviction (quote F.P.S. Number if known) None known

Remarks:—

Accused escorted from Fort George, P.Q. on the 8-2-45 and lodged in Quebec Provincial Gaol, Quebc City on February 8th,1945

Preliminary ~~xxxxxxxx~~ Trial held at Fort George , P.Q. on 21-8-44 before Thos. J.Orford, J.P.

Diary Date Investigated by Corpl. W.G.Kerr

Fw'd on 12/2/45 (DATE) to O.C.S-Div. Fw'd on (DATE) to O.C. Div. Fw'd Comm'r 12-2-45 (DATE)

I/C DETACHMENT I/C SUB-DIVISION D.J.Martin,Supt., O.C."G" Division.

NOTE.—No covering report is required with this form except in special cases. Any sub-headings which are not applicable are to be left blank. If insufficient room for remarks, continue on plain tissue.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

19044-8

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE NO. 44 D 638-D-1

OTTAWA, February 14, 1945.
CANADA

Dupuis

To: The Director, Indian Affairs Branch,
Department of Mines and Resources,
Ottawa, Ontario.

Department of Mines & Resources
Indian Affairs Branch
FEB 16 1945
REGISTERED

Re: Alice BULLFROG - Neglect in Childbirth - Fort George, P.Q.

Further to previous correspondence in connection with the above noted case, attached, for your information, is a copy of Form 264B dated the 12th instant, together with copy of a report forwarded by Moose Factory Detachment dated the 10th instant, from which it will be seen that Alice Bullfrog was convicted and sentenced to five months' imprisonment in Quebec Provincial Women's Gaol at Quebec City.

for Director, Criminal Investigation.

Encl.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Ottawa Mountie, Takes Eskimo Girl To Quebec Court

QUEBEC, Feb. 9.—(CP) — An Eskimo girl, Aleek Bullfrog, who was brought 1,275 miles from her home on the coast of James Bay in northwestern Quebec, today was sentenced to five months imprisonment on a charge of causing the death of her baby "by purposely neglecting to give him the necessary care."

"The sentence will allow her to return to her hamlet for the summer," commented Judge Laetare Roy as he gave judgment. Interpreter Maud Toyrrer of Moosonee, Ont., interpreted the remark to Miss Bullfrog, who laughed and said something which Miss Toyrrer interpreted as being "This is a fine country here."

Miss Bullfrog pleaded guilty to the charge in court here yesterday. She travelled by dog-sled, plane and train from a hamlet near Fort George, on the coast of James Bay, to Quebec, accompanied by RCMP Cpl. William Kerr of Ottawa and Miss Toyrrer. The territory where the arrest was made by the Royal Canadian Mounted Police comes under the jurisdiction of the Quebec judiciary district.

The Eskimo girl told the court that after the death of her baby a year ago, she had tied him to a branch of a tree. The body was uncovered two months later by RCMP officers.

Cree Indian
Charge - Neglect in childbirth
under Sec 271 of the
Criminal Code

Indian Affairs, (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19044-8

File

QUEBEC

Triumph of Justice

No. Indian

Miss Aleek Bullfrog is an Eskimo. As to most Eskimos, the customs, laws and notions of white Canadians seemed weird & wonderful to her. But unlike most Eskimos, Miss Bullfrog was not philoprogenitive. She never did want the baby boy she bore a year ago at her home near Fort George, far north on the bleak eastern shore of James Bay. So she simply let the baby die. But she had a strong sense of what is due a corpse: she tied the dead baby to the limb of a tree to keep it from the wolves.

Two months later, Royal Canadian Mounted policemen found the body. They were shocked. By dogsled, plane and train Miss Bullfrog, who rather enjoyed the trip, was taken 1,275 miles to Quebec. There last week, after she had pleaded guilty, Judge Laefare Roy pronounced sentence: five months in jail.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

S.P.Q.121

QUEBEC PROVINCIAL POLICE.

District of Quebec

QUEBEC, June the 15th, 1945.

PG-21469-44
DQ-38460-45

THE ASSISTANT-ATTORNEY/GENERAL,

RE: Alice BULLFROG, Lake Manikakagami, Fort George, New-Quebec-Territory - "Neglect to provide help at the birth of a child."

1. According to instructions, I took the necessary arrangements to have Alice Bullfrog return to Fort George.

2. Alice Bullfrog will be freed on the 16th of June, saturday, but it is useless to send her to Cochrane, that night, because the train does not go farther than La Tuque. The best thing is to send her Monday night the 18th so that she can catch the train at Cochrane for Moosonee, wednesday morning at 9.45, A.M.; there are only two trains a week from Cochrane to Moosonee, on wednesday and on saturday.

3. The ticket from Quebec to Chchrane costs $19.80, and that from Cochrane to Moosonee, $5.60, that is $25.40 that we will advance her, plus $10.00 for her meals and Hotel costs at Cochrane.

4. I phoned to the Rev. Father Treasurer of Les Oblats de Marie, at Moosonee who accepted to receive Alice Bullfrog and to have her taken care of at the Convent of the Place till the departure of the boat for Fort-George, while the Father will buy her ticket, will put her aboard, and will send us the account for the transportation costs and the board.

5. Arrangement s are made here with the Rev. Mother Superior of the Jail, and unless otherwise instructed, we will proceed, as previously stated.

THE ASSISTANT DIRECTOR OF THE Que. Prov. Police.

LL/js

Signed Leon Lambert.

TRANSLATED COPY
RCMP. QUEBEC.
/ML.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

ALL CORRESPONDENCE TO BE ADDRESSED—
THE COMMISSIONER.
R. C. M. POLICE.
OTTAWA

19044

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 134 D 638-D-1

Your Ref. 19044-8

Department of Mines & Resources
JUL 10 1945
REGISTERED

OTTAWA, CANADA July 7, 1945.

Re: Alice BULLFROG - Fort George, P.Q. - Neglect in Childbirth.

EX'D

Further to correspondence previously forwarded in the above connection and particularly with reference to our letter of February 14th last when you were advised that Alice Bullfrog was convicted and sentenced to five months imprisonment in the Quebec Provincial Women's Gaol at Quebec City, we now attach copy of Quebec Provincial Police report dated June 15th, from which you will note arrangements have been made to return the subject to Fort George, P.Q.

J. G. Mason Supt.
for Director, Criminal Investigation.

TO: The Director,
Indian Affairs Branch,
Department of Mines & Resources,
OTTAWA, Ontario.

Encl.

Indian Affairs. (RG 10, Volume 7467, File 19044-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19050-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

19061-2

ESKASONI

MURDER AND MANSLAUGHTER CASES

GOULD ,DUNCAN FRANK,OF NOEL DOUCETTE

Central Registry	P.A. or B. F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

FILE NO. 19050-2 DORMANT

SECOND SERIES

R 2071

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG.10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19061-2

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

SYDNEY

MURDER

FRANK-DUNCAN- GOULD CHARGED WITH MURDER OF NOEL DOUCETTE.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19061-2

Maddin & Rosenblum
Barristers, Solicitors

J. W. MADDIN, K.C. C. M. ROSENBLUM, LL.B.

Sydney, Nova Scotia
September 14th, 1937.

Secy

R

Department of Indian Affairs,
Ottawa, Canada.

Dear Sirs:-

I am counsel for Frank (Duncan) Gould, a young Indian, who lives at the Reservation just outside the City of Sydney limits. Gould is charged with the crime of manslaughter, as the result of the death of Noel Doucette, another Indian.

The circumstances appear to be that on or about the 31st ultimo, a dance and wedding celebration was being held at the Reservation and, about two o'clock in the morning, Gould and Doucette began to fight with one another, with the result that Gould got the better of the fight and Doucette was taken to the hospital, where he passed away on the 12th instant.

I am wondering whether your Department will pay my legal fees for the defence of Gould on the charge of manslaughter, as Gould is unable to pay the same himself. It seems to me that this is a case deserving of your sympathy in view of the fact that, my instructions are, Doucette provoked the fight, and that his death was not attributable to the injuries he received in the fight.

I will be glad to have your reply to the above query, so that I may act accordingly.

Yours very truly,

C M Rosenblum

C. M. Rosenblum.

CMR M

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19061-2

, September 21, 1937.

Dear Sir:

I have to acknowledge receipt of your letter of September 14th, regarding your request to act as counsel on behalf of Frank (Duncan) Gould, a young Indian charged with manslaughter.

In reply I have to advise you that this department does not provide counsel or assume any responsibility for costs on behalf of Indians charged with any breach of the law, except in capital cases and in special circumstances involving constitutional questions, the settlement of which is of interest from the viewpoint of Indian administration.

As the present case does not come within either category I regret that your request cannot be granted.

Yours very truly,

T. R. L. MacInnes,
Secretary.

C. M. Rosenblum, Esq.,
Maddin & Rosenblum,
Barristers, Solicitors,
Sydney, Nova Scotia.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FORM 246

ROYAL CANADIAN MOUNTED POLICE

3,

EXHIBIT REPORT

RECEIPT AND CANCELLATION

Detachment File No. 37-461
District File No.
"Hdqrs" File No.

Detachment Sydney, N.S.
Sub-District Sydney, N.S.
District "H"
Date Sept. 15th, 1937.

RE: Frank DuncanGould, Membertou Reserve, Sydney, N.S. Manslaughter Sec. 268. C.C.C.
(NAME OF FILE)

On Sept. 14th (DATE) 1937, I, Reg. No. 10793, A/Cpl. Robertson J.A.S. (CONSTABLE'S NAME)

Came into possession of the following described goods, by:— receiving same from

Dr. P. McF. Carter, M.D.
(STATE BRIEFLY, AUTHORITY, ETC., WHETHER BY SEARCH WARRANT, ETC.)

No. OF PACKAGES	CAPACITY OR SIZE	DESCRIPTION OF CONTENTS (DETAILS TO BE GIVEN IN FULL)
1.		Glass container. Containing lung of Noel Doucette.

CANCELLATION

The above described goods have been disposed of at .....
(PLACE)

on.....193..... by being:—

*DESTROYED IN THE PRESENCE OF—

*HANDED OVER TO— .....
(NAME AND OCCUPATION)

*STRIKE OUT ONE NOT REQUIRED.

.....of same is hereby acknowledged.
(STATE "DESTRUCTION" OR "RECEIPT")

REMARKS: .....
(IF DESTROYED STATE HOW, ETC.)

.....

.....

.....
(SIGNATURE OF RECIPIENT OR WITNESS)

CERTIFIED CORRECT.

.....
(SIGNATURE OF N.C.O. OR CONST.)

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"H" Div. File 37-H-636-2-9

The Honourable,
The Attorney General,
Province of Nova Scotia,
Halifax, Nova Scotia.

Re: Frank "Duncan" Gould (Indian),
Memberton Reserve, Sydney, N. S.
Manslaughter, Sec. 268, C. Code

1. FORWARDED - copy of report dated Sydney Detachment, 15-9-37, together with copy of evidence given at the Coroner's Inquest.

2. This case arose as the result of a fight on the Memberton Indian Reservation on September 1st and one, Noel Doucette died as the result of injuries received.

3. An Inquest was held and the jury brought in the following verdict:

> "That the deceased Noel Doucette died in St. Rita Hospital, Sydney, N. S., September 12th, 1937. Cause of death collapsed lung. We would recommend that further investigation be undertaken by the authorities".

4. The accused, Gould, had originally been charged with "Assault Occasioning Actual Bodily Harm" which was changed to "Manslaughter" on instructions of the Crown Prosecutor, Mr. M. A. Patterson after Doucette had passed away.

5. Accused was released on bail to appear on September 17th for preliminary hearing.

6. It is not known whether Mr. Patterson intends having a pathological examination made of the deceased's right lung.

7. Further report will follow as the case progresses.

A/Com'r
M. H. Vernon,
Commanding "H" Division

Halifax, N. S.
21-9-37.
CR:MR

The Commissioner,
R. C. M. P.,
Ottawa, Ont.

1. FORWARDED - copies of above noted report and evidence referred to attached for your information. It will be noted accused is an Indian belonging to the Memberton Reserve near Sydney, Cape Breton, N. S.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

The Commissioner,
R. C. M. P.

21-9-37.

2. The fight started at a dance held on the Reservation on the night of September 1st and as a result of injuries received one, Noel Doucette died in hospital on September 12th.

3. The original charge of "Assault Occasioning Actual Bodily Harm" was discontinued and charge of "Manslaughter" preferred on the Crown Prosecutor's instructions.

4. It will be observed from the medical evidence given at the Coroner's Inquiry there were no bruises on the body of the deceased and only a slight abrasion was noticed on the left side of the temple.

5. The Crown Prosecutor has not yet decided whether to have a pathological examination made of the lung. This would seem essential as there is nothing to indicate at present the cause of death of this man, who was young, well built and apparently in good health.

6. Accused has been released on bail and further report will follow as the case proceeds.

7. STILL UNDER INVESTIGATION.

A/Com'r

Halifax, N. S.
21-9-37.

M. H. Vernon,
Commanding "H" Division.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Division File No 37 H 636-2-9

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"H"	Sydney.	Sydney.
Province Nova Scotia.		Date Sept.15th,1937.

File References	Re: Frank "Duncan" Gould.(Indian.) Membertou Reserve, Sydney, N.S. Manslaughter. Sec.268. C.C.C.

Headquarters

Sub-Division

37-1-339

Detachment

37-461.

P. C. R.

First.

1. In the early hours of Sept.1st,1937, shortly after a wedding dance at the house of Ben Christmas on the Membertou Reserve,Sydney,N.S., a fight occurred between the above named and one Noel Douccette. Douccette was injured and had to be helped home, later the same morning he was examined by Dr.Carter, Doctor for the Reserve, who had him removed to St.Rita Hospital. On this date also Cecelia Douccette, wife of the injured man, laid Information and complaint before Mag.A.M.Crofton charging the above with the assault on her husband occasioning actual bodily harm, Sec.295.C.C.C. and the case was set for the following day.

2. On Sept.2nd, Frank Duncan Gould appeared before the magistrate and elected trial by Judge & Jury. The evidence of Dr.Carter, Albert Douccette, Charles Marshall, & Gregory Francis was taken. Summons was issued for one John Smith, a witness for the prosecution, but it was found that he gone either to New Brunswick or Maine,U.S.A., potato picking. The case was then set for Sept.13th pending the recovery of ~~the~~ Noel Douccette and his appearance in court. Benjamin Christmas,Indian Chief, appeared as agent for the complainant and Mr.C.M.Rosenbloom appeared for the Defendant.

3. In the morning of Sept.12th, Noel Douccette died in St.Rita Hospital. Dr.P. McF. Carter performed a post mortem examination assisted by Dr.Ray Ross, and the right lung was removed. The death was reported to Dr.J.K.McLeod, coroner, who called an Inquest for 7.00 p.m. Sept.13th. The accused at this time was on bail, bail was rescinded by the Magistrate and the accused placed in custody.

4. The Inquest took place as ordered, the Jury finding as follows:- "That the deceased Noel Douccette died in St.Rita Hospital,Sydney,N.S. September 12th,1937. cause of death collapsed lung. We would recommend that further investigation be ~~made~~ undertaken by the authorities"

5. Copies of the evidence taken at the Inquest are attached.

6. On the morning of Sept.14th, acting upon instructio of Mr.Malcolm Patterson, Crown Prosecutor, Information an complaint was laid before Magistrate A.M.Crofton charging Frank Duncan Gould with Manslaughter,by A/Cpl.Robertson J Gould was then taken before Magistrate Crofton and was released on bail to appear on Friday,Sept.17th, at 10.00 in the following sureties. The accused $1000.00, Mrs. Blanche Frederickson $500.00, William J.Stephens $500.0

(continued on Sheet No.2.)

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Sheet No.2.

Re. Frank "Duncan" Gould.(Indian.) Membertou Reserve, Sydney, N.S.
Manslaughter. Sec.268. C.C. of C.

7. During Sept.14th, investigation was continued and statements obtained from others than those who gave evidence at the Preliminary Hearing of the Assault Charge and at the coroner's Inquest. These are embodied as follows:-

7(a). Sydney, N.S. 14-9-37.
Statement of Martin Mathews, Membertou Reserve, Sydney, N.S.

I was at the dance at Ben christmas' house on the night of August 31st-Sept.1st, 1937. During the evening Albert Doucette told me there was going to be trouble. Noel Doucette also told me that he expected trouble before the evening was over. About 2.00 a.m. Noel Doucette came in and told me to stop playing because there was going to be trouble, he then went into the kitchen and told everyone that the dance was over. I left and the people were standing in bunches outside, I had got a few yards away and I heard Noel call to the crowd and ask them why they weren't going home. Someone told him to take his time. Noel told Gould that he would have to go home or he would make him go home. There was a little argument and I think Noel grabbed him. I came back and just then Duncan Gould jumped out into the road and said, "There's two of you fellows on to me now." Meaning Albert and Noel Doucette. Duncan said " I am not looking for any trouble but I'll fight you fellows one at a time" To Noel " If you want to fight take off your coat, I'll fight you." Noel didn't answer. Duncan said again " Take off your coat" and was ready to fight. Noel said."Alright I'll take off my coat" he did so and went towards Gould. Frank Gould rushed him, they sparred until I couldn't see them. (The accused's real name is Frank Joseph Gould, he is nicknamed Duncan and called both Duncan and Frank by the people of the Reserve.) I could hear but could not see anything. I moved up through the fence to see what was going to happen, I saw them clinch and go towards the fence, I felt a jar in the fence when they went to the ground, I could hear loud panting then I heard Duncan Gould say " I'll kill you you son of a bitch". I heard thuds of blows and jumped over the fence and when I came up to where the fight was I saw Noel laying down with his head towards me, Duncan had left by this time. I had to push against the crowd, I saw a couple of fellows pick Noel up, I saw afterwards these were Charlie Marshall and Albert Doucette. I spoke to Noel and asked what happened, he said "Nothing very bad." he was holding his left side with his hand. He said " I had a good hold on him till somebody kicked me" His face was bloody. After this my wife and I went home.

Sgd. Martin Mathews.

Interpreted in Micmac to Mrs.Martin Mathews, states:-
I was with my husband and heard and saw all this.

Witness. Sgd. with mark. Alice Mathews.
J.A.S.Robertson.A/Cpl.

7.(b). Sydney, N.S. 14-9-37.
Statement of Richard Mathews, translated from Micmac by Ben christmas.

I was there when the fight started about 2.00 o'clock. At the start of the fight Noel grabbed Duncan and said "Don't you want to go home" Duncan said "I'm not going home" They argued for a minute then Duncan struck Noel the first blow on his chest, then someone flashed a light in Noel's face. Noel said "Don't throw that light on me" Then Duncan said " Two of you fellows are going to fight me" meaning Albert and Noel, I did not see Albert fighting, Duncan was jumping around saying to Noel "You couldn't hit me.". Then the crowd got bunched together and they moved down the road, I did not see them again until I saw the two of them against the fence clinched together on the ground continued on Sheet.3.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

8

Sheet No.3.

Re. Frank Duncan Gould.(Indian.) Membertou Reserve.Sydney.
Manslaughter. Sec.268. C.C.C.

7.(b).Continued. Duncan said in English "I'll kill you". I saw Duncan sitting on top of Noel Doucette, Noel was laying on his back,Duncan was sitting on his chest hitting him. Then I moved back because some other fellows were fighting, I went back again and saw Noel was still laying on the ground but Duncan had left. I went home then with my father.

Sgd.Richard Mathews.

Witness.J.A.S.Robertson. Intrepreter. Ben Christmas.

7.(c). Sydney,N.S? 14-9-37.

Statement of Mrs.Albert Doucette,translated from Micmac by Ben Christmas.

I saw the fight between Noel and Duncan,when I first came up Noel had Duncan by the head, Duncan released himself and said "I'll get you yet" Then I saw Duncan hit Noel and knock him down, they were by the fence by this time, as soon as Noel was down Duncan threw himself on top of him and said he was going to kill him. Noel Said " Go ahead and kill me" Duncan threw himself on Noels right side. Noel raised his hand up and Duncan beat him,Noel lowered his hand and did not move, when I looked again Duncan was gone and Noeal was still laying there. I went away then.

Sgd. Mrs.Albert Doucette.

Witness J.A.S.Robertson,A/Cpl. Interpreter.Ben Christmas.

8. Following instructions of the Crown Prosecutor, the right lung of the deceased,Noel Doucette, was obtained from Dr.Carter and is being held at the Detachment pending the decision of the Crown Prosecutor as to the necessity of having the lung examined by a pathologist. Form 246 attached.

9. The Preliminary Hearing has been set for 10.00 a.m. Friday September 17th,1937. Summons to Witness for the following have been obtained. Dr.Carter,Dr.Ross,Martin Mathews,Mrs. Martin Mathews,Richard Mathews, Leo Mathews,Albert Doucette, Charles Marshall, Margaret Johnston,Gregory Francis,John Sith and Mrs.Albert Doucette, these will be served on the 16th inst.

EVIDENCE OF CORONERS INQUEST ATTACHED.
FORM 246 ATTACHED.
S. U. I.
D.D. 20-9-37.

J.A.S. Robertson A/Cpl.
Reg.No.10V93.J.A.S.Robertson.

The Officer Commanding,
Sydney Sub-Division,
R.C.M.P. Sydney, N.S.

Sir, FORWARDED 16-9-37.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Sho(G)No.4

Re;Frank Duncan Gould.(Indian) Membertou Reserve Sydney,N.S.
Manslaughter, Sec. 268. C.C.C.

1. Forwarded together with copies of Inquest,and Forms 246. This case started as the result of a fight at the Membertou Indian Reserve at Sydney,N.S.on the 1st.of September,when the deceasedNoel Doucett was injured and taken to hospital. Frank Duncan Gould was charged with assault occasioning bodily harm,and admitted to bail. On the 12th.September Noel Doucett died in hospital and Gould was arrested and placed in custody. A post mortum was held on the body,and the coroner ordered an inquestwhich was held on the 13th. inst.the jury returned an open verdict and requested further investigation by the crown.

2. On instructions from the Crown Prosecutor,a charge of Manslaughter was laid against Gould and preliminary hearing set for Friday the 17th.inst.

D.D. 20-9-37.

E.T. Waugh Sgt.
E.T.Waugh Reg.No.11568.
I/c Sydney Detachment.

The O.C."H" Div., R.C.M.P.,
Halifax, Nova Scotia.

(1) FORWARDED - with Forms 246, covering the right lung of deceased, Noel Doucette, and copy of evidence given at Inquest.
(2) The original charge of "Assault Occasioning Actual Bodily Harm" was held up on account of a prosecution witness being absent, and in the meantime, Noel Doucette died.
(3) Crown Prosecutor thereupon instructed that a charge of "Manslaughter" be laid against Frank Joseph (Duncan) Gould.
(4) The result of the Inquest was inconclusive and the Crown Prosecutor has so far not made up his mind as to whether the lung of deceased should be taken to the Provincial Pathologist for examination.
(5) Please set Diary Date at 23-9-37.
(6) STILL UNDER INVESTIGATION.

SGD. R.E.Webster, INSPECTOR,
(R.E.Webster)
Commanding Sydney Sub-Division.
16-9-37.

REGIMR.
Sydney, N.S.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

6

An inquisition taken for Our Sovereign Lord the King at the City Hall in the City of Sydney, in the County of Cape Breton, on the 13th day of September, 1937, the first year of the reign of our Sovereign Lord King George the Sixth, before Doctor J.K.McLeod, one of the Coroners for our said Lord the King for the said County, on view of the body of Noel Doucette.

M.A.Patterson Esq. Representing the Crown.
C.M.Rosenbloom Esq. " " Mr,Gould.
7.00 p.m.

P.McF.Carter,M.D. Sworn.

I was called in this morning and saw the man who was in considerable pain. Breathing rather difficult at the time, and to releive the pain, I gave him Morphine. I examined the man, went over his chest but could not find any bruises, but the right side of his chest was tender. He had a slight bruise on his left temple with a skin abrasion not severe. I could not detect any bruised ribs or bones. I had an X-ray taken on the inside; the X-ray showed a colouring of the left lung. It also showed a Numo Thorax - Air getting in on the right side, and the letting of this air in, I feel that the air came out of the lung itself. I put the man under treatment, and he was improving his temperature came down to normal, his respiration came to almost normal, his heart action and pulse were good. That was on the mornong of the first. I was very much interested to find out what was in that chest, and I went to the Undertaker's Parlours, called Dr.Ross who came with me. When we opened the chest we found below the lung just a thin syrus fluid. We took the lung out, examined it, but could not find anything. That was Sunday morning. However I went over today and found a small puncturing. Around that was a discoloured lesion, that looked as if there was some diseased spot on the lung. Cause of death was due to Numo Thorax - in the inside of the chest there is no pressure on the lung, but if air is let into the cavity, air from outside will rush in and it is as a vacuum. That is what happens there. Now the cause of the puncture is the question. What we call a Numo Thorax is when the lung fills with air through a cavity. If there is a diseased spot on the lung there is quite often a little bleb forms on the lung, and that lets the air in the lung, and that ruptures if the person is under a strain of any kind--a uthorities say coughing, sneezing, or dancing will cause Numo Thorax. What ca used it here is the question. I could not find enough injuries around the chest to cause the rupture of a healthy lung. I kept the lung, and if you want you may examine it. There is some discoloration around it. To find out if there was a diseased spot it will necessitate a microscopic examination.

Examined By Mr. Patterson.

Q. This tender spot was in the vicinity of the rupture on the Lung?
A. Inside. A Numo Thorax is painful in the chest.
Q. Was there anything in this lung to indicate it was not a healthy lung?
A. I could not find it. The lung looked healthy to me.
Q. He was in the hospital for twelve days.
A. For twelve days.
Q. He was in the hospital and being treated for a lung condition.
A. Yes, treated for that condition. I examined him every day and I felt that his lung was expanding, but all of a sudden he took a turn and died.
Q. If he was booted and kicked, could the puncture be caused in that way.
A. There was no injuries on the outside to indicate that.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Q. Could a certain amount of pressure on the chest cause the death of this man.
A. No, not necessarily. What I feel is, that there was not enough evidence of pressure outside that would rupture the lung on the inside.
Q. There was nothing on the lung itself to indicate that it was diseased.
A. No, there was nothing shown on the lung.

Cross-examined by Mr. Rosenblum.

Q. You were treating him for a lung condition. The condition of his lung could have caused the tenderness on the outside on the chest.
A. He was breathing very deeply.
Q. Could that tenderness have been ca used by that?
A. No.
Q. You saw no bruises on the outside?
A. No.
Q. Did you find out how long he was in the hospital. You examined him and the only thing you found was a slight abrasion on the left side of the temple, and no burises on the body. What diseses are there that you would expect to find on a man who had a lesion of lung.
A. Tuberculosis or Syphillis.
Q. What time were you in the hospital?
A. About three o'clock in the morning. I called the hospital and told them what to do.
Q. Was he under the influence of Liquor?
A. He had been drinking.

Albert Doucette sworn.

Q. Are you related to the man?
A. Brother.
Q. Who was fighting that night?
A. Gould and Noel.
Q. Who struck First?
A. Gould.

Examined by Mr. Patterson.

Q. You say that Noel and your brother started to fight. What was the fight about?
A. I do not know how it started. I saw them standing and taking to one another, and Frank hit my brother on the side of the face. A crowd gathered around.
Q. What happened when the crowd gathered?
A. They were fighting.
Q. Did you see them on the ground?
A. I saw this man Frank hit my brother.
Q. Did they hit one another?
A. I only saw one blow.
Q. And then they walked up the road?
A. Yes they stopped.
Q. Was your brother a sick man?
A. I do not know.
Q. Did he have trouble with his lungs?
A. No.
Q. Did he go to work every day?
A. Yes, nearly every day.
Q. You saw him hit Frank? Was he drunk or sober?
A. He had some drinks.
Q. Was Frank drunk?
A. I could not say.
Q. Do you know what they fought about?
A. No.
Q. Was there any bad blood between them?
A. I do not know.
Q. Are you and Frank good friends?
A. Yes, I have no grudge against him.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

8

Cross-examined by Mr. Rosenblum.
Q. When you saw the men they were fighting?
A. Yes.
Q. About two hundred people or so were watching the fight?
A. Yes.
Q. You did not see the fight because you could not get in the front row?
A. Yes.
One of the Jurymen.
Q. How long were they fighting?
A. I only saw one blow.
Q. What time of night?
A. I do not know.
Q. How long before taking him to the hospital?
A. I do not know.
Q. You did not see him after he was struck?
A. No.
Leo Matthews sworn. Examined by Dr.MacLeod
Q. Do you live on the Reservation?
A. Yes.
Q. You know this man?
A. Yes.
Q. Did you know the man who died?
A. Yes.
Q. Did you see the fight?
A. Yes.
Examined by Mr. Patterson.
Q. Did you see the man who is dead?
A. Yes.
Q. Did you see Doucette? What was he doing?
A. Beating him up.
Q. How was he beating him, striking him with his hands? How did it start?
A. I do not know.
Interpreter Ben Christmas sworn.
Q. How did the fight start?
A. He saw Duncan hit Noel on the face. At the start of it they were both standing and he saw Duncan hit Noel.
Q. Is that the first thing he saw, or is that the way it started?
A. They were both on the fence when he got there, sitting there, they fell down and when they fell Frank was on top of Noel and he saw Frank(Duncan) hit Noel. He struck him with his fists. Noel was lying on his back and Frank was on top of him on his chest. He saw them in the ditch. Duncan was saying, "I am going to kill you now" Then he went away, He did not see them getting up or standing up. That was all he saw.
Ray.Ross M.D. Sworn.
I went over to Tom Currie's Undertaking Parlours and examined the deceased. A well built man, apparently in his thirties. Found his right lung collapsed,no injury to his chest. No gross injury to his lung.
Examined by Mr.Patterson.
Q. Suppose a person had a hold of another person and knocking him to the ground, would it be possible to suffer a puncture of the lung without any bruises on the body?
A. Not likely, but possible.
Q. Would that bring about the condition?
A. If anything would prevent the air from working in the lung.
Q. Is the lung an organ filled with air?
A. Yes,like a sponge. A minute organ.
Q. Was it the letting out of the air that collapsed the lung?
A. Yes.
Cross examined by Mr.Rosenbloom.
Q. Would not the external pressure leave outside markings?
A. Yes.
Q. No such markings were on this man?
A. No.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

8

Examined by Mr. Patterson.

Q. Where would this marking be?
A. Internal markings on the lung.
Q. Where would the inside markings be?
A. On the inside wall of the chest.

Charles Marshall sworn. Examined by Mr. Patterson.

Q. You tell us what you know about this.
A. I did not see the fight at all.
Q. You did not see the fight?
A. No, we picked Noel up.
Q. Did you see Frank?
A. After twelve o'clock.
Q. What time did you pick Noel up?
A. Between two and three o'clock.
Q. What was Noel's condition?
A. He was in good condition.
Q. Why did you pick him up?
A. He was complaining about his chest. He was sitting on the bank.
Q. What did he say about his chest?
A. He sid he had a pain in his chest.
Q. Anybody near at the time?
A. A big crowd.
Q. Was Frank there?
A. I did not see Frank.
Q. What did you do with him?
A. I took him home.
Q. Did you take him to the hospital?
A. I did not see him until the next morning.

Cross-examined by Mr. Rosenblum.

Q. You and Frank went into the dance hall, and Doucette came over to you and told you he did not want any damage done?
A. Yes.
Q. Did Frank answer him when Doucette said that?
A. No.
Q. Noel did not do any dancing?
A. Not after the fight.

Margaret Johnson sworn. Examined by Mr. Patterson.

Interpreter called.

Q. What do you know about this?
A. I was not there at the start. I was on the road and then I went where they were fighting, and I saw them then. I did not see them fighting. I saw Frank Gould lying on top of Noel on his chest, in the ditch. I did not see him striking any blows. Frank was telling Noel, "I am going to kill you now." I was not there very long and turned around and went to the road then. I did not see either Noel or Frank after the fight. That is all I know.

Jury retire toconsider the evidence.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19061 21

L.H. 4A

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

94559

EX'D.

IN REPLY PLEASE QUOTE

FILE NO. 37 B 636-12 B. 9

OTTAWA,
CANADA Sept. 27th, 1937

Department of Mines and Resources
Indian Affairs Branch.
SEP 28 1937
RECORDS

Sir:

Re - Frank "Duncan" GOULD - Manslaughter,
Memberton Reserve, N.S.

Attached, for your information, is copy of our file received from the Officer Commanding at Halifax, in connection with the above matter.

2. Gould has been charged with Manslaughter following the death of Noel Doucette, as the result of injuries received in a fight on the Memberton Indian Reserve, Nova Scotia, on September 1st. The accused was released on bail, to appear for Preliminary Hearing on September 17th.

3. Further reports on this case will be forwarded when received.

Yours truly,

R. Armitage, Insp.,
for - Director Criminal Investigation.

The Director,
Indian Affairs Branch,
Dept. of Mines and Resources,
Ottawa.

JS/MD/ENCLS.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Division Fyle No. 37-H-636-2-9. F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"H"	Sydney.	Sydney.
Province	Nova Scotia.	Date Sept.21st,1937.

Fyle References

Re: Frank "Duncan" Gould. (Indian.) Membertou Reserve, Sydney, N.S.
Manslaughter. Sec.268. C.C.C.

Headquarters

Sub-Division

37-1-339.

Detachment

37-461.

P. C. R.

20-9-37.

1. Further to Form 264. of the 20th inst. I beg to report that the Preliminary Hearing which had been adjourned from the 17th inst. was resumed on the 20th inst. and the accused ~~committed~~ remanded for trial at the next session of the Supreme Court.

2. Gould was admitted to bail in the following sureties, the accused $1000.00, William J. Stephens $500.00, Mrs. Blanche Frederickson $500.00.

3. The Crown Prosecutor does not consider it necessary to subpoena witness John Smith, Indian, who is away potato picking either in New Brunswick or Maine, U.S.A.

4. He further instructs that the lung of the deceased Noel Doucette be held at this Detachment until the matter of having this lung examined by a pathologist has been taken up with the Attorney General.

J. A. S. Robertson. A/Cpl.
Reg.No.10793. J.A.S.Robertson.

The O.C., Sydney Sub-Division.
R.C.M.P., Sydney, N.S.

Sir, FORWARDED. 21-9-37. The next sitting of the Supreme Court at Sydney is on October 19th, I would suggest that Diary Date be set at 25-9-37, should any further action be taken in the meanwhile it will be immediately reported upon.

PROSECUTION ENTERED.
D.D. 25-9-37.

E. T. Waugh Sgt.
Reg.No.11568. E.T.Waugh.
I-c. Sydney Detachment.

The O.C."H" Div., R.C.M.P.,
Halifax, Nova Scotia.

(1) FORWARDED. When the Crown Prosecutor instructs as to the examination or disposition of the deceased's lung, a further report will be submitted.
(2) AWAITING TRIAL. Please set Diary Date at 30-9-37.

INSPECTOR,
(R.E.Webster)
Commanding Sydney Sub-Division.
229-37.

EKHDP.
Sydney, N.S.

Fyle numbers must be quoted.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

P.

37B 636 12B 9

Oct. 2, 1937

Sir:

Re: Frank "Duncan" GOULD - Manslaughter
Memberton Reserve, Nova Scotia.

1. Further to our letter of the 27th ultimo, attached herewith is copy of a report dated Sept. 21st, received from our Officer Commanding at Halifax, N.S.

2. It will be noted that the accused has been committed for trial and was released on bail, to appear for trial at the next session of the Supreme Court of Nova Scotia.

3. Further reports will follow in due course.

Yours truly,

R.Armitage, Insp.
for D.C.I.

The Director,
Indian Affairs Branch,
Department of Mines & Resources,
O t t a w a.

Encl.
JS:JL

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19061-2

L.H. 4A

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R.C.M. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

IN REPLY PLEASE QUOTE

FILE No. 37B-636-12B-9

OTTAWA, Oct. 2, 1937

CANADA

File

Department of Mines & Resources
Indian Affairs Branch
OCT 5 1937
RECORDS

Sir:

Re: Frank "Duncan" GOULD - Manslaughter
Memberton Reserve, Nova Scotia.

1. Further to our letter of the 27th ultimo, attached herewith is copy of a report dated Sept. 21st, received from our Officer Commanding at Halifax, N.S.

2. It will be noted that the accused has been committed for trial and was released on bail, to appear for trial at the next session of the Supreme Court of Nova Scotia.

3. Further reports will follow in due course.

Yours truly,

R. Armitage
R. Armitage, Insp.
for D.C.I.

The Director,
Indian Affairs Branch,
Department of Mines & Resources,
O t t a w a.

Encl.
JS:JL.

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"H" Div. File 37-H-636-2-9

The Commissioner,
R. C. M. P.,
Ottawa, Ont.

Re: Frank Duncan Gould (Indian) -
Manslaughter, Sec. 268, C. Code
Memberton Indian Reserve, Sydney, N.S.

1. FORWARDED - Forms 264B and C dated Sydney Detachment, 29-10-37, for your information.

2. The exhibit in this case has been handed over to the undertaker who took care of the funeral arrangements of the deceased and he has arranged for the sexton to have the lung buried in the same plot with the deceased.

3. DISMISSED - CONCLUDED.

A/Com'r

Halifax, N. S.
2-11-37.

M. H. Vernon,
Commanding "H" Division.

JCS:MR

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

F. 264B

Hdqrs. File No. ..... DIV'N FILE No. 37-H-636-2-9. R.C.M.P. Seiz. No. .....

ROYAL CANADIAN MOUNTED POLICE

S/D File No.37-1-339. P.O.R. 23-10-37.

DIVISION "H" SYDNEY. DETACHMENT

REPORT ON CONCLUSION OF CASE A.R.V. No. .....

Defendant Frank "Duncan" Gould. (Indian.) Residence Membertou Indian Reserve, Sydney, N.S.

Occupation Labourer. Date of offence 1-9-37.

Offence and Sec. of Act Manslaughter. Sec.268 C.C. of C.

Place of offence Membertou Indian Reserve, Sydney, N.S.

Information laid by A/Cpl.Robertson J.A.S. before Mag. A.M.Crofton

at Sydney, N.S. on 14-9-37.

Place of trial Sydney, N.S. Date of adjudication 28-10-37 Plea No plea.

Tried by His Lordship Mr.Justice Graham. of Supreme Court of N.S. and

Grand Jury. of

Adjournments Nil.

Prosecutor or Prosecuting Counsel H.A.Patterson Esq. Defence Counsel C.M.Rosenbloom Esq.

Witnesses Nil. of

of

Sentence Discharged.

Disposition of fine Nil.

Exhibits (Nature and Disposition) 1. lung, destroyed. Form 246 rendered.

Costs Serving Summons $ NIL. Arrest $ NIL. Attending Court $ NIL.

Received by No costs. Justice fees $ NIL.

Mileage NIL. Miles @ NIL. per mile $ NIL. Witness fees $ NIL.

Total expenses of case $ Total costs $ NIL.

Mileage collected $ NIL. Disposition of mileage NIL.

Moiety $ NIL. Disposition of moiety NIL.

Appeal NIL. Nationality Canadian, Indian.

Finger prints and photo forwarded to Headquarters 15-9-37.

Previous convictions None known.

Remarks This case was taken before the Grand Jury at the sitting of the Supreme Court at Sydney, N.S. on 28-10-37, the Grand Jury found no bill and accordingly the accused was discharged.

The Exhibit in this case, the lung of the deceased Noel Doucette, has been disposed of on instruction from the Sub-Division Office. Form 246 attached.

(1) FORWARDED with forms 246 attached.

(2) DISMISSED - CONCLUDED.

CONCLUDED - DISMISSED.

Investigated by Reg.No.10793. A/Cpl.Robertson J.A.S.

Forwarded O.C. Sub. Div. Sydney Forwarded O.C. Division "H" Forwarded to the Commissioner

E.T. Waugh

I/c Detachment Sgt. R. E. Webster I/c Sub. Division Sydney IRP.H Commanding Division

#11568. E.T.Waugh. Date 29-10-37. Date 30-10-37 EK/MI Date

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19061-2

L.H. 4A.

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. [redacted] E.
CANADA

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

R

108639

IN REPLY PLEASE QUOTE

FILE No. 37 B 636-12 B. 9

OTTAWA,
CANADA November 5, 1937

File

Indian Affairs Branch
NOV 6 1937
RECORDS

Sir:

Re - Frank Duncan GOULD - Manslaughter - Memberton Reserve, N.S.

Further to our letter of the 2nd October, appended is copy of a self-explanatory Form 264B received from the Officer Commanding "H" Division, in connection with the above noted case.

Yours truly,

A.H.L.Mellor, Supt.,
Asst. D.C.I.

The Director,
Indian Affairs Branch,
Dept. of Mines and Resources,
Ottawa.

JS/MD

Indian Affairs. (RG 10, Volume 7467, File 19050-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19051-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

SHUBENACADIE

MURDER AND MANSLAUGHTER CASES

PAUL , MICHAEL

CROSS REFERENCE

19052-2

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

DORMANT DORMANT

FILE NO. 19051-2

SECOND SERIES

R 2871

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19052-2

Department of Indian Affairs

19

HALIFAX

MURDER

MICHAEL PAUL.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
CANADA

DEPT. OF INDIAN AFFAIRS
MAR 10 1930
RECORDS

INSPECTOR OF INDIAN AGENCIES
WESTERN NOVA SCOTIA

Secy

Windsor, N.S. March 6th, 1930.

Dear Sir:-

I beg to advise the Department of the arrest in Halifax, N.S. of an Indian, Mickael Paul, charged with murder. He is charged with beating a man to death following a drunken brawl.

I understand the Department takes no action in such a case, but if you desire either Agent Chisholm or myself to act in any way, I shall be pleased to receive your instructions.

Your obedient servant,

J.W. Maxner

Inspector of Indian Agencies.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Form 6102, replacing Form 2A-T.W.

CLASS OF SERVICE DESIRED

Day Message

Day Letter

Night Message

Night Letter

Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

CANADIAN NATIONAL TELEGRAPHS

TELEGRAPH CANADIAN NATIONAL AND CABLE

HEAD OFFICE, TORONTO, ONT.

W. G. BARBER, GENERAL MANAGER

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, March 11th. 1930.

J. W. Maxner,
Inspector of Indian Agencies,
Windsor, N.S.

Yours sixth reference Mickael Paul. Did offence take place in Halifax. Wire.

A. F. MacKenzie.

Chg. D.I.A.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of the three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

FORM 6124

CANADIAN NATIONAL TELEGRAM

HEAD OFFICE, TORONTO, ONT.

W. G. BARBER, General Manager

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

MOA14 20 XU STANDARD TIME 1930 MAR 11 PM 12 36

WINDSOR NS 11 121P

SECRETARY DEPT OF INDIAN AFFAIRS

206

OTTAWA ONT

REPLY YOUR WIRE RE MICHAEL PAUL OFFENCE COMMITTED IN HALIFAX COUNTY OUTSIDE CITY TRIAL MARCH EIGHTEENTH EVIDENCE STRONG AGAINST HIM

J W MAXNER.

FORM 6124

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Form 6102, replacing Form 2A-T.W.

CLASS OF SERVICE DESIRED

Day Message
Day Letter
Night Message
Night Letter

Patrons should [illegible] X opposite the class of [illegible] desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

CANADIAN NATIONAL TELEGRAPHS

TELEGRAPH CANADIAN NATIONAL AND CABLE

HEAD OFFICE, TORONTO, ONT.

W. G. BARBER, GENERAL MANAGER

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, March 11th. 1930.

J.W. Maxner,
Inspector of Indian Agencies,
Windsor, N.S.

Reference your wire eleventh instant you are authorized to employ Messrs. Burchell, Smith, Parker & Fogo, Barristers, Halifax, to defend Michael Paul on murder charge.

a.s.w.

Chg. D.I.A.

A.F.MacKenzie.

GBM

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Form 6102, replacing Form 2A-T.W.

CLASS OF SERVICE DESIRED	
Day Message	
Day Letter	
Night Message	
Night Letter	

Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

CANADIAN NATIONAL TELEGRAPHS

TELEGRAPH CANADIAN NATIONAL AND CABLE

HEAD OFFICE, TORONTO, ONT. W. G. BARBER, GENERAL MANAGER

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, March 12th. 1930.

Messrs. Burchell, Smith,
Parker & Fogo.
Barristers,
Halifax, N.S.

You are authorized to have G. Russell Raney associated with you in defence of Michael Paul.

A. F. MacKenzie.

Chg. D.I.A.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Inquiry received from Hon Mr Ralston's office as to whether G. Russell Raney who has already had some connection with the case might be associated with Messrs Burchell & Co in defending Michael Paul on suggestion of Mr Burchell.

Department of Justice advise that Mr Raney may be so employed.

Feb 12.

A.S.W.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

DEPT. OF INDIAN AFFAIRS
MAR 14 1930
RECORD

WDJ

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 13th March, 1930.

B-28 Indian Affairs - N.S.

Sir:-

Confirming telephone conversation of the 11th instant with an officer of your Department I have the honour to inform you that the Honourable the Minister of Justice has authorized the employment of Messrs. Burchell, Smith, Parker & Fogo, Barristers, Halifax, N.S., to act for your Department in connection with the defence of an Indian charged with murder at Halifax.

I have the honour to be,
Sir,
Your obedient servant,

J. Chisholm

Asst. D.M.J.

The Secretary,
Dept. of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

WDJ

19052-2

DEPT. OF INDIAN AFFAIRS
MAR 14 1930

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 13th March, 1930.

Legislation

B-28 Indian Affairs, N.S.

Sir:-

Confirming telephone conversation of the 12th instant, with an officer of your Department, I have the honour to inform you that the Honourable the Minister of Justice has authorized the employment of G. R. Ramey, Esq., Barrister, Halifax to assist Messrs. Burchell, Smith, Parker & Fogo in connection with the defence of an Indian charged with Murder.

I have the honour to be,
Sir,
Your obedient servant,

J. Chisholm
Asst. D.M.J.

The Secretary,
Dept. of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

BURCHELL SMITH PARKER & FOGO

FOR ENCLOSURE TO

March 14, 1930

Mr. J. W. Maxner,
Inspector Indian Agencies,
Windsor, N. S.

Dear Sir: RE THE KING VS. MICHAEL PAUL

This is to acknowledge receipt of your letter of March 11th confirming your telephone conversation with our Mr. Burchell of the same date, instructing us that the Department of Indian Affairs had authorized you to retain us to look after the defence of the Indian Michael Paul, now under arrest awaiting his trial on a charge of murder.

We shall be very pleased to do the best we can for this man in an endeavor to extricate him from the unfortunate position in which he now finds himself.

At the preliminary enquiry one G. R. Ramey, a Solicitor of this City, had been representing Mr. Paul. In view of that fact we felt it was desirable to continue Mr. Ramey's employment in the case and have received authority from the Department at Ottawa so to do.

We have already secured a copy of the Depositions taken before the Magistrate and have carefully perused the same. We have also had a long interview with the prisoner himself. It would appear pretty clear that this tragedy occurred while the

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

BURCHELL SMITH PARKER & FOGO

FOR ENCLOSURE TO

2 March 14 Mr. J. W. Maxner

accused was stupefied from the drinking of liquor. We are today arranging a visit to the scene of the tragedy for the purpose of viewing the surroundings at first hand, with the hope that it might assist us in obtaining some evidence that might be of assistance to us at the trial.

Although we have not proceeded far enough with the matter to express any definite opinion of what the outcome will be, there does seem to be considerable material to enable us to successfully contend that the crime, as committed, was manslaughter rather than murder. In any event we shall give the matter our very best attention. The term of the Supreme Court begins here in Halifax next Tuesday, but it is not likely that this trial will commence before the following week. We will know more definitely, however, after the opening day of the term.

If it is your intention to be in Halifax any time within the next week or so, we should be very glad if you would call to discuss the matter with us.

Yours faithfully,
BURCHELL SMITH PARKER & FOGO
Per (sgd) E. T. Parker

ETP/P

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

BURCHELL, SMITH, PARKER & FOGO
BARRISTERS, SOLICITORS, ETC.

C. J. BURCHELL, K.C.
F. D. SMITH, K.C.
E. T. PARKER
J. G. FOGO

CABLE ADDRESS "MACBURRAL"

CHRONICLE BUILDING
HALIFAX, NOVA SCOTIA

March 31, 1930.

The Secretary,
Department of Indian Affairs,
OTTAWA, Canada.

Dear Sir: RE THE KING VS. MICHAEL PAUL

We enclose herewith copy of letter which we wrote to your representative, Mr. J. W. Maxner, on whose instructions we are preparing for the Defence of the above named. The trial will likely begin some time this week and we shall be prepared to do all we can in his defence. There is really not much to add to what is stated in Mr. Maxner's letter. It was only last Saturday that we had an opportunity to talk over the matter with Mr. Maxner and we are simply writing this letter to confirm our retainer and to advise you that the matter is having our attention.

We will advise you the result of the trial in due course.

Yours faithfully,
BURCHELL SMITH PARKER & FOGO,
Per

ETP/P.
ENCL.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

FORM 6124

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	DL
Night Message	NM
Night Letter	NL

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

CANADIAN NATIONAL TELEGRAM

HEAD OFFICE, TORONTO, ONT.

W. G. BARBER, General Manager

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

MOA 272 8 NL

STANDARD TIME

HALIFAX NS 11

1930 APR 11 PM 7 5

DEPT. OF INDIAN AFFAIRS APR 12 1930 RECORDS

THE SECRETARY

641 DEPT OF INDIAN AFFAIRS OTTAWA ONT

REX VERSUS MICHAEL PAUL JURY RETURNED VERDICT THIS EVENING GUILTY OF MANSLAUGHTER STOP JURY ALSO BROUGHT IN FOLLOWING STATEMENT QUOTE THE JURY DEPLORES THE FACT AS BROUGHT OUT BY THE EVIDENCE THAT DECEASED DID NOT RECEIVE MORE PROMPT AID ON THE PART OF THE OCCUPANTS OF THE HOUSE WHICH THE JURY FEELS MIGHT HAVE POSSIBLY PROLONGED OR SAVED THE MANS LIFE UNQUOTE PAUL WILL BE SENTENCED TOMORROW

BURCHELL SMITH PARKER AND FOGO.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

BURCHELL, SMITH, PARKER & FOGO
BARRISTERS, SOLICITORS, ETC.

C. J. BURCHELL, K.C.
F. D. SMITH, K.C.
E. T. PARKER
J. G. FOGO

CABLE ADDRESS "MACBURRAL"

CHRONICLE BUILDING
HALIFAX, NOVA SCOTIA

DEPT. OF INDIAN AFFAIRS
APR 19 1930
RECORD

April 15, 1930.

Secretary,
Department of Indian Affairs,
Ottawa, Canada.

Dear Sir: RE THE KING VS. MICHAEL PAUL

As we telephoned you at the conclusion of the trial of the above named, on the charge of murder, the jury brought in a verdict of manslaughter, but added to their verdict the following statement:-

> "The jury deplores the fact, as brought out by the evidence, that the deceased did not receive more prompt aid on the part of the occupants of the house which the jury feel may have possibly prolonged or saved the man's life".

The accused was remanded for sentence until the following morning when, on his behalf, the writer addressed the Court, with a view of securing as light a sentence as possible. The Judge sentenced him to ten years in the Penitentiary at Dorchester. Considering all the circumstances, surrounding this tragedy, we think the accused was more than fortunate in getting off as easy as he did.

We spent a good deal of time in tracing up bits

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

of information that greatly assisted in his defence. The defence was that the act was committed while the accused was drunk and in such a state of intoxication as to be incapable of forming any intention. The accused went on the stand himself in his own defence and told of the amount of liquor he had consumed in the afternoon and early evening preceding the tragedy, and stated that he had absolutely no recollection whatever of taking part in the drunken brawl during which he inflicted injuries on the deceased, which caused his death. The jury apparently believed his story and we think they had good reason for doing so with the result as above stated.

We also learned that the deceased was subject to epilepsy and it was more than possible that the beating, which the accused is supposed to have administered to the deceased, was not nearly so severe as some of the Crown witnesses, who were obviously biased against the accused, would like to make it appear.

We were greatly assisted in the preparation and conduct of the trial, from the medical standpoint, by the services of Dr. W. D. Forrest of this City.

Yours faithfully,

BURCHELL SMITH PARKER & FOGO,

Per Eugene T. Parker

ETP/P.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

DEPARTMENT OF INDIAN AFFAIRS
CANADA

DEPT. OF INDIAN AFFAIRS
MAY 13 1930
INSPECTOR OF INDIAN AGENCIES
WESTERN NOVA SCOTIA
RECORDS

Act

Windsor , N.S.May 10th,1930.

Dear Sir:-

I am forwarding,under separate covers,accouts from Messrs Burchell,Smith,Parker & Fogo , and Mr.G.Russel Ramey , for their services in defending the Indian , Michael Paul , who was , you already know charged with murder , but this was reduced to manslaughter , Paul getting a sentence of ten years in Dorchester Penitentiary.

Your obedient servant,

J.W.Manner

Inspector of Indian Agencies.

The Secretary,
Department of Indian Affairs,
Ottawa.

ACCOUNTANTS
MAY 14 1930
OTTAWA

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2 Temp.

Ottawa, May 14th, 1930.

Sir:-

I enclose herewith for taxation an account in duplicate of $317.00 in favour of Mr. G. Russell Ramey, Barrister, etc., Halifax, N.S., and an account in duplicate of $1125.47 in favour of Messrs. Burchell, Smith, Parker, & Fogo, Barristers, Solicitors, etc., Halifax.

I am also enclosing Departmental file No. 19052-2 which contains the correspondence in connection with this case. Kindly return the file to the Department.

Your obedient servant,

A.F. MacKenzie,
Acting Asst. Deputy and Secretary.

Enclosure.

The Deputy Minister,
Department of Justice,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Halifax,
Nova Scotia.

May 8, 1930.

Department of Indian Affairs,
OTTAWA, Canada.

IN ACCOUNT WITH
BURCHELL, SMITH, PARKER & FOGO.
Barristers, Solicitors.

1930	To Professional Services: RE MICHAEL PAUL	
March 11 -	To Conference with Mr. Maxner, Windsor, taking instructions for Defence of Paul, Indian, charged with murder.....	$10.00
" 12 -	" Long conference Mr. Burchell and Mr. Parker re available Defences herein and discussing advisability of continuing the employment of Mr. Ramey.....	15.00
	" Long distance telephone conference with Ottawa re Mr. Ramey's employment when received telegram instructing us to associate Mr. Ramey with us in the Defence..	5.00
	" Conference with Mr. Ramey arranging appointment.....	1.00
	" Long conference Mr. Parker and Mr. Ramey going over details of depositions and preparing Defence.....	10.00
	" Attendance at Library all afternoon preparing Brief on the law as to what extent drunkness was available as a defence. Attendance at Court House perusing copy of Depositions and arranging for copy of same. Attendance on Court Reporter re same.....	25.00
" 13 -	" Conference Mr. Parker and Mr. Ramey arranging to interview prisoner at jail. Attendance at jail all afternoon in consultation with Mr. Ramey and prisoner listening to the story and instructing as to future conduct and other matters.....	50.00
	Carried forward	$ 116.00

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Department of Indian Affairs,
Ottawa.

1930 RE THE KING VS. MICHAEL PAUL

	BROUGHT FORWARD.....	$116.00
March 13 -	To typing copies of Depositions, 26 pages, 3 copies.....	5.20
" 14 -	" long letter to Mr. J.W. Maxner advising and outlining preliminary steps taken arranging for Defence.....	1.00
" "	" Attendance on Gauvin & Gentzel, Photographers, arranging for them to attend at Beech Hill to take photographs.....	5.00
	" Attendance at Highway Office to secure Permit for taxi to go to Beech Hill.....	5.00
	" Letter to Crown Prosecutor advising of proposed attendance and suggesting that he attend at the same time.....	1.00
	" Conference with Mr. Ramey, associate Consel, re same. Attendance at Beech Hill this afternoon Mr. Parker, Mr. Ramey, Photographer and Crown Prosecutor inspecting the house in which the crime was committed, both interior and exterior, and giving instructions re the taking of photographs and preparation for same. Procuring exhibits as to glass out of which the same was taken. Attendance at near by store to secure said bottle. Confce. with Crown Prosecutor as to securing copy of plan of interior of house, attendance working all day.....	100.00
" 15 -	" Attendance securing Jury list, preparing copies of same. Attdce. perusing Depositions. Preparing for cross-examination of Crown Witnesses.....	7.50
" 17 -	" Attdce. at Court House to procure copy of Medical Examiner's Report. Perusing same. Preparing copies. Confce. with Medical Examiner and arranging appointment to go over his report from medical standpoint.....	10.00
	Carried forward	$ 250.70

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Department of Indian Affairs,
OTTAWA.

1930 RE THE KING VS. MICHAEL PAUL

BROUGHT FORWARD... $250.70

March 17	- To	Conference with Mr. Ramey re preparation for trial. Conference with Mr. Eccles, Court Reporter, arranging for him to attend at jail to take statement from accused. Attendance at Jail with Mr. Eccles taking detailed statement from accused. Further conference with Mr. Eccles re same, all day.....	100.00
" "	"	Arranging conference with Miss Harlow for this evening. Attendance at office conferring with Mr. Ramey and Miss Harlow, taking statement from her. Attendance all evening.....	25.00
" 18	"	Attendance at opening day of Court to observe when this case would likely be tried. Attdce. to secure copy of typewritten statement of accused from Mr. Eccles.....	7.50
" "	"	Typing statement, in duplicate, of Miss Harlow. Preparing Memorandum as to information required from Medical Doctors as to effect of alcoholic liquors on the human brain, particularly as to its effect to incapacitate the mind to form any intent.....	10.00
" 27	"	Conference with Mr. Ramey in reference to attendance on Mr. Legge to secure evidence...	5.00
" 29	"	Long conference with Mr. Maxner discussing case with him and advising.....	10.00
" 31	"	Letter to Secretary, Department of Indian Affairs, Ottawa, enclosing copy of our letter to Mr. Maxner and advising re trial.....	2.00

Carried forward $ 410.20

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Department of Indian Affairs,
Ottawa, Canada.

RE THE KING VS. MICHAEL PAUL

1930		Brought forward.....	$410.20
April 3 -	To	Attendance at Sheriff's office to arrange to secure copy of Jury Panel. Making memorandum and gathering information as to qualifying of jurors.....	5.00
	"	Further attendance this afternoon to secure copy of Panel.....	1.00
	"	Preparing 3 copies of Panel for use on trial	1.00
	"	Conference with Mr. D.A. Cameron, K.C., when advised that he had been retained by the accused's brother to assist at the trial, and arranging conference to go over depositions and other matters.....	10.00
" 4 -	"	Conference with Crown Prosecutor re Exhibits.....	1.00
	"	Conference with Crown Prosecutor at our office examining Exhibits and discussing advisability of procuring analysis of liquor contained in beer bottle.....	10.00
" 8 -	"	Letter to Mr. Cameron, K.C., arranging conference for this afternoon.....	1.00
" " -	"	Long conference with Mr. Ramey going over statements of proposed witnesses and arranging to interview other witnesses.....	10.00
	"	Long attendance at office this evening. Conference with Mr. Ramey and witnesses all evening.....	25.00
" 9	"	Attendance engaging taxi and attendance at Middlemore Home and long conference with Mr. Ray as to early boyhood of Piper and as to his condition of health. Further attendance at home of G. Burton Maling. Long conference with Mrs. Maling as to	

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

RE THE KING VS. MICHAEL PAUL

BROUGHT FORWARD.....$474.20

1930

April 9 - occasions when Piper suffered from epilepsy. Long conference with Mr. Maling re his attendance. Long distance telephone conference with Mr. Maxner as to Piper living in home at Newport. Two long distance telephone conferences with Mr. Howard Harvey, Manager of Institution at Newport re same. Two conferences with Dr. Forrest. Long conference with him this afternoon and evening with Mr. Maling, Dr. Forrest and Mr. Ramey and others, going over statements of witnesses and preparing for trial. Engaged all day from 9 A.M. until 11.30 P.M.....150.00

" " To preparing Subpoenas Ad Test for the following, with Praecipes: William D. Forrest, Physician, G. Burton Maling, Ida E. Maling, Clara Harlow, Gladys Murphy and Hazel McNeil..... 12.00

" Preparing Subpoena, Duces Tecum, also Praecipe for Wm. S. Ray..... 4.00

" Typing Statement in duplicate of Hazel McNeil, 8 folios..... 3.00

" Typing Statement in duplicate of Gladys Murphy.. 3.00

" Typing Subpoena and Praecipe for David MacLellan..... 2.00

" Typing statement of G. Burton Maling, 2 copies..... 2.00

" Typing Statement of G.A. Gauvin, Jr. 2 copies..... 2.00

" Typing statement of Dr. Forrest 8 fol. 2.00

" Typing Statement of Dr. Woodbury..... 2.00

CARRIED FORWARD $ 656.20

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Department of Indian Affairs,
Ottawa, Canada.

RE THE KING VS. MICHAEL PAUL

1930		Brought Forward.....	$656.20
April 10 -		Attdce. at Supreme Court Mr. Parker all day from 9 A.M. until 9-30 P.M. on trial of this action.....	175.00
April 11 -		Attendance Mr. Parker at Supreme Court all day on trial from 9 A.M. until 7 P.M., when Jury found verdict of manslaughter.....	175.00
"	12 -	Attendance at Supreme Court this afternoon on completion of trial when prisoner was sentenced, making plea for as light a sentence as possible; when sentenced to 10 years in Dorchester Penitentiary.....	25.00
"	"	Typing Statement recorded by Jury on bringing in their verdict.....	1.00
"	14 -	Conference with Miss Harlow and further conference with her advising re various matters connected with this case.....	1.00
"	15 -	Letter to Mr. W.L. Hall, Attorney General, in reference to allowing marriage to take place in jail. Long letter to Secretary of Department Ottawa advising result of trial. Letter to Mr. Maxner, Agent at Windsor, enclosing copy of letter to Department at Ottawa.....	3.00
			$ 1036.20

DISBURSEMENTS:

Gauvin & Gentzel, Photos....	$24.00		
Taxi.....	34.25		
Court Stenographer re statement of Paul.....	7.20		
Witness fees.....	12.90		
Prothy.....	2.00		
Long distance & local telephones, telegrams, postage incidentals.....	8.92	$89.27	$1125.47

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Vote No.....

Treaty No.....

DEPARTMENT OF INDIAN AFFAIRS

R

To Burchell, Smith, Parker & Rogo.....

Halifax, N.S.

DATE 1930		SERVICE	AMOUNT	
May	10	To Account as attached Statement		
		Services defending Michael Paul	1125	47
		authority: Departmental Telegram dated March 11th		
		303-651-37		
		Cert Taxed by Justice Sept		
		Sent June 16/30		
		TOTAL,	$ 1125	47

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

J W Manner

Agent.

Form 52.

Inspector of Indian Agencies.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY

DEPARTMENT OF INDIAN AFFAIRS

OTTAWA, CANADA.

IN ACCOUNT WITH G. RUSSELL RAMEY, BARRISTER, ETC.

IN RE: MICHAEL PAUL,

On Trial for Murder.

1930			
March 12 -	TO	Long conference with Mr. Parker going over details of depositions.	$10.00
" 13 -	"	Conference with Mr. Parker arranging to interview prisoner at the jail	1.00
		Attendance at jail all afternoon in consultation with Mr. Parker and prisoner taking statement and instructing as to future conduct and other matters	25.00
" 14 -	"	Conference with Mr. Parker and attendance at Beech Hill this afternoon with Mr. Parker, Photographer and Crown Prosecutor inspecting the house in which the crime was committed, both interior and exterior and procuring exhibits.	25.00
" 15 -	"	Attendance conferring with Clara Harlow and arranging appointment at Mr. Parker's office	5.00
" 17 -	"	Long conference with Mr. Parker re preparation for trial	10.00
		Attendance conferring with Mr. Parker and Miss Harlow, taking statement from her (all evening)	15.00
" 27 -	"	Conference with Mr. Parker in reference to attendance on Mr. Legg to secure evidence.	1.00
			$ 92.00

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Amount brought forward..... ..... $92.00

April 1 -	TO	Long Conference with Percy Paul of Sydney (brother of prisoner) in re history and habits of the prisoner and interview with prisoner at jail.	25.00
" 3 -	"	Long conference with Gladys Murphy (called as witness).	10.00
" 7 -	"	Attendance at Beech Hill locating and interviewing McNeil girl and attendance to bring her with 2 other witnesses to office of Mr. Parker for conference and to taking of statements from them in evening....	25.00
" 9-	"	Locating David McLellan (called as Witness) and long interview with him, taking statement.	15.00
" 10 -	"	Attendance at Supreme Court all day on trial from 9 a.m. until 9.30 p.m.	75.00
" 11 -	"	Attendance at Supreme Court all day on trial from 9 a.m. until 7 p.m. when Jury found verdict of manslaughter	75.00
			$317.00

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Vote No.....

Treaty No.....

DEPARTMENT OF INDIAN AFFAIRS

To.....G. Russell Ramey,.....

Halifax , N.S.

DATE 1930		SERVICE	AMOUNT	
May	10	To Account as per attached Statement Service defending Indian Michael Paul	317	00
		Authority; letter to Burchell, Smith, Parker & Fogo dated March 12th		
		302 - 242 on as Taxed by Justice Sefe Sent June 14/30		
		TOTAL,	$ 317	00

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

J W Mawer

Agent.

Inspector of Indian Agencies.

Form 52.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

WDJ

DEPT. OF INDIAN AFFAIRS
JUN 13 1930
RECORDS

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 12th June, 1930.

A-3 Indian Affairs - N.S.

Re Michael Paul

Sir:-

With reference to your letter of the 14th ultimo, I am returning herewith account of G. R. Ramey, Esq., Barrister, Halifax, N.S., and an account of Messrs. Burchell, Smith, Parker & Fogo, Barristers, Halifax, N.S., for professional services rendered in connection with the above matter, which I have taxed and certified for payment at the sums of $242.00 and $651.37, respectively.

Your file returned herewith as requested in your letter.

I have the honour to be,
Sir,
Your obedient servant,

Encls.

ACCOUNTANT'S
JUN 16 1930
BRANCH

J. Chisholm
Asst. D.M.J.

The Secretary,
Dept. of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

DEPT. OF INDIAN AFFAIRS
JUN 21 1930

DEPA[redacted] OF INDIAN AFFAIRS
CANADA

INSPECTOR OF INDIAN AGENCIES
WESTERN NOVA SCOTIA

Windsor, N.S. June 18th, 1930.

Dear Sir:-

I beg to refer to my letter to you dated May 10th, in reference to account in favor of Messrs. Burchell, Smith, Parker & Fogo, barristers of Halifax.

This firm defended the Indian, Michael Paul, who was charged with murder.

The account covering this defence was forwarded on May 10th and they have informed me this morning that they have not received their cheque in payment thereof.

Kindly advise me if cheque has been sent.

Your obedient servant,

J.W. Warner

Inspector of Indian Agencies.

The Secretary,
Department of Indian Affairs,
Ottawa.

ACCOUNTANTS BRANCH
JUN 21

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2.

Ottawa, June 21st, 1930.

Sir:-

In reply to your enquiry of the 18th instant, I beg to say that Departmental cheque No. 303 for $651.37 was forwarded to Messrs. Burchell, Smith, Parker and Fogo, Halifax, N.S., on the 16th instant, in payment of their account as taxed by the Department of Justice.

Your obedient servant,

A.F. MacKenzie,
Acting Asst. Deputy and Secretary.

J.W. Maxner, Esq.,
Inspector of Indian Agencies,
Windsor, N.S.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPA[illegible] INDIAN AFFAIRS
CANADA

INSPECTOR OF INDIAN AGENCIES
WESTERN NOVA SCOTIA

COPY

Halifax, N.S.

June 26th, 1930.

J.W. Maxner Esq.,
Inspector of Indian Agencies,
Windsor, N.S.

Dear Sir:- RE: THE KING VS MICHAEL PAUL

Since rendering our account in the above matter we have received invoice from Dr. Forrest for $50.00, which we enclose herewith.

On April 15th when writing to the Secretary of the Department of Indian Affairs at Ottawa we stated that we were greatly assisted in the preparation and conduct of the trial, from the medical standpoint, by the services of Dr. W.D. Forrest, of this city.

Will you kindly have this account forwarded to the proper authorities as we should like to be able to pay this account as quickly as possible.

Yours very truly,

Burchell, Smith, Parker & Fogo

per (signed) Archibald
Accountant

MA/F

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

DEPT. OF INDIAN AFFAIRS
JUL 31 1930
RECORDS

DEPARTMENT OF INDIAN AFFAIRS
CANADA

INSPECTOR OF INDIAN AGENCIES
WESTERN NOVA SCOTIA

Windsor, N.S. June 30th, 1930.

Dear Sir:-

In reference to enclosed Account in favor of Dr. William D. Forrest of Halifax, I beg to attach copy of letter from Messrs. Burchell, Smith, Parker & Fogo, Barristers of that City who defended Michael Paul in recent trial. This letter explains enclosed account very well.

ACCOUNTANTS
JUL 5 1930
BRANCH

Your obedient servant,

J. W. Maxner

Inspector of Indian Agencies.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2.

DEPARTMENT OF INDIAN AFFAIRS

CANADA

Ottawa, July 4th, 1930.

ACCOUNTANTS
JUL 9 1930
BRANCH

MEMO

Dr. Scott:-

Hereunder is an account of $50.00 in favour of Dr. William D. Forrest of Halifax. Apparently, Dr. Forrest assisted Messrs. Burchell, Smith, Parker and Fogo, Barristers of Halifax, in the defence of the Indian, Michael Paul, who was charged with murder. This firm of lawyers submitted their account at $1125.47, and it has been paid at $631.37 as taxed by the Justice Department. G. Russell Ramey, Barrister, of Halifax, also assisted with the defence and he rendered an account of $317.00 which has been paid at $242.00 as taxed by the Justice Department. The Indian, Michael Paul, who was charged with murder, was found guilty of man-slaughter, and sentenced to 10 years imprisonment. Before paying this account, I would like to have your approval.

Acting Chief Accountant

Memo Mr. Jean
I would send this account with the file to the Department of Justice for taxation in the usual way.
A. S. Williams

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2 TY.

Ottawa, July 10th, 1930.

Sir:-

I enclose herewith for taxation an account of $50.00 in favour of Wm. D. Forrest, Esq., M.D., of Halifax, N.S. Dr. Forrest assisted Messrs. Burchell, Smith, Parker and Fogo, Barristers, of Halifax in the defence of the Indian Michael Paul, who was charged with murder. I am also enclosing Departmental file No. 19052-2, which contains the correspondence in connection with this case. Kindly return the file to the Department.

Your obedient servant,

A.F. MacKenzie,
Acting Asst. Deputy and Secretary.

Enclosure.

The Deputy Minister,
Department of Justice,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

MacN/WDJ

DEPT. OF INDIAN AFFAIRS
JUL 11 1930
RECORDS

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 11th July, 1930.

A-3 Indian Affairs - N.S.
Your file No.19052-2 TY.

Dear Sir:-

I have your letter of the 10th instant enclosing an account of Dr. W. D. Forrest of Halifax, for services rendered our agents during the defence of the Indian, Michael Paul, who was charged with murder. Fees of this kind should be paid by the agents concerned and included in their account under the heading "Disbursements". This should be returned to the firm of solicitors employed and have them submit an account for disbursements for the services rendered.

Your file returned herewith.

Yours truly,

ACCOUNTS
JUL 12 1930
BRANCH

Enc.

J. Chisholm

Asst. D.M.J.

The Secretary,
Dept. of Indian Affairs,
O T T A W A.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2.

Ottawa, July 14th, 1930.

Sir:-

I enclose herewith your voucher with account of $50.00 attached in favour of Wm. Forrest, M.D. of Halifax for services rendered during the defence of the Indian, Michael Paul, who was charged with murder. Fees of this kind should be paid by the firm of lawyers concerned, and included in account under the heading "Disbursements". Kindly return this account to Messrs Burchell, Smith, Parker, and Fogo, Barristers of Halifax, and have them submit an account in duplicate for disbursements for the services rendered.

Your obedient servant,

A.F. MacKenzie,
Acting Asst. Deputy and Secretary.

J.W. Maxner, Esq.,
Inspector of Indian Agencies,
Windsor, N.S.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

WDJ

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 9th August, 30.

DEPT. OF INDIAN AFFAIRS
AUG 11 1930
RECORDS

A-3 Indian Affairs - N.S.
Your file No. 19052-2 TY

Sir:-

With reference to your letter of the 31st ultimo, I am returning herewith account of Messrs. Burchell, Smith, Parker & Fogo, Barristers, Halifax, N.S., for disbursements in connection with the case of Rex vs. Michael Paul, which I have taxed and certified for payment at the sum of $50.00.

Your file returned herewith as requested in your letter.

I have the honour to be,
Sir,
Your obedient servant,

J. Chisholm

Asst. D.M.J.

Enc.

Sent Aug 12/30
Dr. Was forwarded - paid by this firm.

The Secretary,
Dept. of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Department of Indian Affairs

Ottawa, ... 19.....

CONSULTANTS
JUL 30 1930
MANOH

Accountant.

This should apparently be sent to the Dept. of Justice for taxation as part of the legal account

R.L.J.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2 TY.

Ottawa, July 31st, 1930.

Sir:-

A-3 Indian Affairs, N.S.

I enclose herewith for taxation an account of $50.00 in favour of Messrs. Burchell, Smith, Parker and Fogo, Barristers, Halifax, and beg to call your attention to your letter of the 11th instant. I am also enclosing Departmental File No. 19052-2 which contains the correspondence in connection with this case. Kindly return the file to the Department.

Your obedient servant,

A.F. MacKenzie,
Acting Asst. Deputy and Secretary.

Enclosure.

Deputy Minister of Justice,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

REFER TO OUR No. R-32327

DEPARTMENT OF JUSTICE
REMISSION SERVICE
OTTAWA

R

April 10, 1935.

OF INDIAN AFFAIRS
APR 12 1935

Dear Sir,

I enclose herewith our file No. R-32327, in the case of Michael Paul, now detained in the Dorchester Penitentiary.

The Honourable the Solicitor General would be obliged if you would be good enough to forward any information in your possession which would be helpful in the consideration of this case.

Yours very truly,

M. F. Gallagher,
Chief of Remission Service.

The Deputy Superintendent General,
Department of Indian Affairs,
O T T A W A .

Enc.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Receipt to Agency
for our papers
& any future.

A. Ross

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19052-2

April 12, 1935.

Dear Mr. Gallagher:-

I have your letter of the 10th instant, together with your file R-32327, in the case of Michael Paul, at present serving a ten year sentence in Dorchester Penitentiary, having been convicted of manslaughter.

We have nothing on record concerning this case. As is usual we furnished defence for him at the time of his trial. I am not, therefore, in a position to make any recommendation in respect to application for parole.

I am returning your file herewith.

Yours very truly,

Deputy Superintendent General.

M. F. Gallagher, Esq.,
Chief of Remission Service,
Department of Justice,
O T T A W A.

Indian Affairs. (RG 10, Volume 7467, File 19051-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19051-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19051-3 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE
19052-3
19053-2

SHUBENACADIE
MURDERS AND MANSLAUGHTER CASES

ATTEMPTED MURDER OF MRS. JOE STAPHENS

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

DORMANT

FILE NO. 19051-3

DORMANT

SECOND SERIES

R 2871

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19051-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19053-2

Department of Indian Affairs

19

INVERNESS

ATTEMPTED MURDER

MRS. JOE STEPHEN

Indian Affairs. (RG 10, Volume 7467, File 19051-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Rev D. G. McNeil.
Indian Agent.
Dear Father

after the Brutual Murderious attack by Jog Steven on his wife. I feel that I should give you all the information I can give

Jog Steven's Past Record.

he attack a girl one time in the face (not his wife). he attack another woman (with a Plate on her arm (also not his wife).

he was Put in Jail in Richmond County for beating his wife and Probally he was given a suspendence sentence. ~~The above Probally~~

he was Put in Jail in Halifax for beating a man without reason he [redacted] trecherously injured a man in Malagawatch using I believe a lantern. the above happened years ago

The latest happening are Jog Steven under suspendence sentence. he Kicked his wife in the Crutch Probally more than once Purposally, at that time the woman had her monthly sickness, witch Know doubt he Knew that his wife was in that Condition

now I cannot swear that the above is true but as our Indian agent I trust you will Investigate and find out. You will note that I am not mentioning the scalp wounds witch would make almost any body shudder but when a man Kicks his wife in the Crutch during her menstrual Period deliberately. Purposally Then

Indian Affairs. (RG 10, Volume 7467, File 19051-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

I Considers that man should be hung by the neck untill dead my recommendation is that he be hung and I would really enjoy the job of springing the trap

Wm Young.

Indian Affairs. (RG 10, Volume 7467, File 19051-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Copy of letter received from Alexander MacDonald, Teacher, Whycocomagh, N.S.

Whycocomagh, N.S.
September 25th, 1933.

Rev. A.C.MacNeil, Indian Agent.
Glendale, N.S.

Dear Rev. Father.-

With reference to our telephone conversation of yesterday, I wish to report that I have acted as you instructed and took Joe Stephen, in charge of Constable Poulett, to the jail at Port Hood. There will be no charge to the Department or anyone else for my service or use of my car in this regard.

As I told you by telephone, I will now give you all the information I know regarding the case. On the evening of Sunday, September 24th., William Young came to my residence and told me that Chief Gabriel Sylliboy wanted me to go to his house. On arriving there the Chief told me that Joe Stephen had beaten his wife and that Constable Poulett had arrested him. Joe was present, handcuffed, and his only remark was, "Hello, Mr. MacDonald". Accompanied by the Chief, I went to Stephen's house and saw Dr. MacLeod attending to Mrs. Stephen's wounds. Her condition was terrible, in fact, I could not look at her for any length of time. Her head was cut in many places and her face and chest was red with blood. Blood was sprinkled about the floor and on the ground outside. Many Indians were present and all told the same story,- that Joe had assaulted his wife, first in their house and then outside, hitting her over the head with a stick and kicking her about the body until she collapsed in a field and when Chief Sylliboy took the stick from him and guarded the woman till her husband was arrested. I saw the stick used, a hardwood one about two feet long and about ~~3~~ or three inches thick, it being partly covered with blood. On arriving at Port Hood, I acted as you instructed and told Constable Poulett to hand the prisoner over to the jailor. Constable Poulett and William Young then gave information to the Mounted Police who took the evidence. The following morning, Dr. MacLeod informed me that he was sending the patient to hospital and that he thought she would live if her internal injuries were not worse than he thought. The Mounted Police visited the Stephen home on Monday and took three witnesses with them to Port Hood, returning with them the same day.

Mr. Stephen's record is a bad one as he assaulted his wife many times before and is always in some sort of trouble. His wife often complained to me that she was afraid that he would kill her and that he often said he would do so. At any rate, I, as well as all the local Indian, knowing that Joe was sane and sober at the time, am of the firm opinion that his action on last Sunday was a deliberate attempt at murder, the killing being averted by the prompt action of Chief Gabriel Sylliboy.

(Signed)

Alexander MacDonald, Teacher,
Indian Day School,
Whycocomagh, N.S.

Indian Affairs. (RG 10, Volume 7467, File 19051-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

119053-2

DEPARTMENT OF INDIAN AFFAIRS
CANADA

DEPT. OF INDIAN AFFAIRS
OCT 2 1933
OFFICE OF INDIAN AGENTS
RECORDS

Glendale, N.S.

Sept. 28th. 1933.

The Secretary,
Department of Indian Affairs.
Ottawa, Can.

Dear Sir.-

I enclose herewith vouchers for travelling expenses incurred while sending Mrs. Joseph Stephen to hospital and wish to give the following information as to the cause of her injuries;

Vouchers on file 113-53

On the evening of Sunday, September 24th, I received a telephone message from Alexander MacDonald, Teacher of the Indian Day School, Whycocomagh, N.S. informing me that Joseph Stephen was arrested for assaulting his wife, by Constable Levi Poulett. On understanding that it was a case of apparently attempting murder, I ordered that he be sent to the County jail at Port Hood where he now is awaiting trial. As you may know by the enclosed certificate, Mrs. Stephen was rushed to hospital for treatment.

To avoid repeating details, I enclose herewith a letter received from Mr. MacDonald (Teacher) which gives the facts. I may state that Mr. Mac Donald used his car in bringing the prisoner and Constable to the jail, free of all charges or expense. I also enclose a letter received from William Young, an Indian of Whycocomagh Reserve, which shows the feeling of the local Indians regarding the case. I may state that Mr. Stephen was under suspended sentence for a like offence and it is quite possible that his punishment will be severe.

Exp for 74-53

EXTRACT

With the father in jail and the mother in hospital, I was compelled to give some special relief to the six small children at home who are now cared for by a neighbour.

Not being familiar with court actions with Indians concerned, please let me know details regarding expenses of witnesses etc. as Port Hood is about 28 miles from Whycocomagh and the witnesses, constable etc. will have to travel there to give evidence.

Yours truly,

A G MacNeil

Indian Agent.

Indian Affairs. (RG 10, Volume 7467, File 19051-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19053-2

D.A.

Ottawa, 7th October, 1933.

Reverend Sir,

Referring to your enquiry as contained in the last paragraph of your letter of the 28th ultimo, I have to say that the offence referred to is a criminal one, and the criminal law is administered by the local authorities. This case will be dealt with by the same authorities ~~just~~ as would be done if the persons involved were white persons. No expenses in connection with the prosecution are chargeable to this Department.

Yours truly,

A.S.W.

A. F. Wood

Secretary.

Reverend A.C.MacNeil,
Indian Agent,
Glendale, N.S.

Indian Affairs. (RG 10, Volume 7467, File 19051-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DORMANT

FILE NO. 19051-3

SUBJECT

CHARGED OUT			RETURNED		
TO	DATE	BY	DATE	C.R.	FILED BY
Cadet	3/1/55	95			

NOT TO BE REMOVED FROM CENTRAL REGISTRY

Indian Affairs. (RG 10, Volume 7467, File 19051-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19040-6	1	SARNIA AGENCY - RUSSELL AND RICHARD RILEY, ROBERT AND WALTER JOHNSON CHARGED WITH MURDER OF HERBERT CROSBY (NEWSPAPER CLIPPINGS)	1946
19040-7	1	SARNIA AGENCY - WALPOLE ISLAND MURDER OF ANDREW KIYOSHK BY SILAS SHOBWAY	1949
19044-2	1	TREATY NO. 9 - CHARGE OF MURDER AGAINST MRS. MIZZETOUKEESIC	1914
19044-3	1	TREATY NO. 9 - MURDER OF NINE WOMAN AND CHILDREN BY MRS. MARY ANN MATTINAS	1924
19044-4	1	TREATY NO. 9 - MURDER OF WILLIAM SAYLORS BY AGNES SAYLORS	1937
19044-7	1	NORTHWEST TERRITORIES - ALLEGED MURDERS ON BEECHER ISLANDS (NEWSPAPER CLIPPINGS)	1941-1942
19044-8	1	TREATY NO. 9 - MURDER OF INFANT BY ALICE BULLFROG	1944-1945
19050-2	1	NOVA SCOTIA - ESKASONI - MURDER OF NOEL DOUCETTE BY FRANK DUNCAN GOULD	1937
19051-2	1	NOVA SCOTIA - SHUBENACADIE - CHARGE OF MURDER AGAINST MICHAEL PAUL	1930-1935
19051-3	1	NOVA SCOTIA - SHUBENACADIE - ATTEMPTED MURDER OF MRS. STEPHEN BY HER HUSBAND JOSEPH STEPHEN	1933
19055-1	1	NEW BRUNSWICK - NORTHUMBERLAND COUNTY MURDER OF CONSTABLE JOHN DEDAM (CLIPPING)	1920

Indian Affairs. (RG 10, Volume 7467, File 19055-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19055-1 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

NEW BRUNSWICK - EAST KILLING OF CONSTABLE JOHN DEDAM

CROSS REFERENCE

EX'D M

DORMANT FILE NO. 19055-1 DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19055-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19055-1

Department of Indian Affairs

19 20

New Brunswick - East

Killing of Constable John Dedam

Indian Affairs. (RG 10, Volume 7467, File 19055-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FORM D.L. 2 T W

GREAT NORTH WESTERN TELEGRAPH AND CABLE

DAY LETTER

Z. A. LASH, PRESIDENT — HEAD OFFICE, TORONTO, ONT. — GEO. D. PERRY, GENERAL MANAGER

RECEIVER'S No.	TIME FILED	CHECK

SEND the following Day Letter, subject to the terms on the back hereof, which are hereby agreed to

Ottawa, November 30, 1920.

Col. J. B. Sheridan,
Indian Superintendent,
Bucteuche, N.B.

No further action appears necessary by this Department re Constable Dedam. Matter in hands of coroner. Attorney General of province should be notified

J. D. McLean

(Chg. Dept. I.A.)

File

SENDER'S ADDRESS FOR ANSWER

SENDER'S TELEPHONE NUMBER

Indian Affairs. (RG 10, Volume 7467, File 19055-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

FORM 1 T.W.

GREAT NORTH WESTERN TELEGRAM

TELEGRAPH GREAT NORTH WESTERN AND CABLE

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

Z. A. LASH, PRESIDENT — HEAD OFFICE, TORONTO, ONT. — GEO. D. PERRY, GENERAL MANAGER

L

1920 NOV 29 PM 6 00

A2 37 MO 22 COLLECT

BUCTOUCHE NB NFT 29

DEPT. OF INDIAN AFFAIRS NOV 30 1920 RECORDS

548317

J D MCLEAN

OTTAWA ONT

POLICE CONSTABLE DEDAM OF BURNTCHURCH KILLED IN ROW LAST NIGHT SENDING DOCTOR AND CORONER TO INVESTIGATE GUILTY PARTIES HAVE LEFT RESERVE

JOHN SHERIDEN.

Inquired Ds.

Indian Affairs. (RG 10, Volume 7467, File 19055-1; Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19055-1

DEPT. OF IND. AFFAIRS
DEC 8 1920
RECORDS

Incentives

N E W B R U N S W I C K.

548478

Northeastern Division,

Buctouche, Nov. 30th. 1920

Sir:-

On the 29th. inst. I forwarded a telegram regarding the killing of Constable John Deam of the Burnt Church Reserve. I beg leave to report a statement, as received over the phone from Dr. Desmond who visited Burnt Church, with Dr. Bell, the coroner of Newcastle, also a Constable who went in search of Peter Mitchell who committed the deed.

It appears some of the Indians had been drinking and were in a row, when Deam, fulfilling his duties went to arrest Mitchell, when he, Mitchell who had a large knife stabbed him, just below the third rib, passing through his lungs and lodging in his spine, he lived a few minutes, walking to another Indians yard a short distance away, with the assistance of his brother, where he fell and died, Mitchell took to the woods, but the following night at two o'clock returned to his home, when the Constables who were watching for him, captured him, and today were taking him to Newcastle to be placed in jail. They claim they were drinking Bee-Bee Beer, they can also get plenty of liquor from the boot leggers, who are travelling all over the Province selling whiskey.

I have instructed the Chief and Police Constable to raid all houses where they have any idea beer is kept, but they have always stated they could not find any beer. I have also written the Liquor Inspecter several times, asking him to go to the different Reserves, and search for beer, but he has been successful in only a few cases, however, we had the guilty persons punished.

It will be necessary to bring a certain number of Indians to Newcastle to attend the prelimenary hearing, but they will have to be brought in teams, and it will be necessary for me to pay the cost of bringing them there also the expenses while in Newcastle. I would ask for authority for the expenditure in this case.

I have the honor to be,

Sir

Your obedient servant,

John Sheridan

Indian Supt.

Secretary,

Dept. of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19055-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19055-1

Ottawa, 7th December, 1920.

Sir,

I beg to acknowledge the receipt of your letter of the 30th ultimo, with reference to the killing of Constable John Dedam, and note your request to be authorized to incur the costs of bringing two witnesses to Newcastle.

In reply I beg to say that it is presumed that these witnesses are required for the coroner's inquest or for a preliminary hearing of a charge against some one charged with the death of John Dedam. As pointed out in Departmental telegram of the 30th ultimo no action appears to be required by this Department. The administration of justice is in the hands of the local authorities and the witnesses' fees and other expenses in connection with this case should be paid from the same source as would be done in case the parties were white persons. This Department accordingly could not properly undertake to pay the expenses in connection with this matter.

Your obedient servant,

J. D. McLEAN

J.D.McLean,
Asst. Deputy and Secretary.

asw.

John Sheridan, Esq.,
Indian Superintendent,
Buctouche, N.B.

Indian Affairs. (RG 10, Volume 7467, File 19055-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19055-1
54883

The Daily Telegraph
and The Sun
ST. JOHN, N. B., DECEMBER 9, 1920.

DEPT. OF INDIAN AFFAIRS
DEC 11 1920
RECORDS

PETER AND FRANK MITCHELL HELD FOR GRAND JURY

Burnt Church Murder Case to Be Tried by Supreme Court

LATTER TO OPEN ON JANUARY 6

Witnesses Tell of Row Between Dedam Brothers and Mitchells, Which Crown Holds Led to Murder Later.

(Special to The Telegraph.)

Newcastle, N. B., Dec. 8—Magistrate Lawlor at a session of his court tonight announced that he would hold Peter Mitchell, charged with stabbing to death John Dedam in Burnt Church, last week, for the grand jury of the supreme court which will sit here on January 6. Mitchell's brother, Frank, charged with being accessary before and after the fact and with threatening the life of Dedam, was also held for the January term of court, no bail being allowed in the case of either defendant.

Stanley Swanson, aged nineteen, at this morning's session of the court testified under cross-examination by George M. McDade, counsel for the prisoners, that he told William Dedam Peter Mitchell had told him that Peter had struck John Dedam with a butcher knife. The witness said that his relatives and friends were present and also heard Peter Mitchell's remarks concerning the tragedy. He did not see Peter Mitchell have a knife or Frank Mitchell have a revolver.

At the afternoon session the crown called William Martin, who said he saw Peter Dedam and Charles Mitchell fighting at Burnt Church a week ago Sunday. John Dedam then ran out of his house and struck Charles Mitchell, knocked him down and kicked him. He said he knew nothing regarding Peter and Frank Mitchell attacking John Dedam.

Charles Mitchell, brother of the defendants, told of his fight with John Dedam.

At the evening session of court, Dr. J. A. M. Bell, of Newcastle, who made a post mortem on the body of John Dedam, testified as to the cause of death, after which the magistrate gave his decision.

In the forenoon the evidence given by Mitchell Dominique and Peter Dedam was read to them and signed. The evidence given by Stanley Swanson to counsel for the crown was read by interpreter and assented to by the witness.

Cross examination of the witness by Mr. McDade gave in substance the following: "I am nineteen years of age. Do not know what an oath is. I have

(Continued on page 2, column 6.)

(Continued from page 1.)

sworn on the Bible before, but never before yesterday. I was never in court before. No one told me to come to court. A man told me to come up to be a witness. All the fellows who came up told me to come. They were Peter Dedam, John N. Dedam and Mitchell Dominique. The first man who asked me to come up was a policeman from up here. I heard of Peter Dedam's remarks when I was working. I told them one of these remarks at Charlie Mitchell's. I told William Dedam what Peter said. William asked me questions. I don't know what he told me. I don't know if he told me to say it. I talked to William Dedam about an hour. Peter and Frank Mitchell and Charlie Mitchell and Charlie's wife were in the house when Peter said words about knife. An Indian from Restigouche was there outside sawing wood. My stepmother, Elizabeth Clement, and my sister, Delessie Swanson, were there all in one room. They all heard Peter Mitchell's story. I first told William M. Dedam in his store. He is a councillor. I do not know if he is big man among the Indians or not. I work in a gravel pit and can see the main bridge from the pit. Peter and Frank Mitchell work on that new bridge. I don't know who was working there. I don't know how many men. I don't know if Peter and Frank worked there on November 29. I spoke to no one else but William N. Dedam. I paid my own way up on Monday. The boss where I work gave me the money.

"All the others in Charlie Mitchell's house could hear Peter talk. I did not see Peter with a knife nor Frank with a revolver. I did not see Peter nor John Dedam that night. Peter Mitchell said at Charlie Mitchell's he had been fighting with Dedam. He did not say anything about a knife. There was not much talk at Charlie Mitchell's."

This finished the cross examination.

Questioned by Mr. Whalen for the crown, the witness said they were at Peter Mitchell's when he spoke of the knife.

Afternoon Session.

After the noon recess hearing was continued. William Martin being called by the crown.

He said: "I know Frank and Peter Mitchell. I saw Peter Dedam and Charlie Mitchell fighting at Burnt Church between 6 and 7 o'clock Sunday before last outside of my door. Someone called me by name and I went. It was Charlie Mitchell. He was asking me who was all there. While he was talking Peter Dedam came and grabbed Charlie by the shoulder. They were laughing. They were going to fight in fun and before we got to the door they started to fight, so I tried to stop them but couldn't. John M. Dedam was in my house. He ran out the first thing. He hit Charlie and knocked him down and kicked him many times. Peter Dedam kicked Charlie too. I took Peter away and then Charlie escaped. About an hour and a half or two hours after Peter and John Dedam came into my house after his coat.

"Just after the row, I found the coat inside the porch of my house. Someone else found the cap. I left the coat in the house and my boy brought the cap in the house. I grabbed Peter Dedam and took him away, but John was too strong. I couldn't stop him. I went in the house and left them outside. I was in the house about two minutes and when I went out again all had gone away. I don't know where they went. It was about an hour and a half or two hours until I saw the two Dedams. They just stayed long enough to get the cap and coat. It was about 8 o'clock. After that I saw Peter Mitchell. It was about ten minutes after John and Peter Dedam left my house the second time that I saw Peter Mitchell alone. We did not have any conversation. I did not see any of them after this. I did not see any of the Mitchells earlier that day."

Cross-examined by Mr. McDade, the witness said he knew nothing against Peter and Frank Mitchell in regard to the murder but I did know that John Dedam gave Charlie Mitchell a bad beating. He did not see any knife or revolver. He saw Peter Dedam grab Charlie Mitchell first by the shoulder with right hand. He considered them to be fooling. John rushed out and hit Charlie right away and no words were spoken. John then kicked him in the face and head. He kicked him many times. Peter Dedam booted Charlie Mitchell four or five times. He told of grabbing him by the shoulder. Peter Dedam hit him in the back of the neck and some one struck him (witness) on the head, knocked him down and kicked him. He got a chance to get away and he went towards Lemy Ward's. Peter Mitchell, Noel Swason and Joe from Restigouche went home with him as far as his home and Peter went on to his home. I do not know what time we got home, but it was after 8.

Dr. Bell was called by the crown at a brief evening session.

Indian Affairs. (RG 10, Volume 7467, File 19055-1, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19056-2	1	NEW BRUNSWICK - SUDBURY COUNTY ATTEMPTED MURDER OF FRANK ATWIN BY MIKE SACOBIE	1938
19057-2	1	PRINCE EDWARD ISLAND - LENNOX ISLAND MURDER OF AMOS GALLANT BY FRANK KNOCKWOOD	1942-1943
19066-2	1	NEW BRUNSWICK - VICTORIA COUNTY HENRY PERLEY CHARGED WITH MURDER OF FRANK LOLAR	1929
19068-1	1	ST. AUGUSTINE - ALLEGED MURDER OF AN INDIAN WOMAN AT NATASHQUAN	1912

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19056-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

NEW BRUNSWICK - WEST MURDER FRANK ATWIN BY MIKE SACOBIE

EX'D M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

DORMANT FILE NO. 19056-2 DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19056-2

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

NEW BRUNSWICK - WEST

MURDER

FRANK ATWIN BY MIKE SACOBIE.

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

17-56

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

Fredericton, N. B.
February 5, 1938.

R.

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa, Canada.

Department of Mines and Resources
Indian Affairs Branch
FEB 9 1938
RECORDS

Dear Sir:

Attention Mr. MacInnes.

Frank Atwin, Indian of the Oromocto Reserve, is a patient in the Victoria Public Hospital with a badly injured right leg, as the result of being shot on the night February 3rd on the Oromocto Reserve by his brother-in-law, Mike Sacobie, who was later arrested and placed in the Sunbury Co. gaol. The shooting occurred at the Atwin home, where Sacobie had gone to borrow something.

Atwin's wife, who is a sister of Sacobie, and Sacobie had some words, and a son of Atwins went after his father, who was not at home at the time. Atwin on reaching his home ordered Sacobie out and some words ensued. Sacobie went to his home secured a gun and returned to the Atwin home and fired at Atwin, with a 12 guage No. 2 bird shot. He hit him in the leg near the ankle. The lower end of the bone was shattered. I was notified at the Victoria Public Hospital where I am a patient having just been operated on for Sinus. I summoned the R. C. M. P., who placed Sacobie under arrest and had Atwin brought to the Hospital, where it is feared he will loose his foot. Sacobie is being held in the gaol, charged with shooting with intent.

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

OFFICE OF THE

INDIAN AGENT

CANADA

DEPARTMENT

OF

MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

PLEASE QUOTE

FILE

Dr. Wright who has just left my room says the bone was badly shattered and he will probably have to amputate at the ankle. The victim of the shooting is one of the most industrious Indians in the Oromocto Reserve and is a married man with 4 children. The seriousness of the offense charged against Sacobie will depend to a great extent upon the developement in the Hospital case.

The loss of the foot, because of mangling of tissues will increase the seriousness against the man now in the gaol in Burton. I will be quite able to leave the Hospital in a day or so and will take personal charge of the case.

As far as I can learn there was no ill feeling between the two men, Atwin and Sacobie until last night's shooting, no liquor appears in the trouble, members of both families being sober when the shooting occurred. It seems that he acted on the impulse of sudden rage.

I am enclosing herewith copies of statements taken from the persons witnessing the shooting. Will the Dept. please return statements to me.

Your Obedient Servant,

R. Lee MacPherson

Indian Agent.

M/M
Encl.

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

17-56

FILED.

Feb. 10/38.

Dear Sir:-

I have to acknowledge receipt of your letter of the 8th instant with reference to the shooting of Frank Atwin, by Mike Sacobie, Indians of the Oromocto Reserve, and in connection with this matter I have to advise you that the department approves of the action you have taken.

Your reports are returned herewith as requested.

Yours very truly,

T.R. L.MacInnes.
Secretary.

M.L.MacCutcheon, Esq.,
Indian Agent,
Fredericton, N.B.

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Division File No. 38 J 625 8 F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"J"	F'cton	F'cton
Province		Date
N. B.		3-2-38

File References

Headquarters

Sub-Division

Detachment

P. C. R.

First

Re: Mike SACOBIE (Indian) Oromocto N.B.

Shooting with intent- C.C. 273

1. Reference the above noted case, beg to report that on the P.M. of this date a telephone call was received from Mag. H. G. KIMBALL of Oromocto, who reported that an altercation had arisen on the Oromocto Indian Reserve at Oromocto N.B. and that the above named Mike SACOBIE had shot and seriously wounded another indian ti-wit one Frank ATWIN also of the same reserve, and requested that an immediate investigation be made.

2. Accompanied by Const. Ackman R.K. we immediately patroled to Oromocto Indian Reserve per pol. car 1564 and on arrival there went to the home of Mike SACOBIE and found that he was not at home.there was no one in the house on leaving the SACOBIE home one Joseph SACOBIE a brother of the above named met us and asked to go immediately to Frank ATWIN'S place, which we did and arrival there found Frank ATWIN lying on the floor .just inside of the door in a large pool of blood.examination disclosed that he had been shot in the RIGHT leg by a 12 gauge shot gun,by the above named Mike SACOBIE,his RIGHT ankle being completely shattered, the charge of shot having passed completely thru the ankle. It was ascertained that medical attention had been summoned, first aid was rendered and the flow of blood arrested.

3. It was then ascertained that Mike SACOBIE had been last seen going towards Mag. KIMBALLS house, on arrival there Mike SACOBIE was found to be in the house in the custody of John BROOKS (Indian Constable) to whom SACOBIE had given himself up, BROOKS having been at the home of the Magistrate discussing with the latter the actions of Mike SACOBIE who had been drinking and quarrelling with his wife and brothers all afternoon, and who was advised of the shooting by Joseph SACOBIE another brother of Mike SACOBIE immediately on receipt of this information BROOKS had started for the RESERVE and had met up with Mike SACOBIE who was enroute to the Magistrates,SACOBIE had given himself up to BROOKS, he was immediately placed under arrest and given the statuary warning and placed in the police car and escorted to the Sunbury County gaol at Burton NB where he was given into the custody of the gaoler. The ambulance having been summoned from F'cton to convey the injured man to the Hospital we returned to the ATWIN home and found that the Indian doctor Dr. H. S. WRIGHT had arrived and taken charge of the patient,investigations revealed that Joseph and Donald SACOBIE brothers of the accused were the only actual eye witnesses to the shooting other than the injured man Frank ATWIN, who was in no condition to give or make any statement whatsoever.

4. Joseph & Donald SACOBIE were taken to the Magistrates home and statements taken from them, please see same attached.

File numbers must be quoted P.T.O.

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Re. Mike SACOBIE (Indian) Oromocto N.B.

shooting with intent- C.C. 273

5. A badly broken 12 gauge shot gun was found in the ATWIN home, same having been the gun used in the shooting and as will be noted by Donald SACOBIE'S statement broken by the accused subsequent to the shooting, this wepon was seized and brought to this detachment office together with 1. empty and one loaded shell. Forms 246 attached.

6. At the earliest possible moment Inspt. C.K. Gray C.C. F'cton S/D. was advised of the occurrence and his instructions carried out.

7. On our return to F'cton the local Indian Agent R. L. McCUTCHEON who is presently in the Victoria General Hospital was interviewed and advised of the affair, who sated that due to his condition he would be unable for some time to take care of the matter and requested that he be kept advised of subsequent action taken in this case.

8. A charge under the above noted section of the criminal code will be laid against SACOBIE before Mag. R. G. KIMBALL on 4-2-38, and further report will be immediately submitted.

"STILL UNDER INVESTIGATION"

Car 1564 used miles 40

(SGD) Const.
D. J. Evans Regt. # 11526
Fredericton Detachment.

Oromocto N.B.
Feb. 3rd. 1938

STATEMENT OF JOSEPH SACOBIE (Indian)

My name is Joseph SACOBIE, I am 29 years of age, on Feb. 3rd. Thursday night I had gone to Frank ATWIN'S place I went in and shut the door, I was talking to Frank and my brother Donald SACOBIE, my brother Mike SACOBIE opened the door of Frank's house and put a 12 gauge shotgun barrel thru the open door, I jumped and shut the door, Mike SACOBIE pulled the gun back. Mike said to Frank's wife. is my wife here? meaning Mrs Mike SACOBIE, Frank's wife said "no", he Mike said" she is in there" Mrs Frank ATWIN replied, "she is not in here" Mike SACOBIE then pushed the door open again and said I am going to shoot somebody in there, the gun was pointing towards the floor and at Frank ATWIN'S feet, he Mike SACOBIE pulled the trigger, and shot Frank ATWIN in the leg, Frank fell over on the floor and said to me. Joe. "Iam shot" I saw blood running out of his pantleg. Mike SACOBIE then came into the house and handed me the gun and one loaded shell, I laid the gun down on the bed. I then ran over to Mag. Kimball's to call the doctor John BROOKS Indian Constable was at Mag. Kimball's and I told him about the shooting.

(SGD) Joe. SACOBIE.

Witness.
R. K. Ackman
D. J. Evans.

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Re: Mike SACOBIE (Indian) Oromocton, N.B.
Shooting with intent - C.C. 273

The O. C. "J" Division
R.C.M.P.- FREDERICTON, N.B.

FORWARDED FOR YOUR INFORMATION: Copies of statements and F. 246 herewith.
Further reports will follow in due course.

F'TON.N.B.
4-2-38

(G.K. Gray) Inspector
Commanding F'ton. S/Division.

F/S/D 38 F. 106-8

CCB/5

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Oromocto N.B.
Feb. 3rd. 1938

STATEMENT OF DONALD SACOBIE (INDIAN)

My name is Donald SACOBIE and I am 16 years of age live on the Oromocto Reserve, on Thursday night Feb. 3rd. I had gone to Frank ATWIN'S place to visit I had been there about 10 minutes when my brother Joseph SACOBIE came into Frank ATWIN'S place. he and Frank and I were talking when my brother Mike SACOBIE opened the door and put the barrel of a 12 gauge shotgun, thru the open door, my brother Joseph shoved the door shut, Mike asked Mrs Frank ATWIN if his wife was there, he was told she was not, he replied she is in there Mrs. ATWIN said "she is not" Mike SACOBIE then opened the door again, and put the gun thru the door and said " I am going to shoot someone in here" he pulled the trigger the gun was pointed towards the floor and at Frank ATWIN'S feet Frank ATWIN said "I am shot" and fell over on the floor Mike SACOBIE then handed the gun th my brother Joseph together with one loaded shell. my brother Joseph ran to call ther doctor, he put the shotgun on the bed, Mike SACOBIE picked up the gun and broke it to pieces on the floor.

Witness (SGD) Donald SACOBIE

K. K. Ackman
D. J. Evans.

Indian Affairs. (RG. 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Headquarters "J" Division

38 J 625-8 Fredericton, N.B., Feb. 7th, 1938.

R.L. McCutcheon, Esq.,
Indian Agent,
Fredericton, N.B.

Re: Mike SACOBIE (Indian) - Shooting with Intent (273) - Oromocto, N.B.

Dear Sir,

1. During an altercation on the Oromocto Indian Reserve, Oromocto on the evening of the 3rd instant, the above noted shot at and seriously wounded Frank Atwin (Indian).

2. On investigation it appears that accused inquired for his wife at Atwin's home, and when advised that she was not present, entered the house and fired his 12 gauge shot gun at Atwin, who sustained severe injury to his right leg. Following treatment by Dr. H.S. Wright, the injured man was taken to Hospital by the ambulance. The shooting was witnessed by Joseph and Donald Sacobie, brothers of accused. Prior to this occurrence taking place, it appears that Mike Sacobie had been drinking and quarrelling with his brothers and wife during the afternoon.

3. Accused proceeded from the scene of the shooting towards Magistrate Kimball, with the intention of giving himself up, but was taken into custody by John Brooks (Indian Constable) en route. Following arrest, he was escorted to Sunbury County Gaol at Burton, N.B.

4. A charge under Section 273 of the Criminal Code is being laid against subject and further reports will be submitted.

The Deputy Attorney General,
Province of New Brunswick,
Fredericton, N.B.

Yours very truly,

FORWARDED FOR YOUR INFORMATION:
Copy of report and statements attached.
Further reports will follow.

(A. Drysdale) Inspector,
I/C C.I.Branch,
"J" Division.

(A.Drysdale) Inspector,
I/C C.I.Branch,
"J" Division.

Fredericton, N.B. -
7-2-38.

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

17-5-6

L.H.

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

13583

IN REPLY PLEASE QUOTE

FILE No. 38 B 631-17 C. 1.

EXD.

OTTAWA, CANADA Feb. 10, 1938

Note & Reply

R

Sir:

Re - Mike SACOBIE - Shooting with Intent - Oromocto, N.B.

Appended, for your information, is copy of our complete file received from the Officer Commanding at Fredericton, in connection with the above noted case.

2. It will be observed that Mike Sacobie is being charged under Section 273 of the Criminal Code and further reports will be forwarded as the case proceeds.

Yours truly,

A. H. L. Mellor, Supt.,
ASST. D.C.I.

The Director,
Indian Affairs Branch,
Dept. of Mines and Resources,
Ottawa.

JS/MD

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FORM 264

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

Division "J" Div. Fyle No. 38-J-836-1-1 Detachment Fredericton

Defendant Mike SACOBIE (Indian) Residence Oromocto NB

Alias Occupation Laborer

Nationality and Colour Canadian Indian

Status in Country Citizen

Offence and Section of Act Attempting to murder C.C. 264

Date and Place of Offence 3-2-38 Oromocto NB

Authority for Search

Arrest or Summons. Date 3-2-38

Date and Place of Hearing 28-2-38

Heard by Mag. H. C. Kimball of Oromocto NB

Prosecutor or Pros'g Counsel R. V. Limerick Defence Counsel

Witnesses John BROOKS, Joe SACOBIE, Don. SACOBIE, Dick SACOBIE (Indians) of Oromocto NB Cst. D. J. Evans F'cton Dr. H.S. WRIGHT of F'cton NB

Finger Prints and Photo forwarded to Headquarters 14-2-38 Cst. D.J. Evans

Result of Hearing Committed for trial, at the next court of competent criminal jurisdiction

Bail Remanded to gaol

Bondsmen

Remarks Information in this case was laid on 14-2-38 subsequent to the withdrawl of the information dealth with in file 38"j-625-8 which was withdrawn on 14-2-38. summary of the evidence as given covered on seperate sheet attached.

D. D. 15-5-38

Submitted by Const. Ackman R. K.

Fwd'd O.C. F'cton Sub-Dist. Fwd'd O.C. "J" Division Fwd'd to Commissioner

(SGD) L. P. Ryder L/Cpl. SGD. C. K. Gray Inspt.
In Charge Detachment In Charge Sub-District Commanding Division

Date 28-2-38 Date Date

P. T. O.

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Re. Mike SACOBIE Oromocto N.B.

Attempting to murder C.C. 264

1. Summary of the evidence as given by the witness for the prosecution :-

John BROOKS (Indian) gave evidence to the effect that he was Indian Constable for the Oromocto Indian Reserve, that on the night of Feb. 3rd. last he had been advised of a quarrel between Mike SACOBIE and his wife, and that he had been further advised by Frank ATWIN and the latter's wife that SACOBIE had beat up Mrs ATWIN, he BROOKS had started to go to Mag. KIMBALL'S to call the R.C.M.P. and had gone back into the house to get his handcuffs when Dick SACOBIE a brother of Mike's had come to his (Brook's) home and told him that Mike had a gun and was going to shoot someone, he BROOKS had hurried to Mr. KIMBALL'S and just after arriving there and getting the latter gentleman to call the RCMP Joe SACOBIE another brother of MIKE'S had come to the KIMBALL home and advised BROOKS that Mike SACOBIE had shot Frank ATWIN and to call a doctor, which was done, he BROOKS had then started for the reserve, and had found Mike SACOBIE at his (BROOKS) door and on being asked what he wanted Mike SACOBIE gave himself up, saying that he had shot Frank ATWIN and to give himself up was the best thing to do, he BROOKS was also handed a loaded 12 gauge shot gun shell by Joe SACOBIE,which he BROOKS subsequently gave to Cst. Evans. he BROOKS had detained Mike SACOBIE until the arrival of the R.C.M.P.

2Joe. SACOBIE 2nd witness sworn testified that on the night of Feb. 3rd, his brother Mike SACOBIE had come to Frank ATWIN(S where he Joe was and had asked for his (MIKE'S) wife and had been told by Mrs ATWIN that she was not there, to which Mike had replied she is there and I am going to shoot some one in there, he had forced the door open with the barrel of the gun, but Joe SACOBIE had shove d the door shut, Mike SACOBIE had then, pushed it open again and put the barrel of the gun in thru the door, and Joe SACOBIE had pushed the barrel down with his hadd, at which time the gun had gone off, and the charge striking ATWIN in the right ankle, Mike had then come into the camp and had handed Joe SACOBIE the gun and 1 loaded shell, Joe had laid the gun on the bed and run for the telephone at KIMBALL'S to call the doctor.

3.Don SACOBIE sworn stated that he also had been at the ATWIN home on the night of Feb. 3rd. and was present when his brother Mike SACOBIE had come there, he corroborated the evidence his brother Joe. SACOBIE, and added to it that subsequent to the departure of of Joe from the camp that Mike had picked up the gun and smashed same in the shed on the chopping block. he as did John Brooks and Joe SACOBIE identified the gun and shell produced in court.

4. Dick SACOBIE another brother, gave evidence as to going for the Indian Constable John BROOKS, and telling of Mike SACOBIE havin g the gun and going to shoot someone, he also identified the gun.

5. Cst. D. J. EVANS R.C.M.P. gave evidence as to the call being received and of proceeding to the Oromocto Indian Reserve and of finding ATWIN lying on the floor in a pool of blood, of going to Mag. KIMBALLS and placing SACOBIE under arrest and warning him and escorting him (Mike SACOBIE) to the Sunbury Gaol at Burton N.B.

6. Dr. H. S. WRIGHT M. D. of Fredericton and Indian Doctor gave evidence as to having received a phone call on the night of Feb. 3rd. to the effect that he was needed at the Oromocto Reserve as an Indian had been shot, of proceeding there and finding Frank ATWI N suffering from the effects of a gunshot wound in his RIGHT ankle of ordering the injured man to the Victoria Public Hospital F'cton of treating him that night and removing bits of cloth, sock etc and several pellets. shot gun pellets either BB of # 2 from the wound.

Indian Affairs: (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19056-2 L.H. 4A.

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R.C. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

R 1949

IN REPLY PLEASE QUOTE

FILE No. 38B 637 70 1

OTTAWA, March 9, 1938

CANADA

Sir:

Re: Mike SACOBIE, Oromocto, N.B.
Shooting with Intent.

1. Further to our letter of the 10th ultimo and enclosure, attached is a copy of Form 264 received from our Officer Commanding at Fredericton, from which it will be noted that the above named Indian has been committed for trial.

2. A further report will be forwarded at the conclusion of this case.

Yours truly,

A.H.L.Mellor, Supt.,
Asst. D.G.I.

The Director,
Indian Affairs Branch,
Dept. of Mines & Resources,
Ottawa

Encl.
JS:JL

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dr. McGill file

Telegraph-Journal 1/3/38

INDIAN TO STAND TRIAL ON ATTEMPT TO MURDER CHARGE

Mike Sacobie, Oromocto, Committed By Magistrate at Burton

FREDERICTON, N. B., Feb. 28—(Special)—As a result of a shooting on the night of Feb. 3, in which he is alleged to have wounded Frank Atwin, his brother-in-law, Mike Sacobie, Indian of the Oromocto reserve, today was committed for trial at the next sitting of the Sunbury County circuit court, scheduled to open on May 24. He is charged with shooting in an attempt to murder.

The accused, whose preliminary hearing was concluded today after two adjournments, was charged originally with shooting with intent to maim or wound, but the charge later was changed to the more serious one on the information of R.C.M.P. Constable R. K. Ackman, of the Fredericton detachment.

One witness, Dr. H. S. Wright, this city, was heard today before Magistrate H. K. Kimball at Burton. Dr. Wright, who is attending the wounded man in the Victoria Public Hospital here, was called by Crown Counsel R. Y. Limerick.

Indian Affairs. (RG 10, Volume 7467, File 1/9056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

F. 264B

DIV'N FILE No 38-J-636-1-1

ROYAL CANADIAN MOUNTED POLICE

DIVISION "J" Fredericton DETACHMENT

REPORT ON CONCLUSION OF CASE

Defendant Mike SACOBIE (Indian) Residence Oromocto NB

Occupation Laborer Date of Offence 3-2-38

Offence and Sec. of Act Attempting to murder C.C. 264

Place of Offence Oromocto Indian Reserve NB

Information laid by R. K. Acman before Mag. H. S. Kimball

at Oromocto on 14-2-38

Place and date of trial Oromocto NB 3-6-38 Plea Guilty

Tried by Judge G. D. Richards of Fredericton NB

of

Adjournments 25-5-38 to 31-5-38

Prosecutor or Prosecuting Counsel A McF Limerick Defence Counsel Nil

Witnesses Cpl. Evans D. J. RCMP, Frank Acman (Indian) of Oromocto NB

Joseph SACOBIE of do do

Mark SACOBIE do do

Sentence (3) Three years imprisonment in the Dorchester penitentiary

Disposition of fine

Exhibits (Nature and Disposition) 1. shot gun held by the court

No police costs allowed

Costs. Serving Summons $ Arrest $ Attending Court $

Received by Justice fees $ Not known

Mileage Miles @ per mile $ Total Costs $

Total expenses of case Nil

Mileage collected $ Disposition of Mileage

Moiety $ Disposition of Moiety

Appeal Canadian

Finger prints and photo forwarded Headquarters 14-2-38 Cpl. D. J. Evans

Previous convictions Numerous petty infractions under the Indian Act of intoxication etc etc.

Remarks The accused in this case, appeared before the court on the adjourned hearing of his case on the a.m. of 31-5-38, subsequent to the selection of the Grand Jury, the above noted witnesses gave their evidence, and on appearance before the petit jury the accused on being requested to plead, made a plea of guilty, he was sentenced as above noted.

Escorted to gaol

Convicted "CASE CONCLUDED"

Investigated by

Forwarded to the Commissioner

Sup. Sup.

Commanding Division

1.6.38

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19056 1/

L.H. 4A

ALL CORRESPONDENCE TO BE ADDRESSED TO THE COMMISSIONER, R.C.M.P. PLACE, OTTAWA

53471

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

EX'D.

IN REPLY PLEASE QUOTE

FILE No. 38B 636-7-C-1

OTTAWA, June 13, 1938.

CANADA

Department of Mines & Resources
Indian Affairs Branch.
JUN 14 1938
Received

Sir:

Re - Mike SACOBIE,
Attempting to Murder,
Oromocto, N.B.

With reference to our communication of March 9th last, attached is copy of Form 264B received from our Officer Commanding at Fredericton, N.B., showing the conclusion of this case.

Yours truly,

R. Armitage

R. Armitage, Insp.,
for D.C.I.

The Director,
Indian Affairs Branch,
Dept. of Mines and Resources,
Ottawa.

Encl.
JFS:MG

Indian Affairs. (RG 10, Volume 7467, File 19056-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19056-2	1	NEW BRUNSWICK - SUDBURY COUNTY ATTEMPTED MURDER OF FRANK ATWIN BY MIKE SACOBIE	1938
19057-2	1	PRINCE EDWARD ISLAND - LENNOX ISLAND MURDER OF AMOS GALLANT BY FRANK KNOCKWOOD	1942-1943
19066-2	1	NEW BRUNSWICK - VICTORIA COUNTY HENRY PERLEY CHARGED WITH MURDER OF FRANK LOLAR	1929
19068-1	1	ST. AUGUSTINE - ALLEGED MURDER OF AN INDIAN WOMAN AT NATASHQUAN	1912

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 19057-2 DORMANT DORMANT

DORMANT FILE NO. 19057-2 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

PRINCE EDWARD ISLAND
MURDER
AMOS GALLANT
FRANK KNOCKWOOD

CROSS REFERENCE

19006-1

EY D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
CR 9 Aug 11	PA	10.8.14	~~[illegible]~~	Secy	Reg	CR5	10 8
	PA	29.11.42	[illegible]	Secy	"		21.1.1

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 19057-2

See also file no. 19008-1

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

PRINCE EDWARD ISLAND

MURDER

AMOS GALLANT
BY FRANK KNOCKWOOD

R. 701

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Evening Journal
November 6/42.

FARMER KILLED IN FIGHT.

CHARLOTTETOWN, Nov. 5.—Amos Gallant, farmer from nearby Oyster Bed Bridge, was killed here late today in what police said they believed was a fight, and tonight two Indian brothers were detained in connection with his death.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057 2

AIR MAIL

November 9, 1942.

Dear Sir:-

I have noted a clipping in the Ottawa Evening Journal dated November 6, with regard to the death of Amos Gallant, a farmer from Oyster Bed Bridge, who was killed in a fight, and the detention of two Indian brothers in connection with this death.

We do not appear to have any record of this case here, and I should be obliged if you would let me have a report on the matter by Air Mail.

Yours very truly,

T.R.L. MacInnes,
Secretary.

J. E. Daley, Esq.,
Indian Agent,
Charlottetown, P.E.I.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057

Charlottetown Guardian

Oyster Bed Bridge Farmer Killed in Fight Yesterday

Amos Gallant, 56-year-old Farmer is the Victim. Frank Knockwood, 29-year-old Micmac Indian, held on Murder Charge. His Brother held as a Material Witness.

Department of Indian Affairs
NOV 10 1919
REGISTERED

Amos Gallant, 56-year-old farmer of Oyster Bed Bridge is dead and Frank Knockwood, 29-year-old Mic-Mac Indian of Scotchfort is in Queens County jail charged with murder while his brother David is held as a material witness, in connection with the death yesterday afternoon of Amos Gallant.

So far as can be learned the deceased and Frank Knockwood met in the kitchen of the Richmond House on Richmond Street. There was a quarrel both men going into the yard at the rear of the boarding house. Here a fist fight ensued when it is alleged Knockwood kicked the deceased about the head. Daniel Gallant of this city, father of the deceased was an eye witness of the fight.

A brother of the accused, David Knockwood took his brother away before the arrival of the police.

Shortly after the man was carried into the Richmond House and a doctor summoned who pronounced him dead.

Inquest Ordered

Coroner Dr. I. J. Yeo was notified and ordered an inquest and autopsy. A jury was summoned with Mr. Bryon Brown, foreman and the following: W. H. Beaton, Frank Bell, George Berrigan, M. W. Reardon, Ray Steele and Leonard Hooper. Last evening the jury viewed the remains and the inquest adjourned until this evening when the report of the autopsy will be given and witnesses heard.

The call was received at the Police Station by Sgt. McInnis shortly before 4 o'clock when he with Constables Peter Walsh and Gordon Poole repaired to the scene.

Search For Accused

On their arrival they found the accused and his brother David, who is here on leave from Petawawa, had left the scene and Constable Sterns Webster, Gordon Poole and Robert Dalziel were detailed to find the brothers.

Webster visited a taxi stand where he found a car had left with the two men and the three constables waited until the car returned.

In about half an hour the taxi returned the driver stating he had driven the two Indians to Scotchfort, about twelve miles from the city. The three police constables were immediately driven to Scotchfort and as they neared the place an Indian, seen walking along the railway track was recognized as Frank Knockwood.

Placed Under Arrest

Webster and Poole proceeded towards the man, keeping shrubbery between them to prevent being noticed. Webster and Poole jumped the fence and soon had their man handcuffered. He did not resist arrest.

They then commenced a search for the brother David. After searching three cottages they found the object of their search in the fourth. The constables also searched busses in and leaving the city before proceeding to Scotchfort.

David Knockwood, the brother was also arrested and is being held as a material witness.

Sold Produce

The late Mr. Gallant came to the city yesterday where he sold a quantity of produce and also a horse. After having a horse shod he proceeded to the Richmond House where the unfortunate affair occurred in the rear yard.

An eye-witness of the fight in the yard said one of the women from the house came out to take Gallant back.

Both men had their coats off. The witness saw Knockwood kick the deceased who was later carried into the house. Dr. Giddings was called and on his arrival pronounced the man dead.

The late Mr. Gallant is survived by his wife and the following children: Hilda, Mrs. Frank Gallant, Rustico; Ethel, Mrs. John Garnhum; Charlottetown; Bertha, Mrs. Patrick Hughes, Ch'town; Elda, Mrs. George Cook, Charlottetown; Clifford, with the Canadian Army Overseas; Russell, York Point; Marjorie, Doreen, Stephen and Wendall, all at home. He has two brother, Henry at Rustico and Stanley in United States, also one sister, Helen, in the States also.

Frank Knockwood appeared before Stipendiary Magistrate Martin this morning and was formally charged with Murder. He was remanded for a week for a preliminary hearing.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

OFFICE
INDIAN A

See 4

19057

2/1

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

NOV 1942
REGISTERED

Ch town Nov - 21 - 42

Dear Sir:-

As requested I am mailing you a report of the inquest in Connection with the death of Amos Gallant from Oyster Bed Bridge P.E.I.

Trust this is the information required.

I would be obliged if you would return this report when convenient

Yours truly
J.E. Daly

P.S. Moss

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

Ottawa, November 24, 1943.

Dear Sir:-

I have to inform you that Frank Knockwood, 29 year-old Micmac Indian of Scotchfort, Nova Scotia, has been charged with the murder of Amos Gallant, 56 year-old farmer of Oyster Bed Bridge.

I should be obliged if you would authorize the employment of counsel for the defence of this Indian.

Yours very truly,

Deputy Minister.

The Deputy Minister,
Department of Justice,
OTTAWA.

T.C.L.M

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

To be returned to Indian Affairs when signed.

19057 2

Ottawa, November 24, 1942.

Dear Sir:-

I have to inform you that Frank Knockwood, 29 year-old Micmac Indian of Scotchfort, Nova Scotia, has been charged with the murder of Amos Gallant, 56 year-old farmer of Oyster Bed Bridge.

I should be obliged if you would authorize the employment of counsel for the defence of this Indian.

Yours very truly,

for Deputy Minister.

The Deputy Minister,
Department of Justice,
OTTAWA.

T.R.L.M

Approved

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Copy for Dr. McGill

19057-2

Ottawa, November 25, 1942

F.P. Varcoe, Esq., Deputy Minister of Justice, Ottawa.

We have today asked you for the name of Counsel to defend an Indian in Nova Scotia who has been charged with murder. The purpose in writing you in reference to this matter is that I was wondering if it might not be possible to have more control over the fees that may be charged in Indian murder cases. We have been very unfortunate in connection with murder trials that we have had, particularly in British Columbia. In the last case where counsel was employed the account rendered exceeded $9,000, which was taxed to about $4,500. Even the latter amount is altogether too high.

While I appreciate the difficulty of endeavouring to fix the limit of fees before the counsel engaged knows what work is involved, it would be most desirable if it might be possible to arrange a lower scale of fees for trials of this nature. I know when I was practising law in Manitoba and it was necessary for the Crown to engage counsel to act for the accused who had no money, the fees were seldom higher than $500.

In connection with the last case in British Columbia, namely the trial of Hippolite Thomas, charged with murder, there were two trials and a great many witnesses were called. Whether this was necessary I am unable to say but from looking at the bill it would appear that our counsel did not attempt to economize in anything that he did.

I would appreciate it if you would give the matter some thought. You will realize that it is difficult for us to provide yearly the necessary funds to meet expenditures of this kind, particularly when some of the bills received are so high.

C.W. Jackson,
Acting Deputy Minister.

Copied E.C.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Complete Provincial Coverage

THE HALIFAX CHRONICLE

TUESDAY, NOVEMBER 10, 1942

Dr. McGill 19057-2

JURY BLAMES INDIAN FOR DEATH

Woman Says She Saw Victim Kicked On Head Three Times

CHARLOTTETOWN, Nov. 9. (CP) — A coroner's jury found tonight that Amos Gallant, 56-year-old Oyster Bed Bridge Farmer, was killed here Thursday "by blows and kicks delivered by Frank Knockwood." Knockwood, an Indian, who lives at a settlement near here, has been charged with murder.

Mrs. Blanche Moore, who lives next door to the hotel yard where Gallant was found dead, testified tonight she saw a fight between Gallant and Knockwood. With Gallant on the ground, she said, Knockwood kicked him three times on the head.

Then, she said, Knockwood and another Indian in army uniform "beat it away fast" from the scene.

(Pte. David Knockwood, a brother of the man charged with murder, was detained with him Thursday and held as a material witness until Saturday, when he was released.)

DOCTORS TESTIFY

The jury, headed by Byron Brown of Charlottetown, took 20 minutes to reach its decision. Four witnesses testified tonight. The hearing opened Friday when 14 gave evidence.

Witnesses tonight included Dr. E. S. Giddings, Charlottetown medical practitioner, who assisted Dr. J. D. MacGuigan at a post mortem examination; Roderick Ford of North Milton and George Ernest Axworthy of Oyster Bed Bridge.

Dr. Giddings confirmed the result of the autopsy which Dr. MacGuigan said earlier revealed Gallant died of a broken neck. Dr. Giddings said the break could be caused by the head striking some solid substance.

Roderick Ford, a laborer, said Gallant was a peaceable man. The witness said he planned to get a ride out of town with Gallant the day he was killed and was hitching Gallant's horses when the fight occurred. Gallant seemed "perfectly sober."

Charlottetown Patriot 10/11/42

GALLANT KILLED BY "KICKS AND BLOWS"

Blame For Death of Amos Gallant Placed by Coroner's Jury on Frank Knockwood.

The adjourned inquest inquiring into the death of Amos Gallant conducted by Coroner Dr. I. J. Yeo was concluded in the Police Court last evening, the Jury bringing in the following verdice:

"That Amos Gallant, Oyster Bed Bridge, came to his death on Thursday, Nov. 5th, in the yard in the rear of the Richmond House, Richmond Sreet, Charlottetown, by blows and kicks delivered by Frank Knockwood."

Signed,

Byron Brown, foreman.
W. H. Beaton,
Frank Bell,
George Berrigan,
M. W. Reardon,
Ray Steele,
Leonard Hooper.

Following is a summary of the evidence:

Dr. Giddings (sworn) who with Dr. McGuigan performed the autopsy on the body of Amos Gallant, presented a copy similar to that presented by Dr. McGuigan at the opening session of the inquest. He said the cause of death could be caused by a fall or heavy blow.

Mrs. Blanche Moore (sworn)—Lived at 103 Richmond Street, next door to the Richmond House. She remembered the occurrence. Her yard was next. Went out to take clothes in. There is a high fence between. Looked over into the Peterson yard. There was a man on the ground. Recognized Amos Gallant. Knockwood was standing over Gallant. Did not know Knockwood's first name. Saw Knockwood kick Gallant on the head. They were bad severe kicks. Some one said, don't kick him when he's down. Knockwood kicked Gallant three times. Did not know who said don't kick him when he's down. Am not related to Gallant. Knockwood's brother was there. He was in khaki. The man in civilian clothes did the kicking. (Witness recognized Knockwood.)

Roderick Ford, North Milton, (sworn)—Laborer. Knew Amos Gallant well. Saw him on Thursday last between 2.30 and 3 leading his horse to a forge. Told of conversation between them. Went down later to Peterson's (Richmond St.) The deceased was to take feed out for him. Went down to Peterson's about 3 o'clock. Saw Gallant. Was in the house talking to him. His father was there. Would say he was perfectly sober. He asked witness to harness his horse. Gallant and the Indian came out into the yard. The Indian was talking very vicious and his "feet going." He imagined they must have quarrelled in the house. They were not very long in the yard — not five minutes. Gallant was not talking so much and seemed to want to keep away. They went around to the other side of the horse, and everything happened quickly. The man was carried into the house. Witness telephoned for a doctor, then ran to try and get one. When he returned a doctor was there and the man was dead. Knew deceased all his life. Was not of a quarrelsome nature. Deceased's father was in the yard, and another man in army uniform. Did not see a blow struck. When witness came out into the yard after asking them to take Gallant in Knockwood and the other man were gone.

To Juryman—Did not see a blow struck. Did not hear anyone say, "Don't kick him when he's down."

George M. Axworthy (sworn), Oyster Bed Bridge, Farmer. Knew Mr. Gallant well. He was a very good farmer. Was in the Richmond House yard when the affair started. Did not know what went on in the house. Was standing by the horses when Gallant and the Indian came out. Could not say what they were saying. They were talking pretty loud. Could not say what was said. After the talking he saw the Indian strike Gallant with his fist in the stomach. Gallant went down and got up again. He was knocked down a second time. Gallant was lying on the ground. Witness saw the Indian kick Gallant more than once. Took only a few minutes. Knockwood disappeared in a few minutes. Thought he was an Indian. He was in uniform. Witness said, "Don't kick the man when he's down." The Indian did not stop. Witness helped carry the man into the house. There was blood on his face. Thought he was dead when they carried him into the house. He went out and put horse back in the stable. Did not see them taking their coats off. Could not say the old gentleman asked them to stop the fight.

The jury was out only a short time before returning the verdict.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EM/WDJ

26th November, 42.

B-28 M. & R. - P.E.I.

Sir:-

I have the honour to advise that the Minister of Justice has nominated you as counsel to defend Frank Knockwood, a Micmac Indian of Scotchfort, P.E.I., charged with murder. You may expect word in the matter from the Indian Affairs Branch of the Department of Mines and Resources.

It is understood that this assignment, if undertaken, will be upon the same basis as work is accepted by agents of the Minister of Justice set out in the attached copy of "Instructions to Agents"; it may be, however, that you would prefer some pre-arrangement for a flat fee to cover all services, exclusive of disbursements, and if so I would ask for your early suggestion as to a fair and reasonable amount.

I have the honour to be,
Sir,
Your obedient servant,

ENC.

Asst. Deputy Minister.

George J. Tweedy, Esq., K.C.,
Charlottetown, P.E.I.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dr Mc Gill

EM/WDJ

Secretary

19057-2

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Department of Mines & Resources
OTTAWA
NOV 27 1942
DEPUTY MINISTER

Department of Mines & Resources
Indian Affairs Branch
NOV 28 1942
R.E.C.I.

OTTAWA 26th November, 1942.

B-28 M. & R. - P.E.I.

Referring to your letter of the 24th instant, I have the honour to state that the Minister of Justice has nominated George J. Tweedy, Esq., K.C., Charlottetown, P.E.I., as counsel who may be employed in the defence of Frank Knockwood, a Micmac Indian of Scotchfort, P.E.I., who has been charged with murder. It is anticipated that Mr. Tweedy will receive word of his nomination from your Department. I attach copy of letter to-day being addressed to him.

ENC. Mr. Tweedy is a stipendiary magistrate at Charlottetown and as such may have had some contact with this case. In this event, the Minister of Justice has authorized the employment of G. Holmes, Esq., Barrister, of Charlottetown, as an alternative. If Mr. Tweedy is unable to act I should be pleased to be so advised before Mr. Holmes is made aware of the matter.

C. Murphy

Asst. Deputy Minister.

The Deputy Minister,
Dept. of Mines and Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Copy sent to Indian Agent Daly

19057-2

November 28, 1942.

AIR MAIL

Dear Sir:-

I have been advised by the Department of Justice that you have been appointed counsel to defend Frank Knockwood, a Micmac Indian of Scotchfort, P.E.I., who has been charged with murder.

I shall be obliged if you will advise me if you will be able to act in the case.

Yours very truly,

T.R.L. M

T.R.L. MacInnes,
Secretary.

George J. Tweedy, Esq., K.C.,
Charlottetown, P.E.I.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

December 1, 1942.

J. E. Daley, Esq., Indian Agent, Charlottetown, P.E.I.

I have to refer to your letter of November 21 with regard to the case of Frank Knockwood, a Micmac Indian of Scotchfort, P.E.I., who has been charged with murder.

As requested I am returning herewith copy of the report of the inquest on the death of Amos Gallant.

T.R.L. MacInnes,
Secretary.

Pol

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057 2

Reply

GEORGE J. TWEEDY, K.C.
SUCCESSOR TO
MORSON & DUFFY
Barristers, Notaries Public, Etc.
Solicitors for the Royal Bank of Canada
ROYAL BANK CHAMBERS
CHARLOTTETOWN, PRINCE EDWARD ISLAND
CANADA

Your File 19057 -2

November 30, 1942.

Secretary, Indian Affairs Branch,
Department of Mines and Resources,
Ottawa.

Department of Mines & Resources
Indian Affairs Branch
DEC 2 1942
REGISTERED

Dear Sir:

This will acknowledge receipt of your favour of the twenty-eighth instant advising me that I have been appointed counsel to defend Frank Knockwood, a Micmac Indian of Scotchfort, P. E. I., who has been charged with murder.

I shall be very pleased to act for Knockwood in this case and to do anything I can to assist in the proper presentation of his defense.

Assuring you of my continued desire to serve, I remain.

Faithfully yours,

GEORGE J. TWEEDY

GJT/ILF

Indian Affairs, (RG 10, Volume 7467, File 19057-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

JOHNSTON & JOHNSTON

BARRISTERS, &c.

CHARLOTTETOWN, P. E. I.

J. J. JOHNSTON, K.C. J. B. JOHNSTON, B.A.

Copy

November 30, 1942.

Department of the Interior
Indian Affairs
Ottawa, C A N A D A.

Department of Mines & Resources
Indian Affairs Branch
DEC 3 1942
REGISTERED

Gentlemen:

The writer is acting as Counsel on behalf of one, Frank Knockwood, an Indian, living upon the Indian Reserve at Lennox Island in this Province, upon a charge of murder, under a committal for trial before our Supreme Court which meets in Charlottetown on Tuesday, January 12th next, 1943.

I understand that there may be a fund in the hands of your Department that might be available for the defence of this man.

Will you please advise me if such is the case and by what method a sum might be allotted for the defence of this unfortunate person?

I will be obliged if you will answer this inquiry at your earliest convenience.

Yours truly,

J. J. Johnston

JJJ/OJ.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

AIR MAIL

19057-2

December 3, 1942.

Dear Sir:

I have to refer to your communication of November 11 with regard to the case of Frank Knockwood, an Indian of Scotchfort, Prince Edward Island, who has been charged with the murder of Amos Gallant.

For your information I have to advise you that the Department of Justice has authorised the employment of Mr. George J. Tweedy, K.C. of Charlottetown, Prince Edward Island, to defend this Indian.

Yours truly,

T.R.L.M

T. R. L. MacInnes,
Secretary.

J. J. Johnston, Esq., K.C.,
CHARLOTTETOWN, P.E.I.

EMR

Pro.1

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

December 3, 1942.

Dear Sir:

I have to refer to your communication of November 30, and previous correspondence with regard to the case of Frank Knockwood, an Indian of Scotchfort, Prince Edward Island, who has been charged with murder.

When submitting your accounts to the Department in due course, I should be obliged if you would let me have them in quadruplicate.

Yours truly,

T.R.L.M

T. R. L. MacInnes,
Secretary.

George J. Tweedy, Esq., K.C.,
Royal Bank Chambers,
CHARLOTTETOWN, P.E.I.

EMR

201

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

Dr. McGill
Secy

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA
EM/MG.

DEPUTY MINISTER 7 1942

OTTAWA 5th December, 1942.

Department of Mines and Resources
Indian Affairs Branch
DEC 8 1942
RECEIVED

To: The Deputy Minister of Mines and Resources.

B.28.M. & R. - P.E.I.

Further to my letter of November 26th I would advise that Mr. Tweedy has now accepted this assignment and has expressed his readiness to assist Knockwood in the proper defence of the case against him.

Asst. Deputy Minister.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057 2

JOHNSTON & JOHNSTON

BARRISTERS, &C.

CHARLOTTETOWN, P. E. I.

J. J. JOHNSTON, K.C. J. B. JOHNSTON, B.A.

Ready

File 19057-2

December 7, 1942.

Department of Mines and Resources Indian Affairs Branch DEC 10 1942 REGISTERED

Department of Mines and Resources
Indian Affairs Branch
Ottawa, C A N A D A.

Attention of Mr. T. R. L. McInnis, Secretary

Dear Sirs: Rex vs. Knockwood

I acknowledge receipt of your letter of December 3rd, instant, in reply to my inquiry of November 30th, not November 11th, as stated in your letter.

In my letter to you I simply inquired if there was a fund available in your Department for the Defence of this man. To this inquiry you have made no answer.

Immediately after the arrest of the Accused, he sent for me and, together with two of his brothers, retained me for his Defence, and I attended the preliminary hearing of the charge, at Accused's request. He paid me a small sum of money on account and made further arrangements for my Counsel fees.

Had you made the necessary inquiries you might have become cognizant of these facts which were published in the press.

It is my intention to act as Counsel for the Accused and after some fifty years of practise at the Bar of this Province, I feel I am quite capable of doing so.

I understand the administration of the **Criminal** law is exclusively within the jurisdiction and authority of this Province.

Perhaps it has been forgotten by your present Masters that I spent some twenty-five years of my life running Dominion and Provincial elections on behalf of Liberal Political Democracy.

Yours truly,

J. J. Johnston

JJJ/OJ.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

December 11, 1942.

Dear Sir:-

I have to refer to your further letter of December 7 with regard to the case of Frank Knockwood, Indian of Scotchfort, Prince Edward Island, who has been charged with murder.

For your information I may say that the only funds available for the defence of Indians are those appropriated by Parliament for Professional and Special Services. These funds can only be used for the payment of fees of counsel where counsel has been nominated by the Department of Justice. This department, I may add, has nothing whatsoever to do with the nomination of counsel. As you say, the administration of criminal law is exclusively within the jurisdiction of the province, and it is merely as a matter of grace that this department has been accustomed to provide counsel for the defence of Indians charged with murder. This department, however, can only recognize obligation in respect to counsel appointed by the Department of Justice as above mentioned.

Yours very truly,

T.R.L. M

T.R.L. MacInnes,
Secretary.

J. J. Johnston, Esq., K.C.
CHARLOTTETOWN, P.E.I.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

Complete Provincial Coverage

THE HALIFAX CHRO

SATURDAY, NOVEMBER 7, 1942

INDIAN IS CHARGED WI

Is Remanded For Hearing In Week

CHARLOTTETOWN, No. 6 (CP) A murder charge was lodged today against Frank Knockwood, an Indian, after Amos Gallant, 50-year-old farmer from nearby Oyster Bed Bridge, was killed in a yard behind a Charlottetown hotel.

The charge was laid against Knockwood when he appeared before Stipendiary Magistrate K. M. Martin.

He was remanded for one week.

Witnesses testified at an inquest tonight that Frank Knockwood had been in a fight with Gallant just before the 56-year-old farmer was found dead.

The 82-year-old father of the victim, Daniel Gallant, testified a man knocked his son down and "put the boots to him." Sobbing, he told the coroner's jury his son had been kicked in the head and left dead.

The elder Gallant did not identify his son's assailant, but Mrs. Lottie Logan and Richard Quinn both testified Frank Knockwood had been in the fight. Mrs. Logan said she saw Knockwood kick Gallant twice after knocking him down.

The jury, which adjourned until Monday without reaching a verdict, also heard evidence that Gallant had died of a broken neck.

Pte. David Knockwood, brother of Frank and held as a material witness, testified he had seen Gallant hit Frank and his brother retaliate with a slap. But he said he did not see his brother kick Gallant or knock him down.

Halifax Mail 6/11/42

Two Indian Brothers Held

CHARLOTTETOWN, Nov. 6—(CP) —Two Indian brothers are being detained by police for questioning in connection with the death here late yesterday of Amos Gallant, 56-year-old farmer from nearby Oyster Bed Bridge. Gallant died in a yard at the rear of a Richmond Street hotel after what police believed was a fight.

Frank Knockwood, 29, and his brother, Pte. David Knockwood, were taken into custody 12 miles from here, at Scotchford, two hours after Gallant died. No charges had been lodged against them, last night.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

Complete Provincial Coverage

THE HALIFAX CHRONICLE

SATURDAY, NOVEMBER 7, 1942

Page 3

INDIAN IS CHARGED WITH MURDER

Is Remanded For Hearing In Week

Halifax Mail 6/11/42

CHARLOTTETOWN, No. 6 (CP) A murder charge was lodged today against Frank Knockwood, an Indian, after Amos Gallant, 50-year-old farmer from nearby Oyster Bed Bridge, was killed in a yard behind a Charlottetown hotel.

The charge was laid against Knockwood when he appeared before Stipendiary Magistrate K. M. Martin.

He was remanded for one week.

Witnesses testified at an inquest tonight that Frank Knockwood had been in a fight with Gallant just before the 56-year-old farmer was found dead.

The 82-year-old father of the victim, Daniel Gallant, testified a man knocked his son down and "put the boots to him." Sobbing, he told the coroner's jury his son had been kicked in the head and left dead.

The elder Gallant did not identify his son's assailant, but Mrs. Lottie Logan and Richard Quinn both testified Frank Knockwood had been in the fight. Mrs. Logan said she saw Knockwood kick Gallant twice after knocking him down.

The jury, which adjourned until Monday without reaching a verdict, also heard evidence that Gallant had died of a broken neck.

Pte. David Knockwood, brother of Frank and held as a material witness, testified he had seen Gallant hit Frank and his brother retaliate with a slap. But he said he did not see his brother kick Gallant or knock him down.

Two Indian Brothers Held

CHARLOTTETOWN, Nov. 6—(CP)—Two Indian brothers are being detained by police for questioning in connection with the death here late yesterday of Amos Gallant, 56-year-old farmer from nearby Oyster Bed Bridge. Gallant died in a yard at the rear of a Richmond Street hotel after what police believed was a fight.

Frank Knockwood, 29, and his brother, Pte. David Knockwood, were taken into custody 12 miles from here, at Scotchford, two hours after Gallant died. No charges had been lodged against them, last night.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

Halifax Chronicle 6/11/42

Two Indians Held Pending Inquiry

CHARLOTTETOWN, Nov. 5. (CP) — Amos Gallant, farmer from nearby Oyster Bed Bridge, was killed here late today in what police said they believed was a fight, and tonight two Indian brothers were detained in connection with his death.

The brothers, Frank and David Knockwood, were taken into custody at Scotchford, 12 miles from here, two hours after Gallant had died in a yard at the rear of a Richmond Street hotel. No charges were lodged against them.

Gallant, father of 10 children, sold farm produce in Charlottetown, and he was believed to have come to town today to make

St. John Telegraph Journal 6/11/42

2 P.E.I. INDIANS DETAINED AFTER FARMER'S DEATH

Amos Gallant Killed in What Police Believe To Be Fight

CHARLOTTETOWN, Nov. 5—(C. P.)—Amos Gallant, farmer from nearby Oyster Bed Bridge, was killed here late today in what police said they believed was a fight, and tonight two Indian brothers were detained in connection with his death.

The brothers, Frank and David Knockwood, were taken into custody at Scotchford, 12 miles from here, two hours after Gallant had died in a yard at the rear of a Richmond Street hotel. No charges were lodged against them.

Gallant, father of 10 children, sold farm produce in Charlottetown, and he was believed to have come to Charlottetown today to make collections.

It was not known what caused the alleged fight, but several persons were believed to have seen the farmer engaged in a struggle. His face was bloody and battered after his death.

Dr. I. J. Yeo, coroner, ordered an inquest and a jury headed by Byron Brown, Charlottetown, was sworn in and viewed the body. Then the hearing adjourned until tomorrow night without reception of evidence.

The victim was a prominent farmer in his home district. Besides his 10 children, he is survived by his wife.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

417

January 14, 1943.

Deputy Minister of Justice,
Ottawa.

B - 28 M. & R. - P. E. I.

Dear Sir:

With further reference to your favour of November twenty-sixth last in which you advised me that I had been nominated as counsel to defend Frank Knockwood a Micmac Indian, charged with Murder.

I have kept in close touch with this matter and wish to now report to date. Our Supreme Court met on Tuesday last. The Indictment preferred against Knockwood was for "Manslaughter" not "Murder." The Grand Jury found a "True Bill" against Knockwood. I had hoped that Knockwood would have been arraigned before I wrote to you but I understand that this will not take place until tomorrow.

My reason for writing now is that Mr. Daley, the Indian Agent here, called to see me yesterday. It appears that J. J. Johnson, K.C. is acting for Knockwood. Mr. Johnson showed me some correspondence he had with your department and other departments of the Dominion Government some weeks ago. I cannot understand Mr. Johnson's attitude. Shortly after I was retained to act for Knockwood, as soon as I learned that Johnson was on the Preliminary Inquiry, I advised him that I had been retained and he was very pleased. However, during the course of the correspondence I gather that there has been considerable antagonism engendered with the result that Mr. Johnson is not now very co-operative.

Of course

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Deputy Minister of Justice

Of course the important thing is to see that this Indian is properly defended at his trial. As soon therefore as Knockwood has been arraigned I will make a statement advising the Court that I have been retained to defend him. If Johnson still wishes to take an active part in the case, then I presume you will have no objection. You have done all you could in providing a counsel for this Indian and if he still wishes to make private arrangements for his own counsel then there is nothing we should do about it. What Mr. Daley and I agreed to yesterday, was that I would make this statement at Knockwood's arraignment tomorrow. When the Court meets on Monday I can attend Court and see that Knockwood is properly represented and exercise a "Waiting Brief " in the case.

If you have any suggestions to make in view of these facts or if you would prefer that I did not attend the trial of Knockwood at all, will you kindly wire me on receipt of this letter? I feel however that you should know all the circumstances at the present time.

Assuring you of my continued desire to serve, I remain.

Faithfully yours,

GEORGE J. TWEEDY

GJT/ILF

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057 2/

GEORGE J. TWEEDY, K.C.
SUCCESSOR TO
MORSON & DUFFY
Barristers, Notaries Public, Etc.
Solicitors for the Royal Bank of Canada
ROYAL BANK CHAMBERS
CHARLOTTETOWN, PRINCE EDWARD ISLAND
CANADA

Secy

January 14, 1943.

Department of Mines & Resources
JAN 15 1943
REGISTERED

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa.

Dear Sir: Your File: 19057 - 2

Enclosed herewith please find a copy of a letter which I today forwarded the Deputy Minister of Justice.

I trust that this meets with your approval.

Faithfully Yours,

GEORGE J. TWEEDY

GJT/ILF
Enc.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057 2

ORIGINAL 75-57

Daly

Charlottetown, P.E. Island
January 8, 1943.

MONTHLY REPORT FOR DECEMBER 1942

x x x

Consulted J.J. Johnston, Attorney, for Frank Knockwood who was charged with murder of Amos Gallant, of Oyster Bed Bridge, and whose trial comes up January 12th.

x x x

Yours truly,

J.E. Daly,
Indian Agent.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

January 15, 1943.

Deputy Minister of Justice,
Ottawa.

B - 28 M. & R. - P. E. I.

Dear Sir:

I attended at the Supreme Court this morning when Frank Knockwood was arraigned on a charge of Man-slaughter.

Knockwood pleaded "Not Guilty" and stated he would be ready for trial on Monday, next. He further stated that Mr. J. J. Johnson was acting for him.

I then made a statement to the Court submitting that I was retained by the Department of Justice at Ottawa, to defend Knockwood. I did this in order to prevent any criticism that the Indian Affairs Branch made no provision for the proper defense of a ward of the Dominion Government.

Unless I hear from you on the contrary I will continue to exercise a Watching Brief in this case.

I would suggest a nominal fee of $100.00 would be satisfactory under the circumstances.

Faithfully yours,

GEORGE J. TWEEDY

GJT/ILF

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057

Decy

GEORGE J. TWEEDY, K.C.
SUCCESSOR TO
MORSON & DUFFY
Barristers, Notaries Public, Etc.
Solicitors for The Royal Bank of Canada
ROYAL BANK CHAMBERS
CHARLOTTETOWN, PRINCE EDWARD ISLAND
CANADA

January 15, 1943.

Your file 19057 - 2

Department of Mines
JAN 19 1943
REGISTERED

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa.

Dear Sir:

Enclosed herewith please find a copy of a letter which I today forwarded the Deputy Minister of Justice.

I trust that this meets with your approval.

Faithfully yours,

GEORGE J. TWEEDY

GJT/ILF
Enc.

(2)

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

On December 16
Secretary told Justice Department verbally that as prisoner has been indited for manslaughter and not murder we would not wish to take any further part in the defence, but that it would be in order for Mr. Tweedy to submit his bill for his services thus far.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

SS/MD

T E L E GRAM

O T T A W A
January 15, 1943.

GEORGE J. TWEEDY K.C.
ROYAL BANK CHAMBERS
CHARLOTTETOWN P.E.I.

B.28 Mines & Res. - P.E.I.

RE REPORT FOURTEENTH INSTANT FRANK KNOCKWOOD AS CHARGE IS NOT FOR MURDER DEPARTMENT DOES NOT PROVIDE COUNSEL PLEASE THEREFORE WITHDRAW FROM CASE AND ADVISE COURT IF NECESSARY AND SUBMIT YOUR ACCOUNT TO INDIAN AFFAIRS BRANCH

E. MIALL
ASST. DEPUTY MINISTER OF JUSTICE.

(Charge Justice
Adm.Branch)

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CS/MD

Mr. Macdonald
Secretary

19057-2

Department of Mines
OTTAWA
JAN 16 1943
DEPUTY MINISTER

Department of Mines
JAN 19 1943
R.E.D. SECRETARY

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA January 15, 1943.

Attention Mr. T.R.L. MacInnes,
Secretary,
Indian Affairs Branch.

B.28 Mines & Res. - P.E.I.

Re: Defence of Frank Knockwood, a Micmac Indian, charged with manslaughter.

With reference to our Mr. Stein's telephone conversations of this date with Dr. McGill and Mr. MacInnes, I enclose for your information copy of my telegram of this date to Mr. George J. Tweedy, K.C., Charlottetown, P.E.I.

Encl.

Asst. Deputy Minister.

The Deputy Minister,
Department of Mines and Resources,
O t t a w a.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057 2

Leary

GEORGE J. TWEEDY, K.C.
SUCCESSOR TO
MORSON & DUFFY
Barristers, Notaries Public, Etc.
Solicitors for The Royal Bank of Canada
ROYAL BANK CHAMBERS
CHARLOTTETOWN, PRINCE EDWARD ISLAND
CANADA

January 18, 1943.

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa.

Department of Mines & Resources
JAN 21 1943
REGISTERED

Your File 19057 - 2

Dear Sir:

Following my report on January 14, I received a telegram which reads as follows: Re report fourteenth instant Frank Knockwood as charge is not for murder department does not provide counsel please therefore withdraw from case and advise court if necessary and submit your account to Indian Affairs Branch E miall asst Deputy Minister of Justice."

As instructed enclosed herewith please find my account in quadruplicate. You will notice I have not made any charge for a Counsel fee. I felt I should leave this to the discretion of the Department.

I shall be glad therefore, if in addition to my nominal charges as per account enclosed, you will add a reasonable counsel fee.

Thanking you for this favour and assuring you of my continued desire to serve, I remain.

Faithfully yours,

GEORGE J. TWEEDY

GJT/ILF
Enc. 4

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Original

19057-2

January 21,1943.

Dear Sir:

I have to refer to your letter of January 18 with regard to services rendered by you in the case of Frank Knockwood, Indian charged with manslaughter.

I have noted your remarks in your second paragraph but have to advise you that it is not in order for this Branch to set an amount for the counsel fee.

I am, therefore, returning the account and have to request that you will kindly make the necessary addition and return. Your account will then be referred to the Department of Justice in the usual manner for taxation.

Yours very truly,

T.R.L.M

T.R.L.MacInnes.
Secretary.

George J.Tweedy,Esq.,K.C.,
Barrister, etc.,
Charlottetown,P.E.I.

enc

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

1905-7 2

Toronto Globe and Mail
January 21, 1943

INDIAN ACQUITTED.

Charlottetown, Jan. 20 (CP).—After deliberating an hour, a Supreme Court jury today acquitted Frank Knockwood, a native of the Lennox Island Indian Reservation, P.E.I., of a charge of manslaughter. The charge, reduced from one of murder, arose from the death of Amos Gallant, near-by Oyster Bay Bridge farmer, last Nov. 5, following a fight at the rear of a hotel here.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Department of Mines and Resources,
Indian Affairs Branch

IN ACCOUNT WITH

George J. Tweedy, K.C.

Costs re Frank Knockwood - Micmac Indian

Your File 19057 - 2

1942

Nov. 23	Having received instructions, attendance at Prothonotary's Office re Evidence taken at Preliminary Inquiry (not on file)	$4.00
Nov. 30	To letters to Department of Justice and Department of Indian Affairs	2.00
Dec. 29	To attendance at Prothonotary's Office and City Police Court re Evidence	5.00

1943

Jan. 11	Evidence at Preliminary Inquiry having been filed, attendance at Prothonotary's Office perusing same and indictment and other papers - one-half day	10.00
Jan. 12	To attendance at Supreme Court all day, Grand Jury having found a "True Bill" awaiting Arraignment	10.00
Jan. 13	To attendance at Supreme Court when arraignment set down for January 15	5.00
Jan. 14	To letters to Department of Justice and Department Indian Affairs	2.00
Jan. 15	To attendance at Supreme Court when Prisoner arraigned on a charge of "Manslaughter" two hours	10.00
Jan. 15	To letters	2.00
	To Counsel fee	$50.00
		25.00
		$75.00

I hereby certify that I rendered the services indicated above and that this account truly shows the fees claimed, moneys disbursed and all moneys received from any source whatever by me in connection with the subject matter of the account.

DATED this 18th day of January, A.D. 1943.

Agent of the Minister of Justice.

Charlottetown, P. E. I.

January 18, 1943.

APPROVED FOR PAYMENT
FEB 24 1943
Treasury Office
I. A. BRANCH

VOTE.....
AGENCY.....
ALLOT.....K. R.....
Goods received or services performed. Prices fair and just.
Approved for payment
T. R. Kipay @ 70.00

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Department Mines and Resources
Indian Affairs Branch

IN ACCOUNT WITH

George J. Tweedy, K. C.

Costs re Frank Knockwood - Micmac Indian

Your File 19057 - 2

1942		
Nov. 23	Having received instructions, attendance at Prothonotary's Office re Evidence taken at Preliminary Inquiry (not on file)	$4.00
Nov. 30	To letters to Department of Justice and Department of Indian Affairs	2.00
Dec. 29	To attendance at Prothonotary's Office and City Police Court re Evidence	5.00
1943		
Jan. 11	Evidence at Preliminary Inquiry having been filed, attendance at Prothonotary's Office perusing same and indictment and other papers - one-half day	10.00
Jan. 12	To attendance at Supreme Court all day, Grand Jury having found a "True Bill" awaiting arraignment	10.00
Jan. 13	To attendance at Supreme Court when arraignment set down for January 15	5.00
Jan. 14	To letters to Department of Justice and Department Indian Affairs	2.00
Jan. 15	To attendance at Supreme Court when Prisoner arraigned on a charge of "Manslaughter" two hours	10.00
Jan. 15	To letters	2.00
		$50.00
	To counsel fee	25.00
		$75.00

PERMITTED FOR PAYMENT
FEB 24 1943
Treasury Office
I. A. BRANCH

I hereby certify that I rendered the services indicated above and that this account truly shows the fees claimed, moneys disbursed and all moneys received from any source whatever by me in connection with the subject matter of the account.

DATED this 18th day of January, A.D. 1943.

Agent of the Minister of Justice.

Charlottetown, P. E. I.
January 18, 1943.

VOTE.....
AGENCY.....
ALLOT.....E. M.....
Goods received or services performed. Prices fair and just.
Approved for payment.
pay @ 70.00
T. R. K. Mackenzie

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057 - 2

GEORGE J. TWEEDY, K.C.
SUCCESSOR TO
MORSON & DUFFY
Barristers, Notaries Public, Etc.
Solicitors for the Royal Bank of Canada
ROYAL BANK CHAMBERS
CHARLOTTETOWN, PRINCE EDWARD ISLAND
CANADA

Seen

January 26, 1943

Department of Mines & Resources
Indian Affairs Branch
JAN 29 1943

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa.

Your File 19057 - 2

Dear Sir:

This will acknowledge receipt of your favour of the twenty-first instant the contents of which has been duly noted.

Enclosed herewith please find corrected account which I shall thank you to have attended to.

Faithfully yours,

GEORGE J. TWEEDY

GJT/ILF
Enc. 4

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Air Mail

1-35

January 28,1943.

J.E.Daley,Esq., Indian Agent, Charlottetown,P.E.I.

I have to refer to previous correspondence with regard to the case of Frank Knockwood, an Indian of Lennox Island, charged with manslaughter.

I have noted a clipping from the Toronto Globe and Mail, dated January 21, in which it is reported that Knockwood was acquitted.

Please let me have a report, submitting full particulars with regard to the trial, and if possible let me have the police report on the case.

T.R.L.MacInnes.
Secretary.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Return to Mr. Jones

Ottawa, February 1,1943.

Deputy Minister, Department of Justice,Ottawa.

I have to refer to your letter of November 26, 1942, authorizing the employment of Mr. George J. Tweedy, K.C., of Charlottetown, P.E.I., to defend Frank Knockwood, a Micmac Indian of Scotchfort, who had been charged with murder.

An account has now been received from Mr. Tweedy amounting to $75.00 which is enclosed herewith for taxation.

Deputy Minister.

PEY

Feb. 1/43

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

To be returned to Indian Affairs when signed

Ottawa, February 1,1943.

Deputy Minister, Department of Justice, Ottawa.

I have to refer to your letter of November 26, 1942, authorizing the employment of Mr. George J. Tweedy, K.C., of Charlottetown, P.E.I., to defend Frank Knockwood, a Micmac Indian of Scotchfort, who had been charged with murder.

An account has now been received from Mr. Tweedy amounting to $75.00 which is enclosed herewith for taxation.

PEY

Deputy Minister.

encl.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Mr Jones to note 19057 2

75-57

REPORT ON SH'TOWN AGENCY FOR THE MONTH OF JANUARY, 1943.

x x

On the 19th I attended Knockwood trial and was pleased to hear the verdict of aquittal of the charge of murder.

x x x

J.E. Daley,
Indian Agent.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Re: Frank Knockwood, Indian.
Lennox Island. 29 years of age.

To The Supreme Court

This Indian was sent up on preliminary examination before the Stipendiary Magistrate for the City of Charlottetown on a charge for the murder of one Amos Gallant.

The Attorney-General presented an indictment reduced to manslaughter to the Grand Jury at the Assizes of January, 1943.

The trial lasted part of three days. The Jury after an hour's deliberation brought in a verdict of Not Guilty. The trial Judge intimated to the Jury that he agreed with the verdict they had brought in.

The prisoner was defended by Mr. J. J. Johnston, K. C. of Charlottetown.

The evidence of the two medical men who performed the autopsy on the deceased Amos Gallant, disclosed that death was due to the dislocation of the first spinal vertebra and dislocation presumably caused by some force administered to the back of the head. The back of the head showed a slight bruise of discoloration.

The evidence disclosed a fight between the prisoner and the deceased Amos Gallant and that the said Amos Galland had been the aggressor

The

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

The fight was the result of a dispute which arose in the house of a Peterson on Richmond Street, and that both parties had partaken of some moonshine or corn whiskey in said house.

In the fight the said Frank Knockwood knocked down the said Amos Gallant, and according to some witnesses, kicked him on the head after he was down. The prisoner denied the kicking.

It was not clear and in fact there was no clear evidence as to what caused the dislocation. The witnesses were not clear as to what happened during the fight.

The fight took place near a truck waggon in the yard and it was possible that whilst defending himself, using not more force than was necessary for such purpose, Frank Knockwood knocked Amos Gallant down and in falling the back of his head may have come in contact with the wheel or body of the truck, thus causing the dislocation. This was evidently the conclusion the jury arrived at.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

19057

PLEASE QUOTE
FILE

Chtown Feb 9 – 1943

I R L MacInnes
Sect Indian Affairs Branch
Ottawa

As requested
I am mailing a report with regard to the trial of Frank Knockwood an Indian of Lennox Island charged with manslaughter

If there is any further information required kindly let me know

J E Daly

Department of Mines & Resources
Indian Affairs Branch
FEB 12 194
RECEIVED

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

JOHNSTON & JOHNSTON
BARRISTERS, &C.
CHARLOTTETOWN, P. E. I.

J. J. JOHNSTON, K.C.

J. B. JOHNSTON, B.A.

February 10, 1943.

Department of Mines and Resources
Indian Branch
Ottawa, C A N A D A.

Gentlemen: The King vs. Frank Knockwood
(an Indian).

I am enclosing herewith an account of my Counsel fees for defending the above named Indian, who was acquitted at the last sittings of our Supreme Court upon an indictment for manslaughter, and trust that you will find same in order.

Yours truly,

J. J. Johnston

JJJ/OJ.
Enclosure.

Department
FEB 16 1943
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19057-2

EXD.
A

February 19, 1943.

Dear Sir:-

I have to refer to your letter of February 10 wherewith you enclosed an account amounting to $400.00 for your counsel fees in the defence of Frank Knockwood, an Indian of Lennox Island, who was charged with murder which was later reduced to manslaughter.

I am returning this account herewith as this department is not in a position to accept any responsibility for it for reasons which I outlined to you in my letter of December 11 last. I may add for your information that this department in no case undertakes to provide counsel for Indians charged with manslaughter, but only for those charged with murder.

Yours very truly,

T.R.L. MacInnes,
Secretary.

J. J. Johnston, Esq., K.C.,
Barrister, etc.,
Charlottetown, P.E.I.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

/CD

19057 21

Re. Justice

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA February 18th, 1943.

Department of Mines & Resources
OTTAWA
FEB 20 1943
DEPUTY MINISTER

A. 3. M. & R. - P.E.I.

Referring to your letter of the 1st instant, I am returning herewith account of George J. Tweedy, Esq., K.C., Charlottetown, P.E.I., forwarded therewith covering services with regard to the case of Frank Knockwood, a Micmac Indian of Scotchfort, charged with murder, rendered at $75.00 and taxed and allowed by me at the sum of $70.00.

Encl.

TREASURY OFFICE
RECEIVED
FEB 24 1943
INDIAN AFFAIRS

Asst. Deputy Minister.

The Deputy Minister,
Dept. of Mines and Resources,
O T T A W A , Ont.

Department of Mines & Resources
FEB 1943

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF JUSTICE

IN ACCOUNT WITH

J. J. JOHNSTON

To Counsel fee attending Preliminary hearing (2 days) and Jury trial in Supreme Court of Prince Edward Island (3 days) as Defence Counsel in The King vs. Frank Knockwood committed on charge of murder, indicted for manslaughter, and acquitted by Jury	$ 400.00

CHARLOTTETOWN, P. E. I.
February 10, 1943.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

1

19057-2

JOHNSTON & JOHNSTON

BARRISTERS, &C.

CHARLOTTETOWN, P. E. I.

J. J. JOHNSTON, K.C.

J. B. JOHNSTON, B.A.

ATTACH AND RETURN

February 10, 1943.

DEPARTMENT OF JUSTICE FEB 15 1943

Department of Justice
OTTAWA, Canada.

a-3-m.r.R. P.E.I.

Gentlemen: The King vs. Frank Knockwood (an Indian).

I am enclosing herewith an account of my Counsel fees for defending the above named Indian, who was acquitted at the last sittings of our Supreme Court upon an indictment for manslaughter, and trust that you will find same in order.

Yours truly,

J. J. Johnston

No further correspondence

JJJ/OJ.
Enclosure.

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF JUSTICE

/CD MEMORANDUM

Feb. 20th, 1943.

ACKNOWLEDGED AND TRANSFERRED TO:

The Deputy Minister,
Dept. of Mines and Resources,
O T T A W A , Ont.

C. Murphy

Asst. Deputy Minister.

FEB 24 1943
MINES AND RESOURCES
REGISTERED

Indian Affairs. (RG 10, Volume 7467, File 19057-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19056-2	1	NEW BRUNSWICK - SUDBURY COUNTY ATTEMPTED MURDER OF FRANK ATWIN BY MIKE SACOBIE	1938
19057-2	1	PRINCE EDWARD ISLAND - LENNOX ISLAND MURDER OF AMOS GALLANT BY FRANK KNOCKWOOD	1942-1943
19066-2	1	NEW BRUNSWICK - VICTORIA COUNTY HENRY PERLEY CHARGED WITH MURDER OF FRANK LOLAR	1929
19068-1	1	ST. AUGUSTINE - ALLEGED MURDER OF AN INDIAN WOMAN AT NATASHQUAN	1912

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FILE NO. 19066-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

N.B. NORTH
MURDER
FRANK LOLAR

CROSS REFERENCE

EX'D
M

DORMANT FILE NO. 19066-2 DORMANT DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

No. 19066-2

Department of Indian Affairs

19.....

N. B. NORTH

MURDER

FRANK LOLAR.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FORM 6124

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue

C.N.T. 6296
12-28

PRINTED IN CANADA

ORIGINAL OF MESSAGE

Telephoned

TO BE

CANADIAN NATIONAL TELEGRAM

CANADIAN NATIONAL TELEGRAPHS AND CABLES

O, ONT.

W. G. BARBER, General Manager

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

259 15 COLLECT

R 1929 JUL 6 PM 3 23

PERTH NB 6 404P

SECTY DEPT OF INDIAN AFFAIRS

456

OTTAWA ONT

FRANK LOLAR FOUND DEAD HERE PERTH BELIEVE MURDERED CASE IN HANDS OF PROVINCIAL POLICE

N H MCPHAIL.

This is a collect message, and will be charged to your account unless we are notified at once to the contrary.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Form 6101, replacing Form 2A

CLASS OF SERVICE DESIRED	
Day Message	
Day Letter	
Night Message	
Night Letter	

Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

CANADIAN NATIONAL TELEGRAPHS

HEAD OFFICE, TORONTO, ONT.

W. G. BARBER, GENERAL MANAGER

Exclusive Connection with WESTERN UNION TELEGRAPH CO.
Cable Service to all the World
Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, July 8th. 1929. 192

To N. H. McPhail,

Indian Agent, Perth, N.B.

PLEASE KEEP DEPARTMENT ADVISED OF DEVELOPMENTS

IN LOLAR CASE

N&M

Charge I.A.

A. F. MacKenzie.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Hartland N. B.

Hon. Charles Stewart

Minister of Indian Affairs, Ottawa.

INDIAN MURDERED AT PERTH NB IN DRUNKEN BRAWL WOULD SUGGEST YOU WIRE STEPHEN MOONEY BARRISTER PERTH TO LOOK AFTER INTEREST OF DEPARTMENT IMPORTANT ANSWER

Albion R. Foster, M.P.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Form 6101, replacing Form 2A

CLASS OF SERVICE DESIRED	
Day Message	
Day Letter	
Night Message	
Night Letter	

Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

CANADIAN NATIONAL TELEGRAPHS

HEAD OFFICE, TORONTO, ONT.

W. G. BARBER, GENERAL MANAGER

Exclusive Connection with WESTERN UNION TELEGRAPH CO.
Cable Service to all the World
Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, July 9th. 1929. 192

To Albion R. Foster, M.P., Hartland, N.B.

YOUR WIRE NINTH INSTANT TO HONOURABLE CHARLES STEWART RE INDIAN MURDERED AT PERTH IF AN INDIAN IS CHARGEDWITH THIS MURDER STEPHEN MOONEY BARRISTER PERTH WILL BE ENGAGED BY DEPARTMENT FOR DEFENCE

A. S. Williams,
Acting Deputy Superintendent General.

Charge I. A.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FORM 6124

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

CANADIAN NATIONAL TELEGRAM

HEAD OFFICE, TORONTO, ONT.

W. G. BARBER, General Manager

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

STANDARD TIME.

1929 JUL 9 PM 12 57.

MOA181 47 COLLECT DL

PERTH NB 9 123P

R

SECRETARY DEPT INDIAN AFFAIRS

332 OTTAWA ONT

RE LOLAR. CASE CORONERS JURY VERDICT DEATH CAUSED BY BLOW AT HAND OF PERSON OR PERSONS UNKNOWN THREE INDIANS HELD ALL INDIANS CONCERNED UNDER INFLUENCE OF LIQUOR WHEN ARRESTED EXTRACTS FOUND IN THEIR POSSESSION PLEASE AUTHORIZE LEGAL REPRESENTATIVE AT HEARING TO INVESTIGATE SOURCE OF LIQUOR SUPPLY

N H MCPHAIL.

DEPT. OF INDIAN AFFAIRS JUL 9 1929 RECORDS

This is a collect message, and will be charged to your account unless we are notified at once to the contrary.

Copied

FORM 6124

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19066-2

Form 9102, replacing Form 2A-T.W.

CANADIAN NATIONAL TELEGRAPHS

CANADIAN NATIONAL TELEGRAPH AND CABLE

HEAD OFFICE, TORONTO, ONT.

W. G. BARBER, GENERAL MANAGER

CLASS OF SERVICE DESIRED

Day Message

Day Letter

Night Message

Night Letter

Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, 9th July, 1929.

N.H.McPhail,
Indian Agent,
Perth, N.B.

Yours ninth, has a charge of supplying these Indians with liquor been laid against anyone.

A.F.MacKenzie.

chg. D.I.A.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of the three symbols appears after the check (number of words) this is a day message. Otherwise the character is indicated by the symbol appearing after the check.

CANADIAN NATIONAL TELEGRAM

HEAD OFFICE, TORONTO, ONT.

W. G. BARBER, General Manager

C.N.T. 6296 15-28

PRINTED IN CANADA

ORIGINAL OF MESSAGE

Telephoned

TO BE *after 6 pm*

...nection
...UNION
...H CO.
...rice
...the World

Money Transferred by Telegraph

STANDARD TIME.

MOA320 1S 1 EXTRA

HARTLAND NB 9 655P

R

1929 JUL 9 PM 6 19

DEPT OF INDIAN AFFAIRS JUL 10 1929 RECORDS

A S WILLIAMS 602

ACTING DEPUTY SUPERINTENDENT GENERAL OTTAWA ONT

TWO INDIANS CHARGED WITH MURDERING ANOTHER INDIAN HEARING THURSDAY WOULD SUGGEST WIRE MONEY AT ONCE

ALBION R FOSTER MP.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19066-2

Form 6102, replacing Form 2A-T.W.

CANADIAN NATIONAL TELEGRAPHS

CANADIAN NATIONAL TELEGRAPHS AND CABLE

HEAD OFFICE, TORONTO, ONT. W. G. BARBER, GENERAL MANAGER

PLACE OF SERVICE DESIRED	
Day Message	
Day Letter	
Night Message	X
Night Letter	

Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, July 10, 1929.

N. H. McPhail,
Indian Agent,
Perth, N.B.

Department advised two Indians now charged with murder in Lolar case. You may engage Stephen Mooney, Barrister, Perth, defend them.

A. S. Williams,

Acting Deputy Superintendent General.

ASW.

Chge. D.I.A.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

WITNESS: Gordon Graham.

Your live at Perth?
Yes.
You saw the deceased on Saturday the sixth day of the present month?
I did.
Where did you first see him on that day?
When they brought him into my place.
You didn't go up there and see him on the track?
No.
Did you look at the body?
I did.
Didd you notice the mark on the chin?
Yes, it was on the point of the chin.
In your opinion was that caused by a blow of the fist?
Yes and there was another on the right side at the point of the jawx nearly the same as at the xxinx chin.
Both of these might be caused by a fist?
Yes.
Did you see others?
Yes, at the ear, it extended about two inches, the bruise was a little purple in spots but the skin was not broken.
It would have to be made by a dull instrument?
Yes.
You couldn't tell whether it was a kick or a blow from a club or what caused it?
It must have been something dull.
Was there any earth or anything of that nature on it?
There was not anything on it then.
This man, Frank Lolar was a good sized man was he?
Yes he was, he'd weighx 170 or 180 pounds about, was well built very strong and very heavy neck and shoulders.
It would take quite a blow to break his neck?
It would take a hard blow.
You examined his body and removed the clothing were there any other marks on it?
There was one black and blue mark under the left arm about two inches long.
Did he have a xxxxxx coat on?
No, a blue sweater.
Was his clothing torn any?
No.
Were there any marks on his right foot?
No.
No broken bones?
No.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

WITNESS: Roy D. Millin Continued.

Very muscular neck.
It would take quite a blow to break it?
Yes.
Were his clothes torn?
Not that I noticed.
Was his hat on?
No.
Did you see it?
Yes, I think I did, I think i have his hat.
Didd you see Joe Perley there?
I did.
And Simon Paul?
I did.
Were they there when you got there?
Yes.
Did they have hats on?
No.
Did you know where they were?
No, I can't say that I do, you mean at that time don't you?
Yes.
I can't say I do.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

WITNESS: Roy D. Millin.

You are one of the Provincial Police stationed at Andover?
I am.
You remember the sixth day of the present month?
I do.
You saw the body of the dead man, Frank Lolar on that day?
I did.
Were you up there where he was found on the track?
Yes.
Were you there before Dr Earle or do you know?
I don't know, he may have been there when I was but I didn't notice him.
You sawx the body?
I did.
Tell us the position in which you found the body.
It was almost in the center of the two rails, lying on his back, head up river, both feet free of the rails.
Did you examine him for marks?
I did.
I noticed a bruise on the chin and one xf on the left side of the neck.
Where would that be?
Just back of and under the ear.
Was it swollen:
Yes, quite a bit.
Have you enough knowledge of wounds of that kind to tell whether the man was dead when he got that blow or not.
I could not say.
Was the skin broken?
Not that I noticed.
The bruise on the chin xxx could have been caused by a fist blow?
Yes.
And the other one, would you judge that could have been caused by a fist?
Possibly it could be caused by that, I am not qualified to judge whether it would or not, a kick from a boot would do about the same damage I imagine, it was something dull anyway, not sharp enough to cut him.
Did you notice any dirt or foreign substance on the bruise?
No I can't say I did.
This man was an Indian?
Yes.
Was he xxx small?
No, well built, strong, I would say above the average.
His neck, did he have a good neck?

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

WITNESS: Dr R.W.L. Earle Continued

There would be no way of telling whether the ~~ke~~ blow that made the mark on the left side of the neck did cause it?
In my opinion that would be the cause because you were getting a lot of free hemorrhage inside and down in the spinal canal cutting off a blood vessel.
In your opinion the blow or kick did not cause one and something else the other?
No. There was sufficient hemorrhage there ~~xxthx~~ at the base of the skull to cause death almost instantly.
How long would you say the body had been dead when you first saw it?
Not very long, the body was still warm, fifteen minutes or possibly half an hour, it would be difficult to tell because the body was lying in the hot sun.
Could he possibly have fractured that vertebrae by a fall without a kick?
It might have been possible to do it by a fall but not in the position I found him in.
Your opinion is judging from his position he could not have done it that way.
No.
What position was the right foot in?
It was lying extended if I remember rightly.
Which way was he lying?
He was lying on his back, head up river and his right foot under the rail, ~~xxxx

WITNESS: Gordon Graham.

Your live at Perth?
Yes.
You saw the deceased on Saturday the sixth day of the present month?
I did.
Where did you first see him on that day?
When they brought him into my place.
You didn't go up there and see him on the track?
No.
Did you look at the body?
I did.
Didd you notice the mark on the chin?
Yes, it was on the point of the chin.
In your opinion was that caused by a blow of the fist?
Yes and there was another on the right side at the point of the jawx nearly the same as at the ~~mxint~~ chin.
Both of these might be caused by a fist?
Yes.
Did you see others?
Yes, at the ear, it extended about two inches, the bruise was a little purple in spots but the skin was not broken.
It would have to be made by a dull instrument?
Yes.
You couldn't tell whether it was a kick or a blow from a club or what caused it?
It must have been something dull.
Was there any earth or anything of that nature on it?
There was not anything on it then.
This man, Frank Lolar was a good sized man was he?
Yes he was, he'd weighE 170 or 180 pounds about, was well built very strong and very heavy neck and shoulders.
It would take quite a blow to break his neck?
It would take a hard blow.
You examined his body and removed the clothing were there any other marks on it?
There was one black and blue mark under the left arm about two inches long.
Did he have a ~~mxxxxx~~ coat on?
No, a blue sweater.
Was his clothing torn any?
No.
Were there any marks on his right foot?
No.
No broken bones?
No.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

WITNESS: Roy D. Millin.

You are one of the Provincial Police stationed at Audover?
I am.
You remember the sixth day of the present month?
I do.
You saw the body of the dead man, Frank Lolar on that day?
I did.
Were you up there where he was found on the track?
Yes.
Were you there before Dr Earle or do you know?
I don't know, he may have been there when I was but I didn't notice him.
You saw the body?
I did.
Tell us the position in which you found the body.
It was almost in the center of the two rails, lying on his back, head up river, both feet free of the rails.
Did you examine him for marks?
I did.
I noticed a bruise on the chin and one on the left side of the neck.
Where would that be?
Just back of and under the ear.
Was it swollen?
Yes, quite a bit.
Have you enough knowledge of wounds of that kind to tell whether the man was dead when he got that blow or not.
I could not say.
Was the skin broken?
Not that I noticed.
The bruise on the chin could have been caused by a fist blow?
Yes.
And the other one, would you judge that could have been caused by a fist?
Possibly it could be caused by that, I am not qualified to judge whether it would or not, a kick from a boot would do about the same damage I imagine, it was something dull anyway, not sharp enough to cut him.
Did you notice any dirt or foreign substance on the bruise?
No I can't say I did.
This man was an Indian?
Yes.
Was he very small?
No, well built, strong, I would say above the average.
His neck, did he have a good neck?

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

WITNESS: Roy D. Millin Continued.

Very muscular neck.
It would take quite a blow to break it?
Yes.
Were his clothes torn?
Not that I noticed.
Was his hat on?
No.
Did you see it?
Yes, I think I did, I think i have his hat.
Didd you see Joe Perley there?
I did.
And Simon Paul?
I did.
Were they there when you got there?
Yes.
Did they have hats on?
No.
Did you know where they were?
No, I can't say that I do, you mean at that time don't you?
Yes.
I can't say I do.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

WITNESS: Simon Paul

You live at the Indian Point, in the Parish of Perth and the County of Victoria?
Yes, sir.
You remember Saturday the sixth day of the present month?
Yes, sir.
Did you see Frank Lolar on that day?
Yes I did.
You were well acquainted with him?
Yes, sir.
Where did you see him?
I saw him at the Indian Point, in the morning about half past eight, when Soloman Bear hired me to ~~xxx~~ take them down to the Armory to get their pay.
He hired you to bring them down, how many were there?
Six of them, there was Soloman Bear, Frank Lolar, William Enos, Sebatis Enos and Charles Solis and Frank Lolar, I guess I said him anyway there was six of them, Frank Lolar went in the canoe with Noel Francis.
You were in another canoe?
Yes.
How many were there in your canoe?
I had six in my canoe coming down to Perth.
Yes and what did you do when you got down to Perth?
I told them I was going right back and they said I wouldhave to wait until they got their pay before I could get mine, I charged them fifteen cents apiece for bringing them down so I waited until about eleven o'clock then I went up to the Armory.
And who did you see there?
I saw Lolar, Frank in there and Mr Tattersall.
What is his name?
I don't know his first name, they call him Regimental Tattersall.
And what were they doing when you went in?
They were passing a bottle of wine around.
Where is this Armory?
Right opposite McPhail's store there.
Yes. Who did you say was passing this bottle of wine?
Charles Solis was passing the bottle of wine around, they passedit to me and I took a drink out of it, just then Joe Perley came in there and I asked them when they would be ready , they told me right off. Frank Lolar said he would give me fifty cents to take him up, he said he had something to take up and he handed me a bag and I recognized it had a jug in it, I took it and poled up and they walked along up the track.
Who was this that walked along up the track?

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

WITNESS: Simon Paul Continued.

Frank Lolar, Charles Solis and Joe Perley.
Yes, and then what happened.
I waited for them for a little while, pretty soon I saw them coming up the track and I waited for them right there at Hud's Brook and that time they came down and got in the canoe and then we heard Jack Murphy calling, he was calling to Joe Perley and they invited them to come down.
Who was this?
Jack Murphy and some Gee fellow, I forget his first name, and they came down and we opened the jug and we had two drinks apiece.
You got the jug out of the bag?
Yes, they got the jug out and after that I told the boys if you are coming with me you better come. They all got off the canoe and left the jug of wine in it, they invited me to bring the jug back so I poled the canoe back. Then Joe got the jug and ran up the hill in the bushes.
Where was this?
In the bushes right there by the Railroad track. Frank Lolar said you better head him off he might get arrested running through town with that jug. I told Joe you better give me that jug, he said 'No" and dropped it and spit at me, we clinched and I threw him, he got up and I gave him a punch in the nose making it bleed so just then Frank Lolar came along, he struck at Joe in the side of the head and knocked him down, struck at me and missed me by that time Charlie Solis came along and Solis and Lolar clinched. I told Joe he better come with me, he grabbed the jug and went down in the canoe.
You got in the canoe?
Yes, we went down in the canoe and went across to the Andover side.
Right across with the canoe?
Yes.
Where were Lolar and Solis now?
We left them there, Frank Lolar and Charlie Solis.
When we got over to the other side, in Andover, I saw Mrs Charlie Solis standing there by the Farmer's store, she asked me where was Charlie, I said he was over the river, quite full and I said you better look after him he is quite full and has got some money, she got in the canoe and went over with us, she got off there by Hud's Brook. Me and Joe went up on that side of the river, we went up a little ways and we heard a girl, Veria Moulton hollering, she said "Frank Lolar must be dead, he ain't breathing."
Where did she come there?
I don't know, I didn't see xxx her, I said to Joe he must be drunk we'll go up and see, anyway we went up the hill and saw this man lying on the Railroad track with his feet locked between the sleepers.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

WITNESS: Simon Pual Continued.

He had his foot locked in what way?
Under the rail, his right foot was under the rail.
Which rail was it, the one next the river?
Next the river I think it was, yes next the river.
Which way was his head up or down river?
His head was up river.
Was he on his back or his face,
On his back.
Who else was there then?
She wasm Verla Moulton and Marion Alexander.
Was Charlie Solis there?
No just them and Peter Alexander was there, he came directly.
She said, Verla said, look Joe you must have done it, look at the blood stain on your shirt. I said 'he didn't do it I made his nose bleed that made the blood stain.' Just then Dr Earle came along and examined him and said he was dead.
What marks did you see on him?
Only a little mark on his chin, I forget which side of the chin, a little blue mark and his head was hunched back like that and his mouth was wide open. And Dr Earle examined him and t he crowd came along. Dr MacIntosh came then too.
Did you see Charlie Solis and the other fellow afterwards?
No, not until they were brought into the jail after that. And the Provincial Police took me down and helped me up xikkx with the canoe, he took the bottle or jug.
How long was it from the time you left to go across the river until you got back?
About twenty-five mintues.
Didd you look back in # that time?
No never looked back at all.
And you didn't see anything of these two men while going back?
Yes I saw two men walking up the track.
Did you know them?
No, I didn't know who they were.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

WITNESS: Dr Richard W.L. Earle.

You are a physician and surgeon?
Yes.
Duly qualified and registered?
I am.
And you reside at Perth?
I do.
And you remember the sixth day of the present month of July?
I do.
Were you acquainted with Frank Lolar?
Slightly.
You saw him on that day?
Yes, in the afternoon somewhere between one thirty and two thirty as o'clock, Ralph Sadler came to my office and told me there was an Indian lying up on the track they didn't know whether he was sick, or the train had run over him or what was the matter with him, he wanted me to go up to see him. I took my car and Mr Sadler and I went up and found Frank Lolar lying on the Railroad track. He was lying on his back, his left foot was caught under the rail between two sleepers.
Which rail was it?
The rail next the river.
Was it crossed over the right foot?
No.
How was he lying?
On his back, his head was in the gravel between two sleepers, forced back and to the right side. I examined him , there was no heart beat, no respiration whatever.
There was no question then Doctor about him being dead?
Not a bit.
Did you examine him for wounds or bruises?
I looked him over slightly there until the coroner came.
Now tell us Doctor what you saw in the way of bruises or marks on him?
I noticed a bruise towards the point of the chin to the right side, there was another bruise on his neck under and behind his ear, on the left side.
Were these swollen or discolored?
The one on his neck was.
Any foreign substance on them?
Some dirt on the bruise on the neck, dirt or gravel I would take it to be.
Did you form an opinion then as to the probable cause of the bruise?
Only an opinion

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

WITNESS: Dr R.W.L. Earle Continued.

Could that bruise, in your opinion, be caused by a kick from a boot?
Possibly.
Could it be caused by a fall on a rail?
Not in the position in which I found him, he would have to be moved from such a position to the position in which I found him.
Could it be caused by a blow from a club?
Possibly.
It would have to be something dull?
Yes.
Would you judge it was a hard blow?
I would.
If were it were a kick from a boot the man got could you tell from the position of the wound and the mark and so on whether it could be done when the man was standing up?
No, he would have to be kicked when he was down I imagine to get that.
You assisted at the post mortem?
I did.
When was it held?
Saturday night I suppose about half ~~paxxt~~ past eight.
And who else took part?
Dr Puddington of Grand Falls.
You were there all through it?
I was.
Tell us as simply as you can what you did?
We examined his externally first, found the two bruises mentioned and another one at the back of the neck, a slight cut on the tongue as if done by a tooth and a scar on the abdomen such as you have after an appendicitis operation. We then dissected down through the bruise on the neck and found a great deal of contusion all through the muscles, we dissected back the scalp and removed the top of the skull and found a certain amount of free blood on the lateral sinus on the left side. We removed the brain and found a considerable amount of clotted blood at the base of the skull extending down into the spinal canal, we dissected down through the cervical vertebrae and found that the third vertebrae was fractured and dislocated forward and somewhat to the side, to the right side.
Could a kick or blow that made the bruise cause the break of dislocation?
I think it could.
In plain language the man's neck was broken?
It was broken.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

WITNESS: Dr R.W.L. Earle Continued

There would be no way of telling whether the ~~ke~~ blow that made the mark on the left side of the neck did cause it?
In my opinion that would be the cause because you were getting a lot of free hemorrhage inside and down in the spinal canal cutting off a blood vessel.
In your opinion the blow or kick did not cause one and something else the other?
No. There was sufficient hemorrhage there ~~xxxthx~~ at the base of the skull to cause death almost instantly.
How long would you say the body had been dead when you first saw it?
Not very long, the body was still warm, fifteen minutes or possibly half an hour, it would be difficult to tell because the body was lying in the hot sun.
Could he possibly have fractured that vertebrae by a fall without a kick?
It might have been possible to do it by a fall but not in the position I found him in.
Your opinion is judging from his position he could not have done it that way.
No.
What position was the right foot in?
It was lying extended if I remember rightly.
Which way was he lying?
He was lying on his back, head up river and his right foot under the rail, ~~xxxx

19066-2

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
JUL 15 1929
RECORDS

Perth, N.B. July 12-1929.

Sir Mr Stevens

R

Sir:

Re death of Frank Lolar.

I am enclosing a copy of the evidence taken at the Coroner's Inquest.

There were five Indian arrested in connection with the murder of Lolar: Joe Perley, and his two sons George and Henry, Charles Saulis and Simon Paul. Simon Paul and George Perley have since been released.

The preliminary hearing is to be held on the 16th instant and in compliance with your wire of the 10th I beg to say I have engaged Stephen Mooney to defend the accused Indians.

Will the Department require any further details in this case?

NO

Your obedient servant,

N.H. MacPhail, Agent.

The Secretary,
Department of Indian Affairs,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

C O P Y

Perth, N.B., August 10, 1929.

Norval H. McPhail,
Indian Agent,
Maliseet, N.B.

In account with
STEPHEN G. MOONEY, B.A., B.C.L.

Barrister and Solicitor

Counsel fees re Charles Saulis, Indian Chief at Maliseet Reservation charged with murder of Frank Lolar Charles Saulis, discharged from custody on motion.

Consultation McPhail (2) instructions
Interviews Charles Saulis at goal (3)
Interviews Police Officer Milne
Police Sergeant Leetch
Rev. Alexis Auger as to character, etc.
Obtaining release of Joseph Perly held at goal as witness
Attending Court for four (4) adjournments
Long consultations George Perley,
Joseph Perley
Mrs. Joseph Perley
Simon Paul
Constable George Bernard (2)
Verla Moulton
Three (3) long consultations with Sheriff and magistrate re obtaining release of Saulis from Darl Cell into main goal with other prisoners
Attending Court hearing, moving and obtaining release of Saulis
Search of authorities re Indians' rights, credibility, etc.
Counsel fee
..... $500.00

Original copy

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19066 - 2.Temporary

Ottawa, August 21st, 1929.

Sir:-

I enclose herewith for taxation an account in duplicate of $500.00 in favour of Mr. Stephen G. Mooney, Barrister and Solicitor of Perth, N.B. I am also enclosing Departmental file No. 19066-2, which contains the correspondence in connection with this case.

Kindly return the file to the Department.

Your obedient servant,

A.F. MacKenzie,
Acting Asst. Deputy and Secretary.

Enc. 2.

The Deputy Minister,
Department of Justice,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Vote No. .....

Treaty No. .....

DEPARTMENT OF INDIAN AFFAIRS

R

To ....Mr. Stephen G. Mooney,

Perth, N. B.

DATE		SERVICE	AMOUNT
Aug	15	To Counsel fees re Charles Saulis	$ ~~500.~~ 00
		Authority: Telegram dated July 10-1929	
		460 - as taxed by practice file	250 00
		TOTAL,	$ ~~500.00~~

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

A Hunter Grant
Agent.

Form 52.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19066-2

DEPT. OF INDIAN AFFAIRS
AUG 24 1929
RECORDS

WDJ

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 23rd August, 1929

A-3 Indian Affairs - N.B.

Your file No.19066 - 2

Sir:-

With reference to your letter of the 21st instant, I am returning herewith account of S. G. Mooney, Esq., Barrister, Perty, N.B., for professional services rendered in connection with the case of Charles Saulis, which I have taxed and certified for payment at the sum of $259.00.

Your file returned herewith.

I have the honour to be,
Sir,
Your obedient servant,

General Pay

Enc.

140 Sent Aug 26/29

J. Chisholm

Asst. D.M.J.

The Deputy Minister,
Dept. of Indian Affairs,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19066-2

DEPT. OF INDIAN AFFAIRS
2
RECORD

INDIAN ON TRIAL
MURDER CHARGE

Ottawa Journal Sept 23/19

ANDOVER, N.B., Sept. 24.—The trial of Henry Perley, an Indian of the Tobique Reserve, charged with the murder of Frank Lolar, another Indian of the reserve, on July 6 last, commenced this afternoon in the Victoria Circuit Court before Mr. Justice Byrne. It is expected the case will take up several days as 11 witnesses for the Crown have been summoned and a number for the defence.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19066-2 TY.

Ottawa, October 22nd, 1929.

Sir:-

I enclose herewith for taxation an account in duplicate of $1048.00 in favour of Mr. Stephen G. Mooney, Barrister and Solicitor, Perth, N.B. I am also enclosing Departmental file No. 19066-2, which contains the correspondence in connection with this case.

Kindly return the file to the Department.

Your obedient servant,

J. D. McLEAN

J.D. McLean,
Assistant Deputy and Secretary.

Enclosures.

The Deputy Minister,
Dept. of Justice,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

C O P Y

Perth, N.B. October fifth 1929.

Department of Indian Affairs
Ottawa, Ontario.

In Account With
STEPHEN G. MOONEY, B.A., B.C.L.
Barrister & Solicitor

DEFENCE
Re:- HENRY PERLEY, Maliseet Indian, charged with murder of Frank Lolar

Consultation and instructions Norval H. McPhail, Agent
Interviews Henry Perley at goal (7)
Long consultations with Joseph Perley, George Perley Mrs. Joseph Perley, Charles Saulis, Simon Paul, George Bernard, Verla Moulton, Father Auger.
Obtaining privilege for Perley of getting out of dark cell and mingling with other prisoners.
Attending preliminary hearings (4 adjournments).
Attending final preliminary hearing one and one half days
Attending King's Bench Division Court 2½ days.
Preparing brief, searching authorities.
Preparing address to jury (8.00 P.M. to 1.30 A.M.)

Disbursements

To paid Court Stenographer, complete copy of evidence taken in preliminary hearing	$ 9.50	
telephone calls re same	1.00	10.50
drafting subpoena $2.00; copies for service (5) 5.00; office copy 1.00; paid sheriff serving same 5.75; mileage and witness fees (.75 plus 4.00 each) 23.75		37.50
Counsel fees.	$1048.00	

Taxed at 419.00

HENRY PERLEY ACQUITTED AFTER ONE HOUR'S DELIBERATION BY JURY.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Vote No.....

Treaty No.....

DEPARTMENT OF INDIAN AFFAIRS

To.....S. G. Mooney,.....

Perth, N. B.,.....

DATE	SERVICE	AMOUNT
Oct. 17th.	To Legal services defence Henry Perley	~~1048 00~~ 419 00
	Authority; Telegram July 10/29	
	1170 Sent Oct 26/29	
	TOTAL,	~~1048 00~~

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

Agent.

Form 52.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

WDJ

DEPT. OF INDIAN AFFAIRS
OCT 25 1929
RECORDS

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 24th October, 1929.

A-3 Indian Affairs - N.B.

Your file No.19066-2 TY.

Sir:-

With reference to your letter of the 22nd instant, I am returning herewith account of Stephen G. Mooney, Esq., Barrister, Perth, N.B., for professional services rendered in connection with the case of Henry Perley, which I have taxed and certified for payment at the sum $419.00.

Papers returned herewith.

I have the honour to be,
Sir,
Your obedient servant,

Enc.

J. Chisholm

Asst. D.M.J.

The Deputy Minister,
Dept. of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7467, File 19066-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7467)

File			
19056-2	1	NEW BRUNSWICK - SUDBURY COUNTY ATTEMPTED MURDER OF FRANK ATWIN BY MIKE SACOBIE	1938
19057-2	1	PRINCE EDWARD ISLAND - LENNOX ISLAND MURDER OF AMOS GALLANT BY FRANK KNOCKWOOD	1942-1943
19066-2	1	NEW BRUNSWICK - VICTORIA COUNTY HENRY PERLEY CHARGED WITH MURDER OF FRANK LOLAR	1929
19068-1	1	ST. AUGUSTINE - ALLEGED MURDER OF AN INDIAN WOMAN AT NATASHQUAN	1912

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FILE NO. 19068-1 DORMANT DORMANT

DORMANT

FILE NO. 19068-1

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

ST. AUGUSTINE
ALLEGED MURDER OF AN INDIAN WOMAN AT NATASHQUAN

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19068-1 19068-1

No. ~~100012~~

Department of Indian Affairs.

Mch 1912

St. Augustine

(General)

Alleged murder of an Indian woman at Natashquan

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

T. W. No. 1.

The Great North Western Telegraph Company of Canada.

CABLE SERVICE TO ALL THE WORLD.

TERMS AND CONDITIONS.

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message.
This is an unrepeated message, and is delivered by request of the sender under these conditions.

H. P. DWIGHT, President.

HEAD OFFICE: TORONTO

GEO. D. PERRY, General Manager.

DEPARTMENT OF INDIAN AFFAIRS

TELEGRAMS & NIGHT LETTERS accepted by telephone at any hour. Call No. 4500

Mo. 184. Fo. 39 Collect. 53 & 53 Via Quebec. Q.

Harrington, Q. Mar. 14th-12.

400012

J. D. McLean, Esq.,

Asst. Supt. Dept, Indians Affairs, Ottawa-

Natashquan Band indians out because woman went crazy, says woman is dead no body brought for burial, Fear foul play has have been carried out several times before, husband not out yet, wire proceedure and authority if necessary.

H. M. Hare.

5.46 Pm.

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

The Great North Western Telegraph Co.

FORM 2.

OF CANADA

It is agreed between the sender of the following message and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Correctness in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent. for any distance not exceeding 1000 miles, and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

E. F. DWIGHT, President. HEAD OFFICE: TORONTO. I. McMICHAEL, Vice-President and General Manager.

DIRECT CONNECTION WITH WESTERN UNION TEL. CO. CABLE SERVICE TO ALL THE WORLD.

CUSTOMERS' TYPE-WRITER BLANK.

Sent No.	Sent By.	Rec'd By	Time Sent.	Time Filed.	Check.

Send the following message, subject to the above terms, which are hereby agreed to.

Ottawa, 15th March, 1912.

H.M.Hare,

Harrington,

Que.

Yours fourteenth take time for inquiry and if anyone reasonably suspected of crime advise Department.

J.D.McLean,

C.I.A.

Look over

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

OFFICE OF THE DEPUTY SUPERINTENDENT GENERAL.
OTTAWA.

May 3rd. 1912.

MEMORANDUM

Secretary -

With reference to telegram of the 14th. March last from Dr. Hare and the Department's reply regarding alleged mysterious death of a woman at Natashquan, please communicate again with Dr. Hare and ask him if he has any further information with regard to this.

D. S. G. I. A.

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

400012.

Ottawa, May 4, 1912.

Sir,-

With reference to your telegram to the Department of the 14th March last, regarding crazy Indian woman whom it was feared was dead, I beg to inform you that on the 15th March you were wired as follows,-

" Yours fourteenth take time for in-
"quiry and if anyone reasonably suspected of crime
"advise Department".

Will you be good enough to report to the Department whether you have any further information with regard to this case.

Your obedient servant,

Sgd. J. D. McLean

Asst. Deputy and Secretary.

H. M. Hare, Esq., M.D.,
Harrington,
Que.

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

400012

Harrington Hospital

CANADIAN LABRADOR

Via Quebec.

April 5th, 1912.

EXTRACT.
ORIGINAL ON
25-4014-67

DEPARTMENT OF INDIAN AFFAIRS
JUN 11 1912

J. D. McLean Esq.

Asst. Deputy,

Department Indian Affairs,

Ottawa.

405347

Sir, ...

I am leaving by dog train to-morrow or next day for Natashquau 130 miles, to look into alleged case of murder of an insane woman by her husband, (Indians), and if possible hold an autopsy, the result of which I will forward to your Department in due time.

Several cases of this have occured on the coast.

The condition of the woman frightened all the Indians out of the country, and now they are camped on the Natashquau River near the post and have erected tall crosses in front of each tent.

I am Sir,

Yours Respectfully,

H. Mather Hare.

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

EXTRACT.
ORIGINAL ON
2[redacted]4[redacted]7

400012

DEPARTMENT OF INDIAN AFFAIRS
JUN 12 1912

Reply to

Harrington Hospital,

Canadian Labrador,
Via Quebec.

EXT

Mar. 28th 1912.

J.D. McLean Esqr.,

Asst. Deputy & Secretary,

Department of Indian Affairs,

Ottawa.

Sir,

* * * *

I wired you some time ago asking what I should do if I found out that the Indian woman who has been deranged all winter, had been shot. I have heard of several cases in which a crazy Indian has been murdered by his or her family, then the corpse is burned. When the invariable custom is to bring out the body of an Indian dying in the country, so that it can be buried in consecrated ground, and the body of this woman was not brought out, and no information could be obtained about it, the Indians refusing to say a word, it made me suspicious that some foul play had been done.

I have tried to get the Indians to go in after the body but have not succeeded. They wont go unless I pay them, which I have no authority to do. However the Chief promises now that he will see the body brought out by canoe, and in the mean time the matter will have to rest there.

* * * *

I am

Yours respectfully.
H. Mather Hare.

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

400012

Royal National Mission to Deep Sea Fishermen.

HEAD OFFICE: BRIDGE HOUSE, 181 QUEEN VICTORIA STREET, LONDON, E.C.

406394

Patron:

HER MAJESTY QUEEN ALEXANDRA.

Chairman of Council:
W. F. A. ARCHIBALD, Esq.

Treasurer:
SIR WILLIAM GODSELL.

Chairman of Spiritual Work Committee:
LT.-COLONEL R. PHAYRE.

Chairman of Hospital Committee:
JOHN LANGTON, Esq., F.R.C.S.

Chairman of Finance Committee:
COLONEL W. N. WROUGHTON

Hon. Consulting Surgeon:
SIR FREDERICK TREVES, BART., F.R.C.S., K.C.V.O., C.B., LL.D.

Superintendent:
WILFRED T. GRENFELL, C.M.G., M.D., LL.D., M.A.

Bankers:
LONDON BANK, LIMITED,
72 LOMBARD STREET, LONDON, E.C.

Secretary:
FRANCIS H. WOOD.

DEPARTMENT OF INDIAN AFFAIRS JUN 25 1912

ACCOUNTANTS BRANCH JUN 28 1912

Reply to
Harrington Hospital,
CANADIAN LABRADOR,
Via Quebec.

No 400012

June 8th 1912

J. D. McLean Esq
Secretary Department of Indian Affairs
Ottawa.

Sir
I beg to acknowledge your letter of May 4th bearing number above. Also Circular of May 8th bearing number 18 778. third ~~letter~~ figure cannot be made out, as it is badly blurred.

In reply I beg to state, that I wired Mr. Blanin to make inquiries, while he was there. He wired me that all the indians were scattered about on islands trying to get some ducks or seals to eat, and that he could not see them. I am insisting on body being brought

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

406394

out and held for my inspection, if I consider it necessary, I will hold a postmortem, to determine cause of death, and try to discover the guilty party. That there has been foul play, seems to be the general belief, among those who know the indians, and talk their language.

The indians cared not go into the country, after they came out, as they had a hard time, they had no raquets, and nothing but canvas shoes to wear, no deerskin or sealskin. The body is six days travel from the coast.

The indians have promised to go in my canoe, and I will do my best to hold them to their promise. I hope to meet them all at Musquarro in a couple of weeks, when they make their Mission, and will endeavour to get at them through the priest.

I have the honour
to be
Sir
Your Respectfully
H. Mather Hare

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

400012

Ottawa, June 28th, 1912.

EXD.

Sir:-

In reply to your letter of the 8th instant, I beg to say that the Department approves of the action which you have taken with a view to discovering the cause of the death of an Indian, in whose case it is suspected that foul play took place.

Your obedient servant,

Asst. Deputy and Secretary.

H. Mather Hare, Esq., M. D.,
Indian Agent,
Harrington Hospital,
Canadian Labrador,
Via Quebec.

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

400012

EXTRACT.
ORIGINAL ON
254014-67

DEPARTMENT OF INDIAN AFFAIRS
JUL 24 1912

ACCOUNTANTS
JUL 29 1912
BRANCH

407837 Harrington Hospital,
Canadian Labrador,
July 15th, 1912.

J. D. McLean Esq.
Sec. Department of Indian Affairs,
Ottawa.

Sir,-

x x x x

With regard to the case of the crazy Indian woman four man have gone in now to bring out the body, which I hope to see on my westren trip, and will advise the Department promptly as to my findings.

x x x x

I have the honour to be Sir,
Yours respectfully,
H. Mather Hare,
Indian Agent.

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Canada
District of ~~Canada~~ Saguenay
Quebec

Vote K
303

In the Case of the examination of the Head indian girl

Received from Dr Hare the sum of three dollars ($3.00) being pay agreed upon, at the rate of one dollar and fifty cents each, for the labour of exhuming and reinterring the body of an indian girl

Natashquan
Aug 19th 1917

EXD.
Claude Landry
Desire Talbot

Certified Correct
Heathcote Hare

1011
Acct - Oct 3/17

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Canada
District of Saguenay
Quebec

410757

In the presence of Revd Père Garnier and Alfred Vigneault the mayor of this municipality I had the coffin of the dead indian girl taken up and opened.

The body was in an advanced stage of decomposition, it was decently dressed, and wrapped in new cotton cloth.

The body was of a young girl, very poorly nourished, height or length 5 feet. the skin and muscular tissue very soft, in some places almost fluid.

The most careful examination failed to reveal any lesion that could be positively said to be caused by a wound, nor could any lesions be seen that could be caused by her being tightly bound.

My impression is that her death was caused by hunger, with probable exposure at that time of year.

H. Mather Ware MD J P
Indian Agent

L Garnier
~~John Ind. miss.~~

Alfred Vigneault
Maire

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Natashquan 19 août 1912

410757

+

J'atteste que le 19 Août 1912 monsieur le Docteur Hare a fait en ma présence et en celle d'Alfred Vigneault, maire de Natashquan, l'examen du corps d'une jeune femme montagnaise du nom de Liza, décédée dans la forêt, le premier Février 1912, et inhumée dans le cimetière de Natashquan, le treize Juillet seulement de la même année.

Sur les ordres de mr le Docteur Hare les Indiens de Natashquan sont partis, au nombre de six, chercher le corps de cette jeune femme le 3 Juillet 1912 et sont revenus le 13, jour de l'inhumation.

L. Garnier
ptre lud mis

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Canada
District of Saguenay

To Revd Père Garnier
Incumbent in charge of the Parish of Natashquan
Co of Saguenay Quebec

Sir In the interest of justice I make the demand upon you, that you give me what aid may lie in your power, to exhume, examine, and reinter, the body of the young indian girl who died, or was murdered in the Country last February (1912

A Heather Hare M.D. J.P
Indian Agent

Natashquan Aug 19th 1912

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Romaine Aug 3/12

Report of Charles Mark one of the men who went to Natashquan and brought out the body of Naia Belleflem daughter of Dominique Belleflem. She was married a year ago to Etienne Bernabbi who is at present living in Natashquan.

The father of the husband Etienne Bernabbi came here to Romaine to get some men to go with him and get the body so Charles Mark, Dominique Belleflem the father of the girl. Antoine Mullin went with Bernabbi from here, and at Natashquan took another man named Etienne Halo, went up the river in two canoes.

They were four days reaching the body. The body was buried about four feet, and was decently covered with a blanket and then the painted canvas taken from an old canoe. They exhumed the body and stripped it. then washed it and dressed it afresh in clothing they brought with them, then made a coffin.

There were no marks of wounds, or violence to be seen. A small quantity of blood came out of the mouth.

They had to carry the coffin over twelve (12) portages before they got on the main river.

They stopped a short time at Natashquan Past then took the body to the Père at Big Natashquan. The Priest buried the body at once after a short service in the chapel.

Witness
H. Mather Hale Md J.P.

Chas. Mark

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Romain Aug 3-12
410751

Report of Dominique Bellefleur the father of the dead girl, who is one of the men who went from here to bring out the body.—
Went from here with Charles Mark, I saw the father of the girl who is dead.
I was present when the body was dug up, it was down about four feet. The body was covered with clothing and wrapped in a blanket and outside was the painted canvas taken from an old canoe—
I was present and saw the body stripped. We burned the old clothing. They put fresh clothing on the body. There were no wounds or marks of violence to be seen.
We made a coffin, and when the body was dressed I made my prayer and put the cover on the coffin and nailed it up. We had twelve portages to carry over. We were four days going in, two days in there and two days and a half coming out.
I believe there were only four persons in the gang when my daughter died. Herself & husband, husbands father and mother, no children.

Witness
H. Martin Harris (Rev) J.P.

+ w mi ni pesp
cne-

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

400012

EXTRACT.
ORIGINAL ON
254,014-67

410757

SEP 13 1912

August 30th, 1912.

Act

EX'D.

J.D.McLean, Esq.,
Ass't Deputy & Secretary,
Dept. of Indian Affairs,
Ottawa.

ACCOUNTANTS BRANCH
SEP 14 1912

Sir,-

x x x

You will see by the enclosed papers, the action I have with regard to the dead Indian woman, and my opinion. I consider this action of holding the post mortem will have a very salutory effect on all the Indians as it is sure to be thoroughly talked over.

x x x x

I have, &c.,
H. Nather Hare.

folio 303
H. Nather Hare
1011
Rec'd Sept 3/12

Indian Affairs. (RG 10, Volume 7467, File 19068-1, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19071-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FILE NO. 19071-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

LABRADOR
EAST COAST OF JAMES BAY
MURDER
KILLING OF AN ESKIMO AS POST HARRISON

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

DORMANT FILE NO. 19071-2 DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19071-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

2

No. 19071

Department of Indian Affairs

19.....

Labrador
East Coast James Bay

Murder
Killing of an Eskimo at Port-Harrison

Indian Affairs. RG 10, Volume 7468, File 19071-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

October 12, 1921.

Re - Alleged killing of an Eskimo at Port Harrison.

Sir,-

I have the honour to report that upon the arrival of Revillon Freres Auxiliary Schooner at Whale River on September 5th, Mr. Flaherty, Official Photographer for Revillon Freres, who was on board and who had spent the Winter at Port Harrison and Cape Dufferin taking moving pictures of Eskimo and wild life, reported to me as follows:-

In December, 1920, an Eskimo came in to Port Harrison from Cape Dufferin and reported that one of the men in their band was insane. He said the man was living in an igloo with his mother and had a repeating rifle and cartridges in his possession with which he told the people he would kill them if they did not kill him first. The white people at Port Harrison did not interfere, as they thought the tribe might be offended. Later, however, some Eskimo came to the Port and complained that the men could not hunt as they were afraid to leave their families for fear the insane man would kill them.

Mr. Stewart, Post Manager for Revillon Freres, Mr. Learmouth, Post Manager for the Hudson's Bay Company, and Mr. Flaherty then advised the natives to put the insane man away, not thinking they would

kill -

Indian Affairs. RG 10, Volume 7468, File 19071-2, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

kill him. The Eskimos returned to their Camp and came back a short time afterwards and reported the man was dead, that five of the tribe had shot and killed him when he was running to a water hole with his rifle.

I have the honour to be,
Sir,
Your obedient servant,

J. W. Phillips

J. W. Phillips,
Inspector.

The Commissioner,
Royal Canadian Mounted Police,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 7468, File 19071-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ALL CORRESPONDENCE TO BE ADDRESSED:
THE COMMISSIONER,
R.C.M. POLICE
OTTAWA.

19071-2

DEPT. OF INDIAN AFFAIRS
OCT 22 1921
RECORDS
68429
561583

Royal Canadian Mounted Police.

Office of the Commissioner.

Ref. No. F 2281 D-2.

Ottawa.

October 15th. 1921.

Sir;-

Re- Killing of an Eskimo at Cape Dufferin, P.O.

I have the honour to forward herewith for your information, copy of report submitted by Inspector Phillips who recently returned from James Bay District.

I have the honour to be,

Sir,

Your obedient servant,

Cortlandt Starnes,
Assistant Commissioner.

The Deputy Superintendent General,
Department of Indian Affairs,
Ottawa.

F.

Indian Affairs. RG 10, Volume 7468, File 19071-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FILE NO. 19071-3 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

BAFFIN LAND
MURDER
THREE ESKIMOS AT HOME BAY

EX'D M

CENTRAL REGISTRY	P.A. or B.F.	DATE	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

DORMANT FILE NO. 19071-3 DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

No. 19071-3

Department of Indian Affairs

19

Baffin Land

— Murder —

Three Eskimos at Home Bay

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

COPY

Pond Inlet Detachment,
Baffin Island, N.W.T.

Headquarters Division,
Ottawa.

ROYAL CANADIAN MOUNTED POLICE.

APRIL 13th, 1923

THE Officer Commanding,
Royal Canadian Mounted Police,
"Headquarters" Division,
Ottawa, Ont.

Sir:

Re: Kidlappik and others, Eskimo, Murder of three Eskimo at Home Bay, Baffin Island.

I have the honour to report that Eskimo Peneloo, brother of Kidlappik, who did the Shooting at Kevetuk, Home Bay. last winter, arrived here from that district yesterday. I had no interpreter through whom I could interview him concerning the above case, and this prevented me from getting many details of the crime. As near as I could make out, however, Peneloo went to Kevetuk a year ago and saw several of the Eskimo who witnessed the murders not long after they occured, and the information he gave me is as follows:

"Immediately after Christmas, 1921, a Kevetuk Eskimo named Neakuteuk seemed to go wrong in the head. He invited the other Eskimo living there to his igloo, then, with a hammer in one hand and a knife in the other, he went to each Eskimo and asked if he wanted to be killed and which weapon he wanted to be killed with, and when the Eskimo replied you can kill me Neakuteuk would laugh and pass on to the next. Very shortly after this he commanded Kautok and Kedluk to kill Mungeuk, and some time later commanded the same two men to kill Semik. Neither Mungeuk or Semik resisted being killed, on the other hand they seemed to be happy at the idea of being killed, because they wanted to see Jesus. Both of them were stabbed to death by Kautok while being held by Kedluk, although the holding only consisted of laying one hand on them, as both of them stood up to be killed without flinching. The bodies of Semik and Mungeuk were taken on the land, but not buried, and were eaten by the dogs shortly afterwards.

Neauteuk was shot by Kidlappik some time later when he was in the act of striking a woman with a hammer. He ram for a short distance after he was shot, them fell over on the rough snow and died quickly.

Kidlappik was hiding behind some snow at the time he shot Neakuteuk. He shot him through the side from a distance of about thirty yards.

Semik and Neakuteuk each had a wife and one child.

Mungeuk was a young man and unmarried.

The body of Neakuteuk was put in a box and taken on the land

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

The following Eskimo were living at Kevetuk when the murders took place; Kautok, Kedluk, Takoshaga, Yaksan, Nowyakvik, Kidlappik, Neakuteuk, Mungeuk, and Semik.

For some time before Neakuteuk was killed he was constantly talking about God and Jesus.

Both the H.B.Co's interpreter and the A.G.E.Syndicate's interpreter are away on a trip to Iglooik at the present time, although they are expected back any day now. I have therefore instructed Peneloo that I wish to take a full statement from him through an interpreter before he returns to Kevetuk. He is leaving for Button Point to-morrow and intends to stay there for some time before starting south.

I have the honour to be,

Sir;

Your obedient servant.

A.W.Joy
S/Sergt.

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Statement of Pemeloo continued.

at once. (Semik could neither read or write) When Neakuteuk gave the bible to Semik, there and then, to read, he immediately read, and when given a pencil could immediately write.
Neakuteuk then said Semik was full of God's spirit and that it was a good time for him to be killed before it was lost again. Neakuteuk turned to Semik and told him to go outside and he obeyed, going direct to his igloo. He told his wife and child who were there alone to go to Neakuteuk's igloo immediately, but did not tell them he was going to be killed. Immediately after his wife and child had left the igloo Semik walked out on the ice, followed by Kautok and Kedluk, who were acting under Neakuteuk's orders, and these two men killed him in the same way they had killed Mungeuk. He died very quickly. He did not die very quickly. He was calling or praying aloud for a long time that his spirit was going to God.

After some time had elapsed Neakuteuk shut all the women in a storehouse and said his deputies, Kautok and Kedluk, assisted by Neakuteuk's 12-year old child should bring Semik back to the igloo, he would then pray and heal Semik and bring him back to health immediately. He called for Kautok and Kedluk, but they could not be found, having run away because they were afraid they would be commanded to kill somebody else and they were tired of the job.

Semik, in the interval, had walked from the place where he was stabbed on the ice, back to the villiage on the land, remained outside Neakuteuk's igloo for some time, then walked away and died.

Somebody then went insearch of Kautok and Kedluk and brought them back to camp after Semik was dead.

At some time during Neakuteuk's strange behaviour he had all the Eskimo in the house, commanded them to take off their clothes, men and women, then took a stick and struck them each three times, the first a light tap, the second one harder, and the third a severe crack, either blow on the head or body, at the same time remarking it seemed as if they were all asleep. He took a hammer on another occasion and beat around the outside of the house, first the buildings then the rocks, and at intervals ran round the village yelling. On this occasion the people of the village were badly scared of him, thinking him crazy and all congregated in one igloo. Kidlappik, wanting to bring him to his senses fired a few shots close to him to wake him up, and one of the shots scarred the skin of his body. Neakuteuk ran into the house and held the door, telling his wife and others there that he had seen the devil outside, and that the devilhad tried to shoot him. During the night Neakuteuk went to sleep and slept all night, and at daylight the following morning he again went outside and began his strange behaviour. He was yelling around the village that therewas one man and one woman that he had not yet made good. Kidlappik was the man and Semik's wife was the woman. Neakuteuk called to Semik's wife to come out of her igloo because he wanted to make her good. She obeyed and went out to him. Neakuteuk stood over her with a hammer in his hand, telling her if he struck her she would be good and be ready to go to Jesus. He was just in the act of striking her with the hammer when Kidlappik, who was watching the proceedings from the porch of his own igloo, shot Neakuteuk through the body. Neakuteuk then ran away for a short distance and fell on the rough show and died.

The same day the body of Neakuteuk was taken into the family

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

igloo, and washed with some ceremony then put in a snow igloo for some days, and afterwards put in a box and taken on the land, but not buried.

I did not hear what time elapsed between the killing of the dogs and the killing of Neakuteuk. During the time the aforementioned things were happening, the Eskimo told me all the people were as if asleep. Their minds were on their camp only. The sun returned without being noticed, and it was only some time after Neakuteuk was dead that the Eskimo saw that the sun was in sight.

I was told nobody paid any attention to the dead bodies of Mungeuk and Semik. There was too much excitement in the village at the time for the Eskimo to think of fixing up the dead bodies. They were left where they were killed, and eaten by the dogs, and the bones lying about were some time afterwards picked up and put on the land.

All the Eskimo in the village were very much afraid of Neakuteuk while he was acting so strangely.

Neakuteuk was running a trading store at Kevetuk for Jimmy Much at the time he was crazy. He lived in a lumber shack with his family, and had two lumber storehouses, He had represented Much at this place for several years, ten or more.

During the time the bad business was happening at Kevetuk there were nine men living there; Kautok, Kedluk, Yaksan, Takoshaga, Nowyaknik, Kidlappik and the three murdered men, all married with the exception of the blind man Mungeuk.

Witness
(sgd) F.McInnes.

His
X Peneloo
Mark

Taken at Pond Inlet, N.W.T. this third day of May, 1923.

(sgd) A.J.Joy,
S/Sergt.

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

"Headquarters "Division,
Ottawa.

Pond Inlet Detachment,
Baffin Island, N.W.T.

Pond Inlet, May 5th, 1923.

The Officer Commanding,
Royal Canadian Mounted Police,
"Headquarters" Division,
Ottawa, Ont.

Sir;-

Re;-Kidlappik and others, Eskimos
Murder of three Eskimos at Home
Bay, Baffin Land.

I have the honour to forward herewith statement taken from Eskimo Peneloo of Ketv e tuk, Home Bay, by me yesterday through interpreter Tom Koon-noon in connection with the above case. The information contained in this statement is only second hand, but considering it was picked up by Peneloo from his relatives and others at Kevetuk, who were witnesses of the outrage, at a time when the affair was still fresh in their minds, the details may be more or less true and will give some explanation of the case until direct information can be obtained.

The state of mind of the Eskimos living at Kevetuk at the time the murders were committed may be imagined from parts of Peneloo's statement, and other information which is not embodied therein. He stated that Neakuteuk's wife informed him that on the morning following the day Neakuteuk was shot, when preparations were being made to wash his body, the water for the purpose was being heated on primus lamps and one of the lamps sang a song to the effect that its flame was everlasting and could not be extinguished by anybody. At the same time, too, the dead man, whose body was in the igloo and frozen stiff was seen to breathe, laugh, and raise his hands above his head, or in other words come back to life. Then Kidlappik, who was sitting near the feet of the dead man, sank as if he had fallen asleep, evidently fainted, on two occasions and remained so for a long time.

After Neakuteuk's body was washed Takoshaga threw three handfuls of the bloody water in the face of each grown person present, and one handful in the face of each child.

I have the honour to be,
Sir;
Your obedient servant.

A.W.Joy
S/Sergt.

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Re. Murder at Kevetuk, winter of 1921-22.

Statement of Peneloo, Eskimo, of Kevetuk, N.W.T.

I am a brother of Kidlappik, an Eskimo of Kevetuk, east coast of Baffin Island. I last saw my brother Kidlappik in the winter of 1921-after Christmas, 1920. I did not see him when I went to Kevetuk last spring, 1922. I was told at Kevetuk by another Eskimo at that time that my brother was at the Hudson's Bay Cos. trading post at Cumberland Gulf, and he did not return to his camp at Kevetuk before I left.

While I was at Kevetuk, Neakuteuk's wife told me that the day before Christmas 1921 all the Eskimo men at the village of Kevetuk went seal hunting; they returned to the village after killing some seals, and later the same day Neakuteuk invited all the Eskimo into his igloo. He then instructed them to throw all the contents of the igloo outside and make it clean. When this was done he told the Eskimo the igloo was now clean inside and he wanted all the Eskimo to be the same. If any of them had anything bad or wrong inside, they were to get rid of it and make themselves clean the same as the igloo. He then got out a book - the bible - and told them that they all used to be bad, but now they had heard about Jesus and God, he wanted everybody to be good and clean inside, if they wante to believe Jesus; if they did not want to believe Jesus they had better burn the book. He then threw the bible and the hymn book in the fire and burnt them. Very soon afterwards Neakuteuk took another bible and began to read. He said he could not understand what was written in the book. He then told all the Eskimo to leave the igloo, while he remained in the igloo alone with another Eskimo to read. A short time afterwards he asked the companion to leave the igloo also, which he did. After a while the companion returned and still Neakuteukwas unable to understand what he was reading and was annoyed at himself. He turned to his companion and drew his attention to a stick standing at hand, and told him he would get ready to go outside, and when he, Neakuteuk gave the signal, the companion was to sieze the stick and strike Neakuteuk over the head, if possible, before he could get out the igloo, and thereby try and make him understand what he was reading. Neakuteuk gave the signal to his companion, and at the same time started himself for the igloo door; the companion siezed the stick and struck Neakuteuk over the head and knocked him senseless. The wounded man returned to his senses after a while, and when he got up the blood was flowing freely from his head where the companion had struck him. Neakuteuk returned to his reading, and told the companion he understood quite well what he was reading.

The Eskimo, all of them, then returned to the igloo and Neakuteuk told all the women to take off their clothes and he instructed each one to get on the table and jump from there to the bed then put on their clothes. This performance over, he turned to the men and told each one he was to have sexual intercourse with his mother. Each replied that he did not want to do that, then Neakuteuk told them that they would believe in God and never again have sexual intercourse with another woman, even their wives. Neakuteuk then told them all that none of them was to sleep or eat for a long time. His instructions were followed for a few days until everybody began to feel dissatisfied. Neakuteuk again called them to his igloo, after Christmas, and told them if any of them had anything inside, or thinking anything bad about another, they must throw

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19071-2

75109

ROYAL CANADIAN MOUNTED POLICE

ALL CORRESPONDENCE TO BE ADDRESSED,
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA.

OFFICE OF THE COMMISSIONER

REF. NO.

FILE NO. D 478-2 L.5.

OTTAWA,
October 12th, 1923

D.I. OF INDIAN AFFAIRS
OCT 13 1923

Sir:

Re: Murder of Three Eskimos at Home Bay - Baffin Land - N.W.T.

I have the honour to enclose herewith, for your information, copies of two reports dated the 13th of April and 5th of May, 1923, together with statement referred to, which have been received from S./Sergt. Joy of Pond Inlet Detachment, Baffin Land, N.W.T.

I have the honour to be,
Sir,
Your obedient servant,

Cortlandt Starnes,
Commissioner.

The Deputy Superintendent General,
Department of Indian Affairs,
Ottawa.

MD/Enc.

Indian Affairs. (RG 10, Volume 7468, File 19071-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FILE NO. 19074-3 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

ABITIBI
MURDER
JAMES ROCK BY DAVID ROCK

CROSS REFERENCE

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
8-7/13	PA	21.7.49	[illegible]	Soery	26756	CR9	20/6
CR9 Jul20	PA	19.7.49	[illegible]	Soery	1864	CR9	18/7
CR9 Jul29	PA	29.7.49	[illegible]	Soery	Rey	CR9	27/7
12/5/15	PA	9.5.57	[illegible]	Soery	Reply	[illegible]	9.5.57

DO NOT WRITE BELOW THIS LINE

R. 3755

FILE NO. 19074-3 DORMANT DORMANT

SECOND SERIES

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

No. 19074-3

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

ABITIBI

MURDER

JAMES ROCK BY DAVID ROCK

R. 1953

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

KODAK SAFETY FILM

19044-9

ONTARIO

OFFICE OF
ASSISTANT CROWN ATTORNEY
DISTRICT OF COCHRANE

COCHRANE, ONT.

Sept. 17th, 1947.

Deputy-Minister of Indian Affairs,
OTTAWA, Ont.

Dear Sir:- Re: David Rock, Lowbush, Ontario.

The above named Indian has been charged with murder and a preliminary enquiry will be held at Cochrane on Monday, the 22nd instant. If this defendant is committed for trial, he will appear at the assizes commencing at Cochrane on October 6th.

The defendant is without funds and I have been in communication with the Deputy Attorney-General for the Province of Ontario and he instructed me to write to you asking if your department would be willing to appoint counsel for the Accused at the trial in October.

Yours truly,

A.V.WATERS.

Per.

W/P.

Department of Mines & Resources
Indian Affairs Branch
SEP 19 1947
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CLASS OF SERVICE	
Full Rate	
Day Letter	
Night Message	
Night Letter	X
Evening and Sunday Message	

Please mark an X opposite the class of service desired.

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W. D. NEIL, General Manager

CHECK
TIME FILED

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

19044-9 (Secy.)

OTTAWA, September 19, 1947.

H. LARIVIERE, ESQ.,
INDIAN AGENT,
AMOS, QUEBEC.

RE DAVID ROCK, LOWBUSH, ONTARIO STOP PLEASE CONFIRM IDENTITY WHETHER INDIAN OR NOT AND WIRE ANY FURTHER PARTICULARS AVAILABLE STOP ROCK CHARGED WITH MURDER. TO APPEAR COCHRANE 22nd.

Eric Adams

~~(Executive Assistant)~~,
for Director.

Eve Adams

Chg. to Indian Affairs Branch
Dept. of Mines and Resources.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19044-9 (Secy.)

BY HAND

URGENT

Ottawa, September 20, 1947.

The Department of Justice, Ottawa, Ontario.

It will be appreciated if you will authorize the employment of counsel for the defence of David Rock, Indian of Lowbush, Ontario, Abitibi Agency, who has been charged with murder.

The preliminary enquiry is to be held at Cochrane on Monday, the 22nd instant.

EW

for Director.

20.9.47

Approved by telephone from Justice Dept. that S.O.L. PLATUS, Timmins nominated.

EW

7TH

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CLASS OF SERVICE	
Full Rate	
Day Letter	X
Night Message	
Night Letter	
Evening and Sunday Message	

Please mark an X opposite the class of service desired.

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W. D. NEIL, General Manager of Communications

CHECK
TIME FILED

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

19044-9 (Secy.)

OTTAWA, SEPT. 20, 1947.

A.V. WATERS, ESQ.,
ASSISTANT CROWN ATTORNEY,
COCHRANE, ONTARIO.

RE YOUR LETTER SEPTEMBER 17 CASE OF DAVID ROCK STOP IN EVENT OF MURDER CHARGE BEING PROCEEDED WITH JUSTICE DEPARTMENT HAS AUTHORIZED EMPLOYMENT OF S.O.L.PLATUS, TIMMINS, ONTARIO, AS DEFENCE COUNSEL STOP COSTS TO BE ASSUMED BY THIS DEPARTMENT STOP MR. PLATUS BEING INFORMED BY LETTER AND DIRECTED TO CONTACT YOU.

DIRECTOR
INDIAN AFFAIRS BRANCH

~~Executive Assistant.~~

~~Director~~

Guy Bélanger

Chg. Indian Affairs Branch,
Dept. Mines and Resources.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

190441-9 (Secy.)

EXD.

Ottawa, September 20, 1947.

Dear Sir:

The Department of Justice has authorized your employment to act on behalf of this Branch in the defence of David Rock, Indian of Lowbush, Ontario, who has been charged with murder.

The accused may appear at the assizes commencing at Cochrane on October 6th and it is suggested that you communicate with Mr. A.V. Waters, Assistant Crown Attorney, Cochrane, Ontario, who may be able to give you certain information regarding the case.

On completion of trial, may your itemized account please be forwarded to this Branch in triplicate for services rendered.

Yours truly,

Executive Assistant,
for Director.

S.O.L. Platus, Esq., K.C.,
Barrister and Solicitor,
Timmins, Ontario.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

TRANSMITTAL SLIP | Date

TO:

FROM:

- ☐ Note and File
- ☐ Note and Return
- ☐ Please Speak
- ☐ Please Answer
- ☐ For Your Approval
- ☐ Take Appropriate Action
- ☐ As Requested
- ☐ For Information
- ☐ For Your Comments
- ☐ For Signature
- ☐ Prepare Reply For My Signature

COMMENTS:

~~J.O.L.~~ Platus K.C.

S.O.L. Trimmis

Out.

R. 3338

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
TORONTO

1947 SEP 26 PM 7 20

Sept 22 9.47

19074-3

MOA325 82 NL=AMOS QUE 20

THE DIRECTOR INDIAN AFFAIRS BRANCH=
567 BOOTH BLDG OTTAWA=

RETEL DAVID ROCK IS AN INDIAN ABITIBI ONTARIO STOP MURDER CHARGE OVER HIS MISSING BROTHER JAMES ROCK REFER YOUR TELEGRAM JULY TWENTY NINTH FORTY SIX STOP THIS OFFICE AND TO MY KNOWLEDGE LOCAL MOUNTIES SINCE JAMES ROCK MISSING NEVER HAD ANY INDICATIONS WARRANTING SEARCH STOP ONTARIO POLICE UNDERSTAND TOOK ACTION ON PRESSURE THROUGH A GREAT NUMBER OF RUMOURS INSPECTOR INFORMED ME RECENTLY WHEN ARRESTING ROCK THEY DESIRED TO CLEAR THE MATTER STOP ROCK CANNOT DEFEND HIMSELF AND GOOD INTERPRETOR WILL BE REQUIRED=

H LARIVIERE INDIAN AGENT.

Department of Mines & Resources
Indian Affairs Branch
SEP 22 1947

FORM 6120

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
TORONTO

(47)

GR 2 NS 38

NQA41 50 DL=AMOS QUE 22 830A

DIR INDIAN AFFAIRS BR=

054 BOOTH BLDG OTTAWA=

Reply 22 Sept 1941 19074-3

INSPECTOR ONTARIO PROVINCIAL POLICE ADVISED DAVID ROCK TOOK THEM TO PLACE WHERE JAMES ROCK WAS BURIED CORONER AT COCHRANE ORDERED BURIAL NOW IN LOCAL CEMETERY PRELIMINARY HEARING ON MURDER CHARGE WILL BE PROCEEDED WITH TODAY DEFENSE LAWYER UNDERSTAND IF NOT APPOINTED BY YOU THEY WILL ARRANGE FOR AWAITING YOUR DECISION=

H LARIVIERE INDIAN AGENT.

Department of Mines & Resources
Indian Affairs Branch
SEP 22 1941
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CLASS OF SERVICE	
Full Rate	
Day Letter	
Night Message	
Night Letter	X
Evening and Sunday Message	

Please mark an X opposite the class of service desired.

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W. D. NEIL, GENERAL MANAGER

CHECK
TIME FILED

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

19074-3 (SECY.)

OTTAWA, SEPT. 22, 1947.

H. LARIVIERE, ESQ.,
INDIAN AGENT,
AMOS, QUEBEC.

RE YOUR TELS SEPT 20 AND 22 RE DAVID ROCK STOP JUSTICE DEPARTMENT HAVE AUTHORIZED EMPLOYMENT S.O.L. PLATUS, BARRISTER OF TIMMINS, ONTARIO STOP HAS BEEN ADVISED BY LETTER STOP YOUR COMMENTS RE INTERPRETER NOTED STOP NONE AUTHORIZED YET BUT MAY BE REQUIRED ON SHORT NOTICE SUGGEST YOU HAVE SUITABLE INDIAN LINED UP STOP WILL ADVISE LATER.

DIRECTOR
INDIAN AFFAIRS BRANCH

Gue Roland

Chg. Indian Affairs Branch,
Dept. of Mines & Resources.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W M ARMSTRONG GENERAL MANAGER TORONTO

STANDARD TIME

RA225 34=COCHRANE ONT 22 1253P

R A HOEY= 380

DIRECTOR DEPT INDIAN AFFAIRS OTTAWA ONT=

DAVID ROCK ARRAIGNED HERE TODAY ON CHARGE OF MURDER REQUESTS (
COUNSEL AT PRELIMINARY HEARING STOP GRANTED ADJOURNMENT FOR
ONE WEEK IN VIEW OF UNUSUAL CIRCUMSTANCES STRONGLY URGE THAT
COUNSEL BE PRESENT AT PRELIMINARY HEARING=

E R TUCKER MAGISTRATE.

SEP 22 1941
REGISTERED

NTO HOEY.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CLASS OF SERVICE	
Full Rate	
Day Letter	
Night Message	
Night Letter	X
Deferred Sunday Message	

Please mark an X opposite the class of service desired.

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W. D. NEIL, General Manager of Communications

CHECK
TIME FILED

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

19074-3 (SECY.)

OTTAWA, SEPTEMBER 23, 1947.

E. R. TUCKER, ESQ.,
MAGISTRATE,
COCHRANE, ONTARIO.

RE YOUR TEL SEPTEMBER 22 REDAVID ROCK STOP S.O.L. PLATUS, BARRISTER TIMMINS ONTARIO ALREADY AUTHORIZED BY JUSTICE DEPARTMENT TO DEFEND ACCUSED STOP COUNSEL HAS ALREADY BEEN ADVISED.

DIRECTOR
INDIAN AFFAIRS BRANCH.

Enclosure

Chg. Indian Affairs Branch,
Dept. of Mines and Resources.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. I).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS

CLASS OF SERVICE	
Full Rate	
Day Letter	
Night Message	
Night Letter	
Evening and Sunday Message	

Please mark an X opposite the class of service desired.

CHECK

TIME FILED

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

19074-3 (SECY.)

OTTAWA, SEPTEMBER 23, 1947

S.O.L. PLATUS, ESQ.,
BARRISTER & SOLICITOR,
TIMMINS, ONTARIO.

RE OUR LETTER OF SEPTEMBER TWENTIETH THE FOLLOWING TELEGRAM RECEIVED FROM MAGISTRATE E R TUCKER COCHRANE ONTARIO DATED SEPTEMBER 22 QUOTE DAVID ROCK ARRAIGNED HERE TODAY ON CHARGE OF MURDER REQUESTS COUNSEL AT PRELIMINARY HEARING STOP GRANTED ADJOURNMENT FOR ONE WEEK IN VIEW OF UNUSUAL CIRCUMSTANCES STRONGLY URGE THAT COUNSEL BE PRESENT AT PRELIMINARY HEARING UNQUOTE STOP FOR YOUR INFORMATION INDIAN AGENT CONCERNED IS H. LARIVIERE AMOS QUEBEC STOP IF YOU FIND INTERPRETER NECESSARY ADVISE THIS OFFICE DIRECT.

DIRECTOR
INDIAN AFFAIRS BRANCH

Chg. Indian Affairs Branch,
Dept. Mines and Resources.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

19074-3

FILED

RNA135 66 RX

1947 SEP 23 AM 11 34

TIMMINS ONT 23 1110A

DEPARTMENT OF INDIAN AFFAIRS

269

OTTAWA ONT

RECEIVED YOUR WIRE STOP PRIOR TO SAME HAD SPOKEN TO CROWN ATTORNEY AND ALSO TO INDIAN AGENT LARIVIERE STOP HAVE NOT AS YET RECEIVED YOUR LETTER OF SEPTEMBER TWENTIETH STOP WILL ATTEND AT PRELIMINARY HEARING NEXT MONDAY STOP ALSO INTERVIEW ACCUSED STOP HAVE ALSO ARRANGED TOO MEET LARIVIERE STOP MOST ESSENTIAL TO HAVE INTERPRETER AS SEEMS TO BE CONSIDERABLE DIFFERENCES IN INTERPRETATION WILL ADVISE YOU LATER

S C PLATUS

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FORM 6108 B

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER, TORONTO

CLASS OF SERVICE DESIRED	
FULL RATE MESSAGE	
DAY LETTER	
NIGHT MESSAGE	
NIGHT LETTER	
EVENING & SUNDAY	

PLACE X OPPOSITE SERVICE DESIRED

CHECK	RECEIVERS NO.	TIME FILED	CHARGE TO DEPT. OR ADDRESS
			Confirmation copy

Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes
Send the following message, subject to the terms on back hereof, which are hereby agreed to

Amos, Que. September 22nd. 1947

To The Director,
Indian Affairs Branch,
Booth Building, OTTAWA, Ont.

Inspector Ontario Provincial Police advised David Rock took them to place where James Rock was buried Coroner At Cochrane ordered burial now in local cemetery preliminary hearing on murder charge will be proceeded with to-day defense lawyer understand if not appointed by you they will arrange for awaiting your decision

H. Lariviere
Indian Agent

Day Letter - Charge
Indian Affairs.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

FORM 8108 R

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
TORONTO

CLASS OF SERVICE DESIRED	
FULL RATE MESSAGE	
DAY LETTER	
NIGHT MESSAGE	
NIGHT LETTER	
EVENING & SUNDAY	

PLACE X OPPOSITE SERVICE DESIRED

CHECK	RECEIVERS NO.	TIME FILED	CHARGE TO DEPT. OR ADDRESS
			Confirmation copy

Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes
Send the following message, subject to the terms on back hereof, which are hereby agreed to

Amos, Que. September 20th. 1947

To The Director
Indian Affairs Branch
Booth Building OTTAWA ONTARIO

Rettel David Rock is an Indian Abitibi Ontario stop murder charge over his missing brother James Rock refer your telegram July twenty-ninth forty-six stop This office and to my knowledge local Mounties since James Rock missing never had any indications warranting search stop Ontario Police understand took action on pressure through a great number of rumours Inspector informed me recently when arresting Rock they desired to clear the matter stop Rock cannot defend himself and good interpreter will be required

H. Lariviere
Indian Agent

Night Letter - Prepaid
Charge - Indian Affairs Branch

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

OFFICE OF THE
INDIAN AGENT
AMOS, Que.

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 16

EX'D.

September 22nd. 1947

To The Director, Indian Affairs Branch, Ottawa, Ont.

Re : Ontario Abitibi Indians
David Rock Band No. 71

Replying your telegram was delayed on account I was absent, visiting line points from La Tuque, Sanmaur, Oskelanee, on my return on the 20th. I wired you as per copy of message attached, last night the Inspector of Ontario Provincial Police, I/C of case, phoned this office, advising that David Rock had taken them to place of burial of James, the body of James Rock was brought out to Cochrane and Coroner ordered burial in Cochrane cemetery, I wired you this morning as per copy attached.

I have not any details, as to what David Rock admitted or said, however his arrest was caused by Ontario, when David Rock was serving a term under the Game Act in Quebec, Amos local jail.

I understand after preliminary investigation, hearing, starting to-day, regular hearing by a higher Court will proceeded with in October.

H. Lariviere - Indian Agent.

Department of Mines & Resources
Indian Affairs Branch
SEP 24 1947
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

MJ

Sept. 23, 47.

Dear Sir:-

I have to advise you that the Minister of Justice has nominated you as counsel to defend David Rodk, Indian of Lowbush, Ontario, Abitibi Agency, who has been charged with murder. You may expect word in the matter from the Indian Affairs Branch of the Department of Mines and Resources.

It is understood that this assignment if undertaken will be upon the same basis as work is accepted by agents of the Minister of Justice set out in the attached copy of Instructions to Agents.

Yours truly,

EHG.

for Deputy Minister.

S. Platus, Esq., K.C.,
Timmins, Ont.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074 3

WDJ

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA Sept. 23, 1947.

26.9.47

Dear Sir:-

Referring to your letter of September 20th, I have to advise you that the Minister of Justice has nominated S. Platus, Esq., K.C., of Timmins, Ontario, as counsel who may be employed in the defence of David Rock, Indian of Lowbush, Ontario, Abitibi Agency, who has been charged with murder. It is anticipated that Mr. Platus will receive word of his nomination from your department. I attach copy of letter today being addressed to him.

Yours truly,

ENC.

for Deputy Minister.

The Director of Indian Affairs,
Dept. of Mines and Resources,
Ottawa.

Department of Mines & Resources
Indian Affairs Branch
SEP 24 1947
REGISTER

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Copy

Low Bush Ontarie
September 22 1947

Dear Mr. Lariviere

Writting you a few lines to let you know about David Rocks case He'd liked to have a lawyer to defend him on his trial on monday 29th of september 10 a.m. He hasn't any money and the Indians have not any money themselves so they can't help him so I think he deserves break I was at court as interbirter for David Rock this morning

Sgd Yours truly

Phillip Miller

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

OFFICE OF THE INDIAN AGENT
Amos, Que.

CANADA
DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 16

Sept 26-9-47

EXD.
A.

September 24th. 1947

To The Director, Indian Affairs Branch, Ottawa, Ont.

Department of Mines & Resources
Indian Affairs Branch.
SEP 26 1947
REGISTERED

Re : David Rock - Low Bush, Ont.
Abitibi Ontario Band
Charged with murder

copy of letter
Attached hereto, the only demand I received for aid in this case, from the Indians.

I advised Mr. Miller the matter was already taken care of.

Solicitor Mr. Platus, appointed in this case no doubt is extremely anxious to get some information on Indians he wired me again last night, further to our telephone conversation I will meet Mr. Platus at Cochrane, leaving Amos saturday, the question of interpreter is the " snag " at this time of year most of the persons capable for this work are off in the bush, and the problem some persons are good interpreters but might not be able to understand this Indian, who has lived most of his life by himself more or less, his language has taken a sort of " personal twist ", however I am making a definite effort to have suitable interpreters and hope to adjust on the spot at Cochrane, the few around Cochrane have already been retained by the Police, as they are closely related to these Indians, they might not be acceptable in Court, however on this will do the best we can.

I hope to return Amos on September 30th.

E. Lariviere - Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

S. C. PLATUS, K.C.
BARRISTER, SOLICITOR, NOTARY
REED BLOCK
TIMMINS, ONTARIO

Sept'y 29.9.47

September 25, 1947.

Office of the Director,
Indian Affairs Branch,
Dept. of Mines & Resources,
Ottawa, Ontario.

Dear Sir: re David Rock
Your File 190441-9 (Secy.)

I herewith acknowledge receipt of your letter of the 20th inst. in connection with the above matter.

Prior to receipt of your letter, the Assistant Crown Attorney at Cochrane and the Indian Agent, Mr. Lariviere, of Amos, Quebec, had phoned me.

I to-day also received a memo of instructions from the Department of Justice. I take it for granted that my fee will be commensurate with the services rendered and that I am to render detailed charges of the services rendered.

Yours very truly,

S. C. Platus

Department of Mines & Resources
Indian Affairs Branch.
SEP 27 1947
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

P0

Sep 11, 1947

BROTHER'S MURDER BLAMED ON INDIAN

David Rock in Custody as Police Hunt for Another Body

Cochrane, Ont., Sept. 11. — (CP) — David Rock, 40-year-old Ojibway Indian, was in custody here tonight, charged with murder, as two police officers combed the La Sarre, Que., area where the body of his brother, Jim, is believed buried.

Jim Rock disappeared some time last year. David was brought here last night from Amos, Que., and, after questioning, Sgt. Isaac Robbie and Constable H. M. Purdie of the Ontario provincial police left by airplane for La Sarre, 90 miles east of here.

David will be arraigned in magistrate's court tomorrow, police said. They declined to discuss details of the case.

Police did disclose, however, that they also are investigating the death of an unidentified elderly man whose body, part of which had been eaten by dogs, was found in his lonely cabin in 1938. Investigating officers said they were not prepared to reveal any possible connection between his death and Rock's.

Later, however, police discounted the theory that the deaths were linked.

"We have nothing to confirm any connection between Rock's death and the death in 1938," a law officer said. "From what we know, it appears that the earlier death was from natural causes. It was across the border near La Reine, Que., and Quebec provincial police have looked into it."

Rock is believed to have been shot to death.

Inspector George MacKay of Toronto left for Cochrane today to assist in the investigation. Inspector Leonard Neil, recently promoted to the provincial police criminal investigation branch from the Chatham detachment, led the preliminary investigation but was scheduled to leave tonight for Southern Ontario in connection with another case.

Jim Rock's body is believed buried in the rough rock and bush company near Burnt Bush River, close to the Quebec border, Inspector Neil said late today.

"It is problematical just where the body is buried," he added. "But we have an idea where to look. It is extremely dense bush country in that area and we cannot be sure of locating the body until our men get in there and look the situation over."

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Winnipeg Tribune
19074-3
11/9/47

9a

Winnipeg Tribune 11/9/47

Police Seek Indian In Mystery Deaths

COCHRANE, Ont., Sept. 11 (CP) —Ontario provincial police were reported today to be seeking an unidentified Indian man for questioning in connection with the mysterious death of two men near Lowbush, 20 miles east of here.

It was learned that the body of one of the men was believed fed to dogs. The deaths occurred a month ago.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

Vancouver Province

QA 12/9/47

Charge Indian Killed Brother

COCHRANE, Ont. (CP) — David Rock, 40-year-old Ojibway Indian from Burnt Bush, 80 miles northeast of here, was to appear in magistrate's court today on a charge of murdering his brother. It was expected he would be remanded.

Meantime, Ontario Provincial Police officers searched dense bushland along the Burnt Bush river near the Quebec border for the grave of Rock's 52-year-old brother, Jim.

The investigation arose from strange tales of a Cain-and-Abel slaying, fearful whisperings passed among lonely Indian trappers and hunters.

The story had it that Jim Rock had been shot in the spring of 1946 and that a shallow grave hidden in the forest reaches held his body.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3 (Secy.)

EX'D.

Ottawa, September 29, 1947.

Dear Sir:-

This will acknowledge receipt of your communication of September 25 re David Rock.

With regard to the last paragraph thereof you fee is commensurate with your services rendered and as mentioned in my letter to you of September, your itemized account if to be forwarded in triplicate to this Branch.

Yours truly,

Executive Assistant,
for Director.

S. G. Platus, Esq., K.C.,
Barrister, Solicitor, Notary,
Reed Block,
Timmins, Ontario.

/ITH

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074 - 3

FILED.

S. C. PLATUS, K.C.
BARRISTER, SOLICITOR, NOTARY
REED BLOCK
TIMMINS, ONTARIO

Secy

October 1, 1947.

Officer of the Director,
Indian Affairs Branch,
Dept. of Mines & Resources,
Ottawa, Ontario.

Dear Sir: re David Rock
Your File 190441-9 (Secy.)

Further to my letter to you of the 25th ultimo, I attended at Cochrane on Sunday, Monday and Tuesday, September 28th, 29th and 30th, inclusive.

The preliminary hearing was to be held on the 29th but it was adjourned until the following day. It suited my convenience also, as it gave me more time to interview my witnesses and to say the least, it was very difficult to receive direct stories of what happened.

The accused had made a statement to the police, admitting that he had shot his brother, Jim Rock in self defence. One of the Crown witnesses, his daughter, claimed the shooting was an accident. His wife also claimed it was an accident, so it is rather a mixup, at the present time, as to what defence it shall be.

The magistrate committed the accused for trial.

The Assizes commence on October 6th and the Grand Jury will again review the case and will probably find a true bill. I do not think it will be necessary for me to attend at Cochrane as I will not be able to be in the Grand Jury room, but if you wish me to do so, please wire me to that effect.

I may also add that I had a great deal of assistance and co-operation from Mr. Lariviere, the Indian Agent.

Yours very truly,

S C Platus

Department of Mines & Resources
Indian Affairs Branch.
OCT 2 1947
REGISTERED

SCP:VC
Special Delivery.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074 3 File 16

EX'D.

ABITIBI INDIAN AGENCY

October 1, 1947

Department of Mines & Resources
Indian Affairs Branch.
OCT 4 1947
REGISTERED

To The Indian Affairs Branch, Ottawa, Ont.

Re : Indian David Rock

Further to charge of murder against above named Indian, I met attorney appointed to defend, also made arrangements to secure interpreters and so on, the prelimenary hearing was to take place yesterday at 1 p.m. and he will be sent for trial to sometime in late October.

I am satisfied that this Indian, has been dealt with very fairly by all concerned, the case is under Inspector Neil of the Ontario Police and I am sure this Indian received all possible considerations and so on.

It is felt if the truth is brought out, " woman " is at the bottom of this case, it is admitted he did shoot him, however there was,fight among them in the bush, it is said shooting was going on, killing dogs, shot at trees and headwear, it appears in a way that certain consideration might be given under the ticket " self-defense " however, only his wife and adopted daughter were present and it appears they differ on statements.

I met all these Indians at Cochrane, I think they still doubt, that they will be defended by a lawyer in Court, they are the " savage " types, they are not talking too much yet, although they certainly did talk and made up things, in the usual Indian fashion,it does not check out very closely on " open stories " , I feel once they will realize it is serious, they will open up.

H. Lariviere - Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Copy for information Ottawa. 19074 3

Amos, Que.

Sept. 16

October 10th. 1947

Dear Mr. Platus,

In reply yours of the 8th. inst., I intended to attend at the trial of Indian David Rock, as suggested by you when in Cochrane, since I have been served to report to the Court on October 22nd. to act as Jury, Assizes, I have other appointments which I have been putting off since considerable time, considering I already arranged to complete and will be leaving Amos on the 11th. to return I hope latest October 18th. 1947.

I note the statement by Catherine as regard telling Inbault that Jim Rock had been killed by accident, considering his denial to me, I do not see that Inbault and this Mr. Nil Trembley would appear as defence witnesses unless compelled to, if you are of the opinion it is necessary that these persons appear in Court, I feel both should be served. As regard Trembley the Ontario Forestry Branch, should be able to locate him, I understand he is employed by them, as a guardian and telephone man, north of La Reine or about, I have failed to contact him, his headquarters would be Cochrane.

Yours very truly,

H. Lariviere
Indian Agent

Department of Mines & Resources
Indian Affairs Branch.
OCT 14 1947
REGISTERED

S.G. Platus, K.C.,
Timmins, Ont.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

RECORDS

Please place on David Rock murder file - Abitibi Agency.

19074 3

EXD.

Ottawa, October 14th, 1947.

MEMORANDUM FOR FILE

Mr. Platus of Timmins, Ontario, counsel for the defence of David Rock telephoned this date, reporting that he had just received word that the date of the Rock trial for murder, had been advanced to Thursday, October 16th, in order that it may be concluded at this sitting of the Assizes.

Mr. Platus said he was unable to prepare his defence in the time indicated as it involved dealing with primitive Indians through interpreters and through Indian Agent Lariviere, who is at present obtaining additional information in the Low Bush area.

Mr. Platus wanted to know if this Department recommended postponement of the trial. It was explained to Mr. Platus that the defence was in his hands and if he thought it necessary in the interests of the defence, he should ask for a postponement. He was also asked what he would do had the defendant been white, and he replied "I would ask for a postponement." Mr. Platus desired to know if the matter rested in his hands and he was advised that such was the case, in which event no doubt the defence will be asking for a postponement till the Spring Assizes.

Executive Assistant.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074 3

No. 19074-3 (Secy.)

S. C. PLATUS, K.C.
BARRISTER, SOLICITOR, NOTARY
REED BLOCK
TIMMINS, ONTARIO

Department of Mines & Resources
Indian Affairs Branch
OCT 20 1947
REGISTERED

October 17, 1947.

Office of Director,
Indian Affairs Branch,
Dept. of Mines & Resources,
Ottawa, Ontario.

Dear Sir: re David Rock

I wish to submit my final report in this matter.

You will recall that on Tuesday, October 14th, I telephoned you long distance and received the necessary instructions from you to use my own judgment in this matter as I was retained by the Department of Justice as counsel.

On the day that I spoke to you, I had previously intended asking for an adjournment. I then reconsidered the matter and when I attended at court, the following two days, I thought it was advisable to proceed with the case, after discussing this matter with the Crown Attorney, crown officials and Mr. Justice Urquhart.

I left for Cochrane on Wednesday, discussed this matter with the various witnesses, and the trial proceeded on Thursday. Before the trial proceeded, the crown officials more or less thought that in view of the extraordinary circumstances surrounding this case, the charge should be reduced to manslaughter.

The trial proceeded on the murder charge, and then the crown prosecutor, S. A. Caldbick, Esq., K.C., thought that he should reduce the charge to manslaughter, as there was not sufficient evidence submitted.

I had previously discussed this matter with the accused three or four times, each time in the presence of witnesses, and also had an Ojibway interpreter explain it to the accused in his language. The accused understood me as he spoke a certain amount of broken English, but he definitely understood the interpreter, Mr. Philip Miller. After explaining this matter thoroughly to the accused, he was quite satisfied to plead guilty to a charge of manslaughter.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

Office of Director. October 17, 1947.

There is no doubt in my mind, or in the mind of anyone, that he murdered his brother. The reason the charge was reduced to manslaughter was owing to provocation, etc. Sgt. Sutherland of the R.C.M.P. stationed at Rockliffe, near Ottawa, and also Dr. M.O. Klotz, were present as crown witnesses, and are also familiar with the case, more or less.

Upon the verdict, I naturally made a plea setting out the conditions, status of life, and certain habits of the Indians living in Northern Quebec and Northern Ontario, which is, to say the least, quite primitive.

Mr. Justice Urquhart took my representations into consideration, and sentenced the accused to two years less a day at the Ontario Reformatory, which may be in Guelph or Burwash, but the underlying idea was that the accused would not be confined to a cell, but would work in the open air.

In addition to the above definite sentence, the Judge also imposed a one year indefinite term.

I think the sentence imposed was a very reasonable one, in view of the fact that the accused, after all, killed his brother, and the sentence would have a salutary effect upon the Indians living in Northern Ontario and Northern Quebec.

I think, on the whole, that justice has taken its course, in this matter, not only for the Indians, but also for the general public.

I am enclosing herewith my account in triplicate setting out in detail my disbursements, days absent from the office, preparation, etc. In view of the seriousness of the charge, and the successful completion of my services, I trust that my account will be taxed as rendered.

Yours very truly,

S.C. Porter

SCP:VC
Encls.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

October 17 1947.

Indian Affairs Branch,
Dept. of Mines & Resources,
Ottawa, Ontario.

IN ACCOUNT WITH

S. C. PLATUS, K.C.
BARRISTER, SOLICITOR, NOTARY
REED BLOCK
TIMMINS, ONTARIO

re David Rock

Sep. 22	Long distance call from A. V. Waters, Esq., K.C. Assistant Crown Attorney at Cochrane, advising re my retainer, adjournment of case, etc.	
	Attending to phone S. A. Caldbick, Esq., K.C., Crown Attorney, requesting particulars.	
23	Long distance call from H. Lariviere, Indian Agent at Amos, Quebec, discussing pending case.	
	Wire from Director of Indian Affairs.	
	Wire in reply and paid...	$2.25
	Wire from H. Lariviere, Indian Agent as Amos.	
	Long distance call to Assistant Crown Attorney at Cochrane, obtaining paticulars and paid...	1.15
	Wire to H. Lariviere, Indian Agent at Amos, Quebec, and paid...	1.25
24	Wire from H. Lariviere, Indian Agent at Amos.	
25	Letter from Director of Indian Affairs.	
	Letter in reply.	
	Letter from H. Lariviere, Indian Agent.	
	Letter in reply.	
26	Long distance call to Crown Attorney and paid...	1.15
28 29 30	Absent from office 3 days--interviewing crown officials, witnesses, etc.	
	Paid for railway fare and hotel bill for 3 days...	14.20
	Disbursements fwded.	$20.00

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs Branch. October 17, 1947.

		Disbursements fwded.	$20.00
Oct.	1	Letter to H. Lariviere, Indian Agent at Amos.	
	3	Interview with court reporter and paid for transcript of evidence...	15.27
	7	Long distance call to Assistant Crown Attorney at Cochrane and paid...	.63
	10	Long distance call to Assistant Crown Attorney and paid...	.95
	14	Wire to Indian Agent, Mr. Lariviere and paid...	.62
		Long distance call to Assistant Crown Attorney and paid...	.82
		Long distance call to E. Acland and paid...	5.83
		Long distance call to Assistant Crown Attorney and paid...	1.15
		Long distance call to Inspector of Provincial Police and paid...	.95
		Wire to Indian Agent at Amos, and paid...	.62
	15	Absent from office two days for preparation and trial and paid travelling and hotel expenses	
	16	for two days...	9.50
		Total disbursements...	$56.34
		My fee herein... absent from office 5 days...	500.00
		prepation for case, perusing law, etc...	250.00
		TOTAL...	$~~806~~.34

Inv. Oct. 24, 1947 Def. Justice To $23.34 Pay Oct. 25, 1947

VOTE.....
AGENCY.....
ALLOT.....E. R.....
Goods received or services performed. Prices fair and just. Approved for payment.
Eric Acland

AUDIT PAYMENT NOV 3 1947 Treasury Officer I. A. B. 673.34

I hereby certify that I rendered the services indicated above and that this account truly shows the fees claimed, moneys expended and all moneys received by me in connection with the above matter.

L. B. Sutes
Agent of the Minister of Justice.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3 (Secy.)

EXD

Ottawa, October 21, 1947.

The Department of Justice, Ottawa, Ontario.

I have to refer to your letter of September 23th, WDJ, wherewith you authorized the employment of Mr. S. Platus, Esq., K.C., of Timmins, Ontario, to act on behalf of this Department in the defence of David Rock Indian of Lowbush, Ontario, Abitibi Agency, who was charged with murder.

An account has now been received from Mr. Platus for services rendered in this case and it is forwarded to you for taxation and return.

Executive Assistant,
for Director.

/TTH

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

Edmonton Bulletin

12/9/47

G.A.

Charge Indian

COCHRANE, Ont., Sept. 12.—(CP)—David Rock, 40-year-old Ojibway Indian from Burnt Bush, 80 miles northeast of here, was to appear in magistrate's court today on a charge of murdering his brother. It was expected he would be remanded. Meantime, Ontario provincial police officers searched dense bushland along the Burnt Bush river near the Quebec border for the grave of Rock's 52-year-old brother, Jim.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Calgary Alberta 19074-3

12/9/47

Od

Charge Indian Killed Brother

COCHRANE, Ont., Sept. 11 (CP) Ontario provincial police said today that David Rock, 40-year-old Ojibway Indian, has been charged with accept $1.20 less than the market Jim, who disappeared last year but whose body has not been located.

Two officers left today by plane for the La Sarre district about 90 miles east of here and just east of the Ontario-Quebec border. Jim Rock's body is reported to be buried there.

Police said that David Rock will appear in magistrate's court tomorrow on the murder charge. They declined to discuss details of the case, although Inspector A. MacDougall said there would be a statement after the return of the two officers.

In Toronto, provincial police headquarters said any statement on the case would have to come from Cochrane.

Police here disclosed that they also are investigating the death in 1938 of an elderly man whose body was found near his cabin that year. Several ferocious dogs kept by the man had eaten part of the body. Police did not disclose the reason for re-opening of this case and said they were not prepared to reveal any possible connection between the two deaths.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

September 30th, 1947.

Dept of Mines & Resources,
c/o H. Lariviere, Indian Agent,
Amos, Que.

DR To

James Sunner,
c/o. Indian Agent,
Moosonee, Ont.

Re: Interpreting in the case of David Rock, charged with murder.

Sept. 30	Room 5 nights	(1)	$10.00
	Train fare Cochrane to Moosonee		5.35
Sept. 26	Friday, 1 D. 0.75 1 S. 1.00		1.75
27	Saturday, B. 0.55, D. 0.80 S. 0.75		2.10
28	Sunday, B. 0.45, D. 0.85, S. 0.75		2.05
29	Monday, B. 0.55, D. 0.85, S. 0.80		2.20
30	Tuesday, B. 0.55, D. 0.85, S. 0.75		2.15
Oct. 1	Wednesday, B. 0.55, D. 1.00, S. 75		2.30
			$ 27.90

Received from H. Lariviere, accountable, $25.00

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

Form No. I.A. 506A
R. 3524

TREASURY ONLY

Cheque No. .....

Date .....

Pay to H. Lariviere, Indian Agent

Address Amos, Que.

DATE 1947		SERVICE	AMOUNT
Oct.	27th.	To. Invoice attached :- Re James Gunner	$ 25.00
		As per invoice attached and receipt covering accountable advance to H. Lariviere, advance made to Mr. Gunner at Cochrane.	
		Interpreter service to interview Indian David Rock, S.C. Platus & H. Lariviere, re : murder case James Rock.	
		Authority : On demand of Mr. Platus appointed defense lawyer, and phone to Ottawa - Mr. R.A. Hoey, ex : Amos per H. Lariviere, re : interpreting services.	
		E. Balance owing Mr. Gunner see Voucher No. 594	

AUDITED FOR PAYMENT NOV 4 1947 Pay Office

VOTE 511

AGENCY 26

ALLOT.....

Goods received or services performed. Prices fair and just. Approved for payment.

Geo Acland

Department of Mines & Resources Indian Affairs Branch OCT 29 1947 REGISTERED

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just, also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada. This expenditure was authorized by Departmental Letter, File No. ..... dated .....

Voucher No. 594

Date October 27th. 1947

Agent

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

September 30th, 1947

Dept. of Mines & Resources,
c/o. H. Lariviere, Indian Agent,
Amos, Que.

DR To

James Gunner,
c/o. Indian Agent,
Moosonee, Ont.

Re: Interpreting in the case of David Rock, charged with murder.

Sept. 30	Room 5 nights	(1)	$10.00
	Train fare Cochrane to Moosonee		5.35
Sept. 26	Friday, B. 0.75, S. 1.00		1.75
27	Saturday, B. 0.55, D. 0.80, S. 0.75		2.10
28	Sunday, B. 0.45, D. 0.85, S. 0.75		2.05
29	Monday, B. 0.55, D. 0.85, S. 0.80		2.20
30	Tuesday, B. 0.55, D. 0.85, S. 0.75		2.15
Oct. 1	Wednesday, B. 0.55, D. 1.00, S. 0.75		2.30
			$ 27.90
	Less received from H. Lariviere		25.00
			$ 2.90

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

Form No. I.A. 506A
R. 3524

TREASURY ONLY

Cheque No. .....

Date .....

Pay to Mr. James Gunner,

Address C/O Indian Agent,
Moosonee, Ont.

DATE 1947		SERVICE	AMOUNT
Sept.	30th.	To. Invoice attached : Re Interpreting services in the case of David Rook	$ 27.00
		Less accountable advance payable to H. Lariviere	25.00
		Direct refund to Mr. Gunner.	$ 2.00

AUDITED FOR PAYMENT NOV 3 1947

VOTE 51 Authority : Director I.A. Mr. R.A. Hoey, phone Amos per H. Lariviere re interpreting services.

AGENCY -06

ALLOT E. R.

Goods received or services performed. Prices fair and just. Approved for payment.

Copy of this Voucher mailed to Mr. Gunner.

Geo Roland

OCT 29 1947

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just, also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada. This expenditure was authorized by Departmental Letter, File No. ..... dated .....

Agent

VOUCHER No. 596

DATE October 27th. 1947.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Low Bush, Ont.,
October 22nd, 1947.

Dept. of Mines & Resources,
c/o. Indian Agent,
Amos, Que.

DR to

Philip Millar, Esq.,

Low Bush, Ont.

Re: Interpreting in the case of David Rock, charged with murder,

Sept. 28th	- Train fare Low-Bush Cochrane & return		$ 2.55
28	- D. 1		.60
29	- B.0.60 - D. 0.60 - L. 0.60		1.80
30	- B. 0.60 D. 0.60 L. 0.60		1.80
Oct. 1	- B. 0.60		.60
	- Room Sept. 28 to Oct. 1st	(1)	5.00
Oct. 6	- Train fare Low Bush Cochrane & return		2.55
	- D. 0.60 S. 0.60		1.20
7	- B. 0.60 D. 0.60		1.20
	- Room Oct 6 to Oct. 7th	(2)	1.50
Oct. 10	- Train fare Low Bush Cochrane & return		2.55
	D. 0.60 S. 0.60		1.20
11	- B. 0.60 D. 0.60 S. 0.60		1.80
12	- B. 0.60 D. 0.60 S. 0.60		1.80
13	- B. 0.60 D. 0.60		1.20
	- Room Oct. 10 to Oct. 13th	(3)	6.00
Oct. 15	- Train fare Low-Bush Cochrane & return		2.55
	B. 0.60 D. 0.60 S. 0.60		1.80
16	- B. 0.60 D. 0.60 S. 0.60		1.80
17	- B. 0.60 D. 0.60 S. 0.60		1.80
	- Room 15th to 17th	(4)	4.00
			$ 45.30
WAGES:	13 days @ $6.00		78.00
			$ 123.30

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

DEPARTMENT OF MINES AND RESOURCES

Form No. F.A. 506A
R. 3524

INDIAN AFFAIRS BRANCH

TREASURY ONLY

Cheque No. .....

Date .....

Pay to Mr. Phillip Miller, Low Bush, Ont.

Address .....

DATE 1947		SERVICE	AMOUNT	
Oct.	28nd.	To. Interpreting :- Your expenses and salary for services in the case of Doris Rock Interpreting.	$ 123	30

Representative Treasury RECEIVED OCT 31 1947 INDIAN AFFAIRS

Auditor General's Office FOR PAYMENT NOV 3 1947

Re : Interpreting services, before, during preliminary, and trial, appointed to interpret for Fr. E.C. Platus, defending and at disposal of Court as requested.

Salary, was arrived at, at same rate as paid by the Ontario Forestry Branch, this man employed by the Ontario Forestry " permanent staff " tower services.

OCT 29 1947 REGISTERED

VOTE 511

AGENCY -66

ALLOT E. R.

Goods received or services performed. Prices fair and just.

Approved for payment.

Authority : Phone Agency to Ottawa - Mr. R.A. Hoey, Director, on request of Mr. Platus.

This man used in preference to Mr. Gunner, after testing their value as interpreters in this case, Rock could understand him better and Miller could stand up better in Court - on cross questions, by lawyers.

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just, also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada. This expenditure was authorized by Departmental Letter, File No. ..... dated .....

..... Agent

Voucher No. 507

Date October 27th. 1947.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074 - 3 RAO:GD

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

DEPARTMENT OF JUSTICE, CANADA

Department of Mines & Resources
OTTAWA
OCT 29 1947
DEPUTY MINISTER

Representative of the Treasury
RECEIVED
INDIAN AFFAIRS.

OTTAWA October 29th, 1947

Legal agent: S. Platus, K.C.,
Timmins, Ontario.
Your reference: 19074-3 (Secy.)

Dear Sir:

EVD.

As requested in your letter of the 21st instant, I am returning the account of the above named legal agent which I have taxed and allowed in the sum of $673.34.

Enc.

Yours truly,

for Deputy Minister.

Department of Mines & Resources
Indian Affairs Branch.
OCT 30 1947
REGISTERED

The Director,
Dept. of Mines & Resources,
O t t a w a.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

S. C. PLATUS, K.C.
BARRISTER, SOLICITOR, NOTARY
REED BLOCK
TIMMINS, ONTARIO

EX'D.
M

No. 19074-3 (Secy.)

November 25, 1947.

Office of Director,
Indian Affairs Branch,
Dept. of Mines & Resources,
Ottawa, Ontario.

Dear Sir: re David Rock

I wrote to you in connection with the above matter under letter dated October 17th, but as yet have not received any acknowledgment of same, let alone payment of my account.

I would certainly appreciate receiving advice from you that you received my final report in this matter.

Yours very truly,

SCP:VC

Dec 3, 1947
Cheque sent
forwarded Jan. 23, 1947
M.V.

Department of Mines & Resources
Indian Affairs Branch.
NOV 28 1947
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

Ottawa Journal

OA

15/9/47

Remand Indian On Murder Charge

15/9/47

Ottawa Journal

COCHRANE, Ont., Sept. 13.—(CP)—David Rock, 40-year-old Ojibway Indian from Burnt Bush, 80 miles northeast of here, was remanded to Sept. 19 when he appeared in court yesterday on a charge of murdering his brother.

Wet weather, making travel difficult in the bush areas of this district, has forced Ontario Provincial Police to postpone a search for the brother's body, believed buried along the Burnt Bush river near the Quebec border.

The brother, 52-year-old Jim Rock, disappeared last year. David's arrest came after reports of murder reached police from Indians who knew both men.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Co y for information : Indian Affairs Branch. 19074-3

[redacted]tibi Indian Agency

19-2 R

(our File 16)

Sec'y

June 9th. 1949

26756

G.M. Dix, Esq.,
Chief Parole Officer,
Department of Reform Institutions,
Board of Parole,
11 Queen 's Parks
Toronto, Ont.

Department of Mines & Resources
Indian Affairs Branch
JUN 18 1949
A.M.
REGISTERED

Dear Sir,

Attention : Mr. L.M. Dudley

I received yours advising, your services have agreed to release Indian David Rock, on patole under certain conditions, outlined in yours of the 4th. inst., I regret to say, this Indian has never worked on a farm, or done in the past any kind of day labor, etc., he is a primitive, type who always kept away from the group, lived by himself and wife, from fishing, hunting and trapping, it follows once he is released he will return immediately to the same life, more his re-action will be to " stick to it " tight, we find the same conditions, with Indians of his type and better, when discharged from hospitals, etc., it follows it is not possible for him to meet the conditions of the " Parole Board " as outlined in yours.

The only suggestion that I have to offer is this :-

If released :-

1.- On arrival that he report to the R.C.M.P. Detachment at Amos, Que.

2.- Before leaving for his trapping ground, that he report to : same as # 1.

3.- On about January 1950, that he report, on coming out from bush to : same as # 1 .

4.- Again, on spring 1950 - before break up .

5.- Again, on return from bush in spring - after break up.

.....continued :-

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Gitbi Indian Agency

19-2 E

June 9th. 1949

..... Re : David Sock

Conditions as suggested here, might be met by him, but nothing definite as regard dates, here he would need, about 15 days leeway.

This office is not prepared to accept, supervising this Indian for period of " Parole " , on his return to us, we will follow this Indian, as we do for others, but for special supervision under parole, it is much preferredthat the Royal Canadian Mounted Police, assume and they are in a better position to follow, like they usually do for other cases.

Yours very truly,

H. Lariviere - Supt. Indian Agency

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3 Secy.

July 7th, 1949.

H. Lariviere, Esq.,
SUPT. INDIAN AGENCY,
Amos, Quebec.

I have to refer to your letter of June 9th, your file 16, to G. M. Dix, Chief Parole Officer, Department of Reform Institutions, Board of Parole respecting the release of David Rock.

Please send a copy of the letter from Mr. Dix to which you refer.

/BB

T. R. L. MacInnes,
Secretary.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Ontario
Department of Reform Institutions
BOARD OF PAROLE

11 Queen's Park
Toronto.
June 4th, 1949.

Mr. H. Lariviere,
Superintendent, Indian Agency,
Amos, Que.

Reference: Your file No. 16
No. 31679 - David ROCK
Industrial Farm, Burwash.

Dear Sir;

The above mentioned young man, who was sentenced at Cochrane, Ontario, October 16th, 1947, to a term of 24 months less 1 day definite and 12 months indeterminate, having been convicted of the manslaughter of his brother, has been granted a parole for the indeterminate portion of his sentence, to become effective July 2nd, 1949, providing suitable employment and living accommodation can be arranged. His term will expire May 11th, 1950.

We understand that his wife is living in the vicinity of LaSarre and LaReine, Province of Quebec, and Rock is desirous of returning to his wife at LaSarre where he hopes to work in the Mill or on a farm, and also resume his activities as a Trapper during the Winter months.

We understand that from time to time you have been in communication with the Industrial Farm regarding this man's wife, and the Board has directed that Rock be paroled to the Superintendent of the Indian Agency of the Reserve where he formerly resided. Would you kindly advise this office at your convenience, if you would be willing to accept supervision of this man for employment as of July 2nd next, and also assist him in making his written monthly report to this office during the period of his Parole.

Upon advice from you we will be pleased to release Rock on Parole to work under your supervision.

We thank you for your kind co-operation.

Yours very truly,

(signed) L.M. Dudley
for G.M. Dix, Chief Parole Officer.

LMD/EW

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19074-3

F[redacted] SERVICE
A[redacted]ibi Indian Agency

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 19-2- R

Jun. Jno Jones
noted on
19.7.49
Secy

July 12th. 1949

Department of Mines and Resources
Indian Affairs Branch
JUL 15 1949
A. M.
REGISTERED

To The Indian Affairs Branch, Ottawa, Ont.

1861

Your Letter No. 19074 - 3 Sec.
July 7th. 1949

In reply, herewith copy of letter asked for.

H. Lariviere - Supt. Indian Agency.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

(COPY) EGM

Confidential

ONTARIO
DEPARTMENT OF REFORM INSTITUTIONS
BOARD OF PAROLE

11 Queen's Park,
TORONTO

Toronto, Nov. 19th, 1947.

Prisoner ROCK, David, #31679

Sentenced by Justice Urquhart — Sentenced at Cochrane

Term 24 mos. less 1 day & 12 months — Crime Manslaughter.

A g e 35 years. — Previous Convictions 3.

Dear Sir:

The investigation of the cases of the inmates of our Provincial Institutions is begun as soon as possible after their reception. This investigation is automatic and without pressure or application from any source.

In order that the Board of Parole may be in possession of complete information to enable it to deal intelligently with the investigation, a complete report similar to that contemplated by Section 1020, sub-section (1) of the Criminal Code is essential. Would you be kind enough, therefore, to forward to the Chief Parole Officer, Ontario Board of Parole, 11 Queen's Park, Toronto, a complete report of all the facts within your knowledge, together with a definite recommendation, particularly as to parole for the indeterminate part of the sentence.

ONTARIO BOARD OF PAROLE.

November 22nd, 1947.

This man was tried before me at Cochrane. He is an Indian of middle age and was a trapper. While he was out in the bush with his brother and his wife and his step-daughter, engaged in some kind of hunting or trapping operations, he and his brother had a quarrel over the wife and the killing of some dogs by the brother. The evidence is very confusing, but it appears as though the accused thought that the brother who had a gun was going to shoot him, and in the heat of the quarrel, he shot and killed the brother, burying the body in a pile of brushwood and leaving the body in the bush. Rumours went around and finally he was arrested and tried for murder. The Crown being of the opinion that manslaughter was the proper charge, and the accused offering to plead guilty to manslaughter, I accepted the plea.

(OVER)

Indian Affairs, (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

The accused is said to be in a Tubercular condition and it was represented to me that confinement in a Penitentiary would be very harmful. It was suggested that I send him to a place where he could get outdoor work on farming operations, or something of that sort, and so I sentenced him to a fairly long term in the Reformatory with the consent of the Crown.

In regard to the indeterminate part of the sentence, it seems to me that at any time after the twenty-four months is up, if the accused's conduct has been good and his health improved, he could be granted parole. I doubt if his intelligence is very high.

(Sgd.) G. A. Urquhart,
J.

24/11/47.

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Confidential

19074-3

REFER TO OUR No. R-116003.

DEPARTMENT OF JUSTICE
REMISSION SERVICE
OTTAWA

Noted
Please file & Pl.

July 19, 1949.

3601

Dear Mr. MacInnes:

Re: David ROCK, #31679,
Burwash Industrial Farm.

Referring to your telephone conversation of today with Mr. Thompson, I enclose herewith copy of the Trial Judge's report to the Chief Officer, Ontario Board of Parole, Toronto.

Encl.

Yours sincerely,

M. P. Gallagher,
Director of Remission Service

T. R. L. MacInnes, Esq.,
Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa.

Department of Mines & Resources
Indian Affairs Branch
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19074-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19103-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FILE NO DORMANT 19103-2 DORMANT

DORMANT FILE NO. 19103-2 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

BLOOD MURDER
WHITE MAN

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10) Volume 7468, File 19103-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

No. 19103-2

Department of Indian Affairs

19.....

BLOOD

MURDER

WHITE MAN

Indian Affairs. (RG 10, Volume 7468, File 19103-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

59/19

248355

DEPARTMENT OF INDIAN AFFAIRS
SEP 8 1903

FORWARDED FOR THE INFORMATION OF THE DEPARTMENT
WINNIPEG SEP 3 - 1903
INDIAN COMMISSIONER

(Copy)

Indian Agent's Office,
Blood Agency,
Macleod, Alta.
30 August 1903.

Sir,

I beg to report that the leg of a white man was found upon the Reserve by some Indian women about 5 miles above the Agency and not far from the Stand Off crossing of the Belly River.

The matter was reported to the Police who made a search and found the remainder of the body.

The Coroner was sent for and yesterday brought in a verdict of murder against some party unknown. The murdered man is not identified yet.

The man had his head literary smashed in with an axe, the two legs were then sawn off and the trunk and legs put into a sack and tied up in a sheet and thrown into a dry coulee and earth broken from the edge over upon the body.

The heavy rain storm of Tuesday night and Wednesday morning had washed one of the legs out the sack and it was this discovery which led to the finding out of the murder.

A white man with team of bay horses, tent and wagon was seen there on the Saturday but was gone early on Sunday morning. A team answering the description passed the Agency on Sunday morning. I saw it about

The Indian Commissioner,
Winnipeg.

Indian Affairs. (RG 10, Volume 7468, File 19103-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

248355

I saw it about seven o'clock and following this trail we find the man asked his way to Lethbridge but camped at Butte Bottom all Sunday night which is on the Reserve and not more than IO miles from that place.

This man's team wandered away from him during the night and he and two Indians looked for two days without finding them. The white man then gave the Indian a letter and told him to take back the wagon, etc. to some white man in Lethbridge which he did.

I have given this information to the Police who are now after this man.

There is no suspicion of any kind attached to the Indians.

I am, Sir,

Your obt. servt.,

(sgd.) Jas. Wilson,

Indian Agent.

The white man left the Reserve walking towards Lethbridge.

(sgd.) J. W.

Indian Affairs. (RG 10, Volume 7468, File 19103-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

No action by this Dept
seems necessary.
If the Agent should
exterminate with
the Dept. if any charge
is made against
him.
9 Sept 1903. R. R.

Indian Affairs. (RG 10, Volume 7468, File 19103-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

248,355

Exd.

Ottawa, 10th Sept., 1903.

Sir,-

With regard to Mr. Agent Wilson's letter of the 30th ultimo, forwarded by you on the 3rd instant, reporting what appears to have been a murder on the Blood Reserve, I beg to inform you that no action is called for in this matter, but the Department should be communicated with in the event of a charge of murder being made against the Indians.

Your obedient servant,

Secretary.

The Indian Commissioner,
Winnipeg, Man.

Indian Affairs. (RG 10, Volume 7468, File 19103-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19103-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FILE NO. DORMANT 19103-3 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

BLOOD
MURDER
CLAY-BANK-FOOT

CROSS REFERENCE

EX'D
M

DORMANT

FILE NO. 19103-3

DORMANT

DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19103-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

No. 19103-3

Department of Indian Affairs

19.....

Blood

Murder

Clay-Bank-Foot.

Indian Affairs. (RG 10, Volume 7468, File 19103-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

RECEIVED IN THE
HEAD OFFICE OF THE DEPARTMENT
WINNIPEG APR 8 1904
INDIAN COMMISSIONER

256850

DEPARTMENT OF INDIAN AFFAIRS
APR 12 1904

24/19 (Copy)

INDIAN AGENT'S OFFICE,
Blood Agency, Macleod, Alta.
March 24th, 1904.

5.

Sir,-

I have the honor to report that an Indian of this reserve, Clay-bank-foot by name, on the early morning of the 21st instant or during the preceding night, killed his wife and committed suicide, both deeds being accomplished with a rifle. The man was a consumptive who had apparently abandoned all hope of recovery and as he was jealous of his wife the rash acts were committed under the influence of a condition of despondency not uncommon to the Indian mind, this being the fourth case of the sort occurring on this reserve within the memory of the writer.

Your obedient servant,
(Sgd) R. N. Wilson,
Indian Agent.

The Indian Commissioner,
Winnipeg,
Manitoba.

Indian Affairs. (RG 10, Volume 7468, File 19103-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

FILE NO. 19103-4 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

BLOOD
MURDERS
TWO-STABS

EX'D
M

DORMANT FILE NO. 19103-4 DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

4

No. 19103

Department of Indian Affairs

19.....

Blood

Murders,
Two-Stabs

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CANADIAN PACIFIC R'Y. CO.'S TELEGRAPH

FORM T. D. 1

TELEGRAM

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD

J. McMILLAN, General Manager of Telegraphs, Montreal.

57 RN 74 COLLT

MACLEOD ALTA NOV 7-23

SECY DEPT OF INDIAN AFFAIRS

OTTAWA ONT

BLOOD INDIAN TWO STABS IS BLAMED FOR KILLING WHITE GIRL

LAST FRIDAY NIGHT STOP HE WAS FOUND ON RESERVE ON MONDAY NIGHT BADLY SHOT AND HAS SINCE DIED STOP IN

ANTIMORTEM STATEMENT TAKEN BY AUTHORITIES IN MY PRESENCE TWO

STABS DISCLAIMED ALL KNOWLEDGE OF CRIME FOR WHICH HE IS BLAMED AND STATED HE HAD BEEN SHOT BY AN UNKNOWN WHITE MAN STOP WOULD LIKE TO HAVE COUNCIL REPRESENTING DEPT AT INQUEST WIRE AUTHORITY

J T FAUNT

1155 A

DEPT OF INDIAN AFFAIRS NOV 8 1923 RECORDS

36

copied

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-4

CANADIAN PACIFIC R'Y. CO.'S TELEGRAPH

FORM T. D. 88

TELEGRAM

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD

J. McMILLAN, General Manager of Telegraphs, Montreal.

Sent No.	Sent By	Rec'd By	Time Sent	Time Filed	Check

Send the following Message, subject to the terms printed on the back hereof which are hereby agreed to:

November 7, 1923.

J.T.Faunt,
Indian Agent,
Macleod, Alta.

Matter of investigating cause of death of Two Stabs rests with Provincial authorities Department does not supply counsel in such cases

J.D.McLean

Charge I.A.

EXT.

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

"K" Division

Lethbridge, Alberta.
November 6th. 1923.

REPORT.

Re; Two Stab, Blood Indian, Alleged murderer of Winnie Tollestrup, of Raymond.

Acting under instructions received from Insp. C.H. Hill, Commanding Lethbridge, Sub-District, I accompanied by Reg. No. 6415 Cpl. Williams A., Cst. Mc Nab P. Reg. No. 7769, and Scout Jim Only Chief with S.H's. Reg. No's. 1433, 1514, 1568 and Scout pony, left Barracks at 8.30 p.m. of the 4th. inst., and proceeded to the Blood Indian Reserve. After crossing the Belly River about 7 miles west of Lethbridge we came across several Indian Encampments and on making enquiries I obtained information from an Indian by the name of Pixie that Two Stab, called at his place between 3 p.m. and 4 p.m. on the 4th. inst. He was riding a Bay Horse which he turned loose in Pixie's corral and took a Grey horse belonging to Pixie in exchange without his consent, saying he was going to Prunes place, who is an Indian living about two miles north-east. We thenproceeded to Prunes place and found the place locked up and could get no response. On making further enquiries at another camp close by I was informed that Prunes, had gone to the Agency near Stand-Off, and they also said they had not seen Two Stab anywhere around there.

We then went to Weasslefat's place about ten miles north-east and searched various shacks which we found all vacant, We then proceeded to the Indian Agency, making several enquiries on the way, but no one had seen anything of Two Stab. We arrived at the Agency at 6 a.m. on the 5th. inst.

Acting under instructions from Sergt. Webb I and Scout Jim Only Chief left by car with Indian Agent Mr. Faunt at 8.a.m. and patrolled the north side of the Reserve, making enquiries and searching all camps and buildings, but could find no trace of him having been there, or on that part of the Reserve. We returned to the Agency at 3.30 p.m. Cpl. Williams and Const. Mc Nab were on duty at the Agency during our absence. At 5.30 p.m. we were instructed by Sergt. Webb to leave for Stand-Off Detachment and stay there over-night. The following morning at 5 a.m. Sergt. Webb returned from the Black Horse Mines, and informed us that Two Stab had been captured, and instructed us to leave for Lethbridge as soon as possible. We left Stand-Off at 7 a.m. arriving at Lethbridge at 2. p.m. Horses all in good condition.

I have the honour to be,
Sir,
Your obedient servant.

B.S. Stiven Cpl.
B.S. Stiven Reg.No. 5216

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Lethbridge, Alta., Nov. 10, 1925.

The Commissioner,
R.C.M.Police,
Ottawa.

Sir:

"K" Pyle
C/6028.

re - Two Stabs, alias Joe "Black Horse" -
Blood Indian - Alleged Murder of
Winnie Tollestrup of Raymond, Alta.

Referring to my telegrams of November 5th and 6th regarding assistance given to the Alberta Provincial Police in connection with this crime.

I have the honour to report that this murder was actually committed at Raymond, but the Indian, Joe Black Horse (Two Stabs) who was suspected of having committed the crime, being at large on the Blood Reserve, I gave them all assistance possible, not only by our Stand Off and Macleod Detachments, but at the request of the Inspector of the Provincial Police here I sent a patrol to the Reserve on Sunday last consisting of Corporals Stiven and Williams, Constable McNab and Scout Jas. Only Chief, as well as sending the motor cycle out with one of our detectives.

This murder is one of the most revolting crimes that has ever been committed in Southern Alberta.

The girl, Winnie Tollestrup, was last seen at her house near Raymond at 5 p.m. November 2nd. At this time Joe Black Horse was unloading coal at the Tollestrup home; the girl was all alone at the house, her father being at Lethbridge. An Indian was seen driving toward the straw stack when the charred remains of the body were found, and also the tail board of Black Horse's waggon was found at the Tollestrup house with blood stains on it.

After the case was reported a general search was begun on the reserve to apprehend Joe Black Horse, and on Tuesday morning he was found lying on the trail about half a mile from the Black Horse mine, shot through the jaw, the bullet evidently entering underneath the chin and coming out at the nose.

The Indian, Joe Black Horse made a dying declaration at the Galt Hospital, Lethbridge, denying all knowledge of the crime, and stating that a white man had shot him.

Both inquests have been adjourned until next week and I will forward a further report after the inquests

As soon as the body was found, our men, who were on patrol, on the Blood Reserve, were withdrawn.

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

KODAK SAFETY ▲ FILM

I am enclosing herewith a report from Sergeant J.A.Webb of the Macleod Detachment, who was in charge of the patrols from Stand Off Detachment and the Post. I also attach hereto a report from Corpl. B.S.Stiven dated 6th instant.

I have the honour to be,
Sir,
Your obedient servant,

Christen Junget, Supt.
Commanding Southern Alberta District.

H/W.

Encls (2)

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROYAL CANADIAN MOUNTED POLICE

"K" DIVISION
SOUTHERN ALTA DISTRICT

LETHBRIDGE SUB-DISTRICT
MACLEOD DETACHMENT
7th NOVEMBER,,1923

CRIME REPORT

re "TWO STABS alias JOE "BLACK HORSE"
BLOOD INDIAN - ALLEGED MURDER of "WINNIE TOLLESTRUP " of RAYMOND

Acting on instructions received from Insp Hill on the morning of the 4th instant I proceeded with Const Jones of the A.P.P to Stand Off Detachment to inform the members of the above mentioned, we then proceeded to "Black Horses Mine" with a view of trying to apprehend "Two Stabs" wanted by the A.P.P. for the alleged murder of "Winnie Tollestrup" of Raymond on the evening of November 2nd 1923.

At the Mine I was informed by Insp Scott of the A.P.P that the body found in a burning straw stack had been identified as that of Winnie Tollestrup, and that the tail board of the waggon, and gloves belonging to "Two Stabs" had been found and all were covered with blood.

Insp Scott had arrived at the Mine on Saturday evening, he told me that no trace of "Two Stabs" could be found. With Const Jones I proceeded down the Saint Marys River about 6 miles to the house of Mrs Mason (a Squaw) living on the Reserve, there we met "Annie White Rider" wife of "Two Stabs", I questioned her as to the movements of "Two Stabs" and herself from Friday evening Nov 2nd up to the time of our meeting, she informed me that on Friday Nov 2nd "Two Stabs" had taken across the River a load of Coal for sale and had returned about 9.p.m. on Friday evening, that on Saturday morning "Two Stabs" had worked in the Mine, and at noon she and "Two Stabs" had left for Lethbridge to purchase lumber etc to repair their shack, leaving Lethbridge Saturday evening they returned to Whutney's Ranch where "Jack Black Horse" brother of "Two Stabs" was employed, and had camped with him Saturday night, and crossed the River about 10 o'clock Sunday morning to Mrs Masons camp, and were now just pulling out for the Mine.

I then asked her where "Two Stabs" was, and she said he had taken one of the team horses and had gone across the river again to see his brother Jack, she also stated that the waggon and lumber were about a mile farther down the River at "Herbert Bull Calf" camp going there we found a waggon loaded with lumber, also a waggon box lying about 50 feet from the running gear, both the waggon and box were later idendified by "Herbe Bull Calf" as belonging to "Two Stabs" On the ranch and left hound and in the waggon box was a considerable amount of blood, there was also one of "Two Stabs" team horsesharnessed and tied near the waggon, the other harness lying on the ground.

Const Jones then went across the river to get in touch with Lethbridge, and try to locate "Two Stabs" I remained in charge of the waggon untill he returned the lumber was then removed from, and the box replac on the waggon and sent to Lethbridge by an Indian "T Eagle Child" no further trace of "Two Stabs" could then be found.

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Const Jones & I then returned to the Indian Agency Office arriving there about 11.30 p.m. Sunday night. Indian Agent Faunt told us that Two Stabs had been at the Camp of "Bird Bull" that after-noon about 4 O'clock and changed his horse for one of "Bird Bull's" this was a white horse branded SH on left Hip, and had left "Bird Bulls" camp and had not been seen since .

I then got in touch with Insp Hill who informed me that 3 men ~~###~~ had left Lethbridge about 8 o'clock Sunday night to cross the Reserve and would arrive at the Agency the next morning, also that Const Bell was leaving Macleod Monday morning, and that I was to take full charge as to the disposition and management of our men.

I then talked the matter over with Indian Agent Faunt, and he thought it would be a good idea to make the Agency our headquarters, and keep our men from Lethbridge there so that we would have them at a moments notice should any thing new arrise., Const Jones and my self then returned to Stand Off Detachment.

Monday morning with Const Jones & Corpl Gallagher I reported at the Agency Office at 6.30 A.M. our men had arrived from Lethbridge, after they had their breakfast Corpl Stiven with Scout and Indian Agent Faunt left for the camp of "Bird Bull" and district to see if they could get any further word of "Two Stabs" I instructed Corpl Williams & Const McNab to remain at the Agency until further orders., Const Jones & Corpl Gallagher and myself then left for "Black Horses Mine" (before leaving the detachment in the morning I instructed Const Grace & Graham to ride over to the Dipping Vat district) arriving there "Annie White Rider" wife of "Two Stabs" was apprehended by Const Jones and handed over to Insp Scott who had arrived again from Lethbridge and was waiting for "Annie White Rider " across the River.

Every thing at the Mine was normal, we again made a search of all the buildings etc but could find no further trace of "Two Stabs" and the Indians informed that he had not returned to camp., we then returned to the Agency Office, and as the Agent had not yet returned we proceeded to Stand Off detachment.

Const Bell had arrived from Macleod, and Const Cyr & Holt from Lethbridge with motor cycle, I gave Const Cyr & Holt instructions to proceed to the Dipping Vat district with Cycle. Corpl Gallagher Const Bell and Scout with team tent blankets etc were instructed to proceed to the Dipping Vat district, and then work down to the mine where they would meet me on Tuesday morning, they all left the detachment about 4 p.m. Monday after-noon., Const Jones and my-self then returned to the Agency Office. Indian Agent Faunt, Corpl Stivens had returned with out any further news as to the whereabouts of "Two Stabs"

I then instructed Corpls Stivens.Williams .Const McNab & Scout to proceed to Stand Off detachment, and to leave there at 6.a.m. Tuesday morning working towards the mine. Const Jones and I then proceeded ~~on~~ to the Mine (I might state that "BlackHorses Mine) about 24 miles from the Agency Office and 30 miles the Stand Off Detachment) we travelled without li

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

lights so that our movements might not be observed, we arrived at the mine about 8 p.m. and found that all of "Two Stabs" relatives had moved down the River to Mrs Mason's camp as they were afraid to stay at the Mine whilst "Two Stabs" was at large, this information was given to us by "Nick King" the only Indian remaining at the Mine.

Const Jones and I then went across the River to get some thing to eat at the residence of a Mr Baker just opposite the Mine, whilst having lunch Const Madison of the A.P.P from Magrath arrived with four civilians to keep watch on that side of the River. He told us that Const McWilliams of the A.P.P had left Lethbridge by Car with a load of Blankets Tents etc and should be at the Mine some-time during the night, also that a Posse of about 30 men from Raymond and McGrath would be at the Mine at day light Tuesday morning and that the whole of the River bottom would be searched for miles, both ways from theMine.

Const Jones and my-self then crossed the river to the Mine and entered the Shack of "Two Stabs" with a view of staying there all night in the event of his returning, about 2.o'clock a light was flashed on the shack from across the River, we went out and was informed by Inspr Scott of the A.P.P Lethbridge, that Const McWilliams had got "Two Stabs" that his face was badly shot, and he was now on his way to the Macleod Hospital, this was all the information that Insp Scott gave us. Const Jones and I then went down the River to Mr Mason's camp, and got Tom Eagle Child who had taken the waggon to Lethbridge, we then proceeded to the Stand Off Detachment, arriving there at 4.45 a.m. Tuesday morning.

All of our men were at the detachment with the exception of Corpl Gallagher. Const Bell & Scout. I cancelled my orders of the previous after noon, and instructed Corpls Stiven, Williams, Const McNab & Scout to return to Lethbridge after they had had their breakfast. I instructed Const Grace & Graham to leave at once and notify Corpl Gallagher & Bell to return to the detachment., none of our men had seen any trace of "Two Stabs" Const Jones and I then returned to Macleod, having travelled from Sunday morning until Tuesday morning approximately 300 miles.

The only information that I have as to the arrest of "Two Stabs" is that as Const McWilliams was comming to theMine with Blankets Tents etc, about 2 mile from the Mine on the main trail they found "Two Stabs" sitting by the road side, he had no gun about his person, and his face was in a very bad shape part of his nose, tongue, and lower jaw having been shot away, he told Const McWilliams that a white man had shot him,. Const Williams picked him up and he was rushed to the Macleod Hospital.

The A.P.P. are now investigating as to how "Two Stabs" got into this condition. I might say again that none of our men had any encounter with "Two Stabs.

F Albert Sergt
Reg No 2694
In Charge of Macleod Detac

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-4

ROYAL CANADIAN MOUNTED POLICE

ALL LETTERS OF CORRESPONDENCE TO BE ADDRESSED:
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA.

OFFICE OF THE COMMISSIONER

DEPT. OF INDIAN AFFAIRS
NOV 21 1923
REF. NO.
RECORDS

OTTAWA, November 17th, 1923

FILE No. 23 D 478 H 2.

R

Sir:

Re: Murder of Miss Winnie Tollestrup - near Raymond, Alta.

I have the honour to enclose herewith, for your information, copies of three reports dated the 6th, 7th and 10th instant, which have come to hand from the Officer Commanding at Lethbridge, in the above connection.

I have the honour to be,

Sir,

Your obedient servant,

Cortlandt Starnes

Cortlandt Starnes,
Commissioner.

The Deputy Superintendent General,
Dept. of Indian Affairs,
OTTAWA.

MD/Enc.

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Lethbridge, Alta., Nov.,26th, 1923.

The Officer Commanding
Royal Canadian Mounted Police,
Lethbridge, Alta.

Sir:

Re: Murder of Miss Winnie Tollestrup
near Raymond, Alberta.

H.Q.Ref.
23 D 478 H 2.

D.17-12-23.

"K"File
C/5028.

I have the honour to report as follows on the final outcome of the case above named:

The inquest held at Raymond, Alberta on the remains of Winnie Tollestrup was concluded on November 15th. At this inquest evidence was brought in showing that the waggon found on the Blood Indian Reservation belonged to Two Stabs: Blood stains were found in the bottom of the waggon, which after being analyzed by Dr. Allan Rankin at the Provincial Laboratory, at the University of Alberta, Edmonton, were found to be human blood.

Evidence was also produced, showing that the Indian was at the Tollestrup home on November 2nd between 6:00 and 7:00 P.M., and he was afterwards seen travelling in the direction of the straw stack where the body was found. Another strong piece of evidence was the tail board of the waggon, found in the Tollestrup farm yard, which was afterwards identified as belonging to Two Stabs waggon; This was also stained with blood.

The Jury after being out three-quarters of an hour, brought in the following verdict on November 15th:

"That on Friday evening November 2nd, 1923, at Raymond, Alberta between the hours of 5:30 and 7:00 P.M., one Winnie Tollestrup was wilfully murdered by strangulation and that immediately afterwards she was burned in a strawstack and that the tragedy was committed by one named Joe Black Horse or Two Stabs now deceased."

The inquest on the Indian Two Stabs, alias Joe Black Horse, was held at Lethbridge on November 7th and adjourned to Nov., 14th; this Indian having died in the Galt Hospital, Lethbridge on Nov., 6th.

The evidence produced was practically the same as that given at the Inquest at Raymond. Two Stabs in his dying declaration admitted delivering coal to the Tullestrup farm on the date in question; he denied having any altercation with the girl and denied killing her. He also stated that he was shot by a white man on the Reservation when leading his horse. When asked as to the blood stains in his waggon; he stated that [illegible] last August when haying he had killed a hog and h[illegible] placed it in his waggon.

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

The medical evidence showed that this Indian was shot by either a rifle or revolver, and that the bullet entered under the chin and came out at the nose; and both doctors who made the post-mortem examination, stated that it would be almost impossible for anyone to have shot him. The Jury brought in the following verdict:

"That the deceased died at Salt Hospital on Tuesday November 6th, 1923, from shock caused by injuries from gun shot wound fired by person unknown".

On November 19th a rifle was found on the Indian Reservation about three miles from where this Indian was found. This rifle was covered with blood stains. On November 21st the horse which he was riding or leading was found with a saddle on, the saddle having blood stains on it. Both these finds were made after the inquest, and would indicate that there is little doubt but that he shot himself.

I have the honour to be
Sir,
Your obedient servant,

CHHill

Insp.

(C. H. Hill)

The Commissioner
Sir:

Forwarded, for your information. This is in compliance with letter from the Director of Criminal Investigation of the 17th instant. I have received a letter from the Inspector of the Alberta Provincial Police, Lethbridge, expressing their appreciation of our assistance in bringing this matter to a conclusion.

Christen Junget
Supt.
Christen Junget,
Commanding Southern Alberta District.

Lethbridge
27-11-23.

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-4

30838

ROYAL CANADIAN MOUNTED POLICE

OFFICE OF THE COMMISSIONER

DEPT. OF INDIAN AFFAIRS
DEC 6 1923
REF. NO.
RECORDS

ADDRESS:
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA.

OTTAWA, Dec. 4th, 1923

FILE NO. 23 D 478 H 2

File

R

Sir:

Re: Murder of Miss Winnie Tollstrup - near Raymond, Alta.

.....

Further to my communication of the 17th ultimo, in the above connection, I have the honour to enclose herewith, for your information, copy of a report dated the 26th ultimo, which has come to hand from the Officer Commanding at Lethbridge.

I have the honour to be,

Sir,

Your obedient servant,

Cortlandt Starnes,
Commissioner.

The Deputy Superintendent General,
Department of Indian Affairs,
OTTAWA

MD/Enc.

Indian Affairs. (RG 10, Volume 7468, File 19103-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

DORMANT

FILE NO. 19103-6

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

BLOOD
MURDER
MRS. ROUND NOSE BY HER HUSBAND

EX
M.

CENTRAL REGISTRY	P.A. or B.F.	DATE	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
12/5/18	[illegible]	9.5.57	[illegible]	[illegible]	[illegible]	[illegible]	9.5.57

DORMANT

FILE NO. 19103-6

DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

No. 19103-6

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

BLOOD

MURDER

MRS. ROUND NOSE BY HER HUSBAND

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

17-103

OFFICE OF THE INDIAN AGENT

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE 402-8

Blood Indian Agency,

Cardston, Alta., September 18th, 1939.

Department of Mines and Resources Indian Affairs Branch SEP 21 1939 REGISTERED

Sir:-

I beg to report that on Sunday, the 17th, instant, I was called to the home of an Indian, Round Nose, of the Blood Reserve, on a report of a stabbing affray. On arrival it was found that Mrs. Round Nose had just been taken away to hospital by Rev. Father Charron, in a badly slashed condition, and now lies in a critical condition at the Blood Hospital.

Further inquiry revealed that Round Nose had gone to our hospital in Cardston, also slashed, the result of a fight between the two.

Round Nose was discharged from jail on Saturday, the 16th instant, and was met at Lethbridge by Dan Chief Moon, and a party of Jim Knife, Mrs. Wings and Round Nose's wife, and from enquiries which the R.C.M.P. in company with myself, made on Sunday, AM and PM, we found that they had obtained rubbing alcohol, and had been intoxicated. All are being charged next Saturday, the 23rd of September.

Should Mrs. Round Nose not recover, the Department will be advised at once.

Your obedient servant,

J.E.Pugh,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Rec'd Mail.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

17-103

September 22, 1939.

Dear Sir:

I have to refer to your letter of September 18, with regard to stabbing in the case of Mrs. Round Nose.

I should be obliged if you would let me have a further report with regard to this case, in due course.

Yours very truly,

T. R. L. MacInnes,
Secretary.

J. E. Pugh, Esq.,
Indian Agent,
Cardston, Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

17-1.3

OFFICE OF THE INDIAN AGENT

CANADA

DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE 402-8

"AIR MAIL"

Blood Indian Agency,
Cardston, Alta., September 23rd, 1939.

Department of Mines & Resources
Indian Affairs Branch.
SEP 28 1939
REGISTERED

Sir:-

I beg to state, further to the Round Nose Case referred to in my letter No. 402-8 of the 18th instant, that Mrs. Round Nose died at 10.20 PM Friday, 22nd of September, in quest being held Saturday, the 23rd, 11 AM.

Round Nose, committed to Lethbridge Jail on Wednesday, the 20th , charge laid to effect his arrest, reads "Causing Actual Grevious Bodily Harm". This may be changed to Manslaughter.

Round Nose has engaged services of M. Moscovich, Barrister of Lethbridge, and instructed me to pay the fees from crop or cattle proceeds.

If the Department have any instructions in this case, could they be wired?

Your obedient servant,

J.E.Pugh,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Inquest adjourned to Oct 3/39.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Wes Pace

17-103

September 28,1939.

Dear Sir:-

I have to refer to your letter of the 23rd instant with regard to the death of Mrs. Round Nose, and the arrest of Round Nose on a charge of "Causing Actual Grevious Bodily Harm".

The department does not supply counsel unless an Indian is charged with a capital offence. If Round Nose has engaged the services of a lawyer the department cannot assume any responsibility for payment of his services. If later, however, a charge for murder is laid, the department would authorize the employment of counsel to defend him. The authority for such employment is obtained from the Department of Justice, and the Indian is not at liberty to engage any lawyer that he might wish. If he does engage his own lawyer, he must be responsible for payment of his services.

Yours very truly,

RLM

T.R.L.MacInnes.
Secretary.

J.E.Pugh,Esq.,
Indian Agent,
Cardston,Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CANADIAN PACIFIC TELEGRAPHS

C.D. 2X

CLASS OF SERVICE	
Full Rate	
Day Letter	
Night Message	
Night Letter	

Please mark an X opposite the class of service desired.

MONEY TRANSFERRED BY TELEGRAPH TO PRINCIPAL POINTS IN CANADA AND THE UNITED STATES

CANADIAN PACIFIC COMMUNICATIONS

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD RADIOGRAMS TO SHIPS

TIME FILED
CHECK

COPY

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

RNA 86 84 COLLECT NL BACKDATE 60
CARDSTON ALTA OCT. 4/5

SECRETARY INDIAN AFFAIRS BRANCH DEPT OF MINES AND RESOURCES OTTAWA ONT

ROUND NOSE AND HELEN STRANGLING WOLF BOTH CHARGED MURDER INTERVIEWED ROUND NOSE TODAY ELECTED TO USE MUSCOVITCH LETHBRIDGE LAWYER RETAINED FEE FIVE HUNDRED DOLLARS ORDER BY ROUND NOSE TO INDIAN AGENT TO PAY FEE FROM WHEAT SALES AND IF NECESSARY SELL CATTLE FOR ALL FEES INQUEST MRS ROUND NOSE ELEVENTH PRELIMINARY HEARING TWENLTH OCTOBER FATHER HELEN STRANGLING WOLF INTERVIEWED AND LEFT MATTER MY HANDS HE WAS ADVISED DEPARTMENT WOULD PROVIDE DEFENSE LAWYER PRELIMINARY HEARING THIS CASE FOLLOWS ABOVE CASE THIRTEENTH OCTOBER REPORT FOLLOWS.

J E PUGH
INDIAN AGENT.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CANADIAN PACIFIC TELEGRAPHS

CLASS OF SERVICE	
Full Rate	
Day Letter	
Night Message	
Night Letter	
Please mark an X opposite the class of service desired.	

MONEY TRANSFERRED BY TELEGRAPH TO PRINCIPAL POINTS IN CANADA AND THE UNITED STATES

CANADIAN PACIFIC COMMUNICATIONS

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD
RADIOGRAMS TO SHIPS

TIME FILED
CHECK

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

COPY

Ottawa, October 10, 1939.

J.E. Pugh,
Indian Agent, Cardston, Alberta.

DEPARTMENT OF JUSTICE HAS AUTHORIZED THE EMPLOYMENT OF L.E. FAIRBAIRN BARRISTER OF LETHBRIDGE TO DEFEND HELEN STRANGLING WOLF CHARGED WITH MURDER OF HER NEWBORN CHILD AND ALSO THE EMPLOYMENT OF M E MOSCOVICH BARRISTER OF LETHBRIDGE TO DEFEND ROUND NOSE CHARGED WITH MURDERING HIS WIFE.

T.R.L. MacInnes.

C.M.R.
I.A.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-5

October 10,1939.

Dear Sir:-

I have to refer to your telegrams of October 5 and 9 and your letter dated October 5, with regard to the cases of Helen Strangling Wolf and Round Nose, both charged with murder.

The following telegram was sent to you today:-

"DEPARTMENT OF JUSTICE HAS AUTHORIZED THE EMPLOYMENT OF L E FAIRBAIRN BARRISTER OF LETHBRIDGE TO DEFEND HELEN STRANGLING WOLF CHARGED WITH MURDER OF HER NEWBORN CHILD AND ALSO THE EMPLOYMENT OF M E MOSCOVICH BARRISTER OF LETHBRIDGE TO DEFEND ROUND NOSE CHARGED WITH MURDERING HIS WIFE.PLEASE ADVISE MR. FAIRBAIRN AND MR. MOSCOVICH ACCORDINGLY."

The department will be responsible for payment of the expenses of Mr. Fairbairn and Mr. Moscovich in connection with the defence of these two Indians. The accounts should be submitted in triplicate, for taxation to the Department of Justice.

Kindly submit further reports in due course.

Yours very truly,

T.R.L.MacInnes.
Secretary.

J.E.Pugh,Esq.,
Indian Agent,
Cardston,
Alta.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

COPY.

Lethbridge Alberta.
Oct. 2/39.

I - Round Nose - whose mark appears below authorize the Agent of the Blood Indian Reserve to pay over to my Counsel - Max E. Moscovich on account of fees - the sum of $500.00 - and if necessary to sell some of my cattle to do so.

X Round Nose

Mike Mountain Horse
Witness.

I - Mike Mountain Horse have carefully interpreted the above to Round Nose - who made his mark in my presence.

Mike Mountain Horse.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

COPY.

Herald Building

Lethbridge, Alberta.
October 2nd
1 9 3 9

Mr. Pugh, Esq.,
Indian Agent,
CARDSTON,
Alberta.

Dear Sir:-

I went out and saw Round Nose this morning in order to inform him that the inquest will be adjourned until the 11th at Cardston. I took out Mike Mountain Horse a very well known member of the Indian fraternity , who is acting as the interpreter for me , and I enclose herewith an authorization by Round Nose to you to pay over the retainer as intimated in my letter herewith enclosed.

Thanking you for your immediate attention in this matter, I remain,

Yours truly,

M.E.Moscovich.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. I).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 402-8

"AIR MAIL"

Acing

Blood Indian Agency,

Cardston, Alta., October 5th, 1939.

Department of Mines & Resources
Indian Affairs Branch.
OCT 11 1939
REGISTERED

Sir:-

I beg to state, with further reference to the Round Nose case, and your file No. 17-103 of the 28th ultimo, that I have today been informed by the R.C.M.P. that this Indian is charged with murder. As a consequence I interviewed Round Nose at the Lethbridge Jail, and Mr. M. Moscovich asked preference to be present at the interview, in asmuch as Round Nose had retained him as Defence Counsel.

At the interview I gave Round Nose the text of your file 17-103 of the 28th ultimo, and after same had been interpreted to him, he stated "That if Mr. Pugh the Agent would permit him to pay his balance of wheat sales and sell his cattle to make up the amount of fees including the retainer fee for which he had given an order to Mr. M. Moscovich (Copy of which is attached), he would like this party to defend him".

I accordingly notified both Round Nose and Mr. Moscovich that the Department would not be responsible for any fees so contracted. I also pointed out to his Lawyer that we would not necessarily constitute ourselves as the Collecting Agency for such fees.

I have today wired the Department as follows: "Round Nose and Helen Strangling Wolf both charged murder. Interviewed Round Nose today elected to use Muscovich Lethbridge Lawyer. Retainer fee five hundred dollars. Orders by Round Nose to Indian Agent to pay fee from wheat sales and if necessary sell cattle for all fees.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

- Inquest -

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Inquest Mrs. Round Nose eleventh, preliiminary hearing twelfth October.

Father Helen Strangling Wolf interviewed and left matter my hands. He was advised Department would provide defence Lawyer. Preliminary hearing this case follows above case, thirteenth October. Report follows."

It is now my understanding that the Department will not now under the circumstances assume any responsibility in the Round Nose defence. Concurrence in this view will be appreciated for our files.

I presume the Department will not exercise any control in the wishes as expressed in the Round Nose order, that of selling his chattels to meet his Lawyer's fees? Your reply to this question will also be appreciated, as I have informed both Round Nose and his Lawyer that the Department would issue authorization in this to protect their Agent as it involved a considerable amount.

I may say that there are no dependants to provide for, they having no children.

I am also attaching copy of correspondence from Mr. Moscovich in the matter.

Your obedient servant,

J.E. Pugh,
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

COPY.

Herald Building.

Lethbridge, Alberta.

October 2nd,
1939

Mr. Pugh,
Indian Agent,
CARDSTON, Alberta.

Dear Sir:

The writer is acting for Round Nose and for Miss Stranglewolf.

The Preliminary of Round Nose has been tentatively arranged for Wednesday, the 11th of October, at Cardston.

We received a message indicating that Round Nose has funds, has cash in your care.

We beg to point out that the charge against him is Murder, that there will be the Inquest, Preliminary Hearing and Supreme Court Trial, and a great deal of work in preparing for trial. We have engaged a responsible interpreter.

Kindly let us have an initial retainer of Five Hundred Dollars on account of Round Nose.

In connection with Miss Stranglewolf, against whom the charge of Muder is also being laid, we want merely to know from you exactly when she is ready to leave the hospital. Since she is being defended by us we would appreciate it if you saw her and told her not to discuss the case with anyone but her Counsel.

Have Mr. Stranglewolf call in and see us again. He was here Saturday and it is imperative that we see him this week.

Yours truly,

Moscovich & Moscovich
Per M. E. Moscovich.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

39K 636-25

39 L 384-75

LETHBRIDGE, October 3rd, 1939.

N.C.O. I/c Detachment,
LETHBRIDGE

Re: ROUND NOSE - Blood Indian Reserve.
Assault C. A.B.H. - Sec. 295 C.C.C.

1. In connection with the above, Round Nose has been remanded to the morning of the 6th instant. You will please have him remanded for a further eight days.

2. It will be necessary to escort this prisoner to Cardston on the afternoon of the 10th instant. The inquest into the death of Mrs. Round Nose will open at 10.00 a.m. on the 11th. It is the intention of the Agent of the Attorney General to proceed with the preliminary hearing as soon as the inquest is completed.

"H. Darling" Inspector.
Commanding Lethbridge Sub-Division

H:A O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir: For your file.

Leth. 3-10-39

sgd. "H. Darling" Insp.
Commanding Lethbridge Sub-Division

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

KODAK SAFETY FILM

39K 636-23.

F. 237

Division File No. 39K-636-23

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	LETHBRIDGE	LETHBRIDGE

Province: ALBERTA

Date: OCTOBER 30th 1939.

File References

Re: ROUND NOSE - Blood Indian Reserve, Alta.
Assault C.A.B.H., Sec. 295 C.C.

Headquarters

Sub-Division

39L 384--55

Detachment

P. C. R.

CARDSTON
2699-39

A. R. V. No.

Diary Date set for

2-11-39

25-9-39

(1) On the above date and accompanied by Constable Hayes, we proceeded to Cardston via Police Car Code 2476 at 10:15 A.M., Upon arriving at Cardston, Sgt. Jakeman and S/Cst. Good Rider met us and they accompanied us to the premises of Round Nose.

(2) Pictures were taken of the house, basement, interior, of the neighbouring farms and pictures to show relative distances from each farm to Round Nose's residence.

(3) Measurements were taken and checked against each other(Sgt. Jakeman and myself). We left Cardston at 6:30 P.M., arriving at Lethbridge at 8:30 P.M.

26-9-39

(4) I left on this date via Police Car Code 2499 at 8:00A.M., and more pictures were taken and additional measurements taken, returning to Lethbridge at 3:00 P.M.

EXPENDITURE - 2 (L) 2 (D) 2.00
1 (L) @ .50 .50
Emergent order of film 1.75
$4.25

Police Car Code 2476
Mileage 169 Mi.
Police Car Code 2499
Mileage 179 mi.

Cst.
(EDWARD V. CARTER) Reg.#12913.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

8

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

190112

OTTAWA, Oct. 5th, 1939.

OUR FILE No. 39 B 629-6-H-4

YOUR FILE No.

Sec'y

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
OCT 7 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

39K 636-23. Edmonton, Sept. 27th, 1939.

The Deputy Attorney General,
Edmonton, Alta.

Sir:

Re: Round Nose - Blood Indian Reserve
Assault Occasioning Actual Bodily Harm.

1. I beg to forward herewith copy of Cardston Detachment report dated the 21st with forwarding minute by the N.C.O. A/O.C. Lethbridge S/Div. appended thereto same dated the 25th inst. both being self-explanatory.

2. It is not clear as yet from this report just what happened during this fracas, but your attention is respectfully drawn to para. 2 of mentioned forwarding minute wherein it is stated that the charge under which Round Nose is now held be withdrawn, and one of murder will be laid.

3. I would also refer to contents of para. 9 and 10 of same forwarding minute wherein it is stated that Mr. A. B. Hogg, K.C. A.A.G. has been supplied with a copy of this report, and recommendation is being made by Sergt. G. Harvey that Mr. Hogg, K.C. be appointed to conduct the inquest, and Preliminary Hearing of this case.

4. Would you kindly advise me at your earliest convenience whether or not you will appoint Mr. Hogg K.C. to conduct the inquest and Preliminary, as suggested.

I have the honour to be,
Sir,
Your obedient servant,

R. E. MERCER - Supt.
In charge C. I.B.

3 W.

The Commissioner,
R. C. M. P.
OTTAWA, Ont.

Sir: Forwarded for your information, with duplicate copies of report in this connection.

Edmonton, Sept. 27, 1939.
3 W.

R. E. Mercer.
R. E. MERCER - Supt.
In charge C. I. B.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No.....

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston

Province	Date
Alberta	21st September 1939

File References

Re: Round NOSE, Blood Indian Reserve. Alberta.
Assault Occasioning Actual Bodily Harm. Sec 295 C.C.C.

Headquarters

Sub-Division

39/384-73

Detachment

P. C. R.

Cardston first

A. R. V. No.

Diary Date set for

17-9-39

1. At about 1 p.m. on this date Mr Pugh, Indian Agent, called me at Cardston advising that there had been a fight on the Blood Reserve, at the home of Round Nose, and from the information received by him Mrs Round Nose had stabbed Round Nose with a knife.

2. In company with the Indian Agent and S/Const Good-Rider I patrolled to the home of Round Nose on the Reserve and on arrival at the house found about 7 or 8 Indians standing outside and in the kitchen 4 woman. I checked over the house in company with the Indian Agent and S/Cst Good-Rider and in the bedroom were a few small blood spots on the wall. There were no blankets on the bed and the mattress had blood stains on it. The living room was clean and so was the kitchen and had the appearance of being cleaned up.

3. On enquiring from Indians outside it was learned that Round Nose had left for Cardston riding saddle horse and that Mrs Round Nose had been taken in to the Indian Hospital at Cardston shortly before our arrival, by Father Charran of the R.C. School.

4. S/Const Good-Rider questioned some of the Indians and it was learned that Round Nose had been released from the Lethbridge Jail the previous day and that Dan Chief Moon had driven in with his car taking in Mrs Round Nose, Jim Knife and Mrs Wings, and they had been drinking at Round Nose place after they got back.

5. Outside the house I was handed a Blood stained butcher Knife by George Vielle, who stated that Round Nose had called at his place that morning riding a horse and had told him to get this knife out of the stable and hand it to the Police when they came as he was going in to Cardston to give up. Round Nose had said that his wife had stabbed him. He was bleeding when he saw George Vielle and had a dirty bandage round his hand.

6. Patrol was then made on the most likely road taken by Round Nose and patrol returned to Cardston and found that both Round Nose and his wife were in the Hospital. Round Nose was said to be rather weak from loss of Blood and Mrs Round Nose was in a state of unconsciousness. Round Nose had some knife wounds on him, two wounds in the left breast, one wound on the Left arm near the elbow and a cut across the back of the Left hand. The Doctor was unable to state then the extent of Mrs Round Nose's injuries.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault. O. A. B. H. Sect 295 C.C.C.

---

7. I returned to the Reserve with the Indian Agent and interviewed Mrs Wings and obtained the following statement.

Blood Indian Reserve.
September 17th 1939

Statement of Mrs Wings,

I went to Lethbridge yesterday with Jimmy Knife, Mrs Round Nose and Dan Chief Moon in Dan Chief Moon's car. In Lethbridge we parked the car on the East side of the Cecil Cafe, Round Nose came there. Mrs Round Nose went to him and they went to Town. I got out and had dinner at the Cecil Cafe. After dinner went down to River bottom to see my Sister camping there. My Sister is Mrs Ruth Bottle wife of Jim Bottle. Dan drove me down the River bottom and said he would be back later. Dan came for me ~~later~~ at River bottom with George Strangling Wolf. We all went back to Town and parked in same place Cecil Cafe. Round Nose and his wife were there. They walked away for a while and then came back and got in the car. I heard Round Nose and his wife talking, Round Nose said he got a letter from someone that she was married, they got in the car and said nothing. Round Nose sat between the two women, Dan driving and Jim Knife in the front . We all had dinner at same table and that was last I saw of Jim Knife till we got back to car. George Strangling Wolf came up from River with Dan and me and hung around Cecil Cafe till we left. We went round by Macleod and came to Round Nose place. We went inside I gave the kids some water. Dan was in the house and Jim Knife was in the house. We left Round Nose and his wife at home about 6 oclock and the three of us, Dan, Jim and myself went to Cardston. Dan and Jim got out in Cardston We started back this way and came here to John Cottons place. Dan got out of car and went in the tent and got a drink of tea then Dan and Jim went away.

I dont know if they got anything to drink in Lethbridge. I did not see them drinking and did not know if they had anything to drink. When Dan left here it was dark. I did not drink anything. Jim was in the car with Dan when they left here. We did not stop in Macleod but went straight through. Round Nose and his wife were alright when I left them. I dont know if Jimmy Knife was drinking. I dont know if Dan was drinking but he may have been drinking after they left ~~xx~~ here.

Witness B.C.Jakeman.
obtained through S/Cst Good-Rider as Interpreter.

8. Jimmy Knife was then interviewed and the following statement obtained;-

Blood Indian Reserve
September 17th 1939

Statement of Jimmy Knife.

I went to Lethbridge yesterday with Dan Chief Moon, Mrs Round Nose and Mrs Wings. Round Nose told us to go for him. We found him at the Bus station. Went down a back lane North then across the street. Round Nose met his wife there right in Town straight across from the fire hall. This was after 11 before 12. Round Nose put his Valise in the car and Round Nose and His wife went away. Dan Mrs Wings and myself went to dinner at the East side of the Cecil Cafe. Dan went down the River bottom with Mrs Wings and George Strangling Wolf. I stayed round the Restaurant. They came back to the same place, Strangling Wolf, Dan and Mrs Wings. I did not go down the river bottom. We found Mr and Mrs Round Nose right in town on the Main Street after we had dinner/ Dan got paid from Mrs Round Nose and we all went to town again, They all came to round by Cecil Cafe in the car and told me we were ready to go. We started for home by Macleod. We did not stop in Macleod. We stopped at Monarch bridge to have a drink of Rubby. Dan had the Rubby. Dan ~~xxx~~ got the mixture in a lard pail, Jim and Dan had a drink at the River , came back to the car gave the pail to the ones in the back seat. I did not see them drinking but they gave the empty pail back to Dan. e started off again and had another drink at the Spring this side Six Mile Coulee. We came to Mr Lemires Brothers place and got some water to mix. Dan mixed it behind the car and got in the car with it and took a drink.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault, O. A. B. H. Sect 295 C. C. C.

---

8. (continued) Then I had a drink then gave it to the three behind the seat, they kept the pail there. We got back to Round Nose place had a drink of water then Round Nose asked for another drink. We all had a drink but Mrs Wings was in the car and I did not see her have a drink. The four of us were in the house and all had a drink but not much. Dan, myself and Mrs Wings went to Cardston. Mrs Round Nose had some groceries in Cardston. We went back to St Pauls school. Mrs Wings went in to see the Canon. Dan and I had another drink in the car. Dan took the woman to the tent at John Cottons place and I stayed in the car. Dana and I came back to Round Nose place about 8.30. Round Nose asked for another drink but Dan saidI cant give you any more but Dan put it in a cup and the three of us drank it. Mrs Round Nose was alright, not drunk. The bottle was a 16 oz bottle of Rubbing Alcohol, it was a black bottle. Dan got the bottle. I got my own bottle in Lethbridge, from Percy Plain Woman. I saw him in town I dont know where Percy got it from I gave him $1.25 for it, 16 ozs Rubbing Alcohol, black bottle. We were drinking on the way to my place and when we got got there we divided up my bottle, Dan took half and I took half. I went to Round Nose place this morning about 7 or 8. Round Nose came here first said he was in trouble. Was on a saddle horse. Round Nose said they started a row over $50.00 he said he was trying to get away and trying to stop her she was feeling good. They were ready to go to bed she walked in the kitchen and came back with a butcher knife and she stabbed him, two on the chest, left arm above the elbow and on the left hand. Round Nose got mad and start to beat her up and said she is lying on the bed now. When I left them last night I did not leave them any liquor. They were not drunk but were feeling good.
When I got the bottle from Percy he had it in his pocket. I gave him the money before this down the coulee South side of the Brewery. He did'nt say where he got it from.
Witness. B.C.Jakeman.
Obtained through S/Cst Good-Rider as Interpreter.

9. A search was then made for Dan Chief Moon but he could not be located at this time, his house was closed and no one at home so returned to Cardston.

10. At about 7 p.m. in company with Const Gibbons and S/Const Good-Rider I patrolled by car to the Reserve and arrested Dan Chief Moon on a Warrant unser Section 130 of the Indian Act and took him to Cardston Detachment.

11. At the Cardston Detachment that evening I obtained the following statement from him;- Cardston.Alta
September 17th 1939

Statement of Dan Chief Moon,given Voluntarily,
Yesterday September 16th , Saturday, I went to Lethbridge in my car. I took Jim Knife, Mrs Round Nose and Mrs Wings.
In Lethbridge I met Round Nose by the Greyhound Bus Depot.He told him his wife was in and to go and do his shopping and we would meet him later. We met him about an hour after, by the Cecil Cafe and Jim Knife asked me if we could get some stuff to drink/ I told Jim you go ahead get your stuff we will settle and I will see if I can get my own. Jim walked away and I walked away too. I went in to a Cafe close to the Cecil and I saw a man there and asked him to get me some whiskey or anything. He said I can get some Rubbing Alcohol for you, I told him how much he said $1.25, 16 oz. I gave him the money and went after better than 20 minutes he came back hehanded it to me, it was a 16 oz rubbing Alcohol Black bottle. I put it in my pocket then took it to the car. I put it in my trunk rear. O dont know this fellows name but I know him.He told me anytime I want stuff to see him he stays in the Cecil Cafe. I asked Jim if he was ready fixed up he said yes. We all went in the car and started for home by Macleod road.
We stopped at Monarch bridge Jim went down to get the Water and we ha had a drink there. From there we went right through to Macleod did

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
(.) Assault, O. O. A. B. H. Sect 295, C. C. C.

---

11. (continued). not stop. By the Six Mile Coulee we stopped again took another drink, from there went to Round Nose place. We went in the house had another drink, Mrs Round Nose, Round Nose, Jim and myself all had a drink, from there I told Jim I left my groceries in a store in Cardstonso I and Jim and Mrs Wings came to Cardston. We went to St Pauls School from Cardston. Mrs Wings went in the school. We stayed in the car. From there we took Mrs Wings home to John Cottons place. Jim and I went to Round Nose place. Paul Melting Tallow and Joseph Sun were in there and some other kid. Jim went in the house first. I went in behind him. We went in the kitchen Jim took some of the Rubby and mixed it with water and Round Nose, Mrs Round Nose, Jim and myself had a drink. Round Nose wanted us to stay. Jim said we cant stay here we better go home so we went out again. We went through the bottom road to Jim Knifes place. We divided that Rubby half and half and went home . Jim Knife had a bottle besides me. I dont know where he got his bottle. Paul Melting Tallow and Joseph Sun were in the ~~kan~~ house when we left. Round Nose had had a drink but was not drunk. When Round Nose met his wife he started to curse at her. When I left Round Nose seemed mad at his wife. It was pretty dark when I left Round Nose place about half past 7 or 8 oclock. I did not pay any attention to Paul Melting Tallow and Joseph Sun. I dont know if they were drinking or had any drink. I dont know if there was any drink in Round Nose house when we left.

Witness. (sgd) Dan Chief Moon.
B.C.Jakeman.

18-9-39

12. On this date another case at the Blood Indian Hospital of Helen Strangling Wolf, Killing Her New Born Baby, needed immediate investigation and the detachment personnel were occupied at the Hospital and locally most of the day.

13. Dan Chief Moon was the first one to mention that others were at the ~~Shiafxxxxx~~ Round Nose house when they left so his case was held and he was released on his own recognisances to appear at the Agency on Saturday morning. His case under the Indian Act, Section 130 will be reported on later.

14. In the late afternoon Const Gibbons and S/Const Good-Rider patr patrolled by Police car Code 1877 on the Blood Reserve and interviewed these three Indians namely, Paul Melting Tallow, Joseph Sun and Butterfly Mortimer and obtained the statements as enumerated on the next page:-

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault. O. A. B. H. Sect. 295 C.C.C.

Statement of Joseph Sun, Blood Indian Reserve.
BEGINS: September 18th.,1939.

On Saturday, September 16th, I went to Round Nose home before 8.00 P.M., Paul Melting Tallow and Butterfly Mortimer were with me. Mrs Crow Spreads His Wings was coming out of the house and she went away, and I didn't see her again. We all went in the house and we all shook hands with Round Nose. Mrs Round Nose was in the kitchen. We were not in the house long when Dan Chief Moon and Jim Knife came, and they sat in the car outside for some time before coming in. Jim Knife came in first and went through to the kitchen, then Dan came in and went into the kitchen. Neither man spoke. All I heard from the kitchen was Dan, who spoke loud and said this is the last drop I've got, and I'm giving it to you. Round Nose was in the kitchen at the time. It was 7.50 P.M. by Round Nose clock when Jim Knife and Dan Chief Moon left. Paul Melting Tallow, Butterfly Mortimer and myself left Round Nose place at 8.00 P.M.. Both Round Nose and his wife didn't look like they had been drinking, and they were friendly toward each other. I never saw any liquor at the Round Nose place. I never heard about the trouble until Sunday Morning, I went to Round Nose place, but the Round Noses' had left. Dan and Jimmy were only in Round Nose home a very short time while I was there.

Witness: Sgd. Cst. J.Gibbons. Sgd. Joseph Sun. ENDS.

Statement of Butterfly Mortimer
September 18th 1939

On Saturday September 16th I went to the Round Nose place, I dont know the time. I dont know the time. Paul Melting Tallow Joseph Sun and Mr and Mrs Round Nose were in the house. Jim Knife and Dan Chief Moon came soon after, and went right into the kitchen. I heard Jim Knife say, "thats the way with you" and Mrs Round Nose answered back, "thats the way with you". Than Round Nose got up and went into the kitchen and said, "Now I have to pay the second time, I paid a racehorse for my wife and now I have to pay another $50.00. Then Edward ~~xxx~~ Red Crow and his wife came in and I left with Paul and Joseph Sun. Jim Knife and Dan Chief Moon left before us. I was only in the house a short time. I only went to shake hands with Round Nosewho had just come out of jail. I never saw any drinking or any liquor or any Rubby, while I was there (sgd) Butterfly Mortimer.

Witness J.Gibbons.

Statement of Paul Melting Tallow. Blood Reserve.
September 18th 1939

On Saturday September 16th I went with Joseph Sun to Round Nose place. I dont know what time. Round Nose and His Wife were there alone. Butterfly Mortimer came in after us. Then a car pulled up and Jim Knife came in and said Hello to Round Nose and went to the kitchen. Then Dan Chief Moon came in and he went into the kitchen. I heard something like someone was pouring something, and someone called Round Nose into the kitchen. I dont know who called. Someone said thats all we got, I'm going home now. Then Jim Knife and Dan chief Moon left. Round Nose came out of the kitchen and said "I have to pay $50.00 to Spear Chief, this is the second time I have to pay for my wife, first I paid a racehorse and another horse". Then Edward Red Crow and his wife and Julius Iron Horn's wifecame in and Butterfly Mortimer and Joseph Sun and I left. I was not at Round Nose place very long. I did'nt see any liquor, and Round Nose and his wife appeared very friendly.

Witness. J.Gibbons.Cst (sgd) Paul Melting Tallow.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O, A. B. H. Section 295, C. C. C.

19-9-39

18. On this date a Search Warrant was obtained from the Indian Agent to search the place of Round Nose for possible articles used in the offence and Const Gibbons and S/Const Good-Rider executed the Search Warrant and seized the articles listed on the attached Form 226.

19. Statement was then taken from Mrs Julius Iron Horn,
Blood Indian Reserve.
September 19th 1939

Statement of
Mrs(Mary) Julius Iron Horn,

I went down to Stand Off with my Daughter, Mrs Edward Red Crow. We went to the Surveyors camp to bring Edward home for the week-end. On the way back, we stopped to see my brother Round Nose, who just come out of Jail. I and Edward and his Wife all went in Round Nose house, shook hands with him and kissed him, I noticed Paul Melting Tallow, Joseph Sun, and some other Young Indian boy were there. Mrs Round Nose asked if we had supper yet, and I answered No. She cooked supper for us. We had supper in the kitche I dont know when the boys left, they were not in the room when we returned. I have never tasted liquor, though when I kissed my Brother I smelt nothing unusual about his breath, though Mrs Round Nose appeared like she was drunk. She kept on interfering when we talked to her husband. Round Nose told his wife not to think about putting him in Jail, I worked hard while I was there and I will work hard here, I will do all the work myself and will not hire anyone to help. Mrs Round Nose told me to be in Town Monday and she would give me some groceries, Round Nose said better Tuesday. Mr and Mrs Round Nose were very friendly with each other while we were there. Right after supper we left for home. Before supper Mrs Round Nose told me she ~~had~~ drink and Round Nose had a drink with Dan Chief Moon and someone else. Round Nose and his wife were alone when we left for home.

Witness, J.Gibbons.
G.Good-Rider.

(sgd) Mary Iron Horn.

20. Statement of Mrs Edward (Agnes) Red Crow;-
Blood Indian Reserve.
September 19th 1939

I went with my Mother Mrs Iron Horn to Stand Off to the Survey camp to get my husband Edward Red Crow to take him home for Saturday night. When we were returni we stopped at Round Nose place. Paul Melting Tallow, Joseph Sun an some other Indian boy were there. We all shook hands with Round No Round Nose told his wife to make supper for us, I noticed that Mrs Round Nose appeared to have been drinking as her breath smelt like it. Round Nose must have been drinking too, though I did'nt smell his breath, but Mrs Round Nose would not be drinking alone. Round Nose and his wife were quite friendly with each other. Round Nose said I dont want to go to jail again, I want to be good. My Mother told Round Nose to be good to his wife, and that they be kind to each other. Mrs Round Nose told my Mother to come to Cardston Monday and she would get her some groceries, and Round Nose said better make it Tuesday as we have to work Monday. I didnt see any liquor while I was there. It was 9.00 p.m. when we took supper. Right after supper we left and Round Nose and his wife were alone when we left. Round Nose was the last to speak, he said to his wife, " You had better fix my bed, as I didnt sleep much last night, I was thinking of being able to come home. I remember too that Round Nose mentioned about 7 bad letters he received in jail. Mrs Round Nose said Dont talk about that,

Witness: J.Gibbons.Cst

(sgd) Agnes Red Crow.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Sect 295 C. C. C.

---

21. Blood Indian Res.
Sept 19th 1939

Statement of Edward Red Crow:-

I was at the Government Survey Camp on Saturday when my wife and Mother-in-law called for me. They called for me in a Team and Buggy to go home with them to spend Saturday night. On the way home we stopped at Round Nose place. Joseph Sun, Paul Melting Tallow and another Indian boy were there. We all shook hands with Round Nose and Mrs Round Nose fixed supper for us. I noticed both Round Nose and his wife talked like they had been drinking liquor. Round Nose said to Mrs Julius Iron Horn something like, "dont come here any more and I wont come to your place, you leave me like a dog, you did'nt come to see me when I was in Jail I had seven letters which I received while I was in Jail that hurt my feelings, and he told me your letter was the best". Mrs Round Nose said never mind about them letters, they are not true. Round Nose appeared mean, and Round Nose never talked very much to us. Mrs Round Nose treated us very nice. She said "Dont mind about what Round Nose says, if you come around our place I'll be just too glad, I'm going to Mr Pugh Tuesday to draw some money" and Mrs Round Nose told Mrs Iron Horn you better go to Town on Tuesday I'll give you some groceries. We were at Round Nose place about an hour, I dont know what time it was. Round Nose and his wife were alone when we left. I didnt see any liquor or Rubby while I was at Round Nose's

Witness. J.Gibbons. (sgd) Eddie Red Crow.

22. Blood Indian Reserve.
Sept 19th 1939

Statement of Mrs Crow Spreads His Wings.

I was sleeping, someone called me, and I woke up. On going outside I noticed the Sun just rising, Round Nose was on a horse at the door. He said please go to my place and look after my wife, we had trouble again. He showed me wounds on his hand and chest and said I got these from my wife she stabbed me. I'm going to take myself to the Police at Cardston. You look after my wife. Round Nose rode away and I went over to Round Nose place When I got there Round Nose was there and he said " here is my Wife, stay with her, I'm going to Cardston. I found Mrs Round Nose on a bed on West side of the bedroom. Shew was lying on the far side of the bed near to the wall, there was blood on the right side of her face, more near the ear, and blood around the neck of her dress, and blood on the pillow, and I thought she was sleeping. She did'nt talk to me at all. Father Charran came to the house and took Mrs Round Nose away in his car. Tom Eagle Child was with him. When I went to the house everything looked in order and not disturbed, it did'nt look like there had been a struggle. Round Nose did'nt mention anything about a knife or anything about the fight, all he said was We had trouble again" He looked like he had been drinking. It was Sunday morning, last, when this happened. (sgd) Mrs Crow Spreads His Wings, her mark X.

Witness, J.Gibbons.

23. Saint Mary's School.
Statement of Rev Father Charran. Cardston. Alta. Sept 19th 1939

Last Sunday I was at Mr Coady's to have dinner. I had scarcely arrived there when Mr John Lemire came and told me that I was called at Mr Round Nose's place. When I arrived there an Indian woman met me at the door. She took me in. I saw Mrs Round Nose on the bed. She was quiet and seemed to be sleeping. She was all covered with blood. When we placed her on the blanket to take her to Hospital I saw that her dress was stained with blood. The pillow was stuck to her hair. After she was in the car I took her to the hospital where the Grey Nuns received her. It was Sunday September 17th 1939 at 1 oclock p.m. when this happened.

Witness (sgd Rev P.A.Charran, OMI,
Cst J.Gibbons.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault, O. A. B. H. Sect 295 C. C.

---

24. 20-9-39

On this date I contacted the Doctor at the Hospital and was advised that Round Nose was now sufficiently recovered to be removed so I laid an Information under the above Section and placed him under arrest at the Hospital. Magistrate Jensen came to the Hospital and Round Nose was brought before him and (no plea) remanded in Custody until the 28th inst. He was taken to the (taken Lethbridge Jail with warrant of Commitment. Pol car 2425 with Const Graham of Twin Lakes used.

25. Dr Holmes who is attending Mrs Round Nose advised me that paralysis had set in on the right side and that Mrs Round Nose could not take any nourishment by mouth, and could not move her right arm or right leg. In consultation with Dr Dobry of Cardston an operation was performed on the left side of the head.

26. Round Nose has had trouble with his wife for a long time and in 1929 October, he struck her on the head with a neck yoke and Fractured her Skull. At that time they had been drinking and at first it was not considered she was seriously hurt and both of them were convicted under the Indian Act for having the liquor. Later it was found the fractured parts of skull were pressing into the brain tissues and the parts were taken out leving a hole about the size of Dollar piece on the right side of the Head.

27. Round Nose has a vicious temper and on July 25th this year he was convicted under Section 291 for assault on his wife when he beat her with a rope. For this offence he was sentenced to Two Months and came out of the Lethbridge Jail on the 16th, the time his wife and other Indians met him in Lethbridge.

28. 21-9-39

Dr Holmes advised me today that an X-ray had been taken of Mrs Round Nose head and it showed a fracture running from the hole made some years ago round the back of the head towards the Crown. This recent injury was caused by a blow on the Right ear, as the ear was badly lacerated, and possibly the brain was forced across the inside the skull and injured on the Left side. The left side of the brain controls the nerves on the right side of the body and this was the side which developed paralysis. Dr Holmes cut a hole in the Left side of the head about the temple and took away some of the skull. This has relieved pressure on the brain as she now has a slight use of her limbs and can take liquids. This she could not do before the operation and has been fed intravenously.

29. She is still in a serious condition and may not live and the operation was performed as a last resort as she would have probably been dead by now.

30. Owing to the womans serious condition it is not intended to proceed with the case when this remand expires and I will forward the Information to Lethbridge so that Round Nose may be formally remanded again at the Jail.

31. When Round Nose was in the Hospital I interviewed him and with the aid of S/Cst Good-Rider as Interpreter tried to question him but he refused to make any statement claiming he would speak at the Court. Round Nose does not speak English and an interpreter has to be used.

Expenditure. 18-9-39. Pol car 1877....76 miles.1 meal Cst Gibbons 50¢
19-9-39. Pol car 1877 59 miles,1 meal Cst Gibbons 50¢
20-9-39. Pol car 2425. 156 miles.
21-9-39. Pol car 1877.. 61 miles.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Sect 295 C.C.C.

---

32. On the 21st inst the following statement was taken from George Vielle by Const Gibbons, as this man was contacted by Round Nose on Sunday morning after the fight and told to hand the knife over to the Police, He could not be contacted the previous day having gone to Lethbridge to see Mr Max Moscovich the Lawyer who has been retained on behalf of Round Nose.

Blood Reserve. Alta.
Sept 21st 1939

State ent of George Vielle,

I was at Maurice Prairie Hens place on Sunday morning 17th September 1939. At about 8 oclock that morning I saw a man on horse back coming toward me. He rode up to me and I shook hands with him. It was Round Nose. I asked him what was the matter with his hand as it was bandaged and he showed me a cut on his left hand, on the back. It was a bad cut. Then he told me he had another cut on the left forearm, and two more cuts on ~~the~~ his left shoulder. He said my wife stabbed me with a knife and he said "I'm in a rush I forgot the knife in the stable, I want you to get that knife its on the North side of the stable and when you get it I want you to give it to the Police." He shook hands with other Indian people, kissed my Wife, his Sister, and when he was leaving he said "I'm going right in to the Police", and he left. I hitched up and my wife and I left for Round Nose place. There was a bunch of Indians there and Father Charran was just pulling away with his car. I noticed Mrs Round Nose laying in the car. She looked like she was sleeping. I went to the stable and I found the knife after searching for some time, it was in a box nailed in the North East corner of the stable. There was brushes and Curry comb also in the box. When I went to Round Nose place I noticed Mr Pugh and Sergt Jakeman, I handed the knife to the Sergeant. When I first met Round Nose Sunday morning he appeared to haveb been drinking liquor or some intoxicant. This is all I know.

(Sgd) Geo Vielle.

Witness, J.Gibbons.Cst.

33. The latest information gathered this evening, this 8.30 p.m. 22nd September 1939 is that Mrs Round Nose is very low and not expected to live.

STILL UNDER INVESTIGATION.

B.C. Jakeman
Sergt
B.C.Jakeman. Reg No 9454
I/C Cardston Detachment.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Re: Round Nose - Blood Indian Reserve, Alta.
Assault Occasioning Actual Bodily Harm - Sec. 295 C.C.C.

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir: FORWARDED:

1. Since the submission of this report the Cardston Detachment advised on Saturday, Sept. 23, Mrs. Round Nose died as the result of injuries received from an assault by her husband.

2. Round Nose is at present incarcerated in the Lethbridge Provincial Gaol on the remand of a charge of Assault Occasioning Actual Bodily Harm. He will be remanded for a further eight days on the 26th inst. The Inquest is to be heard at Cardston on October 3rd. After the hearing of the Inquest this charge will be withdrawn and a charge of Murder will be placed against Round Nose.

3. Attached is F. 246 marked pages 1 & 2 covering exhibits obtained in the search of the scene of the crime. A further report will follow covering the explanation of these exhibits and where they were found.

4. With reference to the liquor in this file, it is of interest to note that Percy Plain Woman has been charged under Sec. 128 of the Indian Act and has been fined $25.00 and costs and in default 2 months in the Lethbridge Provincial Gaol. The presiding Magistrate, Mr. H.J. Jensen has given him until the 30th inst. to pay the fine and costs.

5. Joseph Fritz of Polish origin and a naturalized British subject, was apprehended in the Galt Gardens at Lethbridge on the 20th inst. and appeared before P.M. Jensen at Cardston on the 21st inst. charged with selling an intoxicant to an Indian; namely Percy Plain Woman, and under Sec. 126(a) of the Indian Act was fined $100.00 and costs in default 5 months' imprisonment in the Lethbridge Provincial Gaol. Fine and costs were not paid and the prisoner was escorted to the Lethbridge Provincial Gaol on the 21st inst.

6. Jimmie Knife mentioned in F. 264 E going forward in today's mail covering the conviction of Percy Plain Woman is being charged under Sec. 130 ss. 2 of the Indian Act. Report covering this prosecution will be forwarded in due course.

7. Cst. Carter, the Sub- Division photographer, proceeded to Cardston this date to photograph the scene of the crime and to prepare a sketch for use at the inquest and trial.

8. The report covering the finding of the exhibits and description of same as listed on F. 246 referred to will follow in the next mail.

9. Copy of this report has been forwarded to Mr. A.B. Hogg, K.C., A.A.G. at Lethbridge, and copy to the Inspector of Indian Agencies, Calgary.

10. Mr. Max Moscovich, K.C., Barrister of Lethbridge, advises he is acting for Round Nose. I would strongly recommend that the Attorney General given consideration to the appointment of Mr. Hogg to conduct the inquest and preliminary hearing in this particular case.

Leth. 25-9-39
H:A

sgd. "C. Harvey" S/Sergt.
for O.C. Lethbridge Sub-Division A.O.D.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No.....

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston

Province: Alberta.

Date: 27th September 1939

File References

Re: ROUND NOSE. Blood Indian Reserve. Alberta.
Assault, O, A. B. H. Section 295 C.C.C.

Headquarters

Sub-Division

Detachment

P. C. R.

Cardston
21-9-39
24-9-39
25-9-39

A. R. V. No.

Diary Date set for

1. The following statements were taken from Joe Crow Spreading His Wings and his wife who were present at the home of Maurice Prarie Hen on Sunday morning when Round Nose called there after leaving his own home enroute to Cardston.

Cardston.Alta
Sept 23rd 1939

Statement of Joe Crow Spreads His Wings,

Last Sunday morning September 17th about 8 or 9 oclock I was at Maurice Prairie Hens. Round Nose came there on horseback. I went out, my Mother was out too. I kissed him. He told me to go in the house. I went in the house and George Vielle, Mrs George Vielle (my Mother) Maurice Prairie Hen, Eva Vielle, Jim Big Threatand his wife and kids and Alfred Crow Eagle and my wife were there. Round Nose told me he got in trouble with his wife, said his wife hit him with a knife. I saw his hands but did not see the rest. His clothes were covered with blood. He did not say what happened to her but she was lying in the house. He did not say anything about what they were fighting over. He told me "I come to see you to go to my place and stay there" and to look after the cattle and horses and the Farm too" He did not say what he hit her with or how he hit her or why he hit her. I said I'm working on the thresing outfit and making money and he told me if I did you have the whole farm and I have some money at the Agency and I'll get you some money. I went to Round Nose house and Jim Knife and old lady Crow Spredding his Wings were there. I saw Mrs Round Nose lying on the bed. I got some of Round Nose clothes, shoes and overall pants and I still have them. They had blood on them. I tell my Mother Mrs Round Nose pretty bad you better go over and see her. (sgd) Joseph Crow Spreading Wings.

Witness. B.C.Jakeman,

2. The following statement was taken from Mrs Joe Crow Spread his Wings:-

Cardston. Alta.
Sept 23rd 1939

statement of Florence Crow Spreads His Wings, (age 19)

Last Sunday Morning September 17th 1939 I was at Maurice Prairie Hens place. Round Nose came to the house just after breakfast. He went inside the house and I went in after him. He was sitting in the arm chair in the kitchen Jim Big Threat and his wife and three kids, Mrs George Vielle, George Vielle, Eva Prairie Hen, Maurice Prairie Hen Joe Crow Spreads his Wings and Alfred Crow Eagle were there. He went in the house and told them all to come in. I want to talk to you. The first one he spoke to was Joe Crow. He told Joe Crow "You try hard to get along I'm in trouble again. He said his wife cut him there (back of the left hand) and some other cuts, two on the chest and one near the elbow. Eva took some coal oil and used it on the wound on the hand. He told Joe Crow to quit threshing and move over to my house and look after things and the cattle. If

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Section 295 C. C. C.

---

2. (continued) anything should happen stay right there at the house and try and make improvements for yourself. He said Dont let anyone cut you off, be good to your wife, and fix up the brown horse nice when you ride him. He gave me a little small valise nothing in it. He said he got a drink from Dan Chief Moon and Jim Knife. After Round Nose left George Vielle and his wife went down to Round Nose place in a waggon and Joe Crow rode a horse. Maurice went down the old Agency fishing with his wife and one of Georges kids. Jim Big Throat his wife and kids went down to Harry Big Throats place. Alfred Crow Eagle went to St Marys School. He didnt say what he had done with his wife. I dont remember if Round Nose told his sister to go and look after his wife,

Witness. (sgd) Florence Crow Spreads His Wings.
B.C.Jakeman.

26-9-39

3. On this date I patrolled in company with Const Graham by pol car Code 2425 on the Blood Reserve. I first tried to contact Father Charran but he was away. Fred Weasel Fat and Maurice Prairie Hen whom I tried to see could not be located.

4. I then interviewed Jim Big Throat and obtained the following statement:-

September 26th 1939.
Blood Reserve.

Statement of Jim Big Throat,

On Sunday morning Sept 17th 1939 I was at Maurice Prairie Hens place. At about 8 oclock Round Nose came there on Saddle Horse. He wanted to have an agreement written between Joe Crow and Round Nose. He asked George Vielle to write it but George did not have any paper and then George asked me to write it down. Round Nose said" Well I'm in trouble again and said Mr J.H.Pugh, I'm in trouble again and putting Joe Crow in charge of my place, Farm and cattle and horses and money, that is if I go over the road and Joe Crow to be in charge and George Vielle. He said he knew he would have to go back to Jail because he was warned not to have any more trouble. He said well I'm in trouble again, my Wife stabbed me on my hand here and another place and on my chest. I could see blood on his shirt. He said this is how it started, heres my ticket from Lethbridge but Dan and Jimmy, and my wife came along and on the way home they started to drink, they insisted that I drink and when we got home I was not drunk but feeling good. I then went out of the room and missed part of the conversation and when I came back he said Joseph Sunand Paul Melting Tallow were there and said I'm going to give fifty dollars to Spear Chief but he has to give a team to his Sister too as a present. My wife got mad and did'nt like it, she said, "Dont talk that way you should give it to him anyway. The boys went out and I went to the bedroom and laid down and heard my wife in the other room, she came in with a big drink, and another one, and gave me quite a few drinks and came in again and jumped on ~~myself~~ me and stabbed me, she slashed my hand, then I overthrowed her, I realized I was intoxicated and I jumped up and I dont know how I beat herv up knocked her around on tables and chairs and discovered this morning she had a big open wound and cut on her head. George asked him are you sure you never used anything as a stick or weapon he said he did not remember must have hurt her on the furniture knocking her around said after I shuffled around the alcohol was working and was then getting out of his head". After he left we were talking about it and I heard from Maurice that they had been talking about Mrs Round Nose get some liquor, after the second time they came, (meaning Dan Chief Moon and Jimmy Knife) Mrs Round Nose had some more liquor but Round Nose said he did not know if she had it before they left or not. He said I hid the knife she used to stab me with I hid it in the

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault G. A. B. H. Sect 295 C. C. C.

---

4. (continued) barn, you go after it I hid it in a little box behind the door in the barn. He said this to George Vielle. About half an hour after Round Nose left Dan Chief Moon passed in his car all alone seemed as if he was going back to Round Nose.
Witness. (sgd) J.B.Throat.
B.C.Jakeman.

Expenditure. Pol car 2425, Miles...90.
1 meal Cst Graham (L) 50¢

STILL UNDER INVESTIGATION

B.C.Jakeman Sergt.
B.C.Jakeman. Reg No 9454
I/C Cardston Detachment.

O.C. "H" Division,
R.C.M.P. REGINA.

Sir:

FORWARDED:

1. With reference to the statement taken from Joe Crow Spreads His Wings dated September 22rd, this was taken at the detachment in Cardston.
2. The clothing of Round Nose which is in possession of Joe Crow Spreads His Wings will be taken possession of by the R.C.M.P. I/c of Cardston detachment.
3. Copy of this report has been forwarded to Mr. J.B. Hogg, K.C., M. A. G., Lethbridge, and to the Inspector of Indian Agencies, Calgary.

Leth. 28-9-29
H:A

sgd. "C. Harvey" S/ Sergt.
for O.C. Lethbridge Sub-Division A.G.B.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

LETHBRIDGE, Sept. 26th, 1939.

391 364-75

N.C.O. I/c Detachment,
CARDSTON

Re: Round Nose - Blood Indian Reserve, Alta.
Assault Occ. Actual Bodily Harm - 295 CC

1. With reference to letters mentioned in statement of Edward Red Crow, I find from the records of the Lethbridge Provincial Gaol that Round Nose received the following:

29-7-39 - J. Plaited Hair, Standoff
1-8-39 - Mrs. Round Nose, Cardston
4-8-39 - George Vielle, Cardston
18-8-39 - Mrs. Round Nose - Cardston
31-8-39 - Red Crow, Cardston
1-9-39 - Mrs. Round Nose, Cardston
2-9-39 - Brother, Standoff

2. In turn, he wrote the following letters from that Institution:

28-7-39 - Mr. Pugh, Indian Agent, Cardston
7-8-39 - Mrs. Round Nose
4-9-39 - Mrs. Round Nose

Commanding Lethbridge Sub-Division.

H:A

O. C . "K" Division,
R.C.M.P. EDMONTON.

Sir: Copy for your file.

Leth. 26-9-39

S/Sergt. for
"H. Darling" Inspector.
Com anding Lethbridge Sub-Division AOD

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge.	Cardston.
Province		Date
Alberta.		24th.,September,1939.

File References

Re: ROUND NOSE, Blood Indian Reserve, Alberta.
Assault, O. A. B. H., Sect. 295 C.C.C.

Headquarters

Sub-Division

Detachment
Cardston.
C-39-R-18.

P. C. R.
Cardston.
21-9-39.

A. R. V. No.

Diary Date set for

19-9-39.

1. On the above date, while investigating further to the above, I patrolled to Blood Indian Agency, and obtained a Search Warrant from John E.Pugh, J.P., and Indian Agent to further search the premises of Round Nose, on Blood Indian Reserve.

2. Patrol then continued to Round Nose place in the vicinity of Standoff, on the Blood Reserve, it was 3.00 P.M., when I arrived there. I tried the both doors of the shack, they were both locked, I knocked hard on the doors but no one answered, I then tried the windows, and by removing a screen window from window casing,on east side of the shack, I was able to raise the inner paned window and make my entrance, I then opened the east side parlour door, and S/Cst. Good Rider entered.

3. In the kitchen, I found a wagon pin on a wash stand,located near the rear entrance. On raising the pin, I found the under part of the head wet, the pin was clean and appeared to have been washed. On examining floor, I found blood spots near a trap door, alongside wash stand. S/Cst. Good Rider opened trap door, it disclosed opening to cellar. On a frame to cellar steps, I noticed a large blood stain. The cellar steps led west to east, the blood stain was on the frame on the south side. On the bottom step, I found more spots of blood. The floor of the cellar was made of cement. On the south side of cellar floor, I found blood stained canvas sheet,and blood stained Khaki Sheet. Under these sheets, I found blood stained partsof broken kitchen chair, namely the seat and back still connected. Behind storm windows on the east side of cellar, I found leg of chair with part of broken rung connected and two broken parts of rungs. They were coverered over with pair of old overall pants. These parts of chair were also blood stained. S/Cst. Good Rider on examining sack of flour in north-west corner of cellar, found another blood stained part of rung of chair inside of sack. Further careful examination was made of cellar. I played my flashlight on the cellar floor, I was unable to find any foot prints on the cement, and I was unable to locate further clues.

4. On kitchen door and storm door I found large blood stains , also spots of blood were found on cement step on the outside of kitchen door. On a fence about fifteen feet from the south of kitchen door I found two blood stained pillows, apparently left there to air and dry. About 50 yards north of Round Nose shack, an outhouse was located. On examining outhouse, I found two spots of blood on the floor. I played my flashlight through the hole on seat, and there I perceived a coiled hemp clothes line. It was apparent that someone had used the outhouse since the hemp clothes line had been put in the hole, as I noticed one piece of human dung atop of the clothes line.

SEE PAGE TWO.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

PAGE TWO:

RE: ROUND NOSE, Blood Indian Reserve, Alberta.
Assault, O. A. B. H., Sect. 295 C.C.C.

Para. 4 continued:- I had S/Cst. Good Rider witness my finding of the blood spots on floor of outhouse, and the hemp clothes line within the hole of outhouse, and he found a piece of wire for me, and I removed the clothes line from the hole, it had a running noose on one end, and the entire clothes line was greatly stained with blood.

5. The stable located about 20 yards further north of outhouse was also thoroughly searched. Two spots of blood were found on east wall near the south manger. No further clues were found in stable. Search of straw stack and root house and entire whereabouts of Round Nose place, but no further clues were found.

6. All of exhibits mentioned within this report were seized and are now being kept under lock and key. Form 246 with articles listed was forwarded by this detachment, attached to report of 21-9-39.

NO EXPENSE.

STILL UNDER INVESTIGATION.

J. Gibbons CST.
(J.Gibbons)Reg.No.12018.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston
Province		Date
Alberta.		25th September 1939

File References

Re: ROUND NOSE. Blood Indian Reserve. Alberta.
Assault, C, A. B. H. Section 295 C. C. C.

Headquarters

Sub-Division

301-304-75

Detachment

P. C. R.

Cardston
21-9-39
24-9-39

A. R. V. No.

Diary Date set for

1. On Saturday morning 23rd September 1939 when making enquiry at the Blood Indian Hospital as to Mrs Round Nose condition I was advised that she died about 10.30 p.m. on Friday 22nd September 1939.

2. I immediately got in touch with the Coroner Dr H.B. Steepoole and he issued me his warrant to empanel a Jury. I empanneled a Jury immediately and the Inquest was set for 11 a.m. at the Indian Hospital.

3. The Inquest opened at the Indian Hospital and after the jury viewed the body the Inquest was adjourned until 6.30 p.m. Tuesday October 3rd 1939. The jury consisted of the following men of Cardston:- Joseph Workman, (Foreman) Wm Duce, Henry McAthins, Dave Halland, Percy Gregson and Winfield Scott.

4. The Coroner ordered a post mortem examination and as Dr Holmes had attended the woman the P.M. to be made by Dr Dobry of Cardston.

5. At 3 p.m. in company with Const Gibbons and S/Const Good-Rider I patrolled by pol car Code 1877 on the Blood Reserve checking different Indians and scores of Informatio regard Round Nose. All the Indians contacted so far seem to avoid making any statement regarding what Round Nose said to them after the fight with his wife.

6. I obtained the following statement from Herbert Bull Calf, who saw Round Nose on Sunday morning, begins:-

Blood Reserve.
Sept 23rd 1939.

Statement of Herbert Bull Calf,

On Sunday morning I went up to get my horses from the top of the hill in Jack Eagle Bears pasture. I went to Two Guns Knife's house. I was in the house when Round Nose came there. He did not get off the horse. We both shook hands with him and he said I get a big trouble now I licked my wife awful bad and she stabbed me. He said "she stabbed me on my neck". I could see the blood marks on his neck and he had a bandage round his left hand. I could see it was still bleeding. Jimmy Knife was there too. He came before Round Nose got there. Jimmy Knife heard Round Nose say this. It was said outside Two Guns Knife house to the three of us. He said, "The woman was going away that night and I tried to hold her then I went to bed, I just got my underclothes on the woman got mad and said I'm going to give you a good thumping licking Round Nose and she went in the kitchen and get this butcher knife. She started to stab it Round Nose with this knife, first strike the wrist and then on the breast. He did not say what he did to her but said he gave her a good licking. This would be about

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Sect 295 C.C.C.

---

6. continued, 9 oclock or half past nine in the morning when I spoke to him. He said it happened when he was going to bed so I think it must have been about 11 oclock. He said that three boys were there Joseph Sun, Paul Melting Tallow and Butterfly and this happened just after they went out. He did not say anything about Mrs Julius Iron Horn and Eddie Red Crow and his wife being there. He said "She ran out of the house and he took her back again". I was in Two Guns Knife's sitting by the door and I saw him get on the saddle horse and ride over. I had been at Two Guns place about 20 minutes or half an hour. When I was going to Two Guns house I saw him walking up and down outside. I did not go over to Round Nose house. He did not say what the row was about. He said"The woman said you should give $50.00 to my brother Spear Chief if I I'm going to live with you again and she did not like it when I told these boys. (sgd) Herbert Bull Calf.
Witness.B.C.Jakeman.

7. I then interviewed Two Guns Knife who is mentioned in the last statement and obtained the following statement through S/Const Good-Rider as Interpreter,

Blood Indian Reserve.
September 23rd 1939.

Statement of Two Guns Knife,

I first saw Round Nose come back in daylight. It must have been after three oclock. I saw the car come up to the front of the house. I was in the other house looking out of the house, (Jack Eagle Bears house) with my wife and Jerry DeBird.(DeBird is blind) I saw then get off, he and his wife. After I had supper I saw the car turn back but did not see who got in the car. The car went away and went south on the highway. Thats all I know about the car.
Then in the morning I got up early about half past six. Was doing my chores around the house. I saw Round Nose drive his horses in the corral. I told my wife, Rouns Nose has his horses in the corral and guess he is going to look around his cattle. Then he led his saddle horse towards the house and I didnt look over there any more. After a while later I saw three going along the fence towards his house, Mrs Crow Spreading His Wings, a girl and a little boy, the girl about 10 years old. I saw him standing outside then he went in again The old lady went in the house by the South door. For quite a while the horse was standing outside. I later looked again and saw him coming down that hill on horseback. I saw Round Nose standing near that house then he rode over to Jack Eagle Bears house where I was. I told my wife it's two years since we quit one another and when he gets here I'm going to shake hands with him. Jimmy Knife was in the house by this time, he had come down from Gregsons on foot. I told Jimmy Knife you better go out and meet him he may want to see you. Jim went out first, then I followed and my wife behind. Just before he got to Jimmy Knife he took his gloves off and shook hands with Jimmy knife. While I was holding hands I said " thats the way I was always trying to talk to you, we are all relations, and I'm glad you came home safe. Round Nose said I'm in big trouble again. He said,the reason, when I got back last night fifty dollars I was supposed to give to Spear Chief and my wife got mad about that. This $50.00 is to be given to Spear Chief, for Mrs Round Nose to go back to live with him again. Mrs Round Nose was going to quit him and Spear Chief told the girl to go back to him and tell him to give me $50.00 and Mrs Round Nose told Round Nose, "My brother is a poor man and you should just give him the money and you should not be telling everybody about that." She was going to run out that night and Round Nose grabbed her and tried to make up and told her he was going to give that $50.00 to her Uncle. Well she quit right there and after a while she got mad again. She went in

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta,
Assault O. A. B. H. Sect 295 C.C.C.

7. continued, the kitchen, was in there a little while and she came back and said the best thing now is best to quit, meaning both stop living, meaning to die, and she said I'm going to stab you and she stabbed him. He did not say what part she stabbed him but I looked at him and saw a bandage on his hand and blood on it. He said she stabbed me four places, on my chest and on my hand. He said, after I got stabbed his head is out of his mind then I hit her after that and thats all she said. He did not say what he hit her with. Herbert Bull Calf was there and he shook hands with him. Jim Knife was there too. This was outside the other house. I forgot to mention Round Nose told me his wife was lying in the house. I went to Whipples threshing outfit and told Eddie Whipple should stop the machine and take the woman to the hospital and he did'nt want to do it. Before he lefe here he said he was going up to Maurice Prairie Hens place to get Joe Crow Spreading His Wings to stay in the house and look after his stuff. He said I'm take myself up to the Police. When I left Whipples machine I went to Round Nose house I got off the horse, both the doors were open I walked in. Lots of people there. I looked around and saw Mrs Round Nose pying on the bed looked like she was sleeping, blood all over her face. Then Father Charran came in and then Father Lavergne, and Father Charran said Father Lavergne is going to pray for the girl and started to pray, Father Lavergne asked me to ask Mrs Round Nose to try and follow him in praying. I called her three times, the last one very loud and told her Father Lavergne trying to follow you in praying. She looked at me and did no not say anything just closed her eyes. After they were through Father Charran said lets take her in the car to the Hospital. A bunch helped him to put her in the car. She was lying on the mattress and a quilt blanket on top of her and one underneath her,Blood on one of the blankets.
Witness. B.C.Jakeman. (sgd) Two G.Knife

8. I then interviewed Jimmy Knife who had previously given a statementchiefly concerning the liquor part of the enquiry and he further stated that Round Nose said he was undressed ready to go to bed, his own bed. He was talking about $50.00 and that two boys were there, Paul Melting Tallow and Joseph Sun and they quarreled about the 50.00 he was to give to Spear Chief. He said his wife sit down by the chair in the kitchen and then he went in the bedroom and she started to stab him. He said she hurt me pretty bad and then I get mad at her and I started to beat her with fists. He said "I'm wrong again, really bad, I said Hows your wife pretty bad and he says Yes pretty bad, shes in bed. He said he threw her ~~mit~~ with his hand

expenditure,Pol car 1877..... 64 miles.
2 meals,Sgt Jakeman & Cst Gibbons (D) 50¢ each.

25-9-39

9. This morning Dr Dobry handed me the result of his Post-Mortem examination on Mrs Round Nose, which reads as follows:-

Cardston. Alberta.
September 23rd 1939.

Post Mortem report on Mrs Round Nose

The body is that of a well developed, moderately well nourished Indian Woman about the age of 43 years.

External Examination reveals

Rigor mortis present. Contusions over right and left lateral condyles of right and left humeri and on right shoulder. Sutured ragged lacerated cut on right side of head extending from ¾" ~~back~~ in front of right ear, through ear and 1½ inches back of ear over

Indian Affairs (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Sect 295 C.C.C.

9. continued, base of Mastoid process. Also vertical laceration behind right ear extending from lower to upper lobes. Skin separated from skull backwards and downwards from mid portion of right Mastoid bone for a distance of 1½ inches. Depressed cimminuted fracture of base of right Mastoid bone 5/8 of an inch in diameter. Edges of depression irregular. Sutured partially healed wound, edges cleanly cut, 1½ inches above upper lobe of right ear extending forward from a point 1½ inches behind the right ear for a distance of 2 5/8 inches. Fresh operative sutured cut on left side of face extending from zygomatic process 1½ inches anterior of left ear and extending directly upwards for a distance of 4 inches. Shallow oblong depression, ~~in~~ 1 inch by 1½ inches, on right side of skull over posterior portion of parietal bone. Dark discolouration of both eyes due to haematoma. Small bruise over left maxillary process. Haematoma 1½ inches over left eye.

Examination of Skull

Fracture through right and left parietal bones extending from old trephined opening extending across Vault of skull to the level of the tip of left ear. Haematoma inside vault of skull. Subarachnoid haemorrhage over the whole of right and left lobes of brain. haemorrhage more marked over left lobe. Fresh trephined opening over left Temperal bone. Calcified nodule, irregular in shape ⅝ of an inch long and ⅜ of an inch wide and ⅛ inch thick in posterior horn of left ventrical. Also another small irregular calcified nodule 3/8 ths of an inch in diameter in anterior horn of right ventricle. Petechiael haemorrhages in convolutions of motor area of left cortex. Small area of petachiael haemorrhages in left side of medulla.

Chest

A little basel congestion of base of both lungs. Heart normal.

Abdomen

Liver, Kidnies, Stomach, Intestines, Spleen, Uterus, Bladder Overies, nothing abnormal detected.

CAUSE OF DEATH

Cerebral Haemorrhage.

(sgd) J.J.Dobry.M.D.

10. In this p.m. I accompanied by Const Carter and Sgt Good-Rider proceeded to the Round Nose house and took measurements of the various rooms in the house and the distances from the houses of Mrs Crow Spreading His Wings, Two Guns Knife and Jack Eagle Bear to the Round Nose house. Photographs were also taken of the scene and some of the interior of the house. These to be submitted later by Const Carter.

11. The Information and Complaint daly waived by Magistrate Jensen was forwarded to the Sub-Div, H.Q. this date per Const Carter, for a re and of Round Nose on the 28th inst.

STILL UNDER INVESTIGATION.

B.C.Jakeman Sergt
B.C.Jakeman. Reg No 9454
I/C Cardston Detachment.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

Re; ROUND NOSE - Blood Indian Reserve, Alta.
Assault, O.A.B.H. - Sec. 295 C.C.C.

O.C. "K" Division,
R.C.M.P., EDMONTON.

Sir:

FORWARDED:

1. With reference to para. 5 hereof in which it is mentioned that the Indians appear to be somewhat evasive, this is to be expected. However, I am quite satisfied with the progress being made by the Cardston Detachment in this case and when the time for the preliminary hearing arrives they will be in a position to present quite a strong case against Round Nose.

Copy direct to Mr. A.L. Hogg, A.A.G., and to the Inspector of Indian Agencies, Calgary.

Leth. 28-9-39
H:A

sgd. "M. Darling" Inspector.
Commanding Lethbridge Sub-Division.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6 102499

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE NO. 39 B 636-13 H 7. OTTAWA, October 12th, 1939.

YOUR FILE NO. _____

Sec 1 Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
OCT 13 1939
REGISTERED

JSC/W.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

12-37

C.D. 27

CANADIAN PACIFIC TELEGRAPHS

CLASS OF SERVICE	
Full Rate	
Day Letter	X
Night Message	
Night Letter	

Please mark an X opposite the class of service desired.

MONEY TRANSFERRED BY TELEGRAPH TO PRINCIPAL POINTS IN CANADA AND THE UNITED STATES

CANADIAN PACIFIC COMMUNICATIONS

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD RADIOGRAMS TO SHIPS

TIME FILED
CHECK

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof which are hereby agreed to

Ottawa, October 11,1939.

J.E.Pugh,
Indian Agent,
Cardston,Alberta.

RE LETTER OCTOBER FIFTH HAVE ADVISED YOU BY LETTER DEPARTMENT WILL BE RESPONSIBLE FOR PAYMENT OF EXPENSES OF MR. FAIRBAIRN DEFENDING HELEN STRANGLING WOLF AND OF MR. MOSCOVICH DEFENDING ROUND NOSE stop NOT NECESSARY FOR ROUND NOSE TO SELL HIS CATTLE.

T.R.L.MACINNES.

C.M.R.
I.A.

RM

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

EXTRACT
ORIGINAL ON
19103-5

Blood Indian Agency, Cardston, Alta.,
October 13th, 1939.

Department of Indian Affairs
OCT 18 1939
REGISTERED

The Secretary:

Sir:

I beg to state, with further reference to your file 19103-5 of the 10th instant, regarding the case of Helen Strangling Wolf and Round Nose charged with murder, that to-day, October 13th Round Nose was committed for trial to next sitting of Supreme Court by Magistrate Jensen of Cardston at a preliminary hearing, started the 12th instant, and concluded at noon today.

M.E. Moscovich defended as instructed. Some difference was occasioned by Mr. Moscovich over his employment as Counsel, and in particular as to his fees that he had arranged for with Round Nose by way of an order upon my office. He has been informed that his fees will be paid by the Department as instructed, and of course Round Nose's order will have no effect. Mr. Moscovitch felt that I was interfering as between Round Nose, his contemplated client, and himself, and informed me so, and it is quite possible that he may register objections through other channels. He now however understands that his accounts will be paid by the Department as instructed.

Answered on 19103-5 Oct 18

x x x

J.E. Pugh.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6 102130

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-7 OTTAWA, October 11, 1939.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Sec 1

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC/RB

Department of Mines & Resources
Indian Affairs Branch.
OCT 12 1939
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

39K 636-23.

Re: Round Nose - Blood Indian Reserve, Alta.
Assault O.A.B.H. Sect. 295 C.C.C.

COPY TO THE DEPUTY ATTORNEY GENERAL, & Form 246.

The Commissioner,
R. C. M. P.
OTTAWA, Ont.

Sir:

Copies of report from Cardston Detachment of 28th Sept. 1939, herewith for your information.

Edmonton, Oct. 5th, 1939.
3 W.

R. E. Mercer.

R. E. MERCER - Supt.
In charge C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

39K 636-23. /

F. 287

Division File No.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge.	Cardston.

Province: Alberta.

Date: 28th., Sept., 1939.

File References

Re: ROUND NOSE - Blood Indian Reserve, Alta.
Assault, O. A. B. H., Sect. 295 C.C.C.

Headquarters

Sub-Division
39L-384-75.

Detachment
Cardston.

P. C. R.
Cardston.
21-9-39.
24-9-39.
25-9-39.
27-9-39.

A. R. V. No.

Diary Date set for

25-9-39.

1. Further to the above and acting on instructions from Lethbridge Sub-Division, I patrolled via Pol. Car, Code 1877, to Round Nose shack on the Blood Indian Reserve, and procured articles listed on the attached 246. S/Cst. Good Rider accompanied me on this patrol and assisted me in procuring all of the exhibits.

2. On arrival at Round Nose shack, I was met by Joe Crow Spreading His Wings, the caretaker. I told him my mission, and he gave me permission to take anything in the shack that was required.

3. Exhibit No. 1, blood stained wood was taken off trap door in kitchen; Exhibit No.2, Blood stained wood was taken off frame of cellar steps, near third step; Exhibit No.3, blood stained wood, was taken off the eigth and bottom step of cellar steps; Exhibit No.4, Blood Stained wood was taken off set of whipple trees located on south side of cellar; Exhibit No.5, Blood Stained Card board was taken off card board box, located in front of Storm windows on east side of cellar; Exhibit No.6, Blood stained wood was taken off south side of floor of outhouse; Exhibit No. 7, Blood Stained tin was taken off brace of floor of outhouse; Exhibit No.8, Blood stained wood was taken off west wall, near manger on south side of stable.

4. All of the above exhibits were handled by me alone, and each exhibit was placed and sealed in separate brown envelope and were numbered 1 to 8, with description of article within, initialed and dated.

5. All of exhibits are being kept under lock and key. Form 246, with articles listed is attached herewith.

EXPENDITURE: NIL.
Mileage, Pol. Car, Code 1877 - 46 Miles.
STILL UNDER INVESTIGATION.

J. Gibbons CST.
(J. Gibbons) Reg.No.12018.

O. . "K" Division,
R.C.M.P. EDMONTON.

Sir: FORWARDED:

1. Your instructions in regard to my request in forwarding minute of the 26th inst. to report dated at Cardston the 24th, are awaited.

Copy to Mr. A.B. Hogg, K.C., A.A.G., Lethbridge, and to the Inspector of Indian Agencies, Calgary.

F. 246 attached.

Leth. 29-9-39
H:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No. 39K 636-23.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston

Province: Alberta

Date: 1st October 1939

File References

Re: ROUND NOSE. Blood Indian Reserve. Alberta.
Assault G. A. B. H. Section 295 C. C. C.

Headquarters

Sub-Division

39L 384-75

Detachment

P. C. R.

Cardston
21-8-39 to
28-9-39

A. R. V. No.

Diary Date set for

28-9-39

1. On the above date I patrolled on the Blood Indian Reserve by Pol car Code 1877 in company with S/Constt Good-Rider and interviewed Mrs ~~xxxx~~ Crow Spreading His Wings and obtained a further statement to the one taken by Const Gibbons:-

Blood Reserve.
Sept 29th 1939

Statement of Mrs Crow Spreading His Wings,

When I went in Round Nose place I saw the woman was lying on the bed, on her bed. When Round Nose said "There she is look at her" I saw the ear was cut. Her ear had stopped bleeding but above her ear was still running. She never moved her right hand but she moved her left one a little bit. I did not touch her. She was lying on a mattress and there was nothing on the mattress but she had a very thin hand made quilt on top of her. I had two shawls and put them on her, I used a shawl on her when they took her away and one shawl I put in the valise. Some one told me to get her things and put them in the valise and I put them in the valise. There was some blood on the mattress. There might have been some blood on the floor but I did not notice. I did not see anything upset or any furniture broken he must have done the cleaning himself when he was alone. Round Nose did not tell me what happened. He didnt say anything about her falling down or how it happened. The reason I went over there I thought they just had a little trouble and when I get there I saw the woman in bad condition and I get frightened and just walk up and down. He said "My wife and I had a fight and I got a very big trouble now". (This was in the kitchen we were both standing in the kitchen). I woke up when somebody calling me and I came out and I saw Round Nose close to the door, and he told me to go over to the house and look after his wife they had trouble again. He said heres my wife stabbed me he opened his shirt and I saw where his wife stabbed him. I did not see the other place just above the elbow but some place cut on the back of the left wrist. All these cuts on the left side. I told him " it is too bad you just got out of jail too bad this happened." He didnt stay here very long but told me to go over quick. He went away on horseback and I walked over there and found him in the house when I got there. He didnt say what he used on his wife but himself he said where his wife cut him. He said if my wife gets better all my wifes clothing and the sewing machine belongs to her, I know I'm going to jail"

I did not want any long conversation with him because I'm afraid of him. He did not say what the row was over. He said he was going to Joe Crow Spreading His wings and George Vielles place and then to Cardston. I'll go to the Hospital

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Section 295 C.C.C.

---

1. (continued) and get my hand treated and then I'll tell the Police about my trouble. When he came here that morning he appeared to have been drinking.

Mrs Crow Spreading His Wings, her mark X
Witness B.C.Jakeman. Interpreter C Good-Rider.

2. I alsotook the following statement from Mary Crow S.His Wings, daughter of Mrs Crow S.H.W. who went with her Mother to Round Nose's place when called there by Round Nose:-

Blood Reserve.
September 29th 1939

Statement of Mary Crow Spreading His Wings,

My Mother went out to see Round Nose and I was sleeping. I was awakened by my Mother and went over to Round Nose place with my Mother. Round Nose went in first then we went in Round Nose told my Mother "there my Wife look at her". She was lying down on the bed I dont know if she was asleep or not. My M Mother called to her but she never answered. The Blanket was over her to her shoulders she had a kind of a white dress on. This was the bed on the West side. I dont remember what was on the bed I saw blood on the pillow and Mrs Round Nose face on the right side all blood. I saw some blood on the floor different places but I cant show where. I cant remember which room it was in. Round Nose showed his hand (left) to my Mother and I saw he was cut there. It was bleeding. He told my Mother to stop in the house he was going to Cardston to the Police. He did not say what happened. When I first got there there was not much blood on the floor. Round Nose did not talk to me but to my Mother. We did not touch Mrs Round Nose but every once in a while would go over and look at her. Round Nose did not stay very long after we got there then he went away down the Coulee. I did not see any broken furniture lying around. I did not dom anything at all just sat in the sitting room. I did not notice if the floor had been washed. I dont know how long I stayed there. While I was there my Mother did not do any washung up of the floor. I went over with my Mother first. After Round Nose told my Mother to stay there he was not gone when the boy Joseph came. We stayed there till Father Charran took her away. Round Nose appeared to be mad. I washed the dishes up my Mother made the fire. There was no blood on them. We did not ask Round Nose what had happened. I know she was hurt bad but I do not know how it happened. I was afraid of Round Nose and glad when he went away. The reason I was afraid I saw the woman lying down there hurt bad and he might put up more trouble for others. I saw the ear was cut, Round Nose must have beateb her up. I knew that Round Nose had just come out of Jail for beating up his wife. Thats why I was scared of him. I did not talk to Round Nose at all. I did not hear if my Mother asked him what happened. (sgd) Mary Crow S.Wings.
Witness B.C.Jakeman.

3. On this date I served Summonses to Witnesses to attend the Coroners Inquest on the following persons, Herbert Bull Calf, Two Guns Knife, Jim Big Throat, Mrs Crow Spreading His Wings, George Vielle and Edward Red Crow.

<u>30-9-39</u>

4. On this date I finally contacted Maurice Prairie Hen, at who's place Round Nose called when enroute to Cardston on Sunday morning, and obtained the following statement:-

Blood Reserve. Sept 30th 1939

Statement of Maurice Prairie Hen,

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

~~xxxcontinuedxxx~~
ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Sect 295, C. C. C.

---

4. (continued) On Sunday morning Sept 17th 1939 Round Nose came to my place. George Vielle spoke to him outside and then they came in. I shook hands with him. I saw his hand wrapped up. He told Joseph Crow Spreading His Wings to move up to his place and look after his place. He said his wife stabbed him and showed us his hand which was cut on the back. My Wife put a new bandage on it. He ~~xx~~ told George too, to move up to his place I think ~~xxx~~ I'm in trouble again. After my wife fixed up his hand he went outside again and some of the folks went outside with him and ~~xx~~ I did not hear any more he said. I could not say if he said what happened then. When he came here I could not say if he was drunk or not. I could not say what he said in the house at the time as I heard so much after - wards from other people when they were talking about it.
Witness.B.C.Jakeman. (sgd) M.P.Hen.

5. On this date I served Summonses on Jim Knife and Dan Chief Moon to attend at the Inquest on Tuesday 3rd October 1939.

6. Regarding the letters written to Round Nose when In Jail I have interviewed Jim Plaited Hair and the gist of his letter is as follows:-
Round Nose had asked him to look after the place while he was in Jail but Mrs Round Nose did not like it and sent Jim Plaited Hair away. Jim was working for Round Nose when Round Nose was taken to jail and Round Nose asked him to stay. Round Nose had also fixed it up at the Cardston Trading Company for Jim to draw some groceries and Mrs Round Nose had stopped this. Jim had asked Round Nose to reply to this letter and try and get him some money through the Indian Agents Office but Round Nose did not reply. Jim did not know who Mrs Round Nose wanted to look after the place.

7. Mrs Joe Eagle Ribs also wrote one letter to Round Nose from his wife. Mrs Round Nose came to Mrs Eagle Ribs and the following letter was written to Round Nose :-
My Brother Spear Chief came and visit me asking you to quit abusing me and try and get along with me and not to talk bad about me any more. I got my own horses and my own cattle and from now on I'm going to have my own brand on the Stock and my Brother says since we live together he never interfere with us and if you want to make it up with me you have to make it up with my brother (Spear Chief) and you have to give him Fifty dollars. I want to get an answer and if you not agree with anything I say, write it down and you must give me that $300.00 you promised me and I'm going to get that $300.00 I'm staying at the house looking after the cattle and stock and the threshing outfit is close by and will be threshing pretty soon.
(This letter was more or less in reply to one Mrs Round Nose received from Round Nose wherein he asked her to stay around and look after the place and he would never do it again and not to leave him. He hoped to see everything in good order when he comes back)

8. The letter written to Mr Pugh was asking him to get a lawyer and pay him $50.00 to get him out of Jail. Mr Pugh did not reply to this letter.

9. George Vielle was also interviewed regarding his letter to Round Nose and he said:- We are all sorry to hear about you going to Jail but it could not be helped for what you have done. I have not seen your wife since you went to Lethbridge. The rumour among the Indians say your wife is going to leave you on account of the way you treat her. Your crop coming along fine but not fit to cut yet. I'm camping in Cardston and cant get down to see you, on account of my Son-in-Law, Maurice, being sick. he made out his will to his wife already. Having a hard time here be good enough to send a note next letter to give your Sister some money at the office so we could get it. Your cattle doing fine and your horses. The hired man you put there, Jim Plaited Hair, he left.
(The sister mentioned is George Vielle's Wife)

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Sect 295, C.C.C.

---

10. So far I have been unable to locate the writers of the other two letters to Round Nose from Mrs Round Nose but I am making further enquiries from reliable Indians.

11. Eddie Red Crow had his wife write a letter for him but the only thing he can remember is that he told Round Nose not to get lonesome in jail. I have not contacted Mrs Eddie Red Crow to date as I have called at two or three different places and have always missed her but she will be contacted as soon as possible.

12. Regarding the letter written by Brother, Stand Off, the only known Brother to Round Nose is Crane Chief and he was interviewed on 30-9-39 but he did not have anyone write letter for him and I cannot learn whom it is likely to be.

13. I have also interviewed Spear Chief, Step-father of Mrs Round Nose and also her Guardian. He knew nothing of what happened at the time of the assault. Through the Interpreter he told me that Mrs Round Nose had gone to him when Round Nose was in Jail and had told him that some white people had told her to stay at the place till the threshing was over and look after the crop. She said she would stay there till just before Round Nose came out of Jail. She asked Spear Chief for advice and he told her that he was trying to force anyone to separate from marriage and if I told you to leave him you would not go, but if white people tell you to go it is up to you. The white people might ask you and you might change your mind and why did you go back that last time, all the property is your property and you have no children. The time he hit on the head with a neck yoke I told you to leave him but you went back to him. Mrs Round Nose said she was going to write to Round Nose to give Spear Chief $50.00 and she said Round Nose asked her to get Dan Chief Moon to go for him when he came out of Jail.

14. I contacted both Jim Knife and Dan Chief Moon again and they both definitely state they left no liquor with Round Nose or Mrs Round Nose when they left them at home after returning from Lethbridge.

15. On the 29th Sept I saw Joe Crow Spreading His Wings at the Agency and I asked about Round Nose pair of overall pants and pair of riding boots which had blood on them and he stated he still had them. I told him I would call there later in the day and pick them up but when I arrived there some three hours later Joe had gone and the house was locked up. I learned he had gone to Lethbridge so on the 30th I obtained a Search Warrant and S/Cst Good-Rider and myself entered the house and searched for the blood stained pants and boots but could not find them. I will see Joe Crow Spreading His Wings as soon as he returns and try and pick up these articles.

Expenditure. 29-9-39. Pol car Code 1877....77 miles.
1 (L) Sgt Jakeman 50¢
30-9-39. Pol car Code 1877....96 miles.
1 (L) Sgt Jakeman 50¢

STILL UNDER INVESTIGATION.

B C Jakeman Sergt
B.C. Jakeman. Reg No 9454
I/C Cardston Detachment.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

6
5

Re: [illegible] - Blood Indian Reserve, Alta.
Assault G.B.H. - Sec. 295 C.C.C.

-5-

C.C. "K" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED:

1. With reference to the letters referred to in para. 6 hereof, these are mentioned in memorandum to the Cardston Detachment dated September 26th, copy of which was forwarded to you that date.

2. This case has been discussed with Mr. Hogg. It is decided to ask for a further adjournment of the inquest until October 11th. Mr. Hogg stated that in all probability the preliminary hearing would immediately follow the inquest.

3. A copy of this report has been forwarded to the A.A.G. at Lethbridge, and copy to the Inspector of Indian Agencies, Calgary.

Leth. 2-10-39
H:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division

COPY TO THE DEPUTY ATTORNEY GENERAL.

The Commissioner,
R. C. M. P.
OTTAWA, Ont.

Sir:

Forwarded for your information.

Edmonton, Oct. 4th, 1939.

R. E. Mercer.

3 W.

R. E. MERCER - Supt.
In charge G. I. B.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No. 39K 636-23.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"A"	LETHBRIDGE	LETHBRIDGE

PROVINCE A — OCTOBER 3rd, 1939.

File References

Headquarters

Sub-Division

39L 384--55

Detachment

P. C. R.

GARDSTON

A. R. V. No.

Diary Date set for

5-11-39.

Re: ROUND NOSE - Blood Indian Reserve, Alta.
Assault C.A.B.H., Sec.295 C.C.

(1) On September 28th, 1939, Round Nose appeared before G.L. Blake, J.P., at the Lethbridge Provincial Gaol. The charge being read, the Crown asked for a remand which was granted until Friday October 6th, 1939.

(2) Upon interviewing the Agent for the Attorney General, Mr. A.B. Hogg, K.C., he said that he was considering having the inquest on the 11th instant, immediately after which he wished the Preliminary Hearing to take place.

(3) Therefore, on the 6th instant when Round Nose again comes before the Court, a further remand for eight days will be asked for.

(4) Extra copy attached hereto for the information of Gardston Detachment. Information and Complaint in the matter is held on file at this detachment.

STILL UNDER INVESTIGATION

Const.
(EDWARD V. CARTER) Reg. #12913.

O. C. "K" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED:

Copies direct to: Gardston Detachment
A.A.G., Lethbridge
Insp. Indian Agencies, Calgary.

Leth. 5-10-39
H:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division

COPY TO THE DEPUTY ATTORNEY GENERAL.

The Commissioner,
R.C.M.Police,
OTTAWA, Ont.

Sir: Forwarded for your information.

Edmonton, Oct. 11th, 1939.

R. E. MERCER - Supt.
In charge C. I. B.

3 W.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6
104685

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-7

OTTAWA, October 17, 1939.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Res. Indian Affairs Branch
OCT 18 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No. 39K 656 - 25

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston

Province: Alberta

Date: 7th October 1939

File References

Re: ROUND NOSE. Blood Indian Reserve. Alberta,
Assault C. A. B. H. Section 295. W. C. C.

Headquarters

Sub-Division

39L 394-55

Detachment

P. C. R.

Cardston
Lethbridge.

A. R. V. No.

Diary Date set for

5-10-39

1. On this date I patrolled to the Blood Indian Reserve in company with S/Const Good-Rider by Pol car Code 1577 checking information received that Mrs Crow Spreading His Wings, the first person to be called to the Round Nose house, had cleaned up part of the house and cleaned up Mrs Round Nose to some extent.

2. I contacted Mrs Round Nose at Shot Close's place near the Old Agency and she made a new statement claiming that she was scared when she made the first one to me and that this one was exactly as it happened and was the truth.

Statement of Mrs Crow Spreading His Wings, made through S/Const Good-Rider as Interpreter,

Blood Indian Reserve.
2 p.m. Oct 5th 1939

Just about this time where the Sun is I saw the car going to the house and I knew it was Round Nose, that is the day he was supposed to come out of Jail. I asked my Daughter to come along with me to see Round Nose. As I got in the house in the sitting room, Mrs Round Nose sat on the West side of the round table and Round Nose sat on the East side of the table. I shook hands with him and told him I was glad to see him back and hoped he would not get in any more trouble. Round Nose said "I'm glad I'm back and will try and not get in any more trouble, I find everything in good order, my Wife kept 50 bushels wheat for me and got my Oats all stooked up and everything is alright". He then told his wife to cook something and they would eat with her. I'll do my very best not to have any more trouble. . Mrs Round Nose said "I'm glad he got a good lesson now" and I did not like the way she spoke and I put my head down. . Round Nose got up and said never mind about that I'm glad to get back. Round Nose said "I had a little drink from those fellows Dan Chief Moon, I feel happy right now and in a couple of days I'm going up to the Agent, and we'll buy a car". Round Nose asked his wife to hurry up and cook supper and she started to cook. After Supper Round Nose asked his wife if she had any small change, she went to the next room, got her purse and said she had no small change but got a dollar. Round Nose said Give it to her to buy some tobacco she came over to see me and I'm glad to see her. After supper we were sitting in the sitting room, Mrs Round Nose said, I had a little drink too today. I noticed she had had a little drink the way she talked and then I went home. Just before I left Round Nose said my wife took an oath not to drink any more. The drinks she got on the way she just hogged them. Just before I left two riders came there, Paul Melting Tallow and I think Joseph Sun. I noticed Round Nose and his wife had both been drinking but they were not staggering.

continued on page TWO

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Sect 295, C.C.C.

2, (continued) Early in the mroning somebody call me from outside and I got up and Round Nose was standing by the door. He told me to go over to the house and look after his wife I'm in serious trouble again. Round Nose said "My wife stabbed me on the hand here, and under my collar bone and under the elbow. His shirt and pants were all red. Round Nose started off and I said I'll put my shoes on and Round Nose said come over right away also asked her doughter to come aling too. When I got in the house Round Nose was standing by the kitchen door and said"shes there, look at her". I went in and was standing by her and looked at her and called her three times, the last call she made a little noise. Round Nose asked me did she answere I was afraind of him when she could not answer so I said yes she did answer, then Round Nose asked me to to wipe the blood off her face and look if she is serious ly hurt. Round Nose kept asking me to wash her face right away but I did not like to do it and I said to my Daughter lets make a fire and get some hot water and wash her face. We both went to the kitchen and made a fire, the reason we both went we were afraid of him. We then got some warm water in a white basin and took it in to Mrs Round Nose and I asked my girl you better wipe that blood off her face, the reason I did not do it I was afraid to touch her head, the blood was all over her head. We did not touch her head just wiped her face. Round Nose was in the sitting room all the time and then he asked "Are you finished" I said "Yes". I lied to him so he would feel good. We both went out of the bedroom and then Round Nose went in and called her and said" Its too bad poor Mrs Round Nose" Round Nose came out then and said to me"I'm going to tell you , I dont know what punishment I'm going to get, I might get life imprisonment or hanged". He then asked where is Joseph Crow and George Vielle and I told him they were down at Maurice Prairie Hens place. Then he told my Daughter Mary Crow "will you wipe this blood on the floor here, thats my blood from my hand". This was on the West side where the blood was and she wiped it up. Then he said "I'm going to get Jim Crow to look after my property here and then go to Cardston and see the Police and tell them what I have done. Try to get some one to come down to get my wife. I wished he had gone before that I was afraid of him and I had to do what he told me. He went to Two Guns place. Some people have said since that I burned some of the cloth but I did'nt. Round Nose picked up a rag covered with blood and said it was his blood. I did not see any blood on the floor where the girl was in the bedroom and none in the sitting room, till Round Nose said to wipe the floor as it was his blood. I did not go down the cellar. There were no parts of a broken chair anywhere. I did not see the waggon pin around at all. After Round Nose left I did not leave but just hung around in case Mrs Round Nose came around she might fall off the bed. When they moved Mrs Round Nose she vomitted. They took the mattress off the East bed and took her away on it, lots of blood left on the mattress and pillows. Round Nose did not tell me what he had done and I did not ask him. I put some Coal Oil on Round Nose hand and then took some sheet and put a bandage on it. My daughter did not hear a lot of things as she was in the kitchen washung dishes.

Witness. B.C.Jakeman.

Interpreter,
S/Const C.Good-Rider.

3. I then enquired at the Stand Off Post Office and was advised by Mr McNeill that the last letter that came for Mrs Round Nose was handed to Jim Knife. I tried to contact Jim Knife but his whereabouts could not be ascertained that day.

4. I then tried to locate Joseph Crow Spreading His Wings to get possession of a pair of blood stained overall pants and a pair of boots the property of Round Nose but Joe Crow was not at home.

6-10-59

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Assault O. A. B. H. Section 295. C.C.C.

6-10-39

5. In the forenoon of this date I patrolled by Pol car Code 1877 in companybwith S/Const Good-Rider to the Blood Indian Reserve and contacted Joseph Crow Spreading His Wings at Round Nose house and obtained from him One pair blue overall pants and one pair black boots.

6. I then contacted Jim Knife and ascertained that he had taken delivery of the letter from The Stand Off Post Office and had given it to Mrs Round Nose and that George Vielle had read it for her . The letter was to the effect that he was sorry for what he had done and that he would pay Spear Chief the Fifty dollars that she asked for and that he would be out on such and such a date and to have Dan Chief Moon come in for him.

7. I next interviewed Mrs Eddie Red Crow regarding the letter she wrote for her Husband Eddie Red Crow to Round Nose when he was in Jail and she stated that she wrote this letter in August and told Round Nose he should not worry he will be out in a month, My Mother will be going up to see you on Saturday. On Thursday my Mother went to see your Wife and my Mother said to her to try and go with her to Lethbridge and Mrs Round Nose said I'll try to have money by Saturday and then we will all go. So dont worry about your wife you will be with her in the future, you have a good wheat and will soon be threshing. Tony Crane Chief and his Father are camping at your place and do your best Rour Round Nose and dont worry about your wife. My Father sends his best regards to you, you are going to have visitor next Saturday, my Father, Mother and your wife.
Mrs Red Crow then stated that at the house after he returned from Jail he mentioned receiving the letter from Eddie and it was a good letter.

8. I have enquired and searched at Round Nose house for any letters but can locate none. I also enquired at the Hospital to find out if any were sent in with Mrs Round Nose clothes when she was admitted but only clothes were found in the valise and no letters. When Round Nose was admitted to the hospital he had only what he was wearing and no letters were found in any of the pockets.

9. With reference to memorandum from the O.C.Lethbridge Sub-Division dated Sept 27th 1939. I have interviewed Dr Holmes regarding the wounds on Round Nose and he states that they all seemed to be made with a sharp instrument, one of them was rather deep on the chest and with the exception of the wound on the back of the hand all healed very quickly. The wound on the hand became infected and was still in this condition when taken out of the hospital. The wounds are all in such a position that they could be self inflicted.

Expenditure. 5-10-39. Pol car Code 1877.... 111 miles.
1 meal (L) Sgt Jakeman 50¢
6-10-39. Pol car Code 1877.... 70 miles.

STILL UNDER INVESTIGATION.

B.C. Jakeman Sergt
B.C.Jakeman. Reg No 9454
I/C Cardston Detachment.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

00

Ref. ROUND NOSE - Blood Indian Reserve, Alta.
Assault O.A.B.H. - Sec. 295 C.C.C.

-4-

O. C. "E" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED:

Copy direct to the A.A.G. Lethbridge, and to the Inspector of Indian Agencies, Calgary.

Leth. 10-10-39
H:A

sgd. "G. Harvey" S/Sergt.
for O.C. Lethbridge Sub-Division
A.C.D.

COPY TO THE DEPUTY ATTORNEY GENERAL with report of Oct. 6th, 1939 from Cardston Detachment.

The Commissioner,
R.C.M.P.
OTTAWA, Ont.

Sir:

Forwarded for your information, together with report from Cardston Det. of 6th Oct. 1939.

Edmonton, Oct. 13, 1939.
3 W.

R. E. Mercer

R. E. MERCER - Supt.
In charge C. I. B.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No. 39L-326-22.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge.	Cardston.
Province		Date
Alberta.		6th., October, 1939.

File References

Re: ROUND NOSE - Blood Indian Reserve, Alta.
Assault, O.A.B.H., Section 295 C.C.C.

Headquarters

Sub-Division

39L-324-55.

Detachment

Cardston.

P. C. R.

Cardston.

21-9-39
to
1-10-39.

A. R. V. No.

Diary Date set for

1-10-39.

1. Instructions were received on 30-9-39 from Lethbridge Sub-Division, at this Cardston Detachment for Cst. Gibbons with Exhibits re the above, to proceed to Regina via C.P. Railway train, 6.20 P.M., of 1-10-39. To maintain Continuity of Possession of Exhibits, and to hand over same to Surgeon M.Powers, Scientific Labratory, Regina. At 4.00 P.M., of the above date, I accompanied Sgt. Jakeman on patrol to Lethbridge, via Pol. Car, Code 1877.

2. At Lethbridge further exhibits were handed over to me by Cst. E.V.Carter with a copy of Form 246, which I signed in his presence in receipt of same.

3. I left Lethbridge at 6.20 P.M., of 1-10-39, via C.P. Railway, and arrived at Regina at 8.20 A.M. of 2-10-39. On my arrival at Regina, I was met by Cst. Reddy, and I accompanied him via Pol. car, to Scientific Labratory at Depot Barracks. There I was informed Surgeon Powers was away on duty and would not be back until the afternoon. Exhibits were kept in my possession until his arrival.

4. At 6.00 P.M., of 2-10-39, I handed over exhibits to Surgeon M.Powers. On handing them over, I explained each exhibit seperately, where I had found each one, and also explained the exhibits that were handed over to me. Surgeon Powers then had a list made of all exhibits, then signed copies of Forms 246, covering all exhibits in receipt of same. These are being kept on Cardston Detachment fyle of case.

5. At 7.20 A.M. of the 3-10-39, I left Regina via C.P.Railway, and returned to Lethbridge at 9.00 P.M. of the same date. Left Lethbridge at 4.30 P.M. of the 4-10-39, via the Greyhound Bus Lines, returning to Cardston at 7.00 P.M., of the same date.

EXPENDITURES.

TRANSPORTATION. Lethbridge to Regina, via C.P.Railway. 1, return fare; 1, berth. T/R.No.6803/17.
Lethbridge to Cardston, via Greyhound Bus Lines. 1, Single fare. T/R.No. 6499/23.

MEALS.	1-10-39.	1, (D) @ .50¢.
	2-10-39.	1, (B) on train @ .85¢.
	3-10-39.	1, (B) @ .85¢; 1, (L) @ .90¢. (On train).
		1, (D) @ .50¢.
	4-10-39.	1, (B) @ .50¢; 1, (L) @ .50¢.
		TOTAL: $4.60.

STILL UNDER INVESTIGATION.

J.Gibbons CST.
(J.Gibbons) Reg.No.12018.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Re: ROUND NOSE - Blood Indian Reserve, Alta.
Assault, C.A.B.H. - Sec. 295 C.C.C.

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED:

Copy direct to the Agent of the Attorney General, Lethbridge, and to the Inspector, Indian Agencies, Calgary.

Leth. 10-10-39
H:A

sgd. "G. Harvey" S/Sergt.
for O.C. Lethbridge Sub-Division ACD

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

105281

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-7 OTTAWA. Oct. 18, 1939.

YOUR FILE No.

Note Copy

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
OCT 19 1939
REGISTRATION

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No. 39K 656-23

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Lethbridge C.I.B.
Province		Date
Alberta		October 16, 1939.

File References

Re:
ROUND NOSE - Blood Indian Reserve, Alta.
Assault O.A.B.H. - Sec. 295 C.C.C.

Headquarters

1. In connection with the above quoted file, the following letter has today been received from Mr. A.B. Hogg, K.C., Agent of the Attorney General, Lethbridge:

" October 14, 1939.

The Officer Commanding,
Royal Canadian Mounted Police,
LETHBRIDGE, Alberta.

Dear Sir: Re: Rex vs. Round Nose - Murder.

Yesterday the accused was committed for trial at Macleod. Mr. Newcett, I presume, will now have charge of the case and he will be receiving copy of Depositions for the Crown, so while the evidence given on the Preliminary Hearing is fresh in my mind I would like to draw your attention to some points that I think need further consideration before the trial. In any event, it may be well to review the case at this stage.

1. There was a suggestion made in cross examination of Dr. Holmes that Mrs. Round Nose fell from her bed in the hospital to the floor and thereby might have suffered severe aggravation of the injuries to her head. This, I think, should be investigated.

2. The articles of clothing taken from the accused at the Jail have not yet been fully identified. They are covered by the report of Surgeon Powers and by the evidence of Constables Gibbons and Carter, but are filed and marked merely as Exhibits for identification. The evidence does not trace them back to the accused himself, but only to Guard Ramsdale of the Provincial Jail. That guard and perhaps one other will be necessary as witnesses if the clothing is to be used as material evidence. It has on it bloodstains of human origin, Group "O".

3. The evidence of Surgeon Powers shows that the blood of Mrs. Round Nose, the deceased, belonged to Group "O". There is no evidence yet as to what group the blood of Round Nose, the accused, belongs. If it transpires in evidence for the defence, or otherwise, that his blood also is in Group "O", our evidence so far about grouping of bloods is of no avail to the prosecution. The four specimens tested for grouping all belong to this one group. Event the stains on the blue serge vest that was taken from the accused after he had suffered some bedding from the chest and arm, also

Sub-Division

39L 384-75

Detachment

P. C. R.

Cardston
21-9-39
24-9-39
25-9-39
27-9-39
28-9-39
1-10-39
6-10-39
7-10-39

Reg. No.

Lethbridge
2-10-39
3-10-39

Diary Date set for

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

those on the butcher knife with which he was wounded by his wife according to his story - or by himself as one may surmise - these are all in Group "O".

Is it possible now to recover and identify the bandages that the accused had on his wrist or arm or the shirt he wore when he went to the hospital on September 17th? If so, a group test of his own blood might be made. If such test showed his blood was not in Group "O" we would then have clear evidence that the blood stains on the knife, the rope and the vest were not the stains of his own blood, and something to indicate that they were stains of his wife's blood.

4. One of the Indian witnesses quoted Round Nose as saying "I licked my wife." That was the interpreter's translation of the Indian words used by the witness and attributed by him to the accused. We had the interpreter write in the English alphabet a phonetic spelling of the Indian words. "Licked my wife", I think, is only a rough and ready translation of what the Indian said in his own language.

The Indian language being primitive, with no alphabet such as ours, and with many idioms of speech, I suggest that the expression actually used by the accused (who understands no language but that of his Indian tribe) be investigated with a view to verbal quibbling at the trial. My idea is that the Indian words used may have more significance than the slangish word "lick" as in our expressions such as "I gave my child a licking", or "we had a fight and I licked him".

5. Re. Interpreter. At the Preliminary Hearing we used Charlie Good Rider, who is a Scout of your Police Force. For the defence there was present a critic in the person of Mike Mountain Horse. Both of these Indians seem to be very competent, but both have been engaged in the proceedings for the Crown or the Defence. It may be that at the trial neither one will be acceptable on that account. I suggest, therefore, that you consider having another interpreter available for the trial.

6. There are three points on which I anticipate the defence will rely:

(a) Self defence. Blood tests may on this ground be important. It may be established that the blood of the accused was of the same group as that of his wife, then argued that blood-stained articles found in the basement and elsewhere were stained by himself while bleeding from wounds inflicted on him by his wife, and while he was wandering aimlessly around the premises.

The counter-argument may be: How did he spend the time until daylight, how long did he bleed, and so forth.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE - Blood Indian Reserve, Alta.
Assault O.A .B.H. - Sec. 295 C.C.C.

-3-

(b) Intoxication to the degree of incompetence to have any criminal intent. That would be ground for reducing the offence from murder to manslaughter. } Defence

(c) The assault was not the actual cause of death. Five days intervened; also a fall from the bed, a surgical operation of a critical nature performed by Country doctors and complications from previous ailments. If successful on that plea the defence might get a verdict of aggravated assault. There are points as to causality here which, I suppose, will be problems for Counsel for the Crown and not for the Police.

Dr. Holmes had admitted, according to my notes: "It is remotely possible the patient could have lived under painful conditions without the operation." Then, Dr. Dobry says: "The operation did not shorten life; if anything, it prolonged life."

7. Jim Big Throat, a half breed Indian, who speaks good English, is in my present opinion the most important witness for the prosecution.

I am taking the liberty of sending a copy of this letter to the Deputy Attorney General.

Yours truly,

"A.B. Hogg"
Agetn of the Attorney-General.

STILL UNDER INVESTIGATION

C.C. "K" Division,
R.C.M.P. EDMONTON.

Sir: FORWARDED:

1. With reference to para. 1 of the foregoing, the N.C.O. I/c Cardston Detachment has been instructed to investigate the alleged fall of Mrs. Round Nose from her bed in the hospital.

2. In regard to fully identifying the clothes taken from the Gaol belonging to the accused, a report will be submitted by Cst. Carter who actually made a seizure of the clothing under authority of a Search Warrant.

3. With reference to the observation made in para. 3 the possibility of obtaining bandages worn by the accused in the hospital at Cardston on September 17th is remote at this date. In the event of it being impossible to obtain specimen of the blood of Round Nose, it will be necessary to call Surgeon Powers to testify that the stains observed by the Police in a survey of the Police are actually blood stains.

4. Sgt. Jakeman's attention has been drawn to para. 4. Every effort will be made to strengthen this case.

Copy of this report as been forwarded to the Inspector of Indian Agencies, Calgary.

Leth. 16-10-39 sgd. "H. Darling" Inspector.
HA Commanding Lethbridge Sub-Division.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

39K 636-23.

39K 636-23.

39L 384-55.

LETHBRIDGE, October 6th, 1939.

The O.C. "Depot" Division,
R.C.M.P.
Regina, Sask.

Sir:

Re: Rex vs. Round Nose.

1. The Agent of the Attorney General, Mr. A. B. Hogg, K.C. of Lethbridge, who is representing the Attorney General at the Inquest of Mrs. Round Nose to be held at 10.00 A.M. on Wed nesday, October 11th, requests the attendance of Surgeon Maurice Powers to give evidence covering his findings of the exhibits presented to him by Const. Gibbons at the Laboratory at Regina on the 2nd inst.

2. The Agent of the Attorney General advises me that he intends to go ahead with the Preliminary Hearing on completion of the Inquest.

3. I would appreciate being advised as to the time of arrival of Surgeon Powers at Lethbridge in order that he may be met.

Copy to O.C. "K" Division, Edmonton.

"H. Darling" Inspector.
Commanding Lethbridge S/Division.

Copy.

COPY TO THE DEPUTY ATTORNEY GENERAL WITH REPORT.

The Commissioner,
R.C.M.P.
OTTAWA, Ont.

Sir: Forwarded for your information, with copies of report from Lethbridge C.I.B. of Oct. 16th, 1939.

Edmonton,
Oct. 19th, 1939.
3 W.

R. E. Mercer.

R. E. MERCER - Supt.
In charge C. I. B.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

108021

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-7.

OTTAWA. October 24, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
OCT 25 1939
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Moscovich & Moscovich
Barristers and Solicitors

M.E. MOSCOVICH, B.C.L.
S.S. MOSCOVICH, LL.B.

HERALD BUILDING,
Lethbridge, Alberta.

October 16th,
1939 .

ATTENTION: MR. J.E. PUGH.
The Blood Indian Agency ,
CARDSTON,
Alberta.

Dear Sirs:

RE: ROUND NOSE.

At Mr. J.E. Pugh's request I am submitting my account re services rendered for Round Nose of the Blood Indian Reserve at Cardston , Alberta.

The Supreme Court trial will not be heard until the regular Sittings of the Supreme Court at Macleod the early part of March, 1940 . Therefore I enclose my account for services rendered to date hereof and would appreciate receiving a cheque for same.

Thanking you, I am ,

Yours truly,

M.E. MOSCOVICH

MEM:M

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

OFFICE OF THE INDIAN AGENT

CANADA

DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE 402-8

Blood Indian Agency,
Cardston, Alta., October 20th, 1939.

Department of Mines & Resources
Indian Affairs Branch
OCT 24 1939
REGISTERED

Sir:-

I beg to submit herewith letter received from Mr. M.E.Moscovich, covering his account for services at Attorney for Defence Rex versus Round Nose.

Mr. Moscovich was requested to pass his accounts through this office for submission to the Department, and on to the Department of Justice.

No comments can be made regarding the fee or the manner of rendering the account, as I had no instructions except Mr. Moscovich's employment as Defence Counsel, vide Departmental wire dated October 10th.

Respectfully submitted,

Your obedient servant,

J.E.Pugh,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Encls.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

Not found

October 26, 1939.

Dear Sir:

I have to refer to your account amounting to $475.00 for the defense of Round Nose, Indian of the Blood Indian Reserve at Cardston, Alberta, charged with the murder of his wife.

This account is being forwarded to the Department of Justice for taxation, and I shall communicate with you again in due course.

Yours very truly,

RLM

T. R. L. MacInnes,
Secretary.

RL

M. E. Moscovich, Esq.,
Barrister, etc.,
Lethbridge, Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6.

EM/MG.

Department of Mines & Resources
Indian Affairs Branch
OCT 28 1939
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 27th October, 1939.

COPY
Placed on
File 19103-5

Sir,-

B.28.Mines & Resources
Alta.
Your file No. 19103-5.

I have the honour to acknowledge receipt of your letter of October 25th and to advise that the Minister of Justice has authorized the employment of Mr. M.E. Moscovich, Barrister, Lethbridge to defend Round Nose and Mr. L.E. Fairbairn, Barrister also of Lethbridge to defend Helen Strangling Wolf with regard to murder charges against these two Indians.

I would point out that communications such as the one referred to should be addressed to the Deputy Minister of Justice.

I have the honour to be,

Sir,

Your obedient servant,

for Deputy Minister of Justice.

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

Ottawa, October 28,1939.

Dear Sir:-

I have to refer to your letter of the 27th October, authorizing the employment of Mr. M. E. Moscovich, Barrister of Lethbridge, Alberta, to defend Round Nose, an Indian of the Blood Indian Reserve at Cardston, Alberta, charged with murdering his wife.

An account has now been received from Mr. Moscovich amounting to $475.00 for services rendered to date, which I would ask you to be good enough to tax and return to this office for payment.

Yours very truly,

Director.

TRM

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Informant. Sergt B.C.Jakeman. 39K 636-23. 39L 384-55

FORM 264.

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

Division "K" Div. Fyle No. 39K 636-23 Detachment CARDSTON

Defendant ROUND NOSE Residence Blood Indian Reserve. Alberta

Alias nil Occupation Treaty Indian

Nationality and Colour Canadian Indian. Redskin.

Status in Country Canadian Citizen. Domiciled

Offence and Section of Act Murder. Section 265, C. C. C.

Date and Place of Offence about 17th September 1939, Blood Indian Reserve

Authority for Search nil

Arrest or Summons. Date Arrest 20th September 1939

Date and Place of Hearing 11th October 1939. Cardston Alberta.

Heard by Police Magistrate H.O.Jensen of Cardston. Alberta

Prosecutor or Pros'g Counsel A.B.Hogg. Esq. A.A.G. Defence Counsel M.Moscovich. Esq.

Witnesses see remarks.

Finger Prints and Photo forwarded to Headquarters 25th September 1939 from Lethbridge

Result of Hearing Committed for trial

Bail Nil.

Bondsmen ——

P.C.R. Cardston 17-9-39 to 7-10-39

COPY TO D. A. G. & Reports.
Copies to Com. & reports (3)

Remarks ROUND NOSE. Blood Indian Reserve. Alberta
Assault C. A. B. H. Section 295, C. C. C.
AMENDED TO
ROUND NOSE: Blood Indian Reserve. Alberta.
Murder. Section 265, C. C. C.

10-10-39

1. On the above date I patrolled by pol car 2425 to Lethbridge and brought Round Nose to Cardston to appear at the inquest on his wife and for his appearance at the Preliminary hearing. Miles 150.

Submitted by Sergt B.C.Jakeman,

Fwd'd O.C. L'bridge Sub-Dist. Fwd'd O.C. "K" Division Fwd'd to Commissioner

B.C.Jakeman. Sgt (sgd) H.Keating Inspr

B.C.Jakeman. Sergeant Detachment Sub-District Commanding Division SUPT. I/C C.I.B.

Date 17-10-39 Date OCT 19 1939 Date Oct. 24, 1939

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6 111074

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-7.

OTTAWA Oct. 30, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO.

Branch,
of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

1 Records. 90

For extracts please
Letter from Justice
under.

2. Mr Young

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 264B

DIV 39F1629/6-84. R.C.M.P. Seiz. No.

ROYAL CANADIAN MOUNTED POLICE

394-384-1/3 75

EDMONTON. CARDSTON DETACHMENT

REPORT ON CONCLUSION OF CASE

A.R.V. No.

Defendant ROUND NOSE Residence Blood Indian Reserve. Alberta

Occupation Treaty Indian Date of offence about 17th September 1939

Offence and Sec. of Act. Assault, O. A. B. H. Sect 295, C.C.C. Changed to Murder

Place of offence Blood Indian Reserve. Alberta

Information laid by Sgt B.C.Jakeman. before H.G.Jensen. P.M.

at Cardston. Alta on 20th September 1939

Place of trial Cardston.Alta. Date of adjudication 11-10-39 Plea WITHDRAWN

Tried by H.G.Jensen. P.M. of Cardston. Alta.

of

Adjournments 20-9-39 to 28-9-39 to 6-10-39 to 11-10-39

Prosecutor or ~~Prosecuting Counsel~~ Sgt B.C.Jakeman. Defence Counsel nil

Witnesses of (Arrested on Warrant on

of 20-9-39 at Blood Indian Hospital)

Sentence INFORMATION WITHDRAWN

Disposition of fine nil (Colour REDSKIN)

Exhibits (Nature and Disposition) nil

Costs Serving Summons $ nil Arrest $ nil Attending Court $ nil

Received by nil Justice fees $ nil

Mileage nil Miles @ nil per mile $ nil Witness fees $ nil

Total expenses of case $ nil Total costs $ nil

Mileage collected $ nil Disposition of mileage nil

Moiety $ nil Disposition of moiety nil

Appeal nil Nationality Canadian Citizen. Domiciled.

Finger prints and photo forwarded to Headquarters from Lethbridge

Previous convictions 1932. Drunk. 25-7-39. CommonsAssault.

P.C.R. CARDSTON ~~XXXXXXXX~~ 21-9-39 to 17-10-39

Remarks

1. On the 16th Sept Round Nose was released from the Lethbridge Jail and was met at Lethbridge by his wife and some friends. In Lethbridge they bought some rubbing alcohol and drank on the way home and after they got home. They were last seen that night about 10 p.m.

2. Next morning Round Nose advised neighbours they had a fight and he had been stabbed by his wife. Mrs Round Nose was admitted to the Hospital that day with Fractured skull. Round Nose was arrested for this offence but Mrs Round Nose died on 22-9-39 and the charge of Murder laid.

3. Before the Inquest concluded I withdrew this charge and formally arrested him on the Murder charge.

COPY TO D. A. G.
COPIES TO COM.

Investigated by Sgt B.C.Jakeman. S/Sgt Good-Rider. Cadston Detachment.

Forwarded O.C. Sub. Div L'bridge Forwarded O.C. Division "K" Forwarded to the Commissioner

B.C.Jakeman. Reg No 9454 Sgt (sgd) Darling. Inspr

I/c Detachment I/c Sub. Division Commanding Division

Date 23-10-39 Date OCT 25 1939 INSPT. I/C C.I.B.

Copy to Inspector of Agencies Indian Affairs Branch, Calgary.

Oct. 25, 1939.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Moscovich and Moscovich,
Barristers, etc.,

Copy

Lethbridge, Alberta.

October 16, 1939.

Attention Mr. J.E.Pugh,

The Blood Indian Agency,

Cardston, Alberta.

Dear Sirs: Re Round Nose.

At Mr. J.E. Pugh's request I am submitting my account re services rendered for Round Nose of the Blood Indian Reserve at Cardston, Alberta.

The Supreme Court trial will not be heard until the regular Sittings of the Supreme Court at Macleod the early part of March, 1940. Therefore I enclose my account for services rendered to date hereof and would appreciate receiving a cheque for same.

Yours truly,

(Sgd) Max E.Moscovich.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

EM/MG.

Department of Mines & Resources
Indian Affairs Branch.
NOV 1 1939
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 31st October, 1939.

Sir,-

A.3.General-Alta.

I have the honour to acknowledge receipt of your letter of October 28th and to return you herewith the account of Mr. M.E. Moscovich which accompanied same. The practice of this department requires that the items be monied out and I would suggest that the account be returned to Mr. Moscovich for this purpose.

I have the honour to be,

Sir,

Your obedient servant,

"Encl."

for Deputy Minister of Justice.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

November 3, 1939.

Dear Sir:

I have to refer to your letter of October 16, wherewith you enclosed an account amounting to $475.00 in connection with the defence of Round Nose, an Indian of the Blood Indian Reserve, charged with murder.

This account was referred to the Department of Justice for taxation. They have advised me that the practice of their department requires that the items be monied out.

The account is returned, herewith, and I have to request that you will have the items monied out as requested by the Department of Justice, and return to me in due course.

Yours very truly,

T. R. L. MacInnes,
Secretary.

M. E. Moscovich, Esq.,
Messrs. Moscovich and Moscovich,
Barristers, Etc.,
Lethbridge, Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

39K 636-23.

Re: Rex vs. Round Nose - Murder.

COPY TO THE DEPUTY ATTORNEY GENERAL.

The Commissioner,
R.C.M.P.
OTTAWA, Ont.

Sir:

Copies of report from S/Sgt. Harvey of Nov. 3rd, 1939, herewith for your information, together with copies of letter from the Agent of the Attorney General of Oct. 31st, addressed to the O.C. Lethbridge.

Edmonton, Nov. 8th, 1939.
3 W.

R. E. Mercer

R. E. MERCER - Supt.
In charge C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir: For your file, together with copy of letter
[illegible]r acknowledgment.

Leth. 3-11-39

"G. Harvey" S/Sergt.
for O.C. Lethbridge Sub-Division. AOD

LETHBRIDGE, November 3rd, 1939.

391 384-75

A.B. Hogg, Esq., K.C.,
Agent of the Attorney General,
McFarland Building,
L E T H B R I D G E.

Dear Sir:

Re: Rex vs. Round Nose - Murder.

1. Your letter of the 31st ultimo is acknowledged.

2. Through the courtesy of Mr. Nelson Bernard, Court Reporter, I was privileged to read the Magistrate's copy of the Depositions taken at the Preliminary Hearing. There were several points which I noticed, having read the Police file in connection with the particular case.

3. The manner in which Cst. Gibbons was called upon to give his evidence appeared to confuse him. It would appear to me that if this Constable had related his evidence covering the action taken on the 19th, followed by the action taken on the 25th, and then his visit to Regina with the exhibits, it would have given him an opportunity to present the Police evidence in a better form. However, I note in para. 2 of your letter referred to that you intend to line up the evidence of Cst. Gibbons.

4. With reference to para. 3, it would appear there was an omission to actually prove the identity of the corpse, both at the Inquest and at the Preliminary Hearing. Ifind that when the Coroner's Jury was first empanelled on September 22nd, Sgt. Jakeman accompanied Dr. H.R. Stacpoole, the jury was sworn and the body viewed. Charlie Goodrider of the Blood Indian Reserve identified the body as that of Mrs. Round Nose. He was not sworn, and I am given to understand that the Coroner when taking the Inquest proper did not give to the Court Reporter, Mr. Nelson Bernard, the proceedings of what had taken place at the viewing of the body. Further, I am advised that in the Preliminary Hearing, Charlie Goodrider did not give evidence of identification of the deceased, so this would be a point that has to be established at the trial proper.

5. With regard to this woman falling from her bed in the hospital, this is being thoroughly covered by Sgt. Jakeman.

6. With reference to para. 4, I would respectfully suggest that you avail yourself of the opportunity of having Surgeon Powers discuss with you points which may arise in the evidence to be given by the Doctor who attended Mrs. Round Nose, and the Doctor who performed the post mortem. I am sure his counsel in this ~~service~~ would be most helpful. Arrangements could possibly be made to have him arrive here in the evening prior to the date set for the trial.

Yours truly,

"G. Harvey" S/Sergt. for
O.C. Lethbridge Sub-Division A.O.D.

N:A

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

copy

HOGG & MENZIE
Barristers, Solicitors, Notaries

Lethbridge, Alberta,
October 31st, 1939.

The Officer Commanding,
R.C.M. Police,
Lethbridge, Alberta.

Dear Sir: Rex vs. Roundnose - Murder

Lest I do not see Depositions taken at the Preliminary Hearing or have any more to do with this serious case, may I record some more afterthoughts I have had about the evidence.

1. Our presenting of evidence at the Preliminary was not in most logical or convenient order. First, to accommodate Surgeon Powers, who had come specially by airplane from Regina and wished to depart the same afternoon, we commenced the Preliminary Hearing immediately after the Coroner's Jury had brought in their verdict on the Inquest towards five o'clock in the afternoon, and called Dr. Powers as first witness for the Crown.

In the ordinary sequence this evidence of Dr. Powers would have come in towards the end of our case if not in its conclusion. His testimony rested entirely on articles that we had not yet proven or identified as Exhibirs. Court and Counsel agreed to the procedure; but it meant reversing the proper process of putting in our exhibits. At the trial I think that procedure should be avoided.

To avoid loss of time and expense on behalf of Surgeon Powers I think it could be easy to ascertain at the opening of Court in Macleod the day and hour approximately when the trial of this case will begin, the duration of evidence that will precede that of Dr. Powers, then to arrange by telegram or otherwise the time within two or three hours when he should be in attendance.

2. The exhibits about which Dr. Powers testified, I confess have not been fully listed and organized by me for final use in either evidence or argument. Until Dr. Powers arrived at the Court Room I had no opportunity to know his findings as to the various articles; and his written report was hard to digest in a hurry. Moreover, we did not have the exhibits themselves until he arrived.

If conducting the prosecution at the trial I would want to spend considerable time tabulating the history and the significance of each exhibit in the light of the evidence given by both Constable Gibbons and Surgeon Powers; this by way of preparation for the trial.

3. On the Preliminary Hearing I have been wondering if we sufficiently established what is commonly called the 'corpus delicti' in murder cases for the purposes of a trial.

Did we, in other words, properly prove the death of the alleged victim by testimony as to the finding and identifying of her dead body? The attending physician, Dr. Holmes, testified that he treated Mrs. Roundnose from the time she reached the hospital until she died some five days later. As I remember it, we did not ask anyone in particular to state that he or she had seen the dead body of Mrs. Roundnose at any particular time or place.

Since there is likely to be testimony required about the accidents that may have befallen this Indian woman in the hospital and the treatment she received by way of surgical operations and otherwise, I suggest that the nurse who was in charge of this patient at the time of her death, who would also be able to identify her, should be in readiness as a witness. Else, someone who attended the funeral and could swear to the identity of the deceased and the approximate time of her death.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

(30)

Rex vs. Roundnose - Murder

-2-

4. With regard to the cause of death Counsel for the accused went examining witnesses as to causes that might be antecedent or subsequent to the alleged assault. In this connection may I emphasize the provisions of The Criminal Code, based on leading decisions as contained in Sections 256 and 258.

Regarding the previous excision from the skull of Mrs. Roundnose, the possible fall she had from her bed in the hospital and the propriety of the operation on her skull performed by Dr. Holmes, I think these codified ~~her~~ statements of the Law are for the purposes of this case with the evidence we have a complete answer.

For fuller report to the Department of the Attorney-General, and for your use in case you wish to quote this letter, I send to the Deputy Attorney-General and to yourself a carbon copy.

Yours truly,

"A.B. Hogg"
Agent of the Attorney General

ABH/R.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder, Section 263, C. C. C.

---

2. The Inquest on Mrs Round Nose commenced at 10.00 a,m. 11th October 1939, Coroner H.B.Stacpoole of Cardston presiding. The Coroners Jury consisted of Joseph Workman, (Foreman) William Duce, Henry Atkins, Dave Holland, Percy Gregson and Winfield Scott.

3. Mr A.B.Hogg, A.G.G. of Lethbridge appeared for the Crown and Mr Max Moscovich of Lethbridge appeared on behalf of Round Nose.

4. The following witnesses were heard, Dan Chief Moon, Mrs Crow Spreading His Wings, Eddie Red Crow, Const J.Gibbons of Cardston, Dr C.E.Holmes who attended the woman during her stay in the hospital, Dr J.J.Dobry who made the Post-Mortem examination, and Surgeon Maurice Powers of the R.C.M.Police, Scientific Laboratory at Regina who examined all the exhibits taken there by Const Gibbons.

5. All the evidence submitted by the above mentioned witnesses is embodied later in this report as it was given again at the Preliminary hearing.

6. The Coroners Jury rendered the following verdict:-
"That Mrs Round Nose came to her death at Cardston Indian Hospital, Friday, September 22nd, as a result of injuries received on the night of September 16th between the hours of 9 p.m. and sunrise September 17th, injuries being received by xx severe blows on the right side of the head by some blunt instrument or object".

7. The Preliminary Hearing was commenced immediately before Magistrate H.G.Jensen. Mr A.B.Hogg appearing for the Crown and Mr Max Moscovich for the accused.

8. The first witness was Surgeon Maurice Powers of the R.C.M.Police Regina who stated he was in charge of the Scientific Laboratory at Regina , that he graduated in Medicine from McGill University and took a three year course in Forensic Medicine at New York. He produced exhibits taken to him by Const Gibbons. He stated that the sample of blood in a test tube(belonging to Mrs Round Nose)was ggoup "O". that blood on a stained butcher knife, blood on a three strand hemp rope and on a blue serge vest, was human blood of group "O". That exhibits of broken chair, stained wood off cellar steps, stained wood of Whipple tree, cardboard box, white canvas sheet, khaki blanket, two stained pillows, work boots, blue socks, all proved to have blood stains of Human origin.

9. This concluded the evidence for this date and the Court was adjourned till the following morning at 9.30 a.m.

12-10-39

10. Court was resumed this date and the first witness called was Father P.A.Charran who stated that he was in charge of the St Mary's R.C.School on the Blood Reserve, that on Sunday September 17th at about noon he was called to the Round Nose house, he drove there with his car and on entering found Mrs Round Nose lying on a bed in the bedroom, apparently seriously injured,wound visible on the right side of the head, blood on the pillow and on the blanket, that he took her outside with the help of Indians and placed her in his car and brought her to the Indian Hospital, that the pillow was stuck to her head by the congealed blood when he was first there, and she was in the same condition as he found her when he left her at the hospital.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta,

Murder. Section 263, C. C. C?

---

11. The next witness was Const Carter of Lethbridge who entered as exhibits photographs of the interior of the Round Nose house and a plan showing the relative positions of the neighbouring houses and buildings and a panoramic view of Round Nose and other buildings.

12. The next witness was Const Gibbons of Cardston Detachment who stated that on the 18th September 1939 he went with S/Cst Good-Rider to the Round Nose house and under authority of a Search Warrant searched the house and took out several blood stained articles, such as broken chair, Iron waggon pin, khaki blanket, white canvas sheet, blood stained pillows and also blood stained three strand rope he found in the outhouse. That on the 25th he again searched the Round Nose house and took up blood stains off the Cellar steps and off the outhouse floor. That on the 1st October he took these exhibits also blood in a test tube and a blood stained butcher knife which he received from Sergt Jakeman, to the Scientific Laboratory at Regina and handed them over personally to Surgeon Powers. He identified the photographs and plans entered as exhibits as being the Round Nose house and vicinity.

13. The next witness was Sergt B.C.Jakeman of the Cardston Detachment who stated that on the 17th September 1939 (Sunday) went to Round Nose house about 1 p.m. and found Mrs Round Nose had been removed from the house, that George Vielle, an Indian, had handed him a blood stained butcher knife. That on the 21st September he had been handed a sample of Blood in a test tube by Dr C.E.Holmes, and these two articles he had handed over to Const Gibbons on 1st October 1939 just before he left for Regina.

14. The next witness was Dr O.J.Dobry who stated he was a registered Medical practitioner practicing in Cardston, that on the 23rd September 1939 he had performed an autopsy on the body of Mrs Round Nose and quoted his findings as that of amoderately well developed woman about 45 years of age, small bruises on both shoulders and above the elbows. A vertical laceration behind the right ear about 1½ inches long, a smaller laceration directly behind the first laceration immediately on the mastoid process and a comminuted fracture of the mastoid process about 5/8ths inch diameter, a freshly sutured wound on the left temporal region all external. On examination of the skull found an old trephined wound on right side at rear of the dome and a recent fracture extending from the old trephined opening across the back of the head to above the left ear which then branched into a V shape continuing towards the temporal region. The recent suture on the left temporal region showed a trephining about 2 inches long and one inch wide. Small haemorrhage on the brain surface and enlarged haemorrhaging of the brain on the left side. Other organs such as heart, lungs, kidneys, spleen, bladder all normal, Cause of death Cerebral Haemorrhage.

15. The next witness was Dr C.E.Holmes who stated he was a Registered Medical practitioner practicing in the Province of Alberta, that he was doing the medical work at the Blood Indian Hospital and on 17th September 1939 he was called to the Hospital and found Round Nose there suffering from a bad cut on the Left wrist which was still bleeding, another cut near the elbow and two wounds on the left shoulder below the Collar bone in the chest region. Small lacerations on the left side of the neck he treated his wounds and he remained in the Hospital. The wound on the wrist was the worst of the cuts and that it later became infected and he treated him at the Hospital until the following Wednesday 20th September when he was removed from the Hospital. On Sunday 17th September shortly after he had treated

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta,

Murder. Section 263, C. C. C?

---

11. The next witness was Const Carter of Lethbridge who entered as exhibits photographs of the interior of the Round Nose house and a plan showing the relative positions of the neighbouring houses and buildings and a panoramic view of Round Nose and other buildings.

12. The next witness was Const Gibbons of Cardston Detachment who stated that on the 18th September 1939 he went with S/Cst Good-Rider to the Round Nose house and under authority of a Search Warrant searched the house and took out several blood stained articles, such as broken chair, Iron waggon pin, khaki blanket, white canvas sheet, blood stained pillows and also blood stained three strand rope he found in the outhouse. That on the 25th he again searched the Round Nose house and took up blood stains off the Cellar steps and off the outhouse floor. That on the 1st October he took these exhibits also blood in a test tube and a blood stained butcher knife which he received from Sergt Jakeman, to the Scientific Laboratory at Regina and handed them over personally to Surgeon Powers. He identified the photographs and plans entered as exhibits as being the Round Nose house and vicinity.

13. The next witness was Sergt B.C.Jakeman of the Cardston Detachment who stated that on the 17th September 1939 (Sunday) went to Round Nose house about 1 p.m. and found Mrs Round Nose had been removed from the house, that George Vielle, an Indian, had handed him a blood stained butcher knife. That on the 21st September he had been handed a sample of Blood in a test tube by Dr C.E.Holmes, and these two articles he had handed over to Const Gibbons on 1st October 1939 just before he left for Regina.

14. The next witness was Dr G.J.Dobry who stated he was a registered Medical practitioner practicing in Cardston, that on the 23rd September 1939 he had performed an autopsy on the body of Mrs Round Nose and quoted his findings as that of amoderately well developed woman about 45 years of age, small bruises on both shoulders and above the elbows. A vertical laceration behind the right ear about 1½ inches long, a smaller laceration directly behind the first laceration immediately on the mastoid process and a comminuted fracture of the mastoid process about 5/8ths inch diameter, a freshly sutured wound on the left temporal region all external. On examination of the skull found an old trephined wound on right side at rear of the dome and a recent fracture extending from the old trephined opening across the back of the head to above the left ear which then branched into a V shape continuing towards the temporal region. The recent suture on the left temporal region showed a trephining about 2 inches long and one inch wide. Small haemorrhage on the brain surface and enlarged haemorrhaging of the brain on the left side. Other organs such as heart, lungs, kidneys, spleen, bladder all normal, Cause of death Cerebral Haemorrhage.

15. The next witness was Dr C.E.Holmes who stated he was a Registered Medical practitioner practicing in the Province of Alberta, that he was doing the medical work at the Blood Indian Hospital and on 17th September 1939 he was called to the Hospital and found Round Nose there suffering from a bad cut on the Left wrist which was still bleeding, another cut near the elbow and two wounds on the left shoulder below the Collar bone in the chest region. Small lacerations on the left side of the neck he treated his wounds and he remained in the Hospital. The wound on the wrist was the worst of the cuts and that it later became infected and he treated him at the Hospital until the following Wednesday 20th September when he was removed from the Hospital. On Sunday 17th September shortly after he had treated

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263, C. C. C.

15. (continued) Round Nose, Mrs Round Nose was admitted. Her face was blood stained and she was unconscious. She had a Vertical wound on the right side of the head immediately behind the ear laceration about 1½ inches long, behind that was a wound directly on the mastoid process. She did not regain consciousness that day and the following day was still in the same condition, on Tuesday she showed signs of paralysis on the right side and could not open her mouth, he had a conference with Dr Dobry and the two of them performed an operation on her and took out some of the skull in the left temporal region to relieve pressure on the left side of the brain, after the operation she seemed to recover slightly but failed on Thursday and died no Friday. He showed X-ray plates of the head in two positions which he took before he performed the operation and showed the old trephined opening with a recent fracture beginning from the old trephined opening which was on the right side extending round the back of the skull to above the left ear where it branched into a "V". The right mastoid process was fractured.

16. This concluded the evidence for the day and Court was adjourned till 9.30 a.m. the following morning.

13-10-39

17. Court was resumed at 9.30 a.m. this date and all Indian witnesses were heard.

18. Dan Chief Moon was the next witness and stated that on Saturday September 16th 1939 he went to Lethbridge in his car and took Jimmy Knife, Mrs Round Nose and Mrs Wings. In Lethbridge they met Round Nose who had just been released from the Provincial Jail. Dan Bought a bottle of Rubbing Alcohol in Lethbridge and when they were returning to the Reserve via Macleod they drank on the way. Round Nose had some drinks and Jimmy Knife who also had a bottle of Rubbing Alcohol was also drinking and Mrs Round Nose too and that they arrived at Round Nose home about four oclock. Dan and Jimmy Knife and Mrs Wings came to Cardston and Dan and Jimmy returned to Round Nose house about 7 or 8 oclock and thay had another drink and then Dan and Jimmy left. He could not say if Round Nose or Mrs Round Nose had any Rubbing Alcohol or drinks in the house when they left. When Dan and Jimmy Knife left there were some other people in the house with Round Nose and his wife. Dan Chief Moon did not see Round Nose the next and knews nothing about the trouble between them.

19. The next witness was Jimmy Knife who stated that he was with Dan Chief Moon, Mrs Wings and Mrs Round Nose when they went to Lethbridge to meet Round Nose after he came out of Jail. They had some drinks of Rubby on the way back and Jimmy Knife had a bottle which he bought in Lethbridge. He came to Cardston with Dan and mRs Wings and then he and Dan returned to Round Nose house. They had another drink in the kitchen. at this time some other people were visiting at Round Nose place. They took away what liquor they had left and divided it up between he and Dan, Next morning Sunday September 17th 1939 he was at his brothers place, Two Guns Knife, and Two Guns Knife and Herbert Bull Calf were there. Round Nose rode over on horseback from his own place and they all spoke to him. He had his lefy hand bandaged and it was bleeding. He said he was in big trouble again he had a row with his wife and she was at the house in bad shape. Round Nose she stabbed him with a butcher knife when he was ready to go to bed and that he had throwed her around with his arms. Round Nose had said he was going to George Vielles place and get Joe Crow Spreading His Wings to look after the place and he was going in to Cardston and see the Police. Jimmy Knife had gone over to Round Nose house and saw Mrs Round Nose lying on the bed, She had blood on her face and Head. There were some Indian women in the house when he got there and they were looking after her.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263, C. C. C.

---

20. The next witness was Eddie Red Crow who stated that on Saturday night September 16th 1939 he and his Wife and his Mother in Law, Mrs Julius Iron Horn had gone to Roind Nose house to see Round Nose when he got out of Jail. They were there between 7 and 8 oclock, When they got there some Indian boysm, Joseph Sun, Paul Melting Tallow and Butterfly were there. Mrs Rouns Nose got supper for them and they ate there. During this time there was an argument between Round Nose and his Wife regarding fifty dollars which Round Nose was supposed to pay to Jim Spear Chief or Spear Chief her guardian for Round Nose to live with his wife again and Round Nose said he paid two horses for her when he married her and now he has to pay fifty dollars. Eddie Red Crow stated that both Round Nose and his wife appeared to have been drinking and that he could smell Rubbing Alcohol in the house. They were not drunk. Eddie Red Crow and his wife and Mother-in-law left there sometime between 10 and 11 oclock and the other Indian boys had gone and Round Nose and his wife were left there alone.

21. The next witness was Mrs Crow Spreading His Wings who stated that she lived close to Round Nose and on Saturday afternoon when Round Nose came out of Jail she went over to visit him. He and Mrs Round Nose were there alone and Round Nose told his wife to get something to eat for Mrs Crow and that she also got a dollar from Mrs Round Nose which Round Nose told her to give Mrs Crow. She left there after she had eaten and she saw someone at the door, two riders, whom she thought were Joseph Sun and Paul Melting Tallow. These two had gone in when she left. Next morning early she heard someone speaking at her door and she got up and saw it was Round Nose, standing outside. He said come over and look after my Wife I'M in big trouble again. She had dressed and gone over to Round Nose house and round Nose was there before and then he pointed to the bedroom and said "thereshe is have a look at her" Mrs Crow had gone in the bed room (she also had her daughter Mary Crow Spreading his Wings) with her. Mrs Round Nose was lying on the bed with blood on her head and face. Round Nose asked her if she spoke to Mrs Crow but she lied to him and said Has she spoke She told Round Nose that she spoke to her because it would make him feel better and she was also afraid of him. They washed Mrs Round Nose face but were afraid to touch her head. She had an open cut on her head at the back of her ear. Mrs Round Nose seemed to be sleeping as she never woke up and did not speak. Round Nose siad he was going to have one of two things, either to hang or get imprisonment for life. He told Mrs Crow she stabbed him with a butcher knife. He did not say what he hit her with. He told Mrs Crow if she gets better all this furniture and the stock belongs to her. Round Nose said he was going to get Joe Crow Spreading his Wings to look after the place and he was going to Cardston to see the Agent and then to the Police and tell them about it. He intimated he would go to the Hospital and get his hand dressed. Mrs Crow and her daughter put some Coal Oil on Round Nose cut hand and had then put a dressing on it. Round Nose had then ridden away and went down the coulee towards Two Guns Knife's place. Mrs Crow and her daughter had stayed at Roundn Nose place and had washed the dishes and also washed Mrs Round Nose face. They were glad to see Round Nose leave as they were both afraid of him. Mrs Crow had stayed there after Round Nose left and later some other Indians came over and then Father O'Harran came there with his car and took Mrs Round Nose away

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263, C. C. C.

---

22. The next witness was Herbert Bull Calf who stated that on Sunday morning September 17th 1939 he was hearding his Horses by Jack Eagle Bears place and went to Two Guns Knife home, This was early in the morning may be 8 or nine oclock. Jim Knife and Two Guns Knife were there and hinself and Round Nose rode over from his house. They all met him and saw he had his left hand bandaged and it was bleeding. Round Nose said "I'm in big trouble new. He said his wife stabbed him with a knife and showed them the cut on his wrist and pointed to two cuts on his Chest. He did not say what he hit her with but said he gave her a good licking. He said this happened when he was going to bed. Round Nose said there were three boys there last night and this happened after they went out. Mrs Round Nose said to Round Nose that you should give the fifty dollars to my Brother Spear Chief if I'm going to live with you and she did not like it when Round Nose told these boys about the fifty dollars.

23. The next witness was Two Guns Knife who stated that he was at Jack Eagle Bears house on Sunday morning September 17th 1939. Herbert Bull Calf and Jimmy Knife were there. He had seen Round Nose and three people going towards Round Nose house from Mrs Crow Spreads his Wings. Shortly after Round Nose rode over on horse back to his house and then he came to Jack Eagle Bears house and the three of them, Jimmy Knife, Herbert Bull Calf and himself met Round Nose. Round Nose said I'm in big trouble again the reason when I got back last night fifty dollars I was supposed to give to Spear Chief and my wife got mad when I told the Indian boys about. The fifty dollars I was supposed to give to Spear Cheif to live with my wife again and my wife got mad and said you should not be telling everybody about that. Round Nose said she went in the kitchen and then she came back and said "it is the best thing that we stop right now, meaning to die and both stop living she said I'm going to stab you and she stabbed him. Round Nose said after she stabbed me I was out of my head and I hit her". he did not say what he hit her with. Round Nose said he was going to George Vielle's place and get Joe Crow Spreading his Wings to look after the place and then go to Cardston and see the Police. Two Guns Knife then went over to Round Nose house and saw a number of people there and he stayed there till Father Charran took Mrs Round Nose away in his car.

24. The next witness was George Vielle who stated that Round Nose came to Maurice Prairie Hens place where he was staying about 8 oclock on Sunday morning September 17th 1939. He came on horseback and he had his left hand bandaged and it was all covered with blood. Round Nose said his wife stabbed him and showed places on his elbow and his chest Round Nose asked for Joe Crow Spreading his Wings and wanted an agreement drawn up to have Joe look after the place. Round Nose said "go to the stable and you will find a knife in the manger box on the North side, I was going to take it along but I was in a rush you get it and give it to the Police and I'm going right up there and now tell them what has happened. Maurice Prairie Hen, Joe Crow Spreading his Wings and Jim Big Throat they were there and spoke to him . Round Nose did not say what he hit his wife with. I hitched up my waggon and drove over to Round Nose place. Joe Bull Shields helped me look for the knife in the stable and I found it in a small box with some curry combs and brushes on the wall, East side close to the door. Soon after Sergt Jakeman came there and I gave him the knife, I did not go in the house.

25. The last witness was Jim Big Throat who speaks good English and who gave me the best statement and gave the best evidence. Jim Big Throat stated that he was at Maurice Prairie Hens place on Sunday morning September 17th 1939. George Vielle and his wife and family were there also Joe Crow Soreading His

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

KODAK SAFETY FILM

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263, C. C. C.

25. (continued) Wings and his Wife, Round Nose came there on horseback about 8 oclock. He wanted to have an agreement written putting Joe Crow Spreading His Wings to look after his place. He wanted George Vielle to write it but George asked me to write it. As far as I can remember it was something like this, Mr Pugh, I'm in trouble again and I'm putting Joe Crow in charge of my place". He said he knew he would have to go back to Jail because when he went the last time he was warned not to have any more trouble and now I'm in trouble again. My Wife stabbed me on my hand here and another place and on my chest". I could see blood on his shirt and he said "This is how it started, heres my ticket from Lethbridge but Dan and Jimmy and my wife came along and on the way home they insisted that I take some drinks and I was feeling good but not drunk". I had to go out of the room at this time and did not hear all that Round Nose said but when I got back to the room he was saying "Paul Melting Tallow and Jos Sun were there and I said I'm going to give $50.00 to Spear Chief but he has to give a team to his Sister too as a present. My wife got mad and didnt like it and she told me I should'nt talk that way. After the boys went out I went and laid down in the bedroom and my wife was in the kitchen. She brought me in a big drink and gave another and then she came in and jumped on me and stabbed me with a knife. I overthrowed her and I knew I was getting intoxicated, I knocked her around on tables and chairs and dont know how I beat her up but this morning she has a big cut on her head.". George Vielle then asked him if had us any stick or club on her but he said he could not remember but he must have been knocking her around and I was getting drunk and must have hurt her on the furniture.

26. This concluded the case for the Prosecution and as the accused made no statement he was committed by the Magistrate to stand trial at the next Court of Competent Jurisdiction to be held at Macleod.

27. Round Nose was conveyed to the Lethbridge Jail the following day 14th Inst.

Expenditure. Prisoners Meals.

10-10-39.	1 meal (s) 35¢	
11-10-39.	3 meals (B) (L) (D) @ 35¢	$1.05
12-10-39.	3 meals (B) (L) (D) @ 35¢	$1.05
13-10-39.	3 meals (B) (L) (D) @ 35¢	$1.05
14-10-39.	1 meal (B) 35¢	
	Total	$ 3.85

STILL UNDER INVESTIGATION.

B.C. Jakeman Sergt
B.C. Jakeman. Reg No 9454
I/C Cardston Detachment.

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir: FORWARDED:
Copies direct to:
(1) Agent of the Attorney General, Lethbridge.
(2) " " " " " Macleod.
(3) Inspector of Indian Agencies, Calgary.

Leth. 19-10-39
H:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No. 39K 636-23

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Lethbridge C.I.B.
Province		Date
Alberta		October 17, 1939.

File References

Re: ROUND NOSE - Blood Indian Reserve, Alta.
Assault O.A.B.H. - Sec. 295 C.C.C.

Headquarters

Sub-Division

39L 384-75

Detachment

P. C. R.

Cardston
21-9-39
24-9-39
25-9-39
27-9-39
28-9-39
1-10-39
6-10-39
7-10-39 No.

Lethbridge
2-10-39
3-10-39
16-10-39

Diary Date set for

1. In connection with the above, the following letter, dated October 16th, 1939, has been received from Mr. A. B. Hogg, K.C., Agent of the Attorney General, Lethbridge:

" There is a point I should have stressed in writing you on the 14th instant.

" There was evidence that just after sunrise on Sunday, the 17th of September, Round Nose, the accused, was still bleeding from the wounds on his left arm. An Indian woman, Mrs. Spreading Her Wings, bathed his wounds in coal oil and put a bandage on his arm. I intended to question the Doctors privately about this. Somehow I forgot. We didn't make a point of it in examining the witnesses but I had it in mind all the time that these wounds, if inflicted by Mrs. Round Nose, the deceased, with a butcher knife, were probably so inflicted about 11 or 12 o'clock the night before. From all we heard I can hardly conceive Round Nose would be bleeding for eight or nine hours and then still be able to saddle up his horse and ride to town.

" It may be that the fight took place along towards morning and these wounds were comparatively fresh when shown to the neighbors around 8 o'clock that morning.

" On the other hand it may be that Round Nose upon seeing so much blood around the place in the morning, not only hid away some of the blood stained articles but inflicted these knife wounds on himself, so as to strengthen his story of self defence, also to account for some of the blood stains around the house.

" The best evidence we had as to the time of the fight was that of Eddie Red Wings and Jimmy Big Throat. Red Wings was the last to leave the Round Nose house and he fixed the time of his leaving as prior to 10 o'clock in the evening. Jim Big Throat says Round Nose told him that he and his wife had two or three more drinks of wood alcohol after all the guests left and he went to bed while Mrs. Round Nose stayed in the kitchen. Then, he sa s, Mrs. Round Nose came in and attacked him with a butcher knife and the fight began. He does not say how long he was in bed and probably he does not know because he must have been fairly drunk. In the morning, however, he was sober enough to talk

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

clearly and to get the house tidied up. If he had remained long in bed in a drunken sleep he would likely be sober enough when attacked to remember all that happened afterwards and any plea of intoxication as a defence would hardly stand up. He said he was too drunk to remember what he did do so it is probable that the fight took place just after he had gone to bed. That would mean likely 11 or 12 o'clock.

" It occurs to me, therefore, that it would be worthwhile to question again Dr. Holmes who attended Round Nose at the Hospital on Sunday. He could tell us, at least, how much blood was on the bandages and might be able to give a close estimate of the time that Round Nose had been bleeding from these knife wounds. "

STILL UNDER INVESTIGATION

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED:

Copy to Cardston Detachment and to the Inspector of Indian Agencies, Calgary.

Leth. 17-10-39
H:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No. 39K...636...-...23

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	LETHBRIDGE	LETHBRIDGE

Province: ALBERTA

Date: OCTOBER 17th, 1939.

File References

Re: ROUND NOSE, Blood Indian Reserve, Alta.
Assault O.A.B.H. - Sec. 295 C. C.

Headquarters

Sub-Division

391. 384--75

Detachment

(1) With reference to Lethbridge C.I.B., report dated October 16th and particularly to Para. 2, on September 30th, 1939, I interviewed the Chief Guard at the Lethbridge Provincial Gaol. The Chief Guard, Mr. W.T. Ramsdale, at my request gave me the clothing of Round Nose in the same condition as it was in on the day he was admitted.

(2) I searched the above and took charge of the goods listed on the appended form 246 and subsequently, on October 1st, turned them over to Constable Gibbons who was proceeding to the R.C.M.P., Scientific Laboratory at Regina. Search Warrant in this connection is held on fyle at this office.

(3) In order to show continuity of possession, statements were taken from the following. It will be noted that they alone were the only ones who had access to the clothing.

P. C. R.
CARDSTON
21-9-39
to
7-10-39

LETHBRIDGE
2-10-39
to
3-10-39

A. R. V. No.

STATEMENT OF A.A.FIRTH, Guard, Lethbridge Provincial Gaol. " 2-10-39

On the morning of the 30th September, I went to the baggage room which is kept locked at all times. I handed the sack over to Mr. Ramsdale, chief guard. The clothing was in the same condition as when first admitted on September 20th around 4:20 P.M. Nothing had been washed at this point.
I am the only person who has access to the baggage room. On the 20th September, 1939, when Round Nose was admitted, I was the person who undressed him. He was kind of helpless with his left arm so I helped him undress. I put the clothes taken off him in the bag and then into the baggage room. He was taken from me and put into the hospital dormitory where he has been ever since.

Signed " A.A. Firth" Guard.

STATEMENT OF W.T. RAMSDALE, Chief Guard, Lethbridge Provincial Gaol. " 2-10-39

On the 30th September in the morning, I received the property of Round Nose from Mr. Firth from the baggage room and handed it over to Constable Carter to check same in the Deputy Wardens Office."

Signed "W.T.Ramsdale"Chief Guard

Diary Date set for

17-11-39

(4) Copies of the above statements are on fyle at this detachment. Guard A. Firth is very definite in the fact that the only other

Continued on page 2.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

SOK 636--23
391 384--75

Re: ROUND NOSE, Blood Indian Reserve,
Assault O.A.B.H.- Sec. 295 C. C.

Paragraph (4)(Continued) person, other than himself that could have touched the clothing was the Chief Guard and even at that, it would have been in Firth's presence.

(5) On Tuesday, Oct. 10th, I received prisoner Round Nose and escorted him to Cardston, accompanying Sgt. B.C.Jakeman, Police car code 2425. On October 11th, Round Nose appeared before a Coroners Inquest, the report on which is being submitted by Sgt. Jakeman from Cardston detachment. Oct.-12th and 13th he appeared before Magistrate Jensen at the same place. Report on which will be submitted by Cardston detachment.

(6) At both the preliminary hearing and coroner's inquest, I gave evidence in the matter of identification of photographs and sketches; copies of which will be forwarded as soon as prints can be made and copies completed of sketches. Evidence as to the above clothing being submitted is explained in para 2., of the above mentioned report of Lethbridge C.I.B. October 14th, I escorted prisoner RoundeNose back to Lethbridge Gaol.

EXPENDITURE:

10 meals @ .50	5.00
Less M.A.	3.33
	1.67

STILL UNDER INVESTIGATION.

Const.
(EDWARD V. CARTER) Reg.No.12913

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir: FORWARDED together with F. 246.
Copies to: Agent of the Attorney General, Lethbridge.
Agent of the Attorney General, Macleod.
Inspector Indian Agencies, Calgary.
R.C.C. I/c Cardston Detachment

Leth. 19-10-39
H:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

117682

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-16-H-7.

OTTAWA. Nov. 14, 1939.

YOUR FILE No. _____

Secy

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

NOV 15 1939
REGISTERED

GC:LEL

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

117682

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-7.

OTTAWA, Nov. 14, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC:LEL

NOV 15 1939
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

Moscovich & Moscovich
Barristers and Solicitors

M.E.MOSCOVICH, B.C.L.
S.S.MOSCOVICH, LL.B.

Department of Mines & Resources
Indian Affairs Branch
NOV 14 1939

HERALD BUILDING,
Lethbridge, Alberta.

November 8th,
1 9 3 9 .

T.R.L. MacInnes, Esq.,
Secretary Indian Affairs Branch ,
OTTAWA ,
Ont.

Dear Sir:

I beg to acknowledge receipt of your letter of the 3rd instant which came to my attention upon my return to the City and I hasten to return to you the bill, itemized as requested .

I had omitted one of the disbursements , namely , the depositions at the Inquest and Preliminary .

I trust this account will meet with the approval of the Department of Justice.

Yours truly,

MOSCOVICH & MOSCOVICH

Per M E Moscovich

MEM:M

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

November 15, 1939.

Dear Sir:

I have to refer to your communication of November 8, wherewith you enclosed itemized bill amounting to $463.15.

I should be obliged if you would forward me two additional copies of this bill as these are required by the Department of Justice.

Yours very truly,

T. R. L. MacInnes,
Secretary.

M. E. Moscovich, Esq.,
Messrs. Moscovich and Moscovich,
Barristers, etc.,
Lethbridge, Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

121518

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-7. OTTAWA, Nov. 22, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines and Resources
Indian Affairs Branch
NOV 23 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC/lel.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No. 39K 656-25

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston

Province Alberta.

Date 6th November 1939

File References

Headquarters

Sub-Division

39L 384-85

Detachment

P. C. R.
Cardston
17-9-39
to
17-10-39
Lethbridge

A. R. V. No.

Diary Date set for

Re: ROUND NOSE. Blood Indian Reserve. Alberta.
Murder, Section 263 C.C.C.

1. With reference to the above case and letter of Mr A.B.Hogg, A.A.G, dated Lethbridge October 14th 1939 para 4, in company with S/Cst Good-Rider I patrolled to Stand Off on 3-11-39 and interviewed Mr R.N.Wilson, a storekeeper, who was formerly a Constable in this force in 1881 to 1884 and stationed at Stand Off and later was Indian Agent on the Blood Reserve and who speaks the Blackfoot language well. I tried to obtain his version of the Indian statement "I licked my Wife" and he advised me there are two different ways of making this expression so I will have to contact the Indian witnesses, Herbert Bull Calf, Jim Knife and Two Guns Knife and try and get the Indian version written down in English and consult Mr Wilson again.

2. Regarding para 5 of Mr Hoggs letter, if the use as Interpreter of S.Const Good-Rider is objected to I would recommend that the Scout at Pincher Creek be used if it is considered he is sufficiently versed in translating from the Blackfoot to English and I am of the opinion that he is.

3. Regarding para 1, I have interviewed the Sister who was on duty in the Ward when Mrs Round Nose fell out of bed and obtained the following statement:-

Blood Indian Hospital, Oct 26th 193

Statement of Sister Melie,

I am one of the Sisters at the Blood Indian Hospital and was in charge of the Woman's ward when Mrs Round Nose was a patient. She came in on Sunday September 17th and on Monday September 18th in the afternoon about 4 oclock Mrs Round Nose was very restless and tossing about and she rolled out of bed. She was completely out of the bed and lying on the floor. There was a chair close to the bed by her shoulders, and she dropped on to the chair and chair slid away and she dropped on to the floor. Her shoulders and chest fell on to the chair. She did not hit her head on the chair. She fell on her side on the floor but did not hit her head. Her head was heavily bandaged and that morning we put on a new heavy dressing of cotton on the top of the first dressing. We put her back in bed right away. I think she would weigh about 150 lbs. There was a screen round her bed and the bed was in a corner with her right side against the wall. I had just taken her temperature and was putting it down on a chart when I saw her through an opening near the door. The other patients in the room could not see her on account of the screen. The height of the mattress from the floor is 30 inches (the bed 27 inches and mattress 3 inches thick)

(sgd) St Hortense Melie.

Witness,B.C.Jakeman.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263, C.C.C.

---

4. Sister Helie advised me that the Indians who were in the Ward at the time of this fall had been talking about it and one girl who was in the ward at that time (Teddie Bull Shields daughter aged about 18) had said she had seen Mrs Round Nose fall but it was impossible for her to do so as the screen was round the bed and that Doctor Holmes had questioned the girl about it and she had to admit to the Doctor that she did not see her fall out of bed.

5. At the time of the fall Sister Helie was only six feet away from the foot of Mrs Round Nose bed as the foot of the bed was right at the door and the door opens into the Ward. The bed was on the South side of the door inside the ward and Sister Helie was at a table on the North side of the door outside the ward and the door being ajar she could see Mrs Round Nose at that time as she was entering her temperature on a chart.

6. When at the Blood Indian Hospital I was advised that all used bandages and dressings are destroyed in the Furnace as soon as possible after being removed, this as a Hygiene method, consequently used bandages from Round Nose cannot be obtained.

7. Reference Mr Hoggs letter of the 16th October, para 1, I interviewed Mrs Crow Spreading His Wings at Stand Off on the 3rd inst and through S/Cst Good-Rider as Interpreter, she stated that when Round Nose came to her place early that morning he had no bandage on his hand, The cut seemed fresh and was bleeding steadily all the time. She considers it was a fresh cut as the blood had not congealed like it would if the cut had been made some time. She put Coal Oil on it and then bandaged it,(this at Round Nose place after she got there) At that time there was a pool of blood on the sitting room floor West of the stove and Round Nose told her it was his blood.

8. Regarding para 2 on page 2 of Mr Hoggs letter of 16th Oct Mrs Crow Spreading his Wings put a bandage on Round Nose hand that morning at his place and Mrs Maurice Prairie Hen changed it and put a new bandage on at her place when Round Nose was there and saw George Vielle and Jim Big Throat. Maurice Prairie Hens statement is shown on my report of 1st October 1939.Round Nose was at Prairie Hen's place about 8 oclock.

9. Dr Holmes left Cardston right after these Preliminary Hearings' were heard and as far as I know is at his home in Lamont.

10. I have also interviewed Mrs Crow Spreading His Wings (No 1) as Crow Spreading His Wings has the two wives and the evidence previously given is by Mrs Crow S.H.Wings No 2, the younger of the Women. Although the statement has no bearing since she did not see or hear or talk to Round Nose it is embodied herewith

Blood Indian Reserve.
Nov 3rd, 1939

Statement of Mrs Crow Spreading His Wings (No 1)

I was not over to Round Nose place the day he came back from Lethbridge Jail.

Next morning just about Sun Rise the other Mrs Crow came back in the house and said "Round Nose is here and wants me to go over to his place, she said he was all covered with blood". The other Mrs Crow went over with her daughter, and being so long over there, I went over after I had had my breakfast. I went in the house and looked at Mrs Round Nose and the condition she was I thought there would be no hope for her. Her eyes were all black all round, covered with blood. Her ear was cut across and above her ear was another place still running with blood and on her right shoulder was all blood.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE, Blood Indian Reserve, Alberta.
Murder, Section 263, C. C. C.

10 (continued) She was lying on the bed on the left side of the room. Round Nose was not there and I did not see him. I did not see him or hear him talking to the other Mrs Crow when he came there first. I did not see any blood around the house as the other Mrs Crow had already cleaned up. The other Mrs Crow told me she had cleaned up. The only thing I saw was a white sheet on the foot of the bed with lots of blood on. I did not see any broken chair there. I stayed there till Father Charran took her away. Two Guns Knife came there after I got there and was the first man there,

Witness. Interpreter,
S/Cst C.Good-Rider.
B.C.Jakeman.

11. Reference Mr Hoggs letter of Oct 31st to the O.C.Lethbridge S/Div, para 3, and S/Sgt Harvey's reply thereto, para 4, I was in error in my verbal conversation with S/Sgt Harvey over the telephone and it was Mr Pugh the Indian Agent who identified the body and not S/Const Good-Rider. On talking the matter over with S/Cst Good-Rider I now find that on the morning of 23rd September when the jury viewed the body in a small room at the rear of the Blood Indian Hospital, the body was lying in a coffin, and Mr Pugh was at the foot, Dr Stacpoole, (the Coroner) and myself on one side and the six jurymen on the other with Dr Holmes at the head and there was no room for others in the room and Mr Pugh then identified the body. It was my intention that S/Cst Good-Rider be there to identify the body but he could not get inside the door. Mr Pugh also recalls to me that he assisted me in uncovering the blankets off the body and of finding several small articles put there by Indians, such as tobacco, matches, beads, needles and cotton etc, which is an Indian custom still followed out.

12. Mr Pugh is well acquainted with Mrs Round Nose and as he intends to be at the trial I consider that he could identify the body under oath when called on.

13. I am also advised by the Sister Superior at the Indian Hospital that Mrs Round Nose died at about 10.30 p.m. 22nd Sept, she had been attended during the daytime by Sister Helie and next morning, 23rd Sept, Sister Helei dressed the body for burial. Sister Helie attended Mrs Round Nose for five days and as she will be called to give evidence as per her statement of Mrs Round Nose fall from the bed she could also give evidence of identification.

Expenditure.
Pol car Code 1877 3-11-39....65 miles.
Subsistence, 1 meal (L) Sgt Jakeman 50¢

STILL UNDER INVESTIGATION.

O.C. "H" Division,
REGINA.

B.C. Jakeman Sergt
B.C.Jakeman. Reg No 9454
I/C Cardston Detachment.

Sir:

FORWARDED:

Copies to A.A.G., Lethbridge, and to the Inspector of Indian Agencies, Calgary.

Leth. 13-11-39
MA

G. Coburn S/Sergt. for
Inspector.
Commanding Lethbridge Sub-Division.
A.C.D.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

Moscovich & Moscovich
Barristers and Solicitors

M.E.MOSCOVICH, B.C.L.
S.S.MOSCOVICH, LL.B.

HERALD BUILDING,
Lethbridge, Alberta.

November 20th,
1939.

Sec'y

Department of Mines & Resources
Indian Affairs Branch
NOV 24 1939
REGISTERED

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ont.

Dear Sir:

RE: YOUR FILE: 19103-6.
RE: ROUND NOSE.

I have for acknowledgment your letter dated November 15th and in reply thereto I enclose herewith two additional copies of my bill.

Yours very truly,

Max E. Moscovich

M.E. MOSCOVICH.

MEM:M

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Ottawa, November 25, 1939.

Dear Sir:- Re Round Nose - Blood Indian.

I have to refer to your communication of October 27 authorizing the employment of Mr. M.E.Moscovich, Barrister, of Lethbridge, to defend Round Nose charged with the murder of his wife.

An account has now been received from Mr. Moscovich amounting to $370.00, which I am enclosing herewith for taxation and return.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Mr. Lowis -
R.C.M.P.
Please note
remarks
to Justice
Pol

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

MG. ACCV

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 29th November, 1939.

D.O.J. NOV 30 1939 REGISTERED

Sir,-

A.3. Mines & Resources
Alta.

I have the honour to refer to your letter of November 25th and to return you herewith account of Mr. M.E. Moscovich, Barrister, Lethbridge, Alta. forwarded therewith covering services in connection with the defence of Round Nose, Blood Indian, charged with the murder of his wife. The account is rendered at $463.15 and has been taxed and allowed by me at $398.87.

I have the honour to be,
Sir,
Your obedient servant,

"Encl."

VOTE.....
AGENCY.....
ALLOT.....E. R.....
Goods received or services performed. Prices fair and just. Approved for payment.
T.R.K. Mackenzie

AUDITED FOR PAYMENT
DEC 5 1939
ACCOUNTS BRANCH
DEPT. INDIAN AFFAIRS

W. Stuart Edwards
Deputy Minister of Justice.

RECEIVED
DEC 4 1939
INDIAN AFFAIRS

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Hoyland

19103-6

November 30, 1939.

Dear Sir:

I am enclosing, herewith, copies of Royal Canadian Mounted Police reports that have been received from time to time respecting the case of an Indian named Round Nose of the Blood Indian Agency, Alberta, who is charged with the murder of his wife, for the information and reference of your agent, Mr. M. E. Moscovitch, and any action by way of instruction which you may consider advisable.

Yours very truly,

Director.

TRM

The Deputy Minister,
Department of Justice,
Ottawa.

Representative of the Department of Indian Affairs
DEC 4 1939
INDIAN AFFAIRS

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

HOGG & MENZIE
Barristers, Solicitors, Notaries.

Lethbridge, Alberta,
November 25th, 1939.

The Officer Commanding,
Royal Canadian Mounted Police,
LETHBRIDGE, Alberta.

Dear Sir:

Re: Rex vs. Roundnose.

1. Referring to Sgt. Jakeman's report of the 6th instant, paragraph 1, may I point out that the Indian word or words used by the accused and translated "I licked her" were spelled into the record by the Interpreter, and can be got from the Depositions in the files of the Supreme Court Clerk at Macleod. I forget which Indian witness quoted them.

2. While investigating the meaning of Indian words I think it would be well to ascertain if possible, the words, gestures or ceremonies that Indians use in taking the native oath on the Great Horn. I apprehend that the profession of Christian faith on the part of one or more of the Indian witnesses may be successfully challenged.

3. We may have overlooked the quest for bloodstains on the attire of Mrs. Roundnose. If any, they may be stains made by Roundnose when putting her in bed, and would be worth analysing.

Yours truly,

"A.B. Hogg"
Agent of the Attorney General.

ABH/R.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

39K 636-23.

39K 636-23
39L 304-75

Re: Rex vs. Round Nose

N.C.O. I/c CARDSTON

Copy of Mr. Hogg's letter of the 25th attached.
You will note that further enquiries are requested therein. Please attend to this without delay.

Leth. 27-11-39
H:A

"H. Darling" - Inspector.
Commanding Lethbridge Sub-Division

O.C. "E" Division,
R.C.M.P. EDMONTON.

359240 Dec-439

Sir:

For your information.
Copy of Mr. Hogg's letter, referred to, attached.

Leth. 27-11-39

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division.

Copy to the Deputy Attorney General.

The Commissioner,
R. C. M. P.
Ottawa, Ont.

Sir: Forwarded for your information.

Edmonton, Nov. 28th, 1939.

R. E. Mercer
R. E. Mercer - Supt.
In charge C. I. B.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

F. 237

Division File No. 39K 654-25

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston.

Province	Date
Alberta	23rd November 1939

File References

Re: ROUND NOSE. Blood Indian Reserve. Alberta.

Murder, Section 263 C.C.C.

Headquarters

Sub-Division

39L 324-55

Detachment

P. C. R.

Cardston
17-9-39
to
6.11-39

A. R. V. No.

Diary Date set for

1. With reference to the above case and correspondence between Dr C.E.Holmes and the Attorney General's Dept, Dr Holmes gave evidence at the Coroners Inquest into the death of Mrs Round Nose and also gave evidence at the Preliminary hearing of Round Nose.

2. As there is no scale of fees for Preliminary hearings I could give Dr Holmes no satisfaction as to what remuneration he would receive. The fees allowed for Coroners Inquests is the responsibility of the Coroner concerned.

3. Regarding fees mentioned in my Hughes letterv to Dr C.E.Holmes, dated November 16th, para 3, Dr Holmes gave evidence of his attending Mrs Round Nose and also as to helping with an operation on Mrs Round Nose head and the effect it would have on her chances of life. Whatever fees should be allowed for his evidence I am unable to say but I do know he was very much inconvenienced by the case as he finished his contract with Dr Bailey here the end of September and intended to leave on 1st October to look for another position as an assistant to a Doctor with a practice until he took Post-graduate work this Winter. He had to stay in Cardston and pay his board and lodging without any remuneration from the 1st October until until the Preliminary hearing was over on 13th October.

4. I would consider Dr Holmes request for $30.00 to cover the two cases as reasonable and would recommend that he be paid this amount but it is noted he has already been forwarded a cheque for $10.00.

O. C. "K" Division,
R.C.M.P. EDMONTON.

B.G. Jakeman Sergt
B.G.Jakeman. Reg No 2464
I/C Cardston Detachment.

Sir:

FORWARDED:

1. This has reference to letter received by the D.A.C. from Dr. C.E. Holmes of 9922-111th Street, Edmonton, and reply of Mr. E.R. Hughes, Accountant of the Attorney General's Department, of November 16th.
2. You will note that Sgt. Jakeman recommends consideration be given to the payment of $30.00 to Dr. Holmes for his services in this case. Please advise whether you wish us to submit a Form 6 covering fees due to him in connection with the Preliminary Hearing.

Leth. 25-11-39
H:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

127544

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 20 B 636-13-1-7.

OTTAWA. December 5, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC/lel.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Victoria Times 11/10/39 Calgary Herald 12/10/39 19103 6

Queen to Accept Needle Panel

A very beautiful example of needlecraft in which an Indian subject is employed is the big panel picture of the mythical raven of the west coast tribes, worked by Miss Alice Ravenhill, and now on display in the window of Joseph Sommer Limited, Government Street.

The representation of the raven was done from an original crayon drawing by a native artist of the Kwakiutl tribe of Indians. It is worked on a natural-colored coarse canvas measuring about five feet by four, the characteristic bold green, red and yellow, combined with black, being the dominant colors. Both in the drawing and the representation it shows many of the typical features of an art which reached its zenith about a quarter of a century after the discovery of Vancouver Island by Capt. Cook, 1778.

The work has been accepted by the Queen in response to the desire expressed by Her Majesty in a letter addressed to Miss Ravenhill "to learn more about the history and art of the tribes on the coast of British Columbia."

Charge Indian Murdered Wife

Well-to-Do Blood Farmer Faces Court at Cardston

Cardston, Oct. 12 (CP)

Round Nose, well to do Blood Indian farmer, stands charged with murder in connection with the death of his wife recently at the Indian hospital here. The preliminary hearing is proceeding, following the inquest which concluded yesterday.

Round Nose had been held in jail at Lethbridge on a minor charge pending the inquest.

The inquest yesterday, conducted by Coroner Dr. Stacpoole, heard evidence from Doctors Holmes and Dobry, who attended the wounded woman in hospital, and a number of Indians. The verdict brought in by the jury found that the woman had died at the hospital Friday, September 22, as a result of injuries received in the night of September 16, between 9 p.m. and sunrise on September 17, from a blunt instrument on the right side of the head by a person or persons unknown.

EXD.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Division File No. 39K 656-25

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston

Province	Date
Alberta	10th December 1939

File References	Re: ROUND NOSE, Blood Indian Reserve, Alberta. Murder, Section 263 C. C. C.

Headquarters

Sub-Division

39L 324-55

Detachment

P. C. R.

Cardston
17-9-39
to
25-11-39

1. With reference to the above date on 28th Nov 1939 in compliance with request of Mr A.B.Hogg, when on Police patrol I interviewed Mrs W.Betts, wife of one of the Farm instructors on the Blood Reserve and who was born and raised with the Indians at Brockett, her Father being in charge of the Anglican Mission there, and who speaks the Blackfoot language.

2. Mrs Betts interpretation of the word used by the Indian witnesses, "Kits-ix-isk-is-tots-wah" means it was a bad beating up, or covers a beating up in general but badly and admits done great bodily harm.

3. During the enquiries made regarding this word I later found that some Indians have the impression that it also implies that the person is so badly beaten up that there is no hope for her recovery so on the 8-12-39 I again interviewed Mrs Betts and asked if this inference could be taken from the word used and she stated it could be meant that way but it all depends on the actual way it was used by the speaker. It does not generally mean that the person is liable to die. It is generally used to mean a bad beating up but its meaning is covered by the expression of the speaker.

4. I also interviewed Father Lavern of the St Mary's R.C.School who also speaks the Indian Language and his impression of the word is that it means ill treated or beat her, a severe beating or badly hurt.

5. On the 8-12-39 I attempted to interview MrsCCrow Spreading His Wings but she was away from home and I could not locate her so I patrolled on the 9-12-39 and found her at her home.

6. When I questioned her as to the Canvas sheet found in Round Nose place she claims that she visited Mrs Round Nose fairly often when Round Nose was in jail and she does not remember what the Canvas was used for she does not recognize it as being used by Mrs Round Nose. Round Nose Himself had two or three canvas's which he used, one for hauling Water (putting it on top of the barrel) and one used as a rug when driving on a Waggon. Quite a number of Indians use a canvas sheet when going to the Ration house for meat but when Mrs Round Nose went there she always used a flour sack.

7. I then asked Mrs Crow Spreading His Wings about the furniture and chairs in Round Nose house and she did not notice of one was missing on the Sunday morning after the fight. She knew the position of the chairs where Mrs Round Nose usually placed them but did not notice any change when she was there that Sunday morning.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

KODAK SAFETY FILM

ROUND NOSE. Blood Indian Reserve. Alberta.

Murder. Section 263, C. C. C.

---

8. When Round Nose was talking to her he did not use the same word " Nits-ix-isk-is-toto-wah " to her.

9. Mrs Crow S H Wings swears on the Horn Society because she does not know what an oath on the Bible means. She has twice been a member of the Horn Society, first with her first husband and again with her present one, but does not belong to the Society now.

10. When questioned regarding other articles seized Mrs C.S.H Wings does not remember seeing the Waggon pin at all, the khaki sheet was used on the bed as far as she can remember and the pillows on the bed too.

11. I enquired some time ago at the Hospital for Mrs Round Nose clothing when she was admitted to the hospital but the Sisters had had the clothes washed and returned to members of her own family and I could get no trace of them, but as they had been washed they would be no good for analysis.

12. On the 8-12-39, I again interviewed Two Guns Knife and with the aid of S/Const Good-Rider as interpreter asked him what he understood by Round Nose conversation and the word used by him and Two Guns Knife claims the expression as used by Round Nose indicated to him that his wife was so badly beaten up there was no hope for her. Two Guns Knife then went on to explain that if this word is used in regard to animals say a man takes another mans horse and uses it and illtreats it, the word would then mean that the horse would be no good any more.

13. I also interviewed Jimmy Knife regarding the meaning of this word and Jimmy Knife's impression was that Round Nose had beaten his wife badly and that she was liable to die but she may live.

14. As far as I can learn when an Indian takes an Oath on the Horn Society he swears to tell the truth and all he knows about the case and with his telling the truth his family and himself will have a long and happy life but if he does not tell the truth his family will have something bad happen to them.

15. I will again interview Herbert Bull Calf as he was with Two Guns Knife and Jimmy Knife when Round Nose spoke to them, and he gave his evidence in English, so I will get his version of the Indian word and the actual meaning he get from it.

16. I understand from Mrs Betts that the sligtest variation of some word will change the whole text of the conversation and that some Indians have a different way of expressing things.

Expenditure. 8-12-39...Pol Car Code 2425...37 miles.
9-12-39..Pol car Code 2425...40 miles.

STILL UNDER INVESTIGATION.

B.W. Jakeman Sergt
B.W.Jakeman. Reg No 9454
I/C Cardston Detachment,

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Re: MOUND MURDER - Blood Indian Reserve, Alta.
Murder - Sec. 263 C.C.C.

-3-

A.S. Hogg, Esq., K.C.,
Agent of the Attorney General,
McFarland Building,
LETHBRIDGE.

Sir:

For your information.
This has reference to your request of November 25th last.

Leth. 12-12-39
H:A

"H. Darling" Inspector.
Commanding Lethbridge Sub-Division.

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED:

Copy of Mr. Hogg's letter of the 25th, November, referred to, was forwarded to you on the 27-11-39.

Copy to Inspector Indian Agencies, Calgary.

Leth. 12-12-39
H:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division.

Copy to the Deputy Attorney General.

The Commissioner,
R. C. M. P.
Ottawa, Ont.

Sir:

Forwarded for your information.

Edmonton, Dec. 15th, 1939.

R. E. Mercer

R. E. Mercer - Supt.
In chg. C. I. B.

3 W.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

ROYAL CANADIAN MOUNTED POLICE

135135

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-7. OTTAWA, Dec. 20, 1939.

YOUR FILE No. _____

Police Lett'r

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines and Resources
Indian Affairs
DEC 21 1939
REGISTERED

JSC/lel.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19103-6

EM/MG.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 6th January, 1940.

Department of Mines & Resources
Indian Affairs Branch.
JAN 9 1940
REGISTERED

Sir,-

B.28.General-Alta.
Re: Rex vs. Round Nose - Blood Indian Reserve:
Murder - Section 263 C.C.C.

I have the honour to refer to your letter of November 30th and to return you herewith the copies of R.C.M. Police reports which accompanied same. It is the view of the Attorney General of Alberta that these reports are confidential and not to be made available to defence counsel.

I have the honour to be,

Sir,

Your obedient servant,

"Encl."

W. Stuart Edwards

Deputy Minister of Justice.

The Director of Indian Affairs,
Department of Mines and Resources,
OTTAWA.

copied E.O.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Division File No. 38K 656-25

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston

Province: Alberta

Date: 4th January 1940

File References

Re: ROUND NOSE. Blood Indian Reserve. Alberta.

Murder. Section 263, C.C.C.

Headquarters

Sub-Division

38L 354-55

Detachment

P. C. R.

Cardston
17-9-39
to
10-12-39

1. With reference to the above case and para 15 of my report of 10-12-39, on December 28th 1939 then on the Blood Reserve on other duties I interviewed Herbert Bull Calf and asked his version of the word "Nitz-in-ish-is-tots-wah" and he states it means a bad licking and cant get up no more. The way Round Nose mentioned the word that morning, Herbert Bull Calf believes that Round Nose knew she was going to die.

2. This is the way Herbert Bull Calf understood, as for only a small assault the word is not used.

3. It would also cover the case of where a man had used a horse and so badly ridden or used it that it would never be any good again.

4. This Indian Herbert Bull Calf, speaks good english and as he does not need an interpreter for his evidence the Agent of the Attorney General when conducting the prosecution at the trial should make much of this witness.

No expense.

B.C. Jakeman Sergt
B.C. Jakeman. Reg No 9454
I/C Cardston Detachment.

STILL UNDER INVESTIGATION.

A.B. Rogg, Esq., K.C.,
Agent of the Attorney General,
LETHBRIDGE.

Sir:

Copy for your information.

Leth. 5-1-40
H:A

"H. Darling" Inspector.
Commanding Lethbridge Sub-Division

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED for your information.

Leth. 5-1-40
H:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division.

D. Date.

31-3-40

COPY TO THE DEPUTY ATTORNEY GENERAL.
The Commissioner,
R.C.M.P. Ottawa, Ont.

Sir: Forwarded for your information.

Edmonton, 9-1-40.
J W.

D.L. McGibbon
D.L. McGibbon, Insp. for
Officer I/C C.I.B. A.G.D.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

6049

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39B 636-13-H-7

OTTAWA, January 16, 1940.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
JAN 17 1940

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC:MB

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

39K 636-23. Edmonton, Feb. 1, 1940.

39L 384-55.

MEMORANDUM:

O. C. R. C. M. P.
LETHBRIDGE S/Div.

Re: Round Nose - Blood Indian Reserve, Alta.
Murder -

1. Reference to Cardston Det. report dated 26-1-40, and your forwarding minute appended thereto, please be advised that Dr. Holmes -
Captain C. E. Holmes,
M.O. 3rd Brigade R.C.A.
C. A. S. F.
has gone overseas. Lt. Col. Edward Brown, Garrison Commandant, Dept. National Defence, Edmonton, states that he is prepared to take the required affidavit.

J W.

R. E. Mercer - Supt.
In chg. C. I. B.

Copy to the Deputy Attorney General.

Copies to the Commissioner.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

39K 636-25

Division File No.

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston

Province: Alberta

Date: 26th January 1940

File References

Re: ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263, C. C. C.

Headquarters

Sub-Division

39L 384-55

Detachment

P. C. R.

Cardston
17-9-39
to
4-1-40

1. The under quoted letter has been received at this Detachment from Mr Fawcett, Agent of the Attorney General at Macleod,

Begins, Macleod. Alta. Jan 17th 1940

Royal Canadian Mounted Police
Cardston. Alberta.

Dear Sirs.

Re: Rex vs. Round Nose

Dr Holmes as you are aware has enlisted and is now in England. If we use the evidence given in the Preliminary under Section 999 of the Code we will require affidavit by some person with full information that he enlisted and is now out of Canada and that he is in England. Would you kindly give us what information you can in regard to this.

As regards Dr Debry. He also gave evidence in this case, and although we have heard nothing to the contrary we would like to know if the Doctor is still practising at Cardston and if he will be available at the trial.

yours faithfully,
(sgd) Jno L.Fawcett.
Agent of the Attorney General.

ENDS.

2. There is no one at Cardston whom I know that can actually vouch for Dr Holmes giving his present whereabouts, and I would advise that this information and Affidavit be obtained from his Mother who is at Lamont, Alberta. I believe Dr Holmes went overseas as a Medical Officer with an Edmonton Unit but what branch I am unable to say.

3. I would ask that the Lethbridge Sub-Division communicate with Mr Fawcett as to what he actually needs and the same could be obtained through the Lamont Detachment.

4. Regarding Dr Debry, I have been in touch with him and he will be available to attend the trial at Macleod about March 11th 1940.

B.G. Jakeman Sergt
B.G.Jakeman. Reg No 9454
I/C Cardston Detachment.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Re: ROUND NOSE - Blood Indian Reserve, Alta.
Murder -- Sec. 263 CCC

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED:

1. Would you kindly advise me the rank and name of the Military Officer who could give an affidavit to the effect that Mr. Holmes is now serving with the C.A.S.F. in England. As soon as this information has been obtained I will request the A.A.G. at Macleod to furnish the necessary affidavit.

2. Cst. Carter was a witness in this particular case in that he took photographs and made a sketch of the scene of the crime. As you are aware, he was a volunteer for the Provost Company and proceeded to Ottawa, but was not accepted for service on medical grounds and is, I believe, now stationed in "N" Division. If he had gone overseas it was the intention to have an affidavit prepared for the purpose of admitting his evidence, as given at the Preliminary Hearing, at the trial. I am bringing to Mr. Fawcett's attention, today, the fact that Cst. Carter has not gone overseas and is at present stationed in Ottawa. Possibly he may be able to arrange to have the photographs and sketch admitted without the attendance of Cst. Carter.

3. Copy to A.A.G., Macleod.

Leth. 29-1-40
H:A

sgd. "G. Harvey" S/Sgt.
for O.C. Lethbridge Sub-Division CDS

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

18637

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13 H. 7. OTTAWA, February 6, 1940

YOUR FILE No.

FXD.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JC/MD

Department of Mines & Resources
Indian Affairs Branch
FEB 7 1940
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

EXTRACT ORIGINAL ON 75-103

19103-6

Cardston, Alta., Feb. 29th, 1940.

AGENT'S REPORT ON BLOOD AGENCY FOR FEBRUARY

x x x

The cases of Round Nose and Helen Strangling Wolf, each charged with murder, come up for hearing on the 11th of March at McLeod this will entail the transportation of Sisters and Indians to that point to give evidence.

x x x

J.E. Pugh.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

"B.F." SLIP

"B.F."

FOR

Date

Initials

N 7082

See Round Note

Real

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

Moscovich & Moscovich
Barristers and Solicitors

M.E.MOSCOVICH, B.C.L.
S.S.MOSCOVICH, LL.B.

HERALD BUILDING,
Lethbridge, Alberta.

Department of Mines & Resources
Indian Affairs Branch
MAR 16 1940
REGISTERED

March 13th,
1940.

Sec'y

Department of Indian Affairs,
OTTAWA ,
Can.

Dear Sirs:

RE: ROUND NOSE, Cardston.

We are pleased to report that after a two day trial the Jury acquitted Round Nose , Blood Indian from the Indian Reserve at Cardston, Alberta, who was charged with murder .

We are preparing our account for services rendered in connection with the preparation of and the trial , as well as the disbursements made, and as soon as same is ready we will send it to your Department.

Yours truly,

MOSCOVICH & MOSCOVICH

Per M.

MEM:M

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

[redacted] OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 402-8

"AIR MAIL"

Blood Indian Agency,

Cardston, Alta., March 13th, 1940.

Department of Mines & Resources
Indian Affairs Branch
MAR 16 1940
REGISTERED

Sir:-

I beg to state and report that on the 11th instant, the trial of Round Nose, charged with murder, was commenced at Macleod and concluded on the 12th instant.

The Attorney for Round Nose, Mr. M.E. Moscovich, retained by the Department, elected for Judge and Jury trial. Mr. A.B.Hogg of Lethbridge acted for the Attorney General of the Province.

The case went to the Jury at 2.30 PM of the 12th and deliberated, approximately, thirty minutes and found the accused "Not Guilty" and Round Nose was released.

Your obedient servant,

J.E.Pugh,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

EM/MG.

Instant

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 21st March, 1940.

Department of Mines & Resources
Indian Affairs Branch
MAR 23 1940
REGISTERED

Sir,-

A.3.General-Alta.

I have the honour to acknowledge receipt of your letter of March 20th submitting account of Mr. M.E. Moscovich, K.C., covering the defence of Round Nose and to ask that you submit your appropriate file to this department for the assistance of our Taxing Officer.

I have the honour to be,

Sir,

Your obedient servant,

W. Stuart Edwards
(L)

~~for~~ Deputy Minister of Justice.

The Director of Indian Affairs,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Ottawa, March 26, 1940.

Dear Sir:

I have to refer to your communication of March 21, and as requested I am enclosing herewith our file No. 19103-6, covering the defence of Round Nose, Blood Indian of Cardston, Alberta, charged with the murder of his wife.

Yours very truly,

H. Jones

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

Moscovich & Moscovich
Barristers and Solicitors
M.E. MOSCOVICH, B.C.L.
S.S. MOSCOVICH, LL.B.

HERALD BUILDING,
Lethbridge, Alberta.

March 14th,
1 9 4 0 .

Department of Mines & Resources
Indian Affairs Branch
MAR 18 1940
REGISTERED

Art 7

Your file: 19103-6.
T.R.L. MacInnes, Esq.,
Secretary , Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ont.

Dear Sirs:

RE: ROUND NOSE, Blood Indian,
of Cardston, Alberta.

I enclose herewith three copies of my account in connection with the Defence of Round Nose, a Blood Indian of the Reservation near Cardston, Alberta.

I would greatly appreciate receiving a cheque in due course for this account.

Yours truly,

M.E. Moscovich

M.E. MOSCOVICH, K.C.

MEM:M

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

EXD.
A.

Ottawa, March 20,1940.

Dear Sir:-

I have to refer to your letter of October 27, 1939, authorizing the employment of Mr. M.E.Moscovich, Barrister of Lethbridge, to defend Round Nose, Blood Indian of Cardston, Alberta.

I am enclosing herewith further account from Mr. Moscovich amounting to $1205.20, which I would ask you to be good enough to tax and return for payment.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Ottawa, April 2, 1940.

Dear Sir:

I have to refer to my communication of March 26 wherewith I enclosed our file No. 19103-6, covering the defence of Round Nose, Blood Indian of Cardston, charged with the murder of his wife.

I should be obliged if you would tax this account as soon as possible, and return to this department for payment in order that the account may be paid before the end of the fiscal year.

Yours very truly,

H. Jones

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

Ottawa, April 2, 1940.

Dear Sir:

I have to refer to my communication of March 26 wherewith I enclosed our file No. 19103-6, covering the defence of Round Nose, Blood Indian of Cardston, charged with the murder of his wife.

I should be obliged if you would tax this account as soon as possible, and return to this department for payment in order that the account may be paid before the end of the fiscal year.

Yours very truly,

A. Lovell
Director.

TRM

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

"B.F." SLIP

"B.F."

FOR

Date 15th

Initials

R 1027

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

Indian Acquitted In Murder Case

(By Our Own Correspondent)

Macleod, March 14

"Round Nose," a Blood Indian, charged with the murder of his wife, was acquitted on Tuesday afternoon by a Macleod jury after a deliberation of half an hour.

Justice T. M. Tweedie immediately released the prisoner. In his address to the jury, he had previously summed the evidence up in the words: "Many witnesses have given testimony, from the start of their trip to Lethbridge when the trouble began, but in all, no one has been found that was an eyewitness to the wounding of the woman, no one saw Round Nose strike his wife."

File

EX'D.
A.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

H.Q. File No. Div. File No. 39K 636-23 F. 264 I

ROYAL CANADIAN MOUNTED POLICE

Sub-Division Lethbridge S.Div. Ref 39L 384-75 R.C.M.P. Seizure Number

Detachment Cardston Det. Ref. A.R.V. No.

Defendant ROUND NOSE (Name in full) Address Blood Indian Reserve.Alta

Occupation Treaty Indian Status in Canada Canadian Citizen.Domiciled

Nationality Canadian Indian Colour Redskin Date of Birth 1890

Place of Offence Blood Indian Reserve. Alberta Date 17-9-39

Offence Murder. (Description) C.C.C. (Name of Act) 263 (Section)

Information Sgt B.C.Jakeman (By whom laid) 10-10-39 (date) H.G.Jensen. P.M. (Before) Cardston (Place)

Arrest or Summons Arrest Date 11-10-39 Place of Trial Macleod.Alta. Date 11-3-40

Tried By Hon Justice Tweedie & Jury Plea "Not Guilty"

~~Prosecutor~~ Pros'g Counsel A.B.Hogg.Esq. A.A.G. Defence Counsel M.Moscovich.K.C.

Disposition of Charge or Sentence imposed & date DISMISSED (FOUND NOT GUILTY)

Fine paid or gaol term taken ---

Costs Collected (Police) ---

Serving Summons $

Arrest $

Attending Court $

Witness Fees $

Mileage Miles @ c.p.m. $

Costs other than R.C.M.P.:

Authority for Search nil

Complainant: Sgt B.C.Jakeman.

Fingerprints to H.Q. 20-9-39 (date)

Photograph to H.Q. 20-9-39 (date)

Last previous conviction (quote F.P.S. Number if known) # 303527

Exhibits, See Form 246 previously submitted. Copy to D.A.G. Copies to Com.(3)

REMARKS:— 1. On the 11th March 1940 Round Nose appeared before the Honorable Mr Justice Tweedie and a Jury for his Trial.

2. The Jury consisted of the following:- J.W.Morrow, foreman. Chas S.Reach. A.W.Miller. Frank Barker. R.H.Townsend.R.W.Goff.

3. The first witness heard was Const J.Gibbons who stated that on the 19th Sept 1939 he went to the Round Nose house on the Blood Reserve and there found several blood stained articles such as parts of a broken chair. Pillows, blankets, rope and also cut out blood stains from a stairway leading down the basement, that on the 1st October 1939 he received a blood stained knife and a test tube containing blood, from Sergt Jakeman and he took the articles to Regina and handed them over to Surgeon Powers for Scientific examination.

4. The next witness was Sergt Jakeman who stated that he was at the Round Nose house on the Blood Reserve about 1.3o p.m. 17th September 1939 and while there was handed a blood stained butcher knife by an Indian named George Vielle, that on the 21st Sept he was handed a Test tube containing Blood by Dr C.E.Holmes who was attending Mrs Round Nose at the Blood Indian Hospital and that both of these articles were handed over to Const Gibbons on 1st Oct 1939 when he was leaving for Regina.

Diary Date Investigated by Cardston Detachment,

Fw'd on 17-3-40 (date) to O.C. S-Div. Sgt Fw'd on MAR 2 0 1940 (date) to O.C. Div. Fw'd Comm'r March 28, 1940 (date)

B.C. Jakeman. Reg No 9454 i/c Detachment (sgd) H. Darling. Inspr i/c Sub-Division Supt. I/C C.I.B. Commanding Division

NOTE:—No covering report is required with this form except in special cases. Any sub-headings which are not applicable are to be left blank. If insufficient for remarks, continue on plain tissue.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263, C. C. C.

5. The next witness was Const E.V.Carter of Lethbridge who stated that on the 25th September 1939 he accompanied Sergt Jakeman to the Round Nose residence on the Blood Indian Reserve and took photographs of the different rooms,and buildings in the vicinity and identified the photographs entered as exhibits as being the ones he took and then described their location and distances, and also identified a plan drawn by him showing the location of Mrs Crow Spreading His Wings house, Jack Eagle Bears house, Round Nose house, and Two Guns Knife house. He also identified some clothing which he had received from the Lethbridg Jail which he had handed over to Const Gibbons on October 1st when he was leaving for Regina.

6. The next witness was George Vialle, a Blood Indian, who stated he had a conversation with Round Nose on the morning of September 17th 1939 and Round Nose had told him to get a knife out of the stable and hand it to the Police when they came there and that he had gone to Round Nose house and found the knife in the stable and had handed it to Sergt Jakeman that day. He identified the knife entered as exhibit as being the one he had handed to Sergt Jakeman. It had blood stains on it.

7. The next witness was Surgeon M.Powers who stated he was a Qualified Medical Doctor, a graduate of McGill, had taken Post Graduate work and had attended the New York College for Forensic Medicine and had received a Degree from that College, that he had studied Crime Investigation and at present was in charge of the Scientific Laboratory at Regina connected with the R.C.M.Police. He entered several exhibits which he had received from Const Gibbons on the 2nd October 1939, that he had personally examined them for blood Stains, certain ones were negative for blood and others positive. He then enumerated the articles such as wood chips, rope, parts of a chair, pillows blankets, clothing, Butcher knife, Test tube of blood. The Judge then ordered that only those articles which were positive for blood be entered as exhibits and the others put aside as on previous cases which had come before him where the classification of blood was an element in the case nothing was gained by prosecution unless they could be connected with the accused and as there was nothing to show the classification of the accused blood it could not really be connected with him. Dr Powers then went on to say that human blood was grouped into four groups, namely group "O" group "A" group "B" and group "AB". The blood contained in the Test tube belonged to group "O". Group "O" was the most common group taking in 41% of the worlds population. Indians had been classified and from records made 90% of the Indian population belonged to group "O". The only two exhibits which were allowed in by the Judge were the Blood in the Test tube and the blood stained knife. Both these exhibits were group "O". The rope, wood chips, pillows, blankets, Waggon pin, parts of broken chair were not allowed in as exhibits as they could not in any way be connected with either the accused or Mrs Round Nose.

8. Owing to the inability of Dr C.E.Holmes to attend the trial, he being in England with the Canadian Forces, his evidence given at the Preliminary hearing was read into the records, Mr Hogg reading the Examination in Chief and Mr Moscovich reading the Cross-Examination to the Jury. The two X-ray pictures taken by Dr Holmes of the skull of Mrs Round Nose were entered as exhibits showing the hole in her skull from a previous Trephining operation and a fracture across the dome of the skull from this hole to the other side of the head.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

DAK SAFETY ▲ FILM

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263 C.C.C.

---

9. The next witness was Sister Hortense Helie who stated she was one of the Sisters employed at the Blood Indian Hospital and that she had attended Mrs Round Nose from the time she was brought in to the Hospital on September 17th until she died in the hospital on the 22nd September 1939. Mrs Round Nose was never in a conscious condition all the time she was in the hospital. She was suffering from head injuries and her head was heavily bandaged. The first dressing was put on her head on the 17th and on the morning of the 18th another heavy dressing of cotton wool was placed on her head on top of the first dressing. She was very restless and in the afternoon about 4 oclock she rolled completly out of bed. There was a chair by the side of her bed and her bed was in a corner with a screen around. She rolled on to the chair with her shoulders and the chair slid away and she dropped on to the floor. Her head did not hit the floor at all. She was put back into bed right away. Sister Helie stated she was entering up her temperature on a chart just outside the door and could see the woman in the bed as the door was not closed and she did not hit her head on the floor. No other patient in the room could see her on account of the screen but they possibly heard her fall out. Sister Helie did not hear any of the other patients call out that she had fallen out of bed. Defence Counsel tried to make out that she fell on her head, and that anyway the fall would not help matters, and the Sister admitted her fall would not help her but definitely stated she did not hit her head.

10. Dr Powers was then recalled to give his expert opinion on the evidence of Dr Holmes and stated that the fracture as described and the injury to the brain would caused death and the operation performed by Dr's Holmes and Dobry could have prolonged life and under the circumstances the operation was the proper procedure to take.

11. Dr J.J.Dobry was the next witness called and he stated that on the 20th September 1939 he had been called in for a consultaion by Dr Holmes regarding Mrs Round Nose, an X-ray was taken and showed a fracture from an old trephining wound across the Dome of the Skull. The womans condition was not very good as there was an injury to the brain causing partial paralysis and an operation was performed by them by taking a small part of the womans skull out where pressure was being exerted on the brain, the woman did not recover from the operation and that he had performed an autopsy on the womans body after she died on the 22nd. The autopsy was performed on the 23rd September 1939 that he found the lower part of the body normal but the head showed injuries, an old trephining opening and a fresh trephining opening which he had assisted Dr Holmes with. He gave the cause of death as Cerebral Haemorrhage caused by the injuries. The main injury was to the right mastoid process with a wound through the ear and a cut behind the ear. The Mastoid bone was smashed in having been caused by a blow. When questioned by the Defence Counsel as to a person falling out of a hospital bed, 30 inches high, and falling to the floor, if this would help the person if she were suffering from a fractured skull and the Doctor replied that it all depended on the actual fall but it would not help things any. When also questioned as to the advisability of performing such a delicate operation as removing part of the womans skull when she was in such a condition, the doctor replied that the operation would prolong her life and not shorten it and in any case there was little hope of the womans recovery if the operation was not performed.

12. The next witness was Father Paul Andrew Charran, in charge of the St Mary's R.C.School on the Blood Reserve who stated he went to the Round Nose residence on Sunday, September 17th 1939

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263 C C.C.

---

12. co tinued) about 1 p.m. and found some Indians outside the house and inside he saw Mrs Round Nose lying on a bed in the bedroom. She had on some kind of a dress but the bed had no sheets or blankets on. She had a pillow under head and the pillow and head were blood stained. She had injuries around the head and would not respond to noise or pressure on the body. He had her put in his car and the pillow on which she was lying was stuck to her head and hair with congealed and dry blood so that he did not remove the pillow but took the pillow along still adhereing to her head. He drove her to the Blood Indian Hospital at Cardston and turned her over to the Sisters there. She was in the same condition when delivered at the Hospital as when he first saw her that day.

13. The next witness was Mr Pugh, Indian Agent of the Blood Indian Reserve who stated that he had been stationed on the Reserve for the past twelve years and he knew Mrs Round Nose, that he saw her in the Blood Indian Hospital on the 18th September 1939, at that time she was alive and a patient in the hospital, that on the 23rd September 1939 he identified her dead body at the time an Inquest was being held into her death.

14. The next witness was Dan Chief Moon who stated he was an Indian of the Blood Band and lived on the Blood Reserve. He knew Round Nose and that on the 16th September 1939 he had driven his car in to Lethbridge taking in Mrs Round Nose, Mrs Wings, Jimmy Knife and that they had met Round Nose in Lethbridge. He bought a bottle of Rubbing Alcohol, 16 ozs, in Lethbridge and Jimmy Knife also bought a bottle. They returned to the Reserve by way of Macleod and stopped at the Monarch bridge and all had a drink of Alcohol, they mixed it with water in a Lard pail, they next had a drink at Six Mile Coulee South of Macleod and had then arrived at Round Nose house on the Blood Reserve. It was not yet dark. They had another drink in Round Nose house and then he and Jimmy Knife and Mrs Wings had driven to Cardston where they picked up some groceries, they had then returned with Mrs Wings to her place and then he and Jimmy Knife had returned to Round Nose house. Some other Indians were there when they arrived but they went into the Kitchen and had poured another drink for Round Nose and they had one themselves. Dan Chief Moon did not see any other liquor in the house when he left. Both Round Nose and his wife had had drinks but were not drunk. He and Jimmy Knife had left Round Nose place about 7.30 or 8 oclock, anyway it was dark but was not sure of the time. He did not leave any Rubbing Alcohol at Round Nose's place. When they were all in the car coming back from Lethbridge, Round Nose and his wife were in the back seat and they were arguing about something.

15. The next witness was Jimmy Knife who stated that he was a Blood Indian from the Blood Reserve and he had accompanied Dan Ch Chief Moon in Dan's car to Lethbridge on September 16th 1939 to meet Round Nose, Mrs Wings and Mrs Round Nose went in to Lethbrid too. They met Round Nose in Lethbridge. Before they started back to the Reserve he bought a 16 oz bottle of Rubbing Alcohol and Dan bought one too. They returned by way of Macleod and they stopped at the Monarch bridge where he fixed a drink of Rubby and water in a lard pail and they all had a drink. They went through Macleod and stopped at Six Mile Coulee, South of Macleod and fixed another drink and then had gone to Round Nose house on the Reserve. They had another drink at Round Nose place and Round Nose had one too and then Dan and Jimmy and Mrs Wings had gone into Cardston where they picked up some groceries and had returned with Mrs Wings to her place and he and Dan had gone back to Round Nose house. When they got to Round Nose house some other Indian boys were there but they went into the kitchen and mixed up another small drink and Round Nose had a drink too. Round Nose and his wife were not drunk when he and Dan left. It was dark whe

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta
Murder Section 263 C.C.C.

---

15 (continued) they left. Jimmy Knife did not leave any liquor in the house and did not see any other than what they had and did not know if Round Nose had any liquor or not. Round Nose and his wife were alright physically when they left. Next morning, Sunday, September 17th 1939 Jimmy had gone over to his Brothers place, Two Guns Knife, and they were staying at Jack Eagle Bears place, across the Coulee from Round Nose house about half a mile away. Shortly after sunrise they saw Round Nose riding up to the house on horseback. Round Nose had his hand (left) in a bandage and it was bleeding. He got off his horse and greeted them all, there were Jimmy, his Brother, Two Guns Knife and Herbert Bull Calf there, and Round Nose said I got a big trouble I beat my wife bad". She tried to stab me and I beat her. Jimmy Knife then said to him "This is embarrasing information you have given me , how is your wife is she badly hurt and Round Nose replied "Yes she is badly hurt, go over and see for yourself she is lying on the bed in the bedroom". Round Nose then said he was going to Cardston to the Police and then to the Hospital. The witness indicated where Round Nose said he had been stabbed, cuts on the left hand, and stabs on the Chest and elbow. Round Nose was not drunk when he spoke to him that morning. The witness had gone over to Round Nose house and saw Mrs Round Nose on the bed with head wounds and bleeding, she had not spoken and he could not get her to speak or move, at that time Mrs Crow Spreading His Wings was in the house with Mrs Round Nose. (This witnessés evidence was translated by an Interpretor, Mike Mountain Horse).

16. The next witness was Eddie Red Crow who stated that he was Blood Indian and knew Round Nose, that on the night of September 16th 1939 he had left the Government Survey camp at Stand Off with his wife and his Mother-in-law. His Mother-in-law was Mrs Julius Iron Horn and she was a Sister of Round Nose. They called at Round Nose's house about 7.30 p.m. and all greeted Round Nose. Mrs Round Nose had prepared supper for them and they ate there. There was some argument between Round Nose and his wife about him having to pay $50.00 to Spear Chief for Mrs Round Nose to live with Round Nose again. Round Nose told this witness that when he was in the jail he had received seven letters and some of them were not good but his (the witness) letter was the best one he got. Round Nose told his sister, Mrs Julius Iron Horn, that he was through with her and not to come round to his place any more as she had not been to see him when he was in the Jail. Mrs Round Nose had told Mrs Iron Horn not to bother what he said as she liked her and if she would go to Cardston on Tuesday she would meet her there and buy some groceries for her. Round Nose was mad about her (Mrs Round Nose) telling the Indian boys who had been there before them, namely Joseph Sun, Paul Melting Tallow and Butterfly, about Round Nose having to pay Spear Chief $50.00, and when she had told these boys Round Nose did not like it. While the witness was at Round Nose place both Round Nose and his wife had beend drinking and Mrs Round Nose was staggering around and both appeared a little drunk. The witness did not see any liquor while he was at Round Nose place and then he left with his wife and his Mother-in-law about 9.30 or ten oclock and there were only Round Nose and his wife there then. Mrs Round Nose was well physically and neither had any injuries.

17. The next witness was Mrs Crow Spreading His Wings No 1, and she gave her evidence which was translated by the Interpretor Mike Mountain Horse. She stated she had gone over to Round Nose house the night he came back from Lethbridge. She had stayed a little while with them as they were her nearest neighbour. She did not stay long and some other Indians were there when she left. Next morning, Sunday September 17th 1939 she was awakened by some one calling her and she got up and saw Round Nose outside

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder, Section 263, C.C.C.

17. (continued) and she went out and spoke to him and he asked her to come over to his house and look after his wife. This was about sunrise as the Sun was up a little. Round Nose had ridden his horse back home, a distance of about ¼ mile and she had gone over with her daughter on foot. When she arrived at Round Nose place Round Nose met her and he was standing in the living room and said there she is go and have a look at her. The witness went into the bedroom and saw Mrs Round Nose lying on the bed she was bleeding from a wound at the back of her head, behind the ear, and her face had blood on it and the pillow under her head also had blood on it. Round Nose told her to clean the blood off her and see if she would speak to her. A fire was started in the kitchen stove and the witness got some warm water and bathed her face but did not touch the blood on the wound. The witness spoke to Mrs Round Nose but got no response and she could see she was badly hurt. Round Nose asked her if she spoke and she lied to him when replying that Mrs Round Nose had spoken to her. She told Round Nose these lies because she was afraid of him. Round Nose told her that she stabbed him with a Butcher knife when he was in bed and that he threw her off. Round Nose indicated to the witness where he had been stabbed and she saw the cuts on his left wrist. Round Nose had a bandage on it but the witness had taken it off and put some coal oil on the wound and put a fresh bandage on it. The witness tried often to get some response from Mrs Round Nose by speaking to her but was unsuccessful.

18. The next witness was Herbert Bull Calf who stated he was an Indian of The Blood Band and knew Round Nose very well. On Sunday morning, September 17th 1939 he was at Jack Eagle Bears place with Jimmy Knife and Two Guns Knife, this was early in the morning about 8 oclock, Round Nose rode across the Coulee from his place on horseback and greeted them at the door, he had a bandage on his left hand and was bleeding, He said "I'M in big trouble now, I beat my wife and she's pretty bad". Round Nose said "she stabbed me with a knife on here, indicating the wrist, and here indicating the back of the elbow and here indicating his left collar bone". The witness saw the blood and saw some of the stab wounds. The witness used an Indian word which indicated some serious injury, as describing the condition of Mrs Round Nose given by Round Nose himself. Round Nose told the witness that she went out to the kitchen when he was in bed in his underwear and she brought him some drinks and then she came back from the kitchen with a knife and started to stab at him and he threw her with his arm. Round Nose was looking for Joesph Crow saying he was going to Cardston to the Police and he wanted Joseph Crow to look after his place. They told him where Jospeh Crow was, at Maurice Prairie Hens place and he got on his horse and rode away. The witness did not go over to see Mrs Round Nose at all.

19. The next witness was Mike Mountain Horse, the Interpretor, who was called to explain the word used by the Indians as being the word used by Round Nose who could not speak English. Mountain Horse said that the word means Seriously hurt or injured. The witness was then asked by the Defence Counsel the effect that Rubbing Alcohol had on Indians when they drank it and he replied that from his experience as a Scout for the Police for twenty years it made the Indians lose their mind, so that they did not know what they were doing and on some it eventually laid them out so that they were unable to walk. He definitely stressed the fact that Alcohol had more effect on Indians than on white men and there was no knowing what an Indian would do when under the influence of liquor, especially Rubbing Alcohol.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263, C. C. C.

---

20. The next witness was Jim Big Throat who stated he was a Blood Indian and knew Round Nose. On September 17th 1939, he was at George Vielle's place and Round Nose came there some time about nine oclock, in the morning. Round Nose rode up to the house and he had a bandage on his left hand and it was bleeding. There was blood on his shirt and on his left pants leg. He told the witness and others who were there that he had been stabbed by his wife, indicating the wounds on his wrist, on his left elbow and his left collarbone. He had beaten up his wife and she was in a bad way, he was on his way to Cardston to see the Police andgo to the Hospital. Round Nose wanted Joseph Crow to look after his place while he would be away. He told George Vielle about the knife with which Mrs Round Nose stabbed him, and he would find it in the stable and to give it to the police when they came there.

21. The next witness was Two Guns Knife, a brother of Jimmy Knife who stated he was an Indian of the Blood band and was with Jimmy Knife and Herbert Bull Calf on the morning of 17th September 1939, at Jack Eagle Bears place, when Round Nose came there and told them he was in big trouble he had beaten up his wife and she was in bad shape. Round Nose said his wife stabbed him with a butcher knife which she got in the kitchen and when he was getting ready for bed and was in his underwear. The witness indicated the places where the wounds were and Round Nose still had a bandage on his left wrist and it was still bleeding. Round Nose asked for Jospeh Crow saying he wanted him to look after his place while he would be away. Round Nose was to told where Joseph Crow was, at George Vielle's place, and Round Nose left them saying he was going to Cardston and would go and see the Police and then go to the Hospital.

22. George Vielle, who had previously given evidence was recalled to give further evidence regarding Round Nose visit to him on Sunday morning when he told him where to find the butcher knife and what to do with it but his evidence was merely corroboration of Jim Big Throat's.

23. This concluded the Prosecution, the evidence having taken two days to put in and during the afternoon of the second day, Tuesday, Mr A.B.Hogg, K.A.C. addressed the Jury.

24. Mr Hogg pointed out the evidence as submitted, was to the effect that a party of Indians had returned from Lethbridge and had been drinking on the way. They had rubbing alcohol and both Round Nose and his wife were left at their home that night. The last witness to see them that night was Eddie Red Crow and his evidence indicated they had been drinking, even going so far as to say Mrs Round Nose was staggering. At the time this witness left them both Round Nose and his wife were in good physical condition, no woundseen either of them. A fight took place during the night between Round Nose and his wife and no witnesses could be found. Mrs Round Nose was seen next morning by the first witness, Mrs Crow Spreading His Wings, and at that time Mrs Round Nose was badly wounded with blood flowing from the head. Round Nose also had wounds on his arms and chest. The story of the fight is the story of Round Nose only and there is no corroboration, it is simply a story that any one would tell to suit his own ends. The difference between murder and other verdicts that the Jury were at liberty to bring in he would leave to the Judge in his address to the Jury. Mr Hogg referred to the fall the woman had when in the Hospital but the evidence indicated that the woman did not strike her head on the floor. She was in a serious condition admitted, but the operation was performed as a last resort to prolong the Womans life. According to Dr Dobry's evidence who assisted at the operation and who performed the Autopsy, the cause of death was

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder, Section 263, C.C.C.

---

24 (continued). Cerebral Haemorrhage. The evidence of Dr Powers when questioned on the Fracture of the skull received by Mrs Round Nose, would indicate that such a fracture would cause the injury to the Brain which was the real cause of Death. This injury was made before the woman entered the hospital and from the first witness who saw that Sunday morning early, namely, Mrs Crow Spreading His Wings, there was every indication that she was then suffering from the head injury as she neither spoke to Mrs Crow or moved when touched. The question of self defence might be brought up but even if attacked by the woman was the force used by Round Nose, as he admits he pushed her off, only sufficient to prevent further attacks. The question of intent which was necessary in Murder charges would be touched on by the judge but nevertheless should be considered by the Jury as even if there were no intent, recklessness of the eventual outcome of the Force used by Round Nose might substantiate a Jury's verdict of Murder. Dr Holmes evidence which was read into the records indicated that the Wounds found on Round Nose could have been self inflicted. Regarding the question of Round Nose being so intoxicated as to not know what he was doing, the last witness there, Eddie Red Crow, said that both Round Nose and his wife were physically well but Mrs Round Nose was staggering, there was nothing to indicate that they were laid out.

25. Defence Counsel, M.Moscovich, then addressed the Jury stating that there was nothing brought out by the Prosecution to indicate that Murder had been committed. For the Jury to bring in a verdict of Murder it must necessarily be shown that there was Intent, on the part of Round Nose to kill his wife. Defence Counsel dwelt chiefly on Self Defence and Intoxication. For self defence it was shown by Round Nose that he had been attacked and stabbed with a butcher knife in the hands of Mrs Round Nose and any person attacked is entitled to defend themselves. No one can tell actually what danger Round Nose was in and he might have been in fear of his very life. Again he may have been so intoxicated as to not know what he was doing. He had had several drinks between the time he left Lethbridge in the late afternoon until the time Red Crow left at about ninethirty or thereabouts. The liquor they had was Rubbing Alcohol which an Indian Witness had claimed made Indians so that they did not know what they were doing. Defence Counsel then stated the accused was a poor simple Indian that could not understand one word of the Court proceedings and the evidence had to be given to him by an Interpreter and he asked that the Jury consider his case in the light that he did not know what he was doing and asked for leniency in every possible way.

26. The Judge then addressed the jury explaining the definition of Murder as defined in the Criminal Code mentioning the different sub-sections showing Intent, Recklessness of action, etc and then definitely told the Jury that a Verdict of Murder was out of the question. He then went on to explain about Manslaughter, where a person causes another's death when he does not intent that death will ensue. He then mentioned Self-Defence stating that a person is justified in using only sufficient force as is necessary but should not be reckless what force they use. He then pointed out the question of Intoxication, claiming that it is a class of Insanity, and a person is not excused under the Criminal Code for any offence he commits unless he is insane. He then pointed out that Round Nose, if was so drunk as to be incapable of knowing what he was doing could be excused but the evidence of the witnesses showing his statements the following morning to witnesses, Mrs Crwo Spreading His Wings and Jimmy Knife, Two Guns Knife and Herbert Bull Calf, were such as to indicate an alert mind and

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

ROUND NOSE. Blood Indian Reserve. Alberta.
Murder. Section 263, C.C.C.

---

26. (continued) he was able to tell them what happened and to some extent how it happened which could not be done if a person were intoxicated. He stressed the statements of the accused to the witnes es as being "Convenient" statements, statements that would be made by an accused party to try and excuse himself and there was no corroboration by any one. This evidence would have to be considered by the Jury with due diligence. He also stressed the evidence of Dr Holmes and Dr Dobry with the expert evidence of Dr Powers, the woman was admitted to the hospital with injuries that would cause death. How did the injuries occur? Both Round Nose and his Wife were well physically when last seen by the witness Red Crow and the first witness taken to the Round Nose house next morning, by Round Nose himself, finds the woman suffering from these injuries. All through his address the Judge stressed a verdict of Manslaughter and as good as told the Jury in a round about way that that was the verdict they should bring in.

27. The jury retired for about 50 minutes and then brought in a verdict of "Not Guilty".

28. The prisoner Round Nose was released by the Judgeon being found Not Guilty.

Expenditure. Contacting Witnesses
4-3-40. Pol car Code 1877.... 40 miles
5-3-40. " " " " .... 85 miles
10-3-40. " " " " to Standoff re obtaining Harry Big Throat as extra Interpreter 55 miles
11-3-40. Patrol Pol car Code 1877 to Macleod to attend Trial 90 miles. Cst Murray returned with car to Cardston.
11-3-40. Sgt Jakeman 1 (L) 50¢ 1 (D) 50¢
11-3-40. Sgt Jakeman. Room at Hotel $1.25
12-3-40. Sgt Jakeman. 1 (B) 40¢ 1 (L) 50¢ 1 (D) 50¢
12-3-40. Pol car Code 1877 returning to Cardston 86 miles. Cardston to Macleod and return.

DISMISSED.

CONCLUDED

B C Jakeman Sergt
B.C.Jakeman. Reg No 9454
I/C Cardston Detachment.

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED:

1. I have discussed this matter with the Agent of the Attorney General, Mr. A.B. Hogg, K.C., who also had the opportunity of discussing this case with the Deputy Attorney Generaly when he was here last Friday. Mr. Hogg at first felt that an Appeal on a point of law raised in the summing up by the Judge might be given consideration but when I later spoke to Mr. Henwood on the matter he expressed the opinion that owing to insufficient grounds on which to base an appeal no good purpose would be served thereby.

NO COPIES ELSEWHERE.
CONCLUDED.

Leth. 20-3-40
B:A

sgd. "H. Darling" Inspector.
Commanding Lethbridge Sub-Division.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

44435

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 39B 636-13-H-7 OTTAWA. April 3, 1940

YOUR FILE No. _____

Sec 4

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Representative of the Treasury
APR 10 1940
Department of Mines & Resources
Indian Affairs Branch
APR 4 1940
REGISTERED

JSC/RB

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

MG.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Department of Mines & Resources
Indian Affairs Branch
APR 8 1940
REGISTERED

OTTAWA 5th April, 1940.

Sir,-

A.3.Mines & Resources
Alta.

I have the honour to refer to your letters of March 20th and 26th and April 2nd and to return you herewith account of Mr. M.E. Moscovich, Barrister, Lethbridge, Alta. Forwarded with the first letter covering services in connection with the defence of Round Nose, Blood Indian of Cardston charged with murder, rendered at $1109.50 and taxed and allowed at $554.58. I also return file No. 19103-6 which accompanied your letter of March 26th.

AUDITED
FOR PAYMENT
APR 10 1940
Treasury Office
I. A. BRANCH

I have the honour to be,

Sir,

Your obedient servant,

"Encl."

for Deputy Minister of Justice.

The Director of Indian Affairs,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

EXTRACT
ORIGINAL ON
75-103

File

Cardston, March 31st, 1940.

AGENT'S REPORT ON BLOOD AGENCY FOR MARCH 1940.

x x x

Separate report on the cases of Round Nose and Helen S. Wolf were made to the Department on conclusion of each case. There has been some criticism of the staff at our hospital since the trials, and have dealt with. This has been chiefly on religious grounds.

x x x

J. E. Pugh.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

EXTRACT
ORIGINAL ON
75-103

Cardston, Alta., March 31, 1940.

File

AGENT'S REPORT ON BLOOD AGENCY FOR MARCH 1940.

EXD.

x x x

During the month a number of the Nursing staff were taken to Macleod to attend as witnesses in the Round Nose and Helen S. Wolf cases, this duty was attended to personally.

x x x

J.E. Pugh.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

File No. 19103 - 6

Credit Advice

MEMO.

April 6th, 1940. ~~193~~

The following remittance has been received from

Indian Agent John E. Pugh at Blood Agency

and recorded in the Official Cash Book. Folio 10

Amount $ 23.60

Agency Receipt Nos. 37090 & 37091 dated March, 1940,

Payer Province of Alberta on account of witness fees, etc.

Rex - Round Nose ..... $13.00 - Rex - H. S. Wolf $10.60,

173-71-06-167.

Treasury Branch Resources
APR 15 1940
REGISTERED

For Treasury Branch.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

Moscovich & Moscovich
Barristers and Solicitors

M.E. MOSCOVICH, K.C.
S.S. MOSCOVICH, LL.B.

HERALD BUILDING,
Lethbridge, Alberta.

April 10th,
1940.

Department of Mines & Resources
Indian Affairs Branch
APR 13 1940
REGISTERED

Your file: 19103-6.
T.R.L. MacInnes, Esq.,
Secretary, Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Can.

Dear Sirs:

RE: ROUND NOSE, Blood Indian,
of Cardston, Alberta.

Since submitting to you my account almost a month ago I have not received an acknowledgment from you.

I would very much appreciate hearing from you and I would also appreciate a cheque for my account.

Yours truly,

M.E. Moscovich

M.E. MOSCOVICH, K.C.

MEM:M

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

EX'D.
A.

April 15, 1940.

Dear Sir:

I have to refer to your communication of April 10, with regard to payment of your account in the case of Round Nose, Blood Indian charged with murder.

A cheque was forwarded to you on April 10. The reason that there was some delay was occasioned by the fact that all accounts of this nature have to be submitted to the Department of Justice, for taxation, before payment can be made.

Yours very truly,

T. R. L. MacInnes,
Secretary.

M. E. Moscovich, Esq.,
Messrs. Moscovich and Moscovich,
Barristers, etc.,
Lethbridge, Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

Moscovich & Moscovich
Barristers and Solicitors

M.E. MOSCOVICH, K.C.
S.S. MOSCOVICH, LL.B.

HERALD BUILDING,
Lethbridge, Alberta.

Copy

April 15th,
1940.

Department of Mines & Resources
Indian Affairs Branch
APR 19 1940
REGISTERED

Department of Mines & Resources,
Indian Affairs Branch,
OTTAWA,
Ont.

Dear Sirs:

RE: REX V ROUND NOSE, Blood Indian
of Cardston, Alberta.

I received your cheque for $554.58. I would be pleased to learn whether the Department has a fixed and inflexible tariff of fees.

I put in a tremendous amount of labour and effort and spent a lot of necessary time in connection with this Indian's defence and feel that the account as submitted ought not to be arbitrarily sliced in the manner it was.

An answer from you would be greatly appreciated.

Respectfully yours,

Max E Moscovich

M.E. MOSCOVICH, K.C.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

April 20, 1940.

Dear Sir:

Re: Rex vs Round Nose, Blood
Indian of Cardston, Alberta.

I have to refer to your communication of April 15, with respect to the payment of your account in the above case.

In reply to your enquiry, I have to inform you that your account has been paid as taxed by the Department of Justice as required by law, and this Branch has no authority to vary the amount. In so far as I am aware there is no fixed tariff of fees.

Yours very truly,

T. R. L. MacInnes,
Secretary.

M. E. Moscovich, Esq., K.C.
Messrs. Moscovich and Moscovich,
Barristers, etc.,
Lethbridge, Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

CIE

8.

Ottawa, April 20,1940.

Dear Sir:

I have to refer to your letter of April 5, with regard to the account of Mr. M.E.Moscovich, K.C., of Lethbridge, covering the services rendered in the defence of Round Nose, Blood Indian of Cardston, Alberta, charged with the murder of his wife. The account was submitted at $1109.50 and taxed by your department at $554.58.

A letter has now been received from Mr. Moscovich with regard to this account, copy of which I am enclosing herewith for your consideration and advice.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

EM/MG.

Department of Mines & Resources
Indian Affairs Branch
APR 26 1940
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 25th April, 1940.

Sir,-

A.3.General-Alta.

I have the honour to acknowledge receipt of your letter of April 20th and to say that if Mr. Moscovich will submit an office copy of his account to this department the deductions made by our Taxing Officer will be endorsed thereon and any observations in respect of such deductions then made by Mr. Moscovich will receive due consideration.

I have the honour to be,

Sir,

Your obedient servant,

for Deputy Minister of Justice.

The Director of Indian Affairs,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

LXD.

19103-6

April 29, 1940.

Dear Sir:

Re: Rex vs Round Nose, Blood Indian of Cardston, Alberta.

I have to refer to your communication of April 15, and my reply of April 20, with respect to payment of your account in the above mentioned case.

This matter was referred to the Department of Justice, and I am now in receipt of a reply from them, in which they state that if you will submit an office copy of your account to their Department the deductions made by their Taxing Officer will be endorsed thereon, and any observations in respect of such deductions then made by you will receive due consideration.

Yours very truly,

T. R. L. MacInnes,
Secretary.

M. K. Moscovich, Esq., K.C.,
Messrs. Moscovich and Moscovich,
Barristers, etc.,
Lethbridge, Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19103-6

[illegible] V. Moscovich
[illegible] and Solicitors

M.E. MOSCOVICH, K.C.
S.S. MOSCOVICH, LL.B.

HERALD BUILDING,
Lethbridge, Alberta.

Notice
[illegible]

May 9th,
1940.

EXD.
8

Department of Mines & Resources
Indian Affairs Branch
MAY 13 1940
REGISTERED

T.R. L. MacInnes, Esq.,
Secretary,
Indian Affairs Branch,
OTTAWA, Ont.

Dear Sir:

RE: RED V ROUND NOSE, Blood Indian
of Cardston, Alberta.
Your file: 19103-6

I am in receipt of your letter of the 29th ult. for which I am grateful to you.

I have forwarded a copy of my account to the Department of Justice in accordance with your suggestion.

Yours truly,

M.E. Moscovich
M.E. MOSCOVICH, K.C.

MEM:M

Indian Affairs. (RG 10, Volume 7468, File 19103-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19103-7 DORMANT DORMANT

DORMANT FILE NO. 19103-7 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

BLOOD
MURDER
SAM CREIGHTON BY BILLY CREIGHTON

CROSS REFERENCE

EXD
N

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
12/5/19		9.6.57					9.6.57

K. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19103-7

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

BLOOD

MURDER

SAM CREIGHTON
BY
BILLY CREIGHTON

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 402-8

Reply

Blood Indian Agency
Cardston
December 1st 1940.

Sir;-

I beg to make the following report on the disturbance on Friday night and Saturday morning regarding a quarrel between Sam Crieghton nad his Brother Billy Creighton,

On arrival in Cardston on Saturday afternoon, I found that Sam Creighton was in Hospital in a very serious condition from a head wound made by Billy Creightom with an axe.
I immediately visited the R C M P Barracks, and interviewed the Police, (who had forgotten to notify me what had happened)and found Billy Creighton in the Cells.
From invstigation it was found that they had purchased from a white man two bottles of Rubbing Alchol, and had been drinking this on their way home Friday night. Sam Creighton along with Frank Scout went to the Home of his father Chief Percy Creightom, and Billy along with Ben Scout went to the home of his Brother Bob Sorrel Horse.
When Sam arrived at his Fathers home he immediately started to wreck the place, blaming his father for a previous Jail sentence, and when the parents protested, he hit his Father on the Head with his fist, and knoked his mother around, during the fight Wallace the younger brother went to the home of Bob Sorrel Horse, and informed his brother Billy that Sam was beating up his mother and Father.
Billy still under the influence of the Rubbing Alchhol, went down to his father's place, and seizing an axe hit Sam over the headwith the axe, splitting his Skull open and was deterred from further hitting him by the people in the room,
In the meantime the boy Wallace had gone to St Pauls School and had Telephoned the Mounted Police, who came out and arrested Billy and took Sam to the Hospital in an unconscious condition. Sam remained in this condition all day Saturday, but upon telephoning the Hospital this morning he had regained consciousness.
On Saturday afternoon after interviewing Billy Creighton and also Frank Scout, as to the description of the man who supplied the Rubbing Alcohol, while talking to Mr Macleod of our Staff, noticed a man of the description given, passing us and while I phoned the Police Mr Macleod, kept him in sight, when the Police arrived he had left in a car for Lethbridge but was overtaken, and after being identified, Pleaded Guilty and was fined $100.00 and costs oe three months Hard Labor in Lethbridge Jail.
I might state that Sam Creighton has a very poor character on this Reserve having deserted his wife and three children some years ago,has also been in the Lethbridge for drinking and abusing his parents.
As this case may eventually turn out to be either Manslaughter or Murder, I would be glad to receive the Department's advice regarding the defence of this boy Bill Creighton.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

This Boy Billy Creighton has been a very good worker, and has given very little trouble on the Reserve, and I think deserves the best defence we can give him if this quarrel ends fatally.

The man found guilty of supplying was Elmer Walkey age 19 who had been working in this district, and whose home is British Columbia.

Bill Creighton has been remanded in Custody for eight days under Section 135 of the Indian Act.

May I have the departments recommendation and advice by Air Mail as the patient is still in a very dangerous condition.

Your Obedient Servant

Anthony McMullaey

Clerk in Charge.

The Secretary
Indian Affairs Branch
Dept of Mines & Resources.
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

402-8

December 3,1940.

AIRMAIL.

Dear Sir:

I have to refer to your communication of December 1, with regard to assault upon Sam Creighton by his brother Billy Creighton, Indians of your agency.

If Sam Creighton dies from the effect of the injuries sustained by him, please advise the department immediately and steps will be taken to obtain authority from the Department of Justice for the engagement of counsel to defend Billy.

Yours very truly,

T.R.L.MacInnes.
Secretary.

J.E.Pugh, Esq.,
Indian Agent,
Cardston, Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

Phone 162 P. O. Box 192

Cardston Motors, Limited

Exide Batteries - FORD CARS - Alemite Station

WE SERVICE ALL CARS

CARDSTON — ALBERTA

Department of Mines & Resources Indian Affairs Branch DEC 9 1940 REGISTERED

AIR MAIL.

Blood Indian Agency
Cardston.
December 6th 1940.

Sir;-

I beg to advise that tonight I received your letter of the 3rd inst, regarding Sam Creighton assaulted by his brother Billy Creighton of this Agency.

Enclosed in the Letter was agreen card marked urgent, and your letter marked Air Mail but it has arrived ordinary mail, so I am taking the liberty to use the Cardston Motors letter Head in replying, as the Mail if posted tomorrow will not leave till Monday morning.

Sam Creighton died last night, and a Coroners Jury was formed and the body examined and a Post Mortem made and the body released to the family, for burial, and the inquest adjourned till Tuesday December 10th at 10 oclock.

Up to the present no charge has been laid by the mounted Police and will not be done till after the inquest, the accused being held on a liquor charge only.

May I be advised as sonn as possible the Counsel the Department decide on, so that he may take ove r at the preliminary hearing.

Your Obedient Servant

Anthony McMillan

Clerk in Charge.

The Secretary
Indian Affairs Branch
Dept of Mines & Resources.
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr Young.

Air Mail

19103-7

AIRMAIL

December 9,1940.

Dear Sir:

I have to refer to your letter of December 6 with regard to Sam Creighton who was assaulted by his brother Billy Creighton and has since died.

Please advise me what charge is laid against Billy Creighton by return airmail. If a charge of murder is laid, the department will provide counsel to defend him.

Yours very truly,

T.R.L.MacInnes.
Secretary.

Anthony McMillan, Esq.,
Clerk in Charge, Indian Agency Office.
Cardston, Alberta

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

D. M. 19103-7
File

Lethbridge Herald 6/12/40

Son Of Blood Indian Chief Dies As Younger Brother Held by Police

Inquest on Death Sam Creighton Set For Tuesday Morning

(From Our Own Correspondent)

CARDSTON, Dec. 6. — Sam Creighton, about 30, son of Chief Percy Creighton of the Blood Indian tribe, died in the Cardston Indian hospital last night.

A week ago the Indian was wounded in the head during an alleged melee on the reserve and his younger brother Bill has been held by the R.C.M.P. at Lethbridge, the condition of the wounded brother being watched in the meantime.

An inquest has been ordered for Tuesday at 10 a.m., but the body has been viewed and released for burial. Coroner Dr. H. B. Stacpoole will preside and the jury follows: M. D. Cahoon, foreman, R. M. Shaw, John Kearl, Earl Hacking, V. S. Williams and J. R. Kirkadie.

Calgary Herald 7/12/40

Chief's Son Dies, Injured in Melee

Lethbridge, Dec. 7

Sam Creighton, about 30, son of Chief Percy Creighton, of the Blood Indian tribe, died in the Cardston Indian hospital last night.

A week ago he was wounded in the head during an alleged melee on the reserve and his younger brother Bill has been held by the R.C.M.P. at Lethbridge. An inquest will be held Tuesday.

The Albertan 7/12/40

BROTHER DIES HOLD INDIAN

Chief's Son Suffered Wound During Disturbance

(Special to The Albertan)

CARDSTON, Alta., Dec. 6.—Sam Creighton, about 30, son of Chief Percy Creighton of the Blood Indian tribe, died in hospital here Thursday night from head wounds police said he suffered in a disturbance at the nearby reservation.

Bill Creighton a younger brother is held by police for questioning in connection with the wounding a week ago. An inquest has been set for Tuesday.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19103-7

Lethbridge Herald 2/12/40

Blood Indian In Hospital, Another In Jail

(From Our Own Correspondent.)

CARDSTON, Dec. 2.—Sam Creighton, son of Chief Percy Creighton of the Blood Reserve, is in a serious condition in hospital here, suffering from head injuries alleged to have been sustained in a melee on the reserve last Friday. His brother Bill is being held in jail in Lethbridge while the condition of the injured man is being watched. The case is in the hands of the R.C.M.P.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch
DEC 14 1940
REGISTERED

PLEASE QUOTE
FILE 402-8

Blood Indian Agency,
Cardston, Alta., December 11th, 1940.

AIR MAIL.

Sec 7

Sir:-

I beg to acknowledge your file No. 19103-7 of the 9th instant, with reference to the charge against Billy Creighton in connection with the death of his brother Sam Creighton.

In reply I would state that I am advised by the Inspector of the R.C.M.P., Lethbridge, that the charge to be laid is "Murder".

Seem to say an det word definite word from agent

I wish also to state that the Creighton family obtained the services of M.E.Moscovich, K.C., Lethbridge, to represent them at the Coroner's Inquest which was held in Cardston on the 10th instant. I would be glad to be advised as soon as possible of Counsel to be appointed by the Department.

Your obedient servant,

Anthony McMillan

Clerk in Charge.

The Secretary,
Indian Affairs Branch,
Dept. of Mines & Resources,
Ottawa, Ont.

Indian Affairs. (RG-10, Volume 7468, File 19103-7, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

CANADIAN PACIFIC TELEGRAPHS

DIRECT CONNECTION WITH
POSTAL TELEGRAPHS - COMMERCIAL CABLES
IMPERIAL CABLES - CANADIAN MARCONI

MONEY TRANSFERRED BY TELEGRAPH

C.D.
This is a full-rate Telegram or Cablegram unless otherwise indicated by signal in the check or in the address.

TELEGRAM		CABLEGRAM	
FULL RATE		FULL RATE	
DAY LETTER	DL	CODE	CDE
NIGHT LETTER	NL	DEFERRED	LG
NIGHT TELEGRAM	NM	NIGHT CABLE LETTER	NLT

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

STANDARD TIME

RNA129 13 COLLECT 19 PM 12 4

CARDSTON ALTA 19 1020A

SECRETARY INDIAN AFFAIRS BRANCH

DEPT MINES AND RESOURCES OTTAWA

NO INSTRUCTIONS COUNSEL DEFENCE BILLIE CREIGHTON STOP MOSCOVITCH ACTING AT PRELIMINARY TODAY

A MCMILLAN..

Recd Dec 19, 1940

268

Keep file

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form 6102 B

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

Money Transferred by Telegraph

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

CLASS OF SERVICE DESIRED
FULL-RATE MESSAGE
DAY LETTER
NIGHT MESSAGE
NIGHT LETTER

PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED. OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

Ottawa, December 19, 1940.

Anthony McMillan,
Clerk in charge,
Blood Indian Agency,
Cardston, Alberta.

AS PREVIOUSLY ADVISED IF CHARGE LAID IS MURDER DEPARTMENT WILL PROVIDE COUNSEL TO DEFEND BILLY CREIGHTON ADVISE BY WIRE.

R. Hoey

C.M.R.
I.A.

Harold W. McGill.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADIAN PACIFIC TELEGRAPHS

DIRECT CONNECTION WITH
POSTAL TELEGRAPHS - COMMERCIAL CABLES
IMPERIAL CABLES - CANADIAN MARCONI

MONEY TRANSFERRED BY TELEGRAPH

STANDARD TIME

This is a full-rate Telegram or Cablegram unless otherwise indicated by signal in the check or in the address.

TELEGRAM		CABLEGRAM	
FULL RATE		FULL RATE	
DAY LETTER	DL	CODE	CDE
NIGHT LETTER	NL	DEFERRED	LC
NIGHT TELEGRAM	NM	NIGHT CABLE LETTER	NLT

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

Department of Mines & Resources
Indian Affairs Branch
JAN 15 1941
REGISTERED

RNA234 13 COLLECT

CARDSTON ALTA 19 20CP 1940 DEC 19 PM 4 14

H W MCGILL 546

DIRECTOR INDIAN AFFAIRS BRANCH OTTAWA

VIDE AIR MAIL LETTER ELEVENTH BILLY CREIGHTON CHARGED

MURDER PRELIMINARY NOW ON

A MCMILLAN

Keyed

PHONED
By MC To
Time 4.3

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Department of Justice (Mr.Pearson) authorized the employment of Mr. L.E.Fairbairn, Barrister, of Lethbridge, to defend Billy Creighton (over the telephone,)December 20, 1940.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form 61023

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Se[illegible] to all the [illegible]d

Money Transferred by Telegraph

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

CLASS OF SERVICE DESIRED
FULL-RATE MESSAGE
DAY LETTER
NIGHT MESSAGE
NIGHT LETTER

PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED. OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

Ottawa, December 20, 1940

Anthony McMillan, Clerk in charge,

Blood Indian agency, Cardston, Alberta.

RE BILLY CREIGHTON CHARGED WITH MURDER DEPARTMENT OF JUSTIVE HAVE AUTHORIZED EMPLOYMENT OF MR. L.E.FAIRBAIRN BARRISTER OF LETHBRIDGE TO DEFEND INDIAN STOP PLEASE ADVISE HIM.

C.M.R.
I.A.

T.R.L.MacInnes.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

40K 637/2-126.

Re: Sam CREIGHTON - Blood Reserve, Alta.
Death as result of Violence.

The Commissioner,
R. C. M. P.
Ottawa, Ont.

Sir;

Copies of report from Cardston Det. dated Nov. 30th, and report from Cardston dated Dec. 6th, herewith for your information.

The Deputy Attorney General preferred to have a member of this Force take care of the inquest rather than his agent for the Cardston District.

Edmonton,
Dec. 9th, 1940.
11 W.

E. Stott

E. Stott - S/Sgt. for
Officer I/C C.I.B. O.D.S.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Sam CREIGHTON - Blood Reserve, Alta.
Death as a Result of Violence (Inquest)

-2-

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir:

FORWARDED for your information.

1. It will be noted that the inquest into the above sudden death has been adjourned to 10 a.m. Tuesday December 10th. Report will follow covering fully the investigation of the assault which resulted in the death of the above named.

2. As a charge of murder or manslaughter will be laid, may I suggest that consideration be given by the Deputy Attorney General in having one of his agents present at the inquest.

Leth. 6-12-40
H:H

sgd. (J. Brunet) Inspector.
Commanding Lethbridge Sub-Division.

COPY TO DEPUTY ATTORNEY GENERAL.

COPY TO THE VITAL STATISTICS DEPT.

The Commissioner,
R. C. M. P.
OTTAWA, Ont.

Sir:

Forwarded for your information, with report from Cardston Det. of 30-11-40.

Edmonton, Dec. 9th, 1940.

E. Stott

11 W.

E. Stott - S/Sgt. for
Officer I/C C.I.B. O.D.S.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. _____ F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	LETHBRIDGE	CARDSTON

Province: ALBERTA

Date: DEC. 5th, 1940.

File References

Re: Billy CREIGHTON, Blood Indian Reserve, Alberta.
Assault Causing Grievous Bodily Harm, Sec. 274 C.C.C.
CHANGED TO: Billy CREIGHTON (Indian) - Blood I.R., Alta.
~~MURDER - Sec. 265 CCC~~
~~30-11-40~~

Headquarters

Sub-Division

40L 384-87

Detachment

P. C. R.

Cardston First.

1. On the above date approximately 12.30 A.M. Cst. Doane received a telephone call from Chas Middleton of St. Paul's Anglican School that the police were needed at the Percy Creighton Home on the Reservation as Sam Creighton was beating up on his folks.

2. Cst. Doane communicated this information to the N.C.O. 1/C Cardston Detachment, L/CPl. W. Ellis, and on instructions from him he called the writer and picked up S/Cst. Chas Good Rider. Accompanied by Cst. Doane and S/Cst. Good Rider patrol left Cardston and proceeded as quickly as possible to the Percy Creighton place and reached there about 1.45 A.M.

3. On entering the home of Creighton we found that Mrs. Creighton, her husband Percy, a small child, Bob Sorrel Horse, Frank Scout and Sam Creighton was lying on the couch. Sam wasn't moving and Frank Scout was sitting on a chair and was drunk. Percy Creighton was questioned and he said that Sam was drunk and had tried to beat up his mother and himself and that he had broken the window and spilled water all over the place and broken a chair and also hit his father on the top of the head and knocked his mother down twice in the skuffle. Percy then intimated that his young son, Wallace was in the room when Sam came in drunk and that he went for help and in reply to this Billy had come down from Bob Sorrel Horse's place to the west of there and hit Sam on the head with a sledge, just one blow, and Sam hadn't moved since

4. Sam had a big lump on the left jaw and it looked as though he needed attention and he was immediately moved with the help of the parties present outside to the car. In moving Sam the writer took the head end on reaching the car and in the light it was found that Sam had a big cut in the top of the head and a bump that would fill the palm of your hand. Clothes were found to cover the wound and he was placed in the police car and removed to the Indian Hospital where Doctor Jas. A. Key, the Indian Doctor for the Blood Reserve, was immediately called to render assistance. Frank Scout was taken into custody at the time and this case has now been disposed of. See separate reports. F. 264 B & C. It was now 2.30 A.M. when we finally had Sam Creighton in the operating room at the hospital.

Diary Date 5-1-41.

5. When I went back into the house at the Creighton place Percy said that Sam had made a threat that he would smash his father's face in even if the Chief was there

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON, Blood Indian Reserve, Alberta,
Assault Causing Grievous Bodily Harm, Sec. 274 C.C.C.

5. continued -
for him having given him two months the last time. Mrs. Creighton said that Sam had knocked her down and hit Percy. At this time it was also noted that where Sam had been lying on the couch that there was a lot of blood and considerable congealed blood.

6. Dr. Key came immediately in response to the call and with th the help of Sister Marcoux and Sister St. Saviour, Sam was preparted for treatment. Dr. Key dressed the would on the top of the head and while he was doing this Cst. Doane was asked to report to L/Cpl. Ellis what had occurred while the writer remained with the patient and that he would stay with him till morning. The would was sewn up and the Doctor said that it was serious and that some of the brains were injured. He had taken a few of them out that were sticking through the wound, the injury was a decompressed fracture of the skull. Patient was removed to the ward on the second floor at 3.15 A.M.

7. Cst. Doane reported back to the hospital to pick up S/Cst. Good Rider and on instructions from the N.C.O. 1/C detachment they proceeded to the Creighton place to pick up Billy Creighton and the weapon used in the assault on Sam, and to hold Billy in the Cells here. This was done without delay and the Indian apprehended and put in the cell block. The axe, as it turned out to be, was also marked for indentification purposes and placed in a safe place.

8. The writer remained with Sam till 9 A.M. and was relieved by Cst. MacDonald and then I reported to L/Cpl. Ellis what had occurred and went to bed.

9. The following is a statment was made by Percy Creighton:
"I was home in bed on the Blood Reserve and a sleigh went by my house at 10 minutes to 11 P.M. Sam Creighton and Frank Scout came riding double on one saddle horse, they came in the house, they were staggering around, they almost broke the door as the door was hooked on the inside. They were both drunk, Frank dropped in a chair, my wife lit the lamp and Sam took his hat off and threw it at the lamp and Sam Said, "I don't care if I break the lamp or not, I will break anything I want to break." Next I said, 'Where is the team Sam'. Sam said "I don't care where the team is, Billy left us in town,"he said, "I don't care where the t team is. You may not like this, I still have in my mind that you and your wife put me in jail for two months, I always think of this. Now if you don't like this it's up to you." Then Sam grabbed the chair and bounded it on the table and broke two panes of glass in the window and broke one leg of the chair and three bars on the chair. I jumped up and put on my pants, I knew he was up to something. I said, "Sam, that's enough, you have broken the window, that's enough." He said, "I don't car, I can break all the windows and smash everything up." I again asked him not to break any more. He kicked the stove but he slipped and did not move the stove.
"My wife went up to him and tried to stop him saying, "Sam, behave yourself, don't act that way, be quiet. He said, "Now I am going to do what I want to do." At the same time he struck his mother on the shoulder and she went over. Then he said,"I don't care how big a chief a man is, or even Shot Both Sides, if he was here he would be the first man I would go for, and I would beat his face. I don't care for Chief or No Chief, I am ready to take the rope anytime, I am not scared of anybody." When he said that, my wife still working for him to behave himself, but h he struck her again, she went over the wood pile. After that he went for me and struck me on the forehead and grabbed me by the hair. I grabbed his hair to protect myself. He threw me up against

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Billy CREIGHTON, Blood Indian Reserve, Alberta,
Assault Causing Grievous Bodily Harm, Sec. 274 C.C.C.

the wall and down on the floor. My wife and Wallace, my youngest boy, did their best to get him off me, so he got off and I got up. Tha t time Frank Scout was trying to get up out of his chair. At the same time Wallace Creighton asked for help. Frank Scout was calling for Sam. Frank said, "Sam, what are you doing?" Sam said to Frank, "Oh, Frank, are you sober?" And Sam sat down on the couch. All this time he was threatening to beat us down. Sam pulled this bottle out of his pocket (rubbing alcohol). Suddenly Billy Creighton came through the doorway and said, "Now its my turn to strike you instead of the Old folks." As I looked at Billy he raised his hand up, I saw the axe. He striked Sam on the head. Sam was sitting up when he was struck and he dropped back on the couch, and the bottle dropped out of his hand, and Billy struck Sam again with the axe. Behind Billy was Ben Scout. Ben grabbed the axe before Billy could make the third blow. Then I got hold of the axe. Behind me was my wife. Three of us were holding the axe from Billy to make the third strike. Billy let the axe go. That time Wallace Creighton was back again. He took the axe and ran outside and threw it away someplace behind the house. Then I tried to get Billy out of the house. Billy was drunk too, because Frank Scout was trying to fight Billy there after he knew that Billy strike Sam with the axe. So Ben Scout and Bob Sorrel Horse got Billy out of the house, they had a hard time because Billy is very powerful. They took Billy up to Bob Sorrel Horse's place. Wallace Creighton said, "I am going to report this to the Police." I said, "Get on a saddle horse and get up to the school and phone for the police." Wallace went. Police came, took Sam in the car and went. Police came back again asking for the sledge hammer, but it was the axe. Police got the axe. I asked Wallace to show them where he put the axe, and he told them behind the building, and police too it. The axe is not my axe, I think the axe belongs to Bob Sorrel Horse. Frank Scout said it was a sledge hammer, but it was an axe."

Sgd. Percy Creighton.

Witnessed:
W. Ellis, L/Cpl.

4-12-40.

10. On the above date accompanied by L/Cpl. W. Ellis and via police car Code 2604 we patrolled to the Percy Creighton home on the Blood Indian Reserve. Wallace Creighton and Benny Scout were the only ones around at the time and they admitted us to the house for the purpose of taking measurement and drawing a sketch of the interior and the position of the beds, furniture, stoves etc. Opportunity was taken of the chance to get statements from these two boys.

11. Benny SCOUT states as follows:

"I left Cardston with Bill and Sam Creighton and Frank Scout at about 9 or 10 in the evening, 30-11-40. We started from town and got over the track. Sam gave Frank and Bill a drink from a large giner ale bottle. They kept drinking from there on and we got to Harry Mills place and we stayed there awhile and they had an argument whether to go to dance or come home. Sam wanted to come home from there. Sam Drove for awhile and came up towards the school towards the grade. Bill got the lines there and drove up this way. Sam took one line at the school and upset the sleight. Sam ran away himself and left us a

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON, Blood Indian Reserve, Alta.
Assault Causing Grievous Bodily Harm, Sec. 274 CCC.

little later we seen him coming back on foot. He said, he lost a bottle and Bill found it and Bill and Frank drank it and gave back some to Sam. He got in the sleigh and we came back across the bridge at the school. Frank wanted to go to Wadsworth's. Sam wanted to come home. Bill was driving and came towards Bull Horn Bridge. Just as we got across the bridge Sam took the lines drove on a sidehill and tipped over. Sam started to fight there and that's when the trouble started. Me and Bill tied him up and we left him with Frank. We got in the sleigh and we didn't stop here (at Percy's) and went on to Bob Sorrel Horse's place, about a quarter of a mile.

"We unhitched the team them, about 11 or 12 and went in the house for awhile. Wallace came in about a half a hour later and said he wanted help as Sam was down there beating up the old folks and Billy jumped up and he ran outside and I went after him. He must be 30-35 yards ahead of me. He had the axe. I couldn't catch him. He came down here and got in here first.

"Just as I got in the door I saw Bill hit Sam on the head with the axe. Sam was sitting on the bed when he hit Sam on the head with the axe. He fell back on the bed. Billy went over on the South side of the bed and hit Sam again with the axe on the jaw. After he hit him the second time I grabbed him and stopped him. Billy didn't want to to away so I told him I'd take him to Bob's place. We stayed there till the police came.

"I came down here and slept then. I saw the bottle. The big one and the 16 ounce one. I didn't see them drink from the 16 ounce one and I don't know where they got them. Percy's wife and Percy and Frank and Wallace and Billy and myself were here, Frank, Bill and Sam were drunk."

Sgd. Ben Scout.

Witnessed:
D.W. Murray, Cst.

12. Wallace Creighton stated as follows:

"I was still sleeping when Sam came home. He was swearing and talking loud and I jumped out of bed and got my clothes on and ran outside to go up and get help from Bob Sorrel Horse's about a quarter of a mile away west, because Sam was hitting my father and mother. Bill jumped up, he was just going to have supper, and ran outside. I didn't see him take an axe. It was dark. Ben went after him. Bob and I were about 50 yards behind. Just as we got here I saw Sam lying on the bed.

"I went back up to Bob's barn and saddled his horse and went to the school and told Charlie Middleton's wife to phone in, around 12.00. When I got back here I went to Bob's place. I saw Bill up there so I stayed around and Ben came in about 10 minutes later, 15 minutes after Bob came in and said the police had taken Sam and Frank. Then I came down with Ben and we slept here. We were here when the police came back and told them Bill was at Bob's place. We gave them the axe that Bill used."

Sgd. Wallace Creighton.

Witnessed:
D.W. Murray, Cst.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON, Blood Indian Reserve, Alberta,
Assault Causing Grievous Bodily Harm, Sec. 274 CCC.

13. On the 30-11-40 in the Indian Hospital where Frank Scout was in the adjoining bed to Sam Creighton he made the following statement to Cst. Murray re the above affair.

14. Statement of Frank SCOUT:
"I was riding home with Billy Creighton, Sam and Benny Scout. We turned over at St. Paul's School, and again at Bull horn. The boys tied Sam up and left me with him. Sam said he was alright and I walked with him to Percy's place. He got in and raised a rumpus. They wrestled around a little and I was sitting on the east side of the table. Pretty soon Billy came and hit Sam once on the top of the head with a sledge hammer. I didn't see much except this. I jumped at Billy and the second blow hit me on the shoulder, then everyone was on Billy and Sam was on the bed where he was when you came. My shoulder is pretty sore."

(When questioned as to where he got the Rubbing Alcohol he said that Sam had it and he would have to tell. He seemed quite worked up over Sam's condition and wanted to know if Sam died would someone be charged with murder.)

14. When at the Percy Creighton place on the 4-12-40 with L/Cpl. Ellis Frank Scout came in and was aksed if he had any more to say. He was told that he had got over his share of the mix up, and that he had better be sure he was right. I re-read the above statement to him and he still said that this was correct but that he had a lot more to tell that he hadn't told me before.

Frank Scout further stated:
"I was in the car stolen on Nov. 29th, 1940, on Friday, so I met Sam there. I went to the pool hall and stayed there till about 7 P.M., so when I came out I met Billy Creighton. He was going around with Benny so I asked Bill how he came in and he says he had the team. I asked him if I could ride out with him and he said he would be going as soon as he could find Sam, because Sam wasn't around. So I went away from there. Pretty soon I find Sam on the street so he said If I wanted to ride out with them and I said Yes. We both walked up to the hitching place by Webster's Blacksmith shop. I asked where Bill and Ben was. He though they were up to the hospital. Two of us went up to the hospital in the sleigh, we stayed there for a while. I told him, "Your have to drive into the livery barn to get my saddle horse." As we go down we see Bill and Ben and I got Ben to go get my horse. Three of us got in the sleigh, went up to get my horse, at the hitching place. I though they were going to tie up the team but Sam said to Bill, "You better go get the stuff." Bill jumped out and went behind the blacksmith shop. When he came back he just jumped in the sleigh without saying a word. Sam drove to the hospital again. We tied up there. Sam had this big bottle mixed and we drank from it, so we asked Bill to go in and get more water. When Bill came out of the hospital, just then Ben came up riding his horse and leading mine. So we tied them up on each side of the team and started off. When we got across the railway crossing Sam stopped the team there and wanted to mix more rubbing alcohol in the drink, so we mixed about half full of the big bottle which wasn't quite full. We all, Ben wouldn't take any. Bill and Sam and I drank some we started off again and we didn't go very far.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Billy CREIGHTON, Blood Indian Reserve, Alta.
Assault causing Bodily Harm, Sec. 274 CCC.

We had a little argument and Bill drove off the road and was lost. I told him this wasn't the road and they talked for awhile and we started off again. We drank once more or twice from there till we got to Harry Mill's place, and we finished the whole thing. Sam got off at Harry Mill's place and asked me to go in the house. Bill and Ben stayed outside. Ben and Bill came in after us. Sam got some more warm water and mixed more rubbing alcohol in a cup. Mixed three cups and filled the big bottle with water and went out again and came up towards the school and upset. Then I wanted to get away and go to Wadsworth's but Sam wouldn't let me go. So I finally got in the sleigh and took Sam's word. He wanted to come up here, we had one more drink. We got up here to the bridge and Bill was driving and we got across the bridge, Sam told Bill he was on the wrong road and wanted the lines but Bill didn't. Sam had to take them. Sam drove off and went along the cutbank about 20 yards off the road and upset.

"That's where they first started to fight. That's Bill and Sam, Sam didn't know much, we all piled on him and tied his hands behind.So we put the sleight back and Bill said do that and I'd stay with Sam till he got sober. They went offand Sam I stayed. Sam was lying in the snow. I stayed around about an hour. Pretty soon Sam asked me to untie him as he was about froze. He asked two or three times before I done it. He said he was alright and get in where it was warm. I untied him and we walked up this way to Percy's place. When we got here he walked in first. He came in and we stood on the floor here. He asked Percy where Bill was and Percy said "I don't know."He said, "I guess you have now beaten up on Bill and you have come in to do the same thing to us." He said the team went past without any one in the sleigh, the team ran away with the sleigh and I guess they have busted up everything, the sleight, harness and everything. Percy says,"If you are going to start doing that you better go right out again where you come from." Sam said, "We aren't going to disturb you we just want to get warm." Sam swore for awhile so he finally said, "I guess there's no use talking, I'm going right out." He was sitting on a chair then. He jumped up quick and walked across the floor where his mother was. His mother jumped right up at him and they both wrestled around. I didn't see no hittin' done there. Sam wanted his little girl. That's when the window busted. I didn't see who done it. Just then I heard Percy say, "Now you have busted my window up and have been hittin' your mother. Now I'm going to fix you, so he jumped up and grabbed the chair and tried to hit Sam over the head. Sam dodged by putting his elbow in front of his head. Sam's mother asked me to hold him and she went outside. I jumped off the chair and tried to stop Sam from hittin' his Dad and seen Sam Push his Dad back on the bed and I told him there's no use trying to stop you I'd better go out too. Just as I was going out Sam held me back by the arm. He Said, "Just wait in minute." So I told him "If you are not going to listen I better go out. If you promise you're not going to hit your Dad I'll stay." He said he wouldn't and sat down again at the east end of the bed. with his head in his hands he started to cry and said a lot after he got through crying.

"I was sitting on the east side of the table and the door was open. I didn't hear Bill come in. He ran right in the house. I didn't look up until I heard Bill speak. He said,"Now you have beaten up on my Dad! That caused

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

6

Re: Billy CREIGHTON- Blood Indian Reserve, Alberta,
Assault Causing Grievous Bodily Harm, Sec.274 CCC

Sam to look up. He lifted up his head and met the blow. He fell backwards on the bed as he received the blow. Bill took another swing at him with the axe. Just then Ben jumped at him for the axe and I helped him. Took the axe. He tried to hit him again but he hit me instead. That's all. Wallace, Percy and his wife and little girl were there. Sam came in with me, Ben came in after Bill.

Sgd. Frank Scout.

Witnessed:
D.W. Murray, Cst.

15. It will be noted that Frank Scout stated that he saw Sam hit with an axe in the second or further statement, but in the original statement made to the writer in the Indian hospital at the time of the accident he kept saying that Sam was hit with a sledge hammer and he also said this at the Creighton home. The statement of Percy Creighton in Para 9 also mentions this. Due to the condition of Frank Scout at the time the assault happened, which was a very drunken one, it is hardly possible that either of these statements can be relied upon to a very great extent, together with the face he has a reputation here on the Agency of being a great liar.

16. Bill Creighton was arrested on the 30-11-40 and is now being held on a charge of Intoxication under the Indian Act, on which charge he appeared before Magistrate H.G. Jensen of Cardston, and at the request of L/Cpl. Ellis, he was remanded for eight days pending the outcome of the assault on Sam Creighton, who was in the Indian hospital in a very serious condition.

17. On the 5th of December the condition, a charge of Assault Causing Grievous Bodily Harm was laid against Billy Creighton by L/Cpl. Ellis before Magistrate H.G. Hensen at Cardston.

18. Billy Creighton will be brought before a Magistrate on the above charge and remanded pending the results of the Creighton case. Further report will be submitted immediately there are new developments in the condition of Sam Creighton.

EXPENSES Police car Code 2604 (4-12-40) 20 miles.

STILL UNDER INVESTIGATION.

D.W. Murray Const.
D.W.Murray Reg. No. 12037.
Cardston Detachment.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C4

re: Billy CREIGHTON - Blood Indian Reserve, Alberta.
MURDER - Sec. 263 CCC

O.C. "K" Division,
R.C.M.P. Edmonton.

Sir:

FORWARDED: Please refer to file "Sam Creighton - Blood Reserve, Alberta -- Death as a result of violence (Inquest)", from which you will note that the inquest in to the death of this man has been adjourned to 10.00 a.m., Tuesday, December 10th, at Cardston, Alberta.

After the hearing of this inquest it will then be decided as to the charge to be preferred against Billy Creighton. It would appear that the charge should be that of Murder but in view of what took place prior to the actual assault being administered to the deceased, Samuel Creighton, I am rather doubtful whether a charge of murder would be sustained. This matter will, of course, be discussed with the Agent of the Attorney General.

3. It will be noted that the source of liquor was traced to one, Elmer T. Walkey who sold the rubbing alcohol to the Indians concerned in this matter (see Cardston Detachment F. 264 B & C dated 2-12-40 re "Elmer Theodore WALKEY - Arrow Creek, B.C. - Sec. 126 Indian Act", who was sentenced to a fine of $100.00 and costs or 3 months' imprisonment, the gaol term being taken in this case.

4. In view of S/Sgt. Stott's telephone call of today's date, advising that the Department had not authorized counsel to be present at this case, I have detailed A/Cpl. Bailey to assist Cpl. Ellis at this inquest and to examine the witnesses.

5. Two sketches of the scene of the assault have been prepared by Cst. E.V. Carter and going forward in even mail under tubular cover.

Copy to Inspector of Indian Agencies, Calgary.

Leth. 9-12-40
H:A

sgd. "J. Brunet" Inspector.
Commanding Lethbridge Sub-Division.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No._____ F. 287

C

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	LETHBRIDGE	CARDSTON

Province: Alberta

Date: Dec. 8th., 1940.

File References

Headquarters

Sub-Division

401 384-87

Detachment

P. C. R.

5-12-40

Re: Billy CREIGHTON, Blood Indian Reserve, Alta.
Assault Causing Grievous Bodily Harm, Sec. 274 C.C.C.
CHANGED TO: MURDER - Sec. 263 CCC

1. With further reference to the above, Sam Creighton, the injured person in the case, died at approximately 11 P.M., Dec. 5th. last, from a decompressed fracture of the skull.
Coroner Dr. H.B. Stacpoole of Cardston was notified, and inquest ordered, jury summoned, sworn, and body viewed and identified by Percy Creighton, father of deceased. (See separate report.)

2. The above named Billy Creighton, now being held at the Provincial gaol at Lethbridge, was brought before H. Holt Esq., Justice of the Peace at the Lethbridge gaol, on the above charge and remanded in custody until 10 A.M., 14-12-40

3. Investigation of the case has been continued, with photographs and measurements of the Percy Creighton house taken, and the distance between the Creighton house and Bob Sorrel Horse's house on the Blood Reserve stepped off with a view to obtaining the approximate distance prisoner Billy Creighton travelled with the axe before striking Sam Creighton, and found to be 564 paces, (approximately 564 yards) from the door of Bob Sorrel Horse's house to the door of Percy Creighton's house, through a winding coulee with snow, brush, and a small creek to cross near the Creighton home.

4. The following witnesses will be called;

Benny Scout, of Blood Reserve, who rode out from Cardston with prisoner, deceased, and Frank Scout, and went to Bob Sorrel Horse's place and saw Wallace Creighton come to Bob Sorrel Horse's place for help; saw Billy Creighton leave with the axe, and followed him th the Creighton home.

Frank Scout, of Blood Reserve, who rode out from Cardston with Billy Creighton, Sam Creighton, and Benny Scout, went with Sam Creighton to home of Percy Creighton, and saw what happened there, but was in an intoxicated condition.

Percy Creighton, (Chief) of Blood Reserve, who was home when Sam Creighton and Frank Scout arrived, and defended himself and wife, and saw the assault on Sam by Billy Creighton, and can identify the broken chair, and the alcohol.

Mrs. Percy Creighton, of Blood Reserve.
(Same information as her husband.)

P.T.O.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY

Re: Billy CREIGHTON, Blood Indian Reserve, Alta.

Assault Causing Grievous Bodily Harm, Sec. 274 C.C.C.

4. Continued from page One.

Wallace Creighton, Blood Reserve, who was home when Sam Creighton and Frank Scout came, and ran to Bob Sorrel Horse's place for help, and went to St. Paul school to phone police.

Bob Sorrel Horse, Blood Reserve, who was home on Reserve when Billy Creighton and Benny Scout came, and was home when Wallace Creighton came for help, and saw Billy Creighton leave to go to the Creighton home, and then went himself, a little later on.

Dr. James A. Key, Cardston, who medically attended deceased.

Dr. Joseph J. Dobry, Cardston, who performed the autopsy.

Sister St. Saviour and Sister Marcoux, nurses of the Indian Hospital who nursed deceased.

Police witnesses, L/Cpl. Ellis, Csts. Murray and Doane, and S/Cst. Good Rider of Cardston
Csts. Carter and Barnes of Lethbridge who photographed and drew plan of the Creighton home.

The Indian witnesses named above are quite frank and free in their statements, and apparently are not witholding any information.

5. A brief summary of the case is that deceased, (Sam Creighton), prisoner, (Billy Creighton), Frank Scout and Benny Scout were in Cardston on night of 29th. of Nov. last. Sam Creighton obtained a 16 Oz. bottle of rubbing alcohol from Elmer Walkey, (since convicted) obtained another bottle and mixed the rubbing alcohol with water obtained at the Indian Hospital, and started for the Blood Reserve in a sleigh, all drinking the mixture of alcohol except Benny Scout, who refused to drink.
They arrived at the Harry Mills place where they discussed whether to go home or to a dance, later leaving for Percy Creighton's home. A dispute arose enroute as to whether they were on the right road, Billy Creighton was driving, and Sam, (deceased) grabbed one of the lines and pulled the team around and turned the sleigh over on a side hill somewhere near the St. Paul School, a fight started, and deceased, who was in the worst state of intoxication, was tied up. Frank Scout remained with him and Benny Scout and prisoner, (Billy Creighton) drove on with the sleigh, apparently past Percy Creighton's place to Bob Sorrel Horse's home.
Frank Scout untied Sam Creighton and they proceeded to Percy Creighton's home, where Sam acted very unruly and assaulted his father and mother who were in bed, but later got up. Wallace Creighton, (brother of Sam) was in bed, but got up and ran to Bob Sorrel Horse's place, 1/3 of a mile west for help, not knowing that Billy Creighton and Benny Scout were there. Billy Creighton heard what Wallace said, ran out of Bob Sorrel Horse's house, picked up Bob Sorrel Horse's axe and ran for Percy Creighton's home, 560 yards down a winding coulee, entered the Percy Creighton home, followed by Benny Scout and Wallace Creighton, saw the north window broken, and a broken chair and water on the floor, and Sam sitting on a couch in the north-west corner of the room, and Frank Scout sitting on a chair, immediately east of Sam. Billy passed Frank Scout and struck Sam on the head with the axe, Sam fell over and Billy struck

P.T.O.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON, Blood Indian Reserve, Alta.
Assault Causing Grievous Bodily Harm, Sec. 274 C.C.C.

5. Continued from page Two.

him again with the axe on the left jaw, and when he was making the third blow, the axe was seized by Benny Scout, and with help from Percy Creighton managed to get the axe away from Billy.
The axe was thrown outside

6. The sympathy of the Indians of the Blood Reserve appears to be with the prisoner, Billy Creighton, with little or no sympathy for the deceased, Sam Creighton, because Sam has caused so much trouble among them in the past.

7. The exhibits covered by exhibit report attached are being held at the Cardston Detachment, and the axe, which has hair and blood on the head of it, is being carefully preserved.

EXPENSES - Nil.

STILL UNDER INVESTIGATION

W. Ellis L/Cpl.
W. Ellis, Reg No. 5876.
I/c Cardston Detachment

O.C. "K" Division,
R.C.M.P. Edmonton.

Sir:

FORWARDED together with F. 246.

Please refer to report dated at Cardston Detachment, December 5th, going forward in even mail.

Copy to D/A/Cpl. Bailey, Lethbridge, and to the Inspector of Indian Agencies, Calgary.

Leth. 9-12-40
B:A

sgd. "J. Brunet" Inspector.
Commanding Lethbridge Sub-Division.

COPY TO DEPUTY ATTORNEY GENERAL & report of Dec. 5th, 1940.

The Commissioner,
R.C.M.P.
Ottawa, Ont.

Sir:

Forwarded for your information, with report from Cardston Det. of Dec. 5th, 1940.

Edmonton, Dec. 11th, 1940.
11 W.

E. Stott

E. Stott - S/Sgt. for
Officer I/C C.I.B. O.D.S.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. _____ F. 297

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Lethbridge	Cardston

Province: Alberta

Date: Dec. 6th. 1940

File References

Headquarters

Sub-Division

40L-383-59

Detachment

P. C. R.
1st.

Re: Sam CREIGHTON - Blood Reserve, Alberta.
Death as a result of violence. (Inquest)

1. During a brawl at the home of Percy Creighton (Chief) on the Blood Reserve on night of the ~~night~~ 29th. 30th. of November last, the above named deceased received a depressed fracture of the skull, allegedly from a blow struck by Billy Creighton, brother of the Deceased, with an axe.

2. The deceased was taken to the Indian Hospital at Cardston in the early A.M. of the 30th. Ult. where he was treated by Dr. James A. Key, and he appeared to improve a little from day to day, except that he appeared weaker, and passed away at approximately 11 P.M. on 5-12-40.

3. Coroner Dr. H.C.Stacpoole was notified and an inquest ordered. Warrant issued to summon a jury, which was executed, and jury summoned as per shedule attached.

4. The jury in charge of Coroner Stacpoole was impaneled at the Indian Hospital, the body viewed by the jury and Coroner and the wounds described by Dr. James A. Key.
The Body was identified as that of Sam Creighton by his father Percy Creighton.
Inquest was then adjourned to 10 A.M. Tuesday December 10th. 1940 at the Court house in the Town of Cardston Alberta.

5. Dr. Joseph J. Dobry of Cardston, Alta. has been appointed by the Coroner to perform a post mortem ~~approved by~~ the Indian Agent Mr. A. McMillian ~~who~~ is taking an active interest in the proceedings.

6. The property and interests of the deceased will be taken care of by the Indian Agent, and no police action in this respect necessary.

No expense.

STILL UNDER INVESTIGATION

W. Ellis L/Cpl.
W. Ellis Reg. No. 5876
I/c Detachment

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. _____ F. 287

ROYAL CANADIAN MOUNTED POLICE

Division "K" | Sub-Division Lethbridge | Detachment Cardston

Province Alberta | Date Nov. 30th. 1940

File References

Headquarters

Sub-Division

40L-364-86

Detachment

P. C. R.

1st.

Re: Sam CREIGHTON - Blood Reserve, Alberta.
Common Assault - Sec. 291 Criminal Code

1. At 1.45 A.M. of the 30th. Inst. a complaint was received by telephone from the St. Paul School that the above named was in an intoxicated condition and was assaulting his father and mother at their home on the Blood Reserve, and police action was necessary.

2. Const. Murray, Doane and S/Cst. Good Rider patroled to the Creighton home, and interviewed Chief Percy Creighton, and found Sam Creighton had been knocked out and was lying on a bed bleeding badly from a wound on the top of the head, and on examination was found to be in a dangerous condition, and was rushed to the Indian Hospital by the patrol, where he was placed in the care of Dr. James A. Key.

3. The Injured man was found to be in such condition that the Sisters in the hospital were afraid of him, and as there was no men employed at the hospital, and none could be obtained at that time of the night, Const. Murray was kept there on guard until morning and then relieved by Cst. McDonald, until proper help was supplied by the Indian Agent.

4. Const. Doane and S/Cst. Good Rider returned to the Creighton home further investigating, and learning that Billy Creighton, brother of the injured man had struck him with an axe, placed Billy Creighton under arrest and brought him to this Detachment where he was held in custody on a charge laid under the Indian Act Sec. 135. Remanded for eight days and taken to the Lethbridge Gaol. (See separate report)

5. On account of Sam Creighton's condition no charge has yet been laid against him. If he recovers he will be liable to a charge under Sec. 291 of the Criminal Code and under Sec. 130 of the Indian Act.
He had hit his mother twice with his fist, and his father twice with his fists, and damaged the furniture, before being hit by his brother in defence of his parents.
Expenditure.
Mileage Pol.car code 2604 - 22

STILL UNDER INVESTIGATION

L/Cpl.
W. Ellis Reg. No. 5876
I/c Detachment

O.C. "K" Division,
R.C.M.P. EDMONTON.

Sir: FORWARDED for your information.

Leth. 3-12-40
J/H

agd. (G. Harvey) S/Sgt.
for O.C.Lethbridge Sub-Division, AOD.

D.D. 30-12-40

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 B 636-13-H-3 OTTAWA. 20-12-40

YOUR FILE No. _____

Sec 9

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC-EEF

Department of Mines and Resources
Indian Affairs Branch
21 1940
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No._____ F. 337

ROYAL CANADIAN MOUNTED POLICE

Division "K" Sub-Division LETHBRIDGE Detachment CARDSTON

Province Alberta Date Dec. 10th., 1940

File References

Headquarters

Sub-Division

40 L 384-87

Detachment

P. C. R.
Cardston
6-12-40

Re: Sam CREIGHTON - Blood Reserve, Alberta.
Death as a result of violence.
Billy CREIGHTON - Blood Indian Reserve, Alta.
Changed to: MURDER - Sec. 263 CCC

1. With further reference to the above, the inquest which was adjourned on the 6th. Inst., after Percy Creighton, sworn, identified the body as that of Sam Creighton, his son, was resumed to-day, 10th. Inst. at 10 A.M., with coroner Dr. H.B. Stacpoole presiding, and the jury previously reported. Body had been released for burial after the post-mortem was performed, and taken by the parents.

2. The Indian witnesses, Frank Scout, Ben Scout, Percy Creighton, Mrs. Percy Creighton, Wallace Creighton, Harry Mills, Buster Mills and Bob Sorrel Horse described the drinking party from Cardston which resulted in a brawl at the Percy Creighton home, and the striking of Sam Creighton on the head with an axe by Billy Creighton, and the police taking Sam Creighton and Frank Scout to Cardston, and returning to Bob Sorrel Horse's home and arresting Billy Creighton.

3. Dr. James Albert Key described the wound on Sam Creighton's head and the treatment rendered, and that death was due to a depressed fracture of the skull.

4. Dr. J.J. Dobry who performed the post mortem, read the autopsy report, and placed a signed copy as an exhibit which reads as follows.

Report of autopsy: Dec. 6th., 1940.
The body is that of a well developed Indian (Male) about thirty years of age.

Rigor Mortis present. Two small bruises about the size of match heads on left side of jaw. Subcutaneous haemorrage around lower part of neck and dependant parts of the body. A sutured cut on scalp extending from the top of the head, and a little to left of midline, downwards and backwards for a distance of two and three quarters inches. Edges of cut ragged. Old scar on right side of lower abdomen.

Subcutaneous haemorrhage extending over whole vault of skull. Depressed fracture of skull 1½ inches wide and 3 inches long roughly rectangular in shape extending from near the top of the head backwards and downwards a half inch to the left of the midline. Large and small fragments of bone imbedded in brain tissue. Loose brain tissue in wound. Fracture of right parietal bone extending backwards and downwards and to right occipital bone at base of skull. Subarachnoid haemorrhage over whole brain. Haemorrhage into left lateral sinus.
Lungs, slight congestion at both bases. Fine dark pigmentation scattered throughout both lungs. Heart, stomach, kidneys, intestines, liver, nothing abnormal found.

Cause of death:

P.T.O.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Sam CREIGHTON - Blood Reserve, Alberta.
Death as a result of violence.

CHANGED TO:
Billy CREIGHTON - Blood Indian Reserve, Alta.
MURDER, Sec. 263 CCC

~~4. Continued from page one.~~

Depressed fracture of skull.

Sgd. J.J. DOBRY M.D.

5. The police witness evidence was;
Cst. Carter produced plan of the Creighton home, and the Bull Horne Coulee on the Blood Reserve in which the Creighton home is situated, and the Bob Sorrel Horse home on the hill above the coulee.
Cst. Barnes produced photographs of the interior of the Creighton home, and the Bull Horne Coulee in the vicinity of the Creighton and Sorrel Horse homes.
Cst. Murray described finding deceased on the bed in the north-west corner of the one roomed shack, comprising the Creighton home.
L/Cpl. Ellis identified the chair and bottle of alcohol which were exhibits in the inquest.
Cst. Doane identified the axe taken from the Creighton home in the early A.M. of the 30th. Ult.

6. The jury was out 45 minutes and returned with the following verdict.

"We, the jury, find that on the day of December 5th., 1940, at the Blood Indian Hospital located at Cardston, that Samuel Creighton came to his death as a result of a head injury inflicted upon him on the night of November 29th., 1940, at the home of Percy Creighton on the Blood Indian Reserve by some blunt instrument in the hands of some person or persons."

7. Billy Creighton, accused of the slaying, who is held in custody, was escourted to Cardston to attend the inquest by Cst. Barnes and Cst. Carter, accompanied by Cpl. Bailey who questioned witnesses for the coroner. Prisoner was escourted back to Lethbridge by Cst. Barnes and Cst. Carter, after the inquest. M.E. Moscovich, Esq., barrister of Lethbridge, Alta., held a watching brief for the Creighton family.

EXPENSES
At Cardston - Prisoner's meals, One, @ 35¢

CONCLUDED

L/Cpl.
W. Ellis, Reg. No. 5876
I/c Cardston Detachment

C.P. Schmidt, Esq.,
Inspector, Indian Agencies,
CALGARY.

Sir: Copy for your information.

Leth. 14-12-40
H:A

"J. Brunet" Inspector.
Commanding Lethbridge Sub-Division.

D/A/Cpl. Bailey, Lethbridge.

Copy for your information.

Leth. 14-12-40
H:A

"J. Brunet" Inspector.
Commanding Lethbridge Sub-Division.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

re: Billy CREIGHTON - Blood Indian Reserve,
MURDER, Sec. 263 CCC

-7-

C.P. Schmidt, Esq.,
Inspector, Indian Agencies,
CALGARY.

Sir:
For your information.

Leth. 14-12-40
H:A

"J. Brunet" Inspector.
Commanding Lethbridge Sub-Division.

N.C.O. I/c CARDSTON

For your information.

Leth. 14-12-40
H:A

"J. Brunet" Inspector.
Commanding Lethbridge Sub-Division

O.C. "K" Division,
R.C.M.P. Edmonton.

Sir:
FORWARDED:

1. I would refer to report dated at Cardston, December 5th, under the heading of "Billy Creighton - Blood Indian Reserve -- Assault Causing Grievous Bodily Harm, Sec. 274 CC" and to my forwarding remarks of the 9th instant, and with reference to para. 2 of the forwarding remarks, on the 13th inst. D/A/Cpl. Bailey, who conducted the examination of the witnesses at the inquest, discussed this matter with Mr. Hogg, K.C., A.A.G., at Lethbridge, and as the result of this interview a charge of Murder is today being preferred against Billy Creighton.

2. Both Agents of the Attorney General here--Mr. Hogg and Mr. Menzie--are of the same opinion as expressed by myself in my forwarding remarks of the 9th, that legally the charge is Murder but it is doubtful in view of all the circumstances as related by Cpl. Bailey in this report, that a charge of Murder will be sustained.

Leth. 14-12-40
H:A

sgd. "J.Brunet" Inspector.
Commanding Lethbridge Sub-Division.

COPY TO DEPUTY ATT. GENERAL.

The Commissioner,
R.C.M.P.
Ottawa, Ont.

Sir:
Forwarded for your information. Report from Cardston Det. of 10th inst. attached.
Edmonton, Dec. 18th, 1940.
11 N.

R.E.Mercer

R. E. MERCER - Supt.
I/C C.I.B. "K" Div.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No._____ F. 387

ROYAL CANADIAN MOUNTED POLICE

Division 'K' Sub-Division Leth. Detachment CIB

Province Alberta Date Dec.11th 1940.

File References

Re: Billy CREIGHTON - Blood Indian Reserve, Alta.
Murder. Sec. 263 C.C.

Headquarters

Sub-Division

401 384-87.

Detachment

P. C. R.

Cardston
5-12-40
8-12-40

1. With reference to the above and marginally noted reports.

2. This Indian is a son of Percy Creighton, a minor chief of the Blood band. The family, insofar as this matter is concerned, consists of:-
Percy Creighton,
Jesse Creighton, his wife,
Samuel Creighton, eldest son of 31 years(deceased)
Billy Creighton, son of 22 years,
Wallace Creighton, son of 19 years,
Rose Creighton, daughter of Samuel, age 6 years.

3. Samuel Creighton was married but seperated from his wife and, prior to his death, was living with his daughter at the residence of his parents. This house is on the Reserve some ten miles west and a little north of Cardston and in the Bull Horn coulee. It is a one storey single room building with one door on the east side. The nearest residence to it is that of Bob Sorrel Horse, some 500 yards west.

4. On Friday, Nov.29th, 1940, Samuel and Billy Creighton drove into Cardston with a team and sleigh. Two Indian brothers, Frank and Ben Scout, were also in Cardston, having ridden in seperately by saddle horse. The four met and remained together during the afternoon and early evening.

5. During the afternoon Samuel Creighton induced one Elmer Walkey of Arrow Creek, B.C. a white man visiting Cardston, to buy him a bottle of rubbing alcohol at the drug store. The bottle was apparently cached in the vicinity of the blacksmith shop until about 7 pm, when the Indians decided to leave town. One of them, thought to be Samuel, had acquired a large ginger ale bottle for a supply of water to mix with the alcohol. Frank and Ben Scout collected their saddle horses and tied them to the sleigh team. With Samuel driving the sleigh, the four proceeded to the Indian hospital at Cardston where Billy Creighton obtained some water. Some alcohol was mixed with the water and the Creighton brothers and Frank Scout drank some of it. They drove out of Cardston towards the Reserve, stopping at the railway crossing for another drink. They proceeded in the direction of the St.Paul's Anglican school, en route to the Percy Creighton residence, and Samuel Creighton, Billy Creighton and Frank Scout gradually became intoxicated. Apparently Ben Scout was not drinking.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON - Blood Indian Reserve, Alta.

Murder. Sec. 263 C.C.

6. They arrived at the house of Harry Mills, an Indian, who was at home with his son, Buster Mills. A further supply of water was obtained and the Creighton brothers and Frank Scout drank more of the mixture. Samuel Creighton appears to have watered the remainder of the alcohol at this place. At this time, i.e. between 9 and 10 pm, the four Indians were apparently on good terms.

7. After leaving Mills' residence, an argument developed between Samuel and Billy Creighton as to whether they were on the right road or not and both men attempted to drive the team. Finally, when about one mile from the Percy Creighton residence, Samuel drove off the road and upset the sleigh over a cutbank. Samuel and Billy Creighton commenced fighting and Billy Creighton, Frank Scout and Ben Scout seized Samuel Creighton and tied his hands with a piece of rope. Billy Creighton and Ben Scout then drove off with the team and sleigh, leaving Samuel Creighton with Frank Scout. The ginger ale bottle appears to have been lost at this place.

8. After leaving Samuel Creighton and Frank Scout on the prairie, Billy Creighton and Ben Scout drove past the Percy Creighton residence to the house of Bob Sorrel Horse and stopped there.

9. After a short while, Frank Scout released Samuel Creighton and the two walked to the Percy Creighton residence, arriving at about 11 pm. Percy Creighton and his family were in bed. Samuel Creighton and Frank Scout, both drunk, entered and Mrs Jesse Creighton got up and lit a coal oil lamp. Frank Scout sat in a chair. Samuel Creighton threw his hat at the lamp and broke a window with a chair, at the same time abusing his parents. Mrs Creighton attempted to pacify him and he assaulted her. Percy Creighton and Wallace Creighton got up and a scuffle ensued between them and Samuel Creighton. Wallace Creighton left the house and proceeded on foot to the Bob Sorrel Horse residence for help. Meanwhile Samuel Creighton seized his daughter and took her outside but Mrs Creighton returned her to the house. Frank Scout then endeavoured to pacify Samuel Creighton and the latter sat on the edge of a bed in the north west corner of the room. Mrs Creighton went outside to see if help was near.

10. At the Sorrel Horse residence, Wallace Creighton found Billy Creighton, Ben Scout and Bob Sorrel Horse. He told them that Samuel Creighton was beating his parents. Billy Creighton at once ran outside, apparently picked up an axe and ran towards the Percy Creighton residence, followed by Ben Scout, Bob Sorrel Horse and Wallace Creighton. Upon entering Billy Creighton struck Samuel on the head with the face of the axe, knocking him back on to the bed. He aimed a second blow and struck him on the left jaw. Before he could strike again, the axe was seized by Ben Scout, Percy Creighton and Mrs Creighton, who had just re-entered the house. Wallace Creighton took the axe and hid it in the snow outside. He then returned to the Bob Sorrel Horse residence, obtained a saddle horse and rode to the St. Pauls Anglican school. From there the Cardston Detachment was notified by telephone at about 12.30 am, Nov.30th.

11. Billy Creighton was taken to the Bob Sorrel Horse residence and was later arrested there.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON - Blood Indian Reserve, Alta.

Murder. Sec.263 C.C.

12. Const.Murray, Const.Doane and S/Const.Goodrider arrived at the Percy Creighton residence at about 1.45 am. Samuel Creighton was removed to the Indian Hospital at Cardston and was attended by Dr James A.Key. He was unconscious and did not make any statement. He died in the hospital at about 11 pm, Dec.5th.

13. The inquest was resumed at Cardston on Dec,10th, with Dr H.B.Stacpoole as coroner. Evidence was given by the following witnesses:-

Dr James A.Key, in charge of the Indian Hospital at Cardston, described the deceased's injuries, resulting from a blow with a blunt instrument, and his treatment. The medical aid was ineffective and Creighton died on Dec.5th.

Dr Joseph J.Dobry of Cardston performed the autopsy. His findings were as follows:-

The body is that of a well developed male Indian about thirty years of age. Rigor Mortis present. Two small bruises about the size of match heads on the left side of jaw. Subcutaneous haemorrhage around lower part of neck and dependent parts of body. A sutured cut on the scalp extending from the top of the head and a little to the left of the midline, downwards and backwards for a distance of two and three quarter inches. Edges of cut ragged. Old scar on right side of lower abdomen.

Subcutaneous haemorrhage extending over whole vault of skull. Depressed fracture of skull one and a half inches wide and three inches long, roughly rectangular in shape, extending from near the top of the head backwards and downwards a half inch to left midline. Large and small fragments of bone imbedded in brain tissue. Loose brain tissue in wound. Fracture of right parietal bone extending downwards and backwards and to right occipital bone at base of skull. Suberachnoid haemorrhage over whole brain. Haemorrhage into left lateral sinus.

Lungs, slight congestion at both bases. Fine, dark pigmentation scattered throughout both lungs. Heart, stomach, kidneys, intestines, liver, nothing abnormal found.

Cause of death:- Depressed fracture of skull.

In answer to questions, Dr Dobry stated that the head wound was, in his opinion, caused by a forceful blow struck from behind and to the left with a blunt instrument. At the time, the deceased was probably in a sitting position. Shown the axe in question, he stated that it could have caused this injury.

Const.Carter, R.C.M.Police, Lethbridge, produced a plan of the Percy Creighton residence and a sketch of the Bull Horn coulee in the vicinity of the residences of Percy Creighton and Bob Sorrel Horse.

Const.Barnes, R.C.M.Police, Lethbridge, produced photographs of the interior and exterior of the Percy Creighton residence.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON - Blood Indian Reserve, Alta.

Murder. Sec. 263 C.C.

Frank Scout, Blood Indian, stated that he rode into Cardston on Nov.29th, 1940, by saddle horse and there met Ben Scout, Samuel and Billy Creighton. At about 7 pm, they left for the Reserve in the sleigh driven by Samuel Creighton. The saddle horses of Frank and Ben Scout were tied to the sleigh team. Samuel Creighton was in possession of a bottle of rubbing alcohol and they called at the Indian Hospital at Cardston where Billy Creighton obtained some water in a large ginger ale bottle. With the exception of Ben Scout, all drank some of the mixture of alcohol and water. Another drink was consumed at the railway crossing just out of Cardston. They called at the house of Harry Mills, were admitted and consumed more of the mixture after Samuel Creighton had obtained more water. Upon leaving, an argument developed between Samuel and Billy Creighton over the right road to take and both men endeavoured to drive the team. Finally Samuel Creighton secured control and upset the sleigh over a cutbank near the Bull Horn coulee bridge. Samuel and Billy Creighton and himself were intoxicated. Samuel and Billy Creighton started fighting and Samuel Creighton was overpowered by the others and tied with a piece of rope. He was left on the prairie with Frank Scout while Billy Creighton and Ben Scout left with the team. A short time later, he untied Samuel Creighton and they walked to the residence of Percy Creighton. Upon gaining admittance, he sat in a chair while Samuel Creighton was abusing and scuffling with Percy and Mrs Creighton. A window was broken during this scuffle. Finally, at the request of Mrs Creighton, he attempted to pacify Samuel Creighton with the result that the latter sat on a bed in the north west corner of the room, holding his head in his hands. Frank Scout sat in another chair. The door was open and Billy Creighton ran in, striking Samuel Creighton on the head with an axe. Samuel Creighton fell back on the bed and Billy Creighton hit him again on the jaw with the axe. Before Billy Creighton could use the axe again, it was seized by Ben Scout, who had followed him into the house and Frank Scout. The Police arrived later and Frank Scout was arrested for intoxication.

Ben Scout, Blood Indian and brother of Frank Scout, told substantially the same story as Frank Scout up to the point where Samuel Creighton was tied up and left with Frank Scout. Ben Scout did not drink any of the mixture of alcohol and water that evening and was sober. He then drove with Billy Creighton to the residence of Bob Sorrel Horse. An hour or so later, Wallace Creighton arrived and told them that Samuel Creighton was beating his parents. Billy Creighton ran outside, followed by himself and Wallace Creighton and Bob Sorrel Horse. Billy Creighton ran towards the Percy Creighton residence and was carrying an axe. Ben Scout followed him to this house and entered through the door in time to see Billy Creighton strike Samuel Creighton, who was sitting on a bed, on the head with the axe. Billy Creighton struck again with the axe and attempted a third blow but the axe was seized by Ben Scout and was taken from Billy Creighton. He and Bob Sorrel Horse took Billy Creighton to the Bob Sorrel Horse residence, where Billy Creighton was arrested by the Police.

Harry Mills, Blood Indian, stated that he was at home on the night of Nov.29th when Samuel and Billy Creighton and Frank and Ben Scout arrived between 9 and 10 pm. With the exception of Ben Scout, all were intoxicated but appeared to be on good terms. He saw Samuel Creighton with a bottle

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON - Blood Indian Reserve, Alta.

Murder. Sec. 263 C.C.

of rubbing alcohol and supplied him with some water. Samuel and Billy Creighton and Frank Scout drank some of the mixture of alcohol and water. They stayed between half an hour and one hour.

Buster Mills, son of Harry Mills, was at home on the night in question and corroborated the evidence of his father.

Percy Creighton, minor chief of the Blood band and father of Samuel, Billy and Wallace Creighton, stated that he was at home on the night of Nov.29th with his wife, Wallace Creighton and Rose Creighton, daughter of Samuel Creighton. At about 11 pm, they were in bed when Samuel Creighton and Frank Scout arrived in an intoxicated condition. Mrs Creighton got up and lit a coal oil lamp. Frank Scout sat in a chair but Samuel Creighton was abusive, threw his hat at the lamp and broke a window with a chair. He assaulted his mother, seized his daughter and attempted to take her away. He then assaulted Percy Creighton, who was assisted by Mrs Creighton and Wallace Creighton. The latter left for help and Frank Scout threatened to leave unless Samuel Creighton controlled himself. Samuel Creighton and Frank Scout spoke of having another drink and Samuel Creighton sat on the edge of a bed and pulled a bottle of rubbing alcohol out of his pocket. He was taking off the top when Billy Creighton suddenly came in through the open door. He was armed with an axe and struck Samuel Creighton over the head with it, knocking him back on to the bed. The bottle fell from Samuel Creighton's hands on to the floor. Billy Creighton struck Samuel Creighton again on the left jaw with the axe and attempted a third blow but the axe was held by Ben Scout, who had followed Billy Creighton into the house, Percy Creighton and Mrs Creighton. Wallace Creighton, who had entered after Ben Scout, took the axe outside. Billy Creighton was taken away by Ben Scout and Bob Sorrel Horse, the latter having arrived after Ben Scout. Percy Creighton took possession of the bottle of rubbing alcohol and handed it to I/Cpl. Ellis the next day. He identified the chair with which the window was broken.

Mrs Jesse Creighton, Blood Indian and wife of Percy Creighton, corroborated this evidence up to the point when Wallace Creighton left for help. A short while later, she went outside to see if help was forthcoming and returned to the house in time to see Billy Creighton strike Samuel Creighton with an axe. She assisted in taking the axe from Billy Creighton. She identified the broken chair, which was in good condition before it was used by Samuel Creighton in breaking the window.

Wallace Creighton, son of Percy Creighton, also corroborated this evidence up to the point where he left for help. He ran to the residence of Bob Sorrel Horse and told Billy Creighton, Ben Scout and Bob Sorrel Horse that Samuel Creighton was beating his parents. He followed Billy Creighton, Ben Scout and Bob Sorrel Horse to the Percy Creighton residence but did not see Billy Creighton use an axe. Upon his arrival, a struggle was taking place for the axe and he took it outside after it had been taken from Billy Creighton and hid it in the show. He then returned to the Bob Sorrel Horse residence, obtained a saddle horse and rode to the St. Pauls Anglican school to notify the Police by telephone. The next day he pointed out the axe to S/Const. Goodrider.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON - Blood Indian Reserve, Alta.

Murder. Sec. 263 C.C.

Bob Sorrel Horse, Blood Indian, stated that he was at home on the night of Nov.29th when Billy Creighton and Ben Scout arrived by team. They remained for about one hour. At about 11 pm, Wallace Creighton arrived and stated that Samuel Creighton was beating his parents at the Percy Creighton residence, distant about one quarter of a mile. Billy Creighton ran out, followed by Ben Scout, himself and Wallace Creighton, and proceeded to the Percy Creighton residence. Upon his arrival there, Sorrel Horse saw Samuel Creighton laying on a bed and he helped to hold Billy Creighton, who had an axe. Later he took Billy Creighton to his house. He identified the axe as his property. On the night in question, it was outside his house but he did notsee Billy Creighton take it when he left for the Percy Creighton residence.

Const.Murray, R.C.M.Police, Cardston, gave evidence as to his findings at the Percy Creighton residence and the removal of Samuel Creighton to the Indian Hospital at Cardston.

Const.Doane, R.C.M.Police, Cardston, gave evidence of being with S/Const Goodrider at the Percy Creighton residence on Nov.30th when Wallace Creighton pointed out an axe to them. He took possession of it.

L/Cpl. Ellis, R.C.M.Police, Cardston, identified the bottle of rubbing alcohol and broken chair as having been received by him from Percy Creighton.

14. Billy Creighton was present at this hearing but did not give evidence. He was represented by M.E.Moscovich, barrister of Lethbridge.

15. The jury returned the following verdict:-

'that on the 5th day of December, 1940, at the Blood Indian Hospital located at Cardston, Samuel Creighton came to his death as a result of a head injury inflicted upon him on the night of November 29th, 1940, at the home of Percy Creighton on the Blood Indian Reserve by some blunt instrument in the hands of some person or persons.'

16. It will be noted that Samuel Creighton was in a sitting position when struck with the axe by Billy Creighton and that the blow was apparently delivered from a position behind and to the left of his head with a great degree of force. The second blow to the left jaw was apparently delivered with far less force as it merely caused swelling without any fracture.

17. Billy Creighton is being held at the Lethbridge Provincial Gaol on remand until 10 am, Dec.14th, on a charge of grievous bodily harm(Sec.274 C.C.)

STILL UNDER INVESTIGATION.

F.H.Bailey.D/A/Cpl.
Reg.No.11497.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103 — 7

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 B 636-13-H-3 OTTAWA, 24-12-40

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC-EEF

DEC 26 1940
REGISTRY

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Lethbridge Herald 21/12/40

19103-7

Story Of Fatal Axe Attack During Indian Melee Told In Cardston Court; Creighton To Be Tried For Murder

Preliminary Hearing Held at Cardston—Axe is Exhibit

(From Our Own Correspondent)

CARDSTON, Dec. 20.—After a preliminary hearing here yesterday, before Magistrate H. G. Jensen, Billie Creighton of the Blood Indian Reserve, was committed to stand trial at the next sittings of the supreme court at Macleod on a charge of having murdered his brother, Sam Creighton, on the night of Nov. 29, at the home of their father, Percy Creighton.

Detective-Corporal Bailie of the R.C.M. police, who conducted the prosecution, called 15 witnesses, eight were Indians all of whom spoke English sufficiently well that no interpreter was required. M. E. Moscovich, K.C., of Lethbridge, appeared for the defence.

The chief witnesses were Frank and Ben Scout, and the father and mother, Mr. and Mrs. Creighton, all of whom were present when the fatal blows were struck with an axe. Dr. Key, had attended the deceased until his death Dec. 5, and Dr. Dobry had performed an autopsy. The deceased had suffered a crushed skull.

Events Narrated

The events of the day leading up to the affair were narrated by Frank Scout who had met the two Creightons, the accused Billie, and the deceased, Sam, in Cardston, where they acquired a bottle of rubbing alcohol from a white man. Returning home in a sleigh with the Creightons and his brother Ben the party mixed some water from a ginger-ale bottle with the alcohol and by the time they got a short distance past St. Paul's school, Sam had become quarrelsome and declared they were on the wrong road. They tipped the sleigh over and lost the bottle but finally found it. At Bull Horn coulee Sam pulled the team sharply and tipped the sleigh over again.

Sam had become so out of hand that Billie tied his hands behind him and also his feet and fastened him to the bridge. Billie told the others to go and leave Sam. Frank thought it was too cold to leave Sam there in that condition and remained with him. After about an hour he thought Sam was sufficiently sober to be safe and he released him. The pair walked to the Creighton home and by the time they arrived Sam was sort of shouting and talking loud and running on ahead of him.

They entered the house, one large room with three beds in it. The mother, Mrs. Percy Creighton, was up. Sam immediately started quarrelling with his mother and pushing her around. He pushed her down three times.

The beds were occupied by the father, Percy Creighton, Sam's four year-old daughter, and Wallace Creighton, about 18 years of age.

Percy got up to try and defend the mother with a chair. Sam spoke an Indian word that means to kill all the people. Sam got the chair away from his father and threw it breaking a window. Frank tried to prevent Sam from hurting his father but said "Sam didn't seem to mind me." Frank tried to leave the room and Sam prevented him. Frank tried to talk to him and he sat down on the bed and began crying. Shortly after Sam was sitting on the bed with his head bowed down, Percy and Frank were sitting on chairs and Billie Creighton was heard at the door allegedly saying "You're beating up on my old man."

Sam raised his head and received the fatal blow from an axe. Sam fell back on the bed without a sound. A second blow was given Sam on the jaw, it was disclosed.

Frank continued saying that with the help of Ben Scout and Wallace Creighton, who entered the room shortly after Billie, the axe was taken from Billie and they held him until Billie got his good clothes and went back to the home of his sister, Mrs. Bob Sorrel Horse, where he had been when Sam reached home.

He claimed that both Sam and Billie were very drunk at Bullhorn Coulee but he was not as drunk but that he knew what was going on.

Ben Scout repeated about the same story of the day's happenings. He and Billie had left Sam and Frank at the Coulee and gone past the Creighton home to Bob Sorrell Horse's place. After they had been there a while Wallace come running with the story that Sam was beating up on his old folks. Billie immediately left and ran home with Ben and Wallace following. He reached the house in time to see Sam fall back on the bed as he was struck, as claimed by Billie and saw the second blow struck. As Bill entered all those in the room were sitting down.

Father's Story

Percy Creighton, the father and a chief of the Blood Indian tribe, gave a slightly different version of the affair. He said that Sam and Frank had entered the house hand in hand and Frank was so drunk he dropped in a chair by the table and put his head on his hands. Sam started threatening. He had never forgot that his parents had sent him to jail for a month and started boasting saying he wasn't scared of the biggest chief on the reserve and if the head chief Shot-in-Both-Sides were there he would knock him down. He was the bravest Indian on the reserve. The mother tried to quiet him but he started throwing his hat at the light. Percy got up to interfere and quiet him and Sam hit the table with a chair and broke the window. Sam raised the chair to hit his father and the mother grabbed it from behind him. He knocked her down three times, the witness said and pushed the father (Percy) down. Percy fell down with his head under the bed to protect it. Frank spoke and that seemed to stop Sam who got up and went to take another drink from his bottle. Percy was getting up and Sam used an Indian word that means "I'll knock the house down and kill all the people in it." Almost immediately said the witness, Billie entered the door, rushed to Sam and hit him in the head with an axe. After the second blow Percy assisted the others in taking the axe from Billie. Percy said Billie was the best boy he had and did everything for him.

Wallace had run to the place of Bob Sorrel Horse for help and had followed Billie and Ben back home. He had arrived in time to see the second blow struck.

The mother told a similar story to her husband Percy. She had so far collapsed that she did not see the blows struck.

The police presented the axe as an exhibit and gave details of the setting showing pictures of the houses and surrounding country. Constables Murray, Carter, Barnes, Ellis and Lloyd testified.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

40K 636/13-2.

INFORMANT - D/A/CPL·BAILEY F·B·

FORM 264

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

Division 'K' Div. Fyle No. Detachment Lethbridge CIB

Defendant Billy CREIGHTON Residence Blood Indian Reserve·

Alias Nil Occupation Treaty Indian

Nationality and Colour Blood Indian

Status in Country Treaty Indian of the Blood Band·

Offence and Section of Act Murder· Sec· 263 C·C·

Date and Place of Offence On or about Nov·29th, 1940 at near Cardston·

Authority for Search Nil·

Arrest or Summons. Date Arrested Nov·30th, 1940·

Date and Place of Hearing Dec·19th, 1940 at Cardston, Alta·

Heard by H·G·Jensen, Police Magistrate of Cardston, Alta·

Prosecutor or ~~Pres'g Counsel~~ D/A/Cpl·Bailey F·B· Defence Counsel M·E·Moscovich Esq·

Witnesses Dr James A·Key and Dr Joseph Dobry of Cardston· L/Cpl· Ellis, Const·Murray, Const·Doane and S/Const·Goodrider of R·C·M·Police, Cardston· Const·Carter and Const·Barnes of R·C·M·Police, Lethbridge· Frank Scout, Ben Scout, Harry Mills, Buster Mills, Percy Creighton, Mrs Jesse Creighton, Wallace Creighton of the Blood Indian Reserve·

Finger Prints and Photo forwarded to Headquarters 21-12-40·

Result of Hearing Committed for trial at next Court of competent criminal jurisdiction at Macleod·

COPY TO D. A. G.
COM. (2).

Bail Nil·

Bondsmen Nil·

Remarks P·C·R· BILLY CRIEGHTON - BLOOD INDIAN RESERVE·
MURDER· SEC· 263 C·C·

This Indian appeared before Pol·Mag·H·G·Jensen at Cardston on Dec·19th, 1940, for a preliminary hearing on the charge of murder of Samuel Creighton, his brother· He was represented by M·E·Moscovich, barrister of Lethbridge·

Evidence was given by the following witnesses:-

Dr James A·Key, in charge of the Indian Hospital at Cardston, attended Samuel Creighton as a patient from about 2·30 am, Nov·

Submitted by D/A/Cpl· F·B·Bailey·

Fwd'd O.C. Leth· Sub-Dist. Fwd'd O.C. 'K' Division Fwd'd to Commissioner

F·B·Bailey·D/A/Cpl· In Charge Detachment — J·Brunet· Inspr· In Charge Sub-District — R.E.M.C. Dec. 23, 1940. Commanding Division

Date 20-12-40· Date 20-12-40 Supt. I/C C.I.D.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

40K 636/13-2.

INFORMANT - D/A/CPL.BAILEY F.B.

FORM 254.

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

Division 'K' Div. Fyle No. Detachment Lethbridge CIB

Defendant Billy CREIGHTON Residence Blood Indian Reserve.

Alias Nil Occupation Treaty Indian

Nationality and Colour Blood Indian

Status in Country Treaty Indian of the Blood Band.

Offence and Section of Act Murder. Sec. 263 C.C.

Date and Place of Offence On or about Nov.29th, 1940 at near Cardston.

Authority for Search Nil.

Arrest or Summons. Date Arrested Nov.30th, 1940.

Date and Place of Hearing Dec.19th, 1940 at Cardston, Alta.

Heard by H.G.Jensen, Police Magistrate of Cardston, Alta.

Prosecutor or ~~Pres'g Counsel~~ D/A/Cpl.Bailey F.B. Defence Counsel M.E.Moscovich Esq.

Witnesses Dr James A.Key and Dr Joseph Dobry of Cardston. L/Cpl. Ellis, Const.Murray, Const.Doane and S/Const.Goodrider of R.C.M.Police, Cardston. Const.Carter and Const.Barnes of R.C.M.Police, Lethbridge. Frank Scout, Ben Scout, Harry Mills, Buster Mills, Percy Creighton, Mrs Jesse Creighton, Wallace Creighton of the Blood Indian Reserve.

Finger Prints and Photo forwarded to Headquarters 21-12-40.

Result of Hearing Committed for trial at next Court of competent criminal jurisdiction at Macleod.

COPY TO D. A. G.
COM. (2).

Bail Nil.

Bondsmen Nil.

Remarks P.C.R. BILLY CRIEGHTON - BLOOD INDIAN RESERVE.
MURDER. SEC. 263 C.C.

This Indian appeared before Pol.Mag.H.G.Jensen at Cardston on Dec.19th, 1940, for a preliminary hearing on the charge of murder of Samuel Creighton, his brother. He was represented by M.E.Moscovich, barrister of Lethbridge.

Evidence was given by the following witnesses:-

Dr James A.Key, in charge of the Indian Hospital at Cardston, attended Samuel Creighton as a patient from about 2.30 am, Nov.

Submitted by D/A/Cpl. F.B.Bailey.

Fwd'd O.C. Leth. Sub-Dist. Fwd'd O.C. 'K' Division Fwd'd to Commissioner

F.B.Bailey D/A/Cpl. J.Brunet. Inspr. R.E.McLEOD

In Charge Detachment In Charge Sub-District Commanding Division

Date 20-12-40. Date 20-12-40 Dec. 23, 1940. Supt. I/C C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON - Blood Indian Reserve.

Murder. Sec. 263 C.C.

30th to about 10 pm, Dec.5th, when he died as a result of head injuries. He described the injuries and the treatment given.

Dr Joseph J.Dobry of Cardston, who performed the autopsy, described his findings and gave an opinion that the head wound was caused by a blow with a blunt instrument, delivered with a great degree of force from a position behind and to the left of the head.

Const.Carter identified plans of the Percy Creighton residence and the area surrounding it.

Const.Barnes identified photographs of it and the Bob Sorrel Horse residence.

Frank Scout described the drive by team and sleigh from Cardston to the Bull Horn coulee on the evening of Nov. 29th, 1940, with Billy and Samuel Creighton and Ben Scout, and during which they, with the exception of Ben Scout, became intoxicated on a mixture of rubbing alcohol and water. At the Bull Horn coulee, Samuel Creighton was tied by the others and left on the prairie with Frank Scout. Samuel Creighton and Frank Scout walked to the Percy Creighton residence and Creighton assaulted Percy and Mrs Creighton. Samuel Creighton finally sat on the edge of a bed with his headin his hands and, while in this position, Billy Creighton entered and struck him twice with an axe. At this time, there was no disturbance in the room. Later Frank Scout accompanied the Police to the Indian Hospital at Cardston with Samuel Creighton.

Ben Scout corroborated the story of the drive up to the point when he and Billy Creighton left Samuel Creighton and Frank Scout on the prairie and drove to the Bob Sorrel Horse residence. Later Wallace Creighton arrived and stated the Samuel Creighton was beating his parents. Billy Creighton ran to the Percy Creighton residence, followed by the witness, who saw him strike the second blow with the axe. He stopped Billy Creighton from striking a third blow with the help of Percy and Mrs Creighton.

Harry Mills described the visit of Samuel and Billy Creighton and Frank and Ben Scout to his house during their drive from Cardston on the night of Nov.29th, 1940. Excepting Ben Scout, they were intoxicated and consumed some rubbing alcohol mixture there but appeared to be on good terms.

Buster Mills, son of Harry Mills, corroborated this evidence.

Percy Creighton, father of Samuel and Billy Creighton, described the actions of Samuel and Frank Scout after their arrival at his home in an intoxicated condition. After Wallace Creighton had gone for help Samuel Creighton was in the act of sitting down on a bed and removing the top from a bottle of rubbing alcohol when Billy Creighton ran in and struck him twice with an axe. He helped to take the axe from him. He also took charge of the bottle that had fallen from Samuel Creighton's hands and later gave it to L/Cpl.Ellis. He also identified a broken chair with which Samuel Creighton had assaulted him.

Mrs Jesse Creighton, wife of Percy Creighton, corroborated this story but stated that she was occupied with the daughter of Samuel Creighton when Billy Creighton entered and did

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Billy CREIGHTON - Blood Indian Reserve.

Murder. Sec. 263 C.C.

not see the actual assault.

Wallace Creighton, son of Percy Creighton, described the actions of Samuel Creighton and Frank Scout in the house until he left for help. He went to the Bob Sorrel Horse residence and told Billy Creighton, Ben Scout and Bob Sorrel Horse that Samuel Creighton was beating his parents. Billy Creighton immediately ran out and to the Percy Creighton residence. Upon his arrival, Billy Creighton had an axe in his hands and was being held by Ben Scout, Percy and Mrs Creighton. He took the axe, which he identified as the property of Bob Sorrel Horse, and hid it outside and then rode et to the St.Pauls Indian school to notify the Police. Later he spoke to S/Const.Goodrider about the axe.

S/Const.Goodrider stated that he spoke to Wallace Creighton on Nov.30th and then found the axe outside the Percy Creighton house. He handed it to Const.Doane who was with him at the time.

Const.Doane stated that he went to the Percy Creighton residence on Nov.30th with S/Const.Goodrider and was present when the axe was found. He identified it.

Const.Murray described the condition of Samuel Creighton upon his arrival at the Percy Creighton residence on the early am of Nov.30th and his removal to the Blood Indian Hospital at Cardston.

L/Cpl.Ellis identified the broken chair and the bottle of rubbing alcohol, he having received them from Percy Creighton on Nov.30th. He also gave evidence as to the distance between the Percy Creighton and Bob Sorrel Horse residences.

Billy Creighton was committed for trial at the next Court of competent criminal jurisdiction at Macleod. He reserved his defense.

STILL UNDER INVESTIGATION.

O.C. "K" Division,
R.C.M.P. Edmonton.

Sir:

FORWARDED:

J.B.Bailey.D/A/Cpl.
Reg.No.11497.

1. I have today forwarded copy of this report, together with copy of D/Cpl. Bailey's report of December 11th, to the A.A.G. at Macleod, Mr. John L. Fawcett, K.C.,

Leth. 20-12-40
H:A

Sgd. "J. Brunet" Inspector.
Commanding Lethbridge Sub-Division.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 B 636-13-H-3 OTTAWA, 28-12-40

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
DEC 30 1940
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC-EEF

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19103-7

Return to Mr. Young

EXTRACT
ORIGINAL ON

Blood Indian Agency
Cardston, December 31st 1940.

Sir;

I have the honor to submit herewith Report for the month of December 1940, together with copy of Diary for same month.

x x x

During the early part of this month Sam Creighton who had been assualted at the end of november died, the body being viewed on December the 6th, and ajourned till December 10th, this I attended and the assailaint Billy Creighton was taken to Lethbridge and held on a murder Charge, The preliminary hearing took place on the 19th of December, and he was sent up to the Higher Court, some time in March. Authority having been received from the Department of the appointment of L Fairbairn Barrister Lethbridge to defend Billy Creighton.
During the present month two cases of bodily harm, have appeared before the Magistrate, and one case of non support, all three parties receiving three months hard labor.

x x x

Anthony M. McMillan

Clerk in Charge

The Secretary,
Indian Affairs Branch
Dept. Mines & Resources
Ottawa. Ont.

Indian Affairs. (RG 10) Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Lethbridge Herald 11/3/41

19103-7

Billy Creighton, Blood Indian, Convicted, Manslaughter Charge; Five Years Suspended Sentence

Story of Fatal Attack on Sam Creighton Told in Court

(From Our Own Correspondent)

MACLEOD, March 11.— Billy Creighton, Blood Indian, was convicted of manslaughter by supreme court jury at noon here today and Mr. Justice T. M. Tweedie passed a five years' suspended sentence. Creighton was placed under bond of $4,000.

Creighton was charged in connection with the death of his brother, Sam Creighton, following an altercation on the Blood reserve near Cardston some months ago.

Evidence Heard

MACLEOD, March .—Billy Creighton, 22-year-old son of Chief Percy Creighton, of the Blood Indian reservation, went on trial for his life on Monday in supreme court which opened here this Monday morning with His Lordship Mr. Justice Tweedie presiding.

Billy Creighton's fate is now in the hands of a jury which was empanelled yesterday composed of the following: S. C. Williams, foreman; E. Giffey, C. Hart, W. A. Blair, R. F. Blair and H. A. Dow. They are expected to return their verdict on Tuesday when court again opens.

The evidence of the following witnesses was taken Monday: Dr. James Albert Key, Blood reserve, Cardston; Edward Victor Carter, R.C.M.P.; Frank William Barnes, R.C.M.P.; Dr. Joseph J. Dohry, Cardston; Frank Scout, Ben Scout, Blood Indians; Donald Willoughby Murray, R.C.M.P., Cardston; Harry Mills, Buster Mills, Percy Creighton (chief), Mrs. Jessie Creighton and Wallace Creighton of the Blood reserve; Corpl. Wm. Ellis, R.C.M.P., Cardston; Charlie Good Rider, Blood reserve; Walter Rowell Lloyd Doane, R.C.M.P., Cardston; Bob Sorrel Horse, Blood Indian reserve.

M. E. Moscovich, K.C., and L. E. Fairbairn of Lethbridge, acted on behalf of the accused, Billy Creighton, while John L. Fawcett, K.C., of Macleod, conducted the prosecution as agent of the attorney-general.

The accused is an unmarried Indian.

Rubbing Alcohol

Rubbing alcohol again entered into this charge of murder as in the last from the Blood reserve when Round Nose was charged.

The evidence went to show that rubbing alcohol was obtained in Cardston and Sam Creighton, Frank Scout, Ben Scout and Billy Creighton, the accused, were drinking together in a party which came from Cardston to Harry Mill's place on the reserve some four miles from Cardston with a team and sleigh and remained drinking about one hour. Pulling out for home, Percy Creighton's place another four miles ahead, the sleigh upset en route when within about half a mile of home. Sam Creighton then wanted to fight and the rest of them tied him up with ropes when Billy Creighton and Ben Scout proceeded on with the team to Bob Sorrel Horse's place and Frank Scout remained with the deceased Sam Creighton and instead of waiting for him to become sober, untied him soon after the team left.

Frank Scout and Sam Creighton then walked the half mile to Percy Creighton's place where, on arrival, Sam began to beat his mother, running out into the snow with his own daughter of four years, who had no footwear at the time though the weather was cold. Sam had been separated from his wife for nearly a year. Mr. Creighton, Sam's mother, then ran out after him and the child and succeeded in bringing the little girl back to the house while screaming. Deceased Sam then beat his mother all over the house when Chief Percy Creighton got up about 11 o'clock that evening.

To him Sam took a chair which, when uplifted was caught by Mrs. Creighton before it crashed on the father's head. Sam then struck his father with his fist on the head knocking him down. The father, who had just previously had a stroke, was in a weakened state. Sam got on top of his father when a younger brother, Wallace, ran out for help to the home of Bob Sorrel Horse, his brother-in-law, quarter of a mile away and entering crying told Bob that Sam Creighton was beating his father and mother.

To Father's Home

Billy Creighton, the accused, who was there, left the table and his supper which he was about to eat, and ran on foot to his father's house with Wallace, Ben Scout and Bob Sorrel Horse following behind. Entering his father's house Billy told Sam that he saw he had been beating the old folks again and struck him after a tussle, with an axe on the head. The axe was by the door in the house it was told. Frank Scout was also in the house and the evidence of Percy and Mrs. Creighton showed that he was too drunk to do anything. Sam Creighton died six days afterwards in the hospital on the Blood reserve near Cardston and resulted in the accused being charged with murder.

The court room was crowded during the trial mostly by Indians from the Blood reservation.

741

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 402-8

Department of Mines & Resources
Indian Affairs Branch
MAR 17 1941
REGISTERED

See Y

Blood Indian Agency
Cardston
March 13th 1941

Sir;-

Rex V Billy Creighton. (Murder)

I beg to advise that the following case Rex V Creighton was heard at the District Court at Macleod on Monday March 10th.

The accused was defended by Mr L Fairbairn representing the Department, assisted by Mr Moscovitch who represented the relatives of the accused.

The case lasted till 2.30P.M. on Tuesday the 11th of March when the accused was found guilty of Manslaughter with a request for Leniency. Justice Tweedie sentenced the accused to 5 Years suspended sentence, with a Bond of $1000.00, which was taken up Charlie Middleton son of Canon Middleton of St Pauls School, and Chas Davis an Indian of this Reserve.

When Mr Fairnairn's account has been received I will forward it to the De artment by Voucher.

Secretary
Indian Affairs Branch
Dept of Mines & Resources
Ottawa.

Your Obedient Servant.

Anthony McCullagh

Clerk in Charge.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY ▲ FILM ●●

H.Q. File No. 40K 636/13-2. Div. File No. F. 264 B.

ROYAL CANADIAN MOUNTED POLICE

Sub-Division: Lethbridge — S.Div. Ref. 40L 384-07 — R.C.M.P. Seizure Number

Detachment: Lethbridge CIB — Det. Ref. — A.R.V. No.

Defendant: Billy CREIGHTON (Name in full) — Address: Blood Indian Reserve.

Occupation: Treaty Indian (Farmer) — Status in Canada: Treaty Indian

Nationality: Blood Indian — Colour: Indian — Date of Birth: 13-10-18.

Place of Offence: Near Cardston, Alberta. — Date: On or about 29-11-40.

Offence: Murder. (Description) — Criminal Code (Name of Act) — 263 (Section)

Information: D/A/Cpl. F.B. Bailey (By whom laid) — 14-12-40 (date) — A. Beaumont P.M. (Before) — Lethbridge (Place)

Arrest or Summons: Arrest — Date: 30-11-40 — Place of Trial: Macleod, Alta. — Date: 10-3-41.

Tried By: Mr Justice T.H. Tweedie and jury. — Plea: Not guilty

Prosecutor or Pros'g Counsel: John L. Fawcett K.C. — Defence Counsel: M.M. Mossovich, L.H. Fairbairn.

Disposition of Charge or Sentence imposed & date: Not guilty of murder. Found guilty of manslaughter. Five years suspended sentence 11-3-41.

Fine paid or gaol term taken

Costs Collected (Police)

Serving Summons $

Arrest $

Attending Court $

Witness Fees $

Mileage Miles @ c.p.m. $

Authority for Search

Complainant: D/A/Cpl. F.B. Bailey

Fingerprints to H.Q. 1-12-40. (date)

Photograph to H.Q. 1?-12-40. (date)

Last previous conviction (quote F.P.S. Number if known): None known.

Costs other than R.C.M.P.:

REMARKS:— F.C.R. BILLY CREIGHTON - BLOOD INDIAN RESERVE, ALTA. MURDER, SEC. 263 C.C.

The accused and his brother, Sam Creighton, were in the town of Cardston, Alberta, during the afternoon of Nov.29th, 1940, having driven in by sleigh from the Blood Indian Reserve. They were joined by Frank and Sam Scout, brothers and members of the Blood band. They acquired a bottle of rubbing alcohol and left town together for the Reserve in the sleigh. During the drive, Billy and Sam Creighton and Frank Scout became intoxicated and a quarrel ensued between Billy and Sam Creighton with the result that Sam Creighton was overpowered by the others and bound with ropes. He was left on the prairie with Frank Scout while Billy Creighton and Sam Scout drove in the sleigh to the house of Bob Sorrel Horse. This residence is slightly more than one quarter of a mile from the home of Percy Creighton, father of Billy and Sam Creighton.

COPY TO D. A. G.

COPIES TO CONSTABLE

Frank Scout eventually released (illegible) walked to the Percy Creighton house. Both were

Diary Date — Investigated by: S/Cpl. F. Ellis, Cst. Murray and Doune, S/Cst. Goodrider.

Fw'd on 12-3-41 (date) to O.C. S-Div. — Fw'd on 13-3-41 (date) to O.C. Div. — Fw'd Comm'r (date) March 16, 1941.

F.B. Bailey, D/A/Cpl. i/c Detachment — J. Brunet, Insp. i/c Sub-Division — R.E. McLeod Supt. i/c C.I.B.

NOTE:—No covering report is required with this form except in special cases. Any sub-headings which are not applicable are to be left blank. If insufficient room for remarks, continue on plain tissue.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

010

Re: Billy CREIGHTON - Blood Indian Reserve, Alta.
Murder, Sec. 263 CCC

intoxicated and Sam Creighton assaulted his mother and father, threatening to kill them. Wallace Creighton, a younger son of Percy Creighton, ran to the Sorrel Horse residence for help and there told Billy Creighton and others that Sam Creighton was killing his parents. Billy Creighton ran to the Creighton house, picking up an axe en route. When he entered, no disturbance was taking place but he hit Sam Creighton on the head with the blunt side of the axe head and aimed a second blow which glanced off the left jaw. Before he could strike a third time, he was overpowered. The Pol ce were summoned and Sam Creighton was removed to the Indian Hospital at Cardston with a fractured skull. He died as a result of these injuries on Dec. 5th, 1940.

Billy Creighton was arrested on a charge of assault causing grievous bodily harm. Following the death of Sam Creighton, he was charged with murder. At a preliminary hearing at Cardston on Dec. 19th, 1940, before Pol. Mag. H. Jensen, he was committed for trial.

On Mar. 10th, 1941, he appeared in the Supreme Court at Macleod before Mr. Justice Tweedie and elected for trial by jury of six. Evidence as adduced at the preliminary hearing was given and His Lordship summed up in favour of a verdict of manslaughter. The jury found him not guilty of murder but guilty of manslaughter with a strong recommendation for mercy. Character evidence was given by the Acting Indian Agent, A. MacMillan, who also informed the Court that the accused was tubercular. In view of the recommendation of the jury and the state of health, His Lordship suspended sentence for five years on condition that Creighton keep the peace and be of good behaviour. He was bound over in his own surety of $1000.00 and two sureties of $500.00 each, Chas. Davis of the Blood Indian Reserve and Chas. Middleton of the St. Paul's Anglican School.

CONVICTION. CONCLUDED.

O.C. "K" Division,
R.C.M.P. Edmonton.

F.B. Bailey D/A/Cpl.
Reg. No. 11497

Sir: FORWARDED:

1. I would refer to Cardston Detachment report of December 5th, 1940 under the heading "Billy Creighton - Blood Indian Reserve, Alta. -- AssaultCausing Grievous Bodily Harm, Sec. 274 CCC" the heading of which was later changed to "Murder, Sec. 263 CCC", and to my forwarding remarks of December 9th, especially para. 2 in which an observation was made that it was doubtful whether a charge of Murder would be sustained.

2. After due consideration it was decided that the circumstances of this crime definitely fixed the charge as that of Murder. This was preferred. You will note, however, that His Lordship, Mr. Justice Tweedie, in summing up the evidence and charging the jury did so in favour of Manslaughter. The jury found the accused Not Guilty of Murder but Guilty of Manslaughter.

CONCLUDED.

Leth. 13-3-41
H:A

sgd. "J.Brunet" Inspector,
Commanding Lethbridge Sub-Division.

Copies direct to Insp. Ind. Agces, Calgary.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 B 636-13-H-3 OTTAWA, March 25, 1941.

YOUR FILE No. _____

Secy

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
MAR 28
REGISTERED

JSC/DK

Indian Affairs. (RG 10, Volume 7468, File/19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Lethbridge, Alberta,
March 14th, 1941.

M. E. MOSCOVICH, K.C.,

In account with

DEPARTMENT INDIAN AFFAIRS.

Re: Rex vs Billy Creighton.

1940.

December 16th.	TO attendance at Cardston - one day - interviewing witnesses in preparation for preliminary hearing.		
	TO total fee.	$25.00.	
	TO mileage - 120 miles @ 8¢.		$ 9.60.
	TO meals, etc.		1.50.
December 19th.	TO preparation for preliminary hearing.		
	TO attendance at Cardston on same.		
	TO total fees.	100.00.	
	TO mileage to Cardston - 120 miles @ 8¢.		9.60.
	TO meals, etc.		1.50.
		$125.00.	$22.20.
			125.00.
			$147.20.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

THIS SPACE FOR TREASURY ONLY

CHEQUE NO. .....

DATE .....

VOTE		AGENCY	
ALLOT.	E. R.	AMOUNT	
TOTAL			

EXAMINED AND FOUND CORRECT

DATE .....

PAY TO W. E. MOSCOVICH, K.C.,

ADDRESS LETHBRIDGE,

ALTA.

DATE 1941		SERVICE	AMOUNT
March	14	To Legal fees in connection with the defence of Billy Creighton, charged with murder, preliminary hearing, as per statement attached.	$147.20
		TOTAL	$147.20

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just, also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

Anthony McMillan
Agent

FORM No. I.A. 506
R. 143

VOUCHER NO. 443

DATE March 28th, 1941.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Lethbridge, Alberta,
March 14th, 1941.

M. E. MOSCOVICH, K.C.,

In account with

DEPARTMENT INDIAN AFFAIRS.

Re: Rex vs Billy Creighton.

1940.

December 16th.	TO attendance at Cardston - one day - interviewing witnesses in preparation for preliminary hearing.		
	TO total fee.	$25.00.	
	TO mileage - 120 miles @ 8¢.		$ 9.60.
	TO meals, etc.		1.50.
December 19th.	TO preparation for preliminary hearing.		
	TO attendance at Cardston on same.		
	TO total fees.	100.00.	
	TO mileage to Cardston - 120 miles @ 8¢.		9.60.
	TO meals, etc.		1.50.
		$125.00.	$22.20.
			125.00.
			$147.20.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

PAY TO M. E. MOSCOVICH, K.C.,

ADDRESS LETHBRIDGE,

ALTA.

THIS SPACE FOR TREASURY ONLY

CHEQUE NO.

DATE

VOTE		AGENCY	
ALLOT.	E. R.	AMOUNT	
TOTAL			

EXAMINED AND FOUND CORRECT

DATE

DATE 1941		SERVICE	AMOUNT
March	14	To Legal fees in connection with the defence of Billy Creighton, charged with murder, preliminary hearing, as per statement attached,	$147.20
		TOTAL	$147.20

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just, also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

FORM No. I.A. 506
R. 142

Anthony McMillan
Agent

VOUCHER No. 443

DATE March 28th, 1941.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

OFFICE OF THE INDIAN AGENT

Department of Mines & Resources Indian Affairs Branch
Apr. 1 1941
REGISTERED

CANADA
DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE 402-8

Blood Indian Agency,
Cardston, Alta., March 28th, 1941.

See J

Sir:-

Re: Rex vs Billy Creighton.

I beg to submit herewith Voucher and account covering legal fees of Mr. L.E.Fairbairn, Lethbridge, in connection with defence of Billy Creighton, charged with murder, together with voucher and account covering services of Mr. M.E.Moscovich at preliminary hearing, and covering letter from Mr. Fairbairn in connection with the accounts.

Your obedient servant,

Anthony McMillan

Clerk in Charge.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Department of Mines & Resources Indian Affairs Branch
APR 1 1941
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Copy

L.E.Fairbairn, Barrister,
Lethbridge,Alta.
March 17,
1941.

The Minister of Indian Affairs, Ottawa.

Dear Sir: Re Rexvs Creighton.

- - - - - -

I enclose herewith statement of my account in triplicate in the above matter.

Attached thereto you will find a statement covering part of these proceedings in which Mr. M.E. Moscovich, K.C. had appeared for the accused.

Apparently on the 29th Nov,1940, Sam Creighton, deceased, was assaulted by his brother Billy Creighton, and as a result died of the injuried on Dec. 5. At the inquest, Chief Percy Creighton and relatives of Billy Creighton apparently retained Mr. Moscovich of Lethbridge and I believe his services were paid for at the inquest. Mr. Moscovich under instructions from the accused again represented him at the preliminary hearing and following the committal on the charge of murder I received instructions from the Indian Dept to appear on behalf of the dept. Mr. Moscovich advised me that he had a retained agreement from the Indians in question and would be glad to be of any assistance that he could.

Some of the Indians involved came to see Mr. Moscovich at Lethbridge and I was called in and as it was quite apparent that they plac d a good deal of confidence in Mr. Moscovich and as apparently they were satisfied with their retained agreement, I did not wish to object to Mr. Moscovich appearing in defence of the accused. If by any chance the accused had been found guilty of murder and the full penalty invoked it might have placed the dept and myself in a very unfortunate position in the eyes of the Indians on the reserve if their own solicitor had been precluded from sitting in on the proceedings.

As the Indian Agent has no doubt reported to you the accused was acquitted on the charge of murder and a jury found him guilty of manslaughter with a strong

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

recommendation for leniency. His Lordship Mr. Justice Tweedie released him on his own bond and that of two sureties on suspended sentence for a period of five years.

In view of all the circumstances in this rather unfortunate and peculiar case I feel that the finding of the jury was the most proper one and the sentence imposed the most practical that could be expected.

Mr. Moscovich has requested me to enclose a statement covering his services at the preliminary hearing, apparently on the theory that had I been instructed earlier the dept would have had these expenses to meet.

I therefore enclose the statement without observation, except that if a satisfactory adjustment of fees is reached with the Indians involved, the dept might see its way clear to assume the account of Mr. Moscovich.

Yours truly,

(Sgd) L.E.Fairbairn, per ?

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, April 3,1941.

Dear Sir:

I have to refer to the case of Billy Creighton, Indian of the Blood Indian Agency, Alberta, charged with murder.

Accounts have now been received from Mr. L.E.Fairbairn, Barrister of Lethbridge, amounting to $524.35, which are enclosed herewith for taxation and return.

I also enclose letter from Mr. Fairbairn and account in connection with services rendered by Mr. Moscovich. I should be glad to have your views as to what reply should be given.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

encl

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

EM/MG.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 7th April, 1941.

Department of Mines & Resources
Indian Affairs Branch
APR 8 1941
REGISTERED

Sir,-

A.3.General-Alta.

I have the honour to acknowledge receipt of your letter of April 3rd forwarding account of Mr. L.E. Fairbairn in connection with the defence of Billy Creighton of the Blood Indian Agency, charged with murder. You also forward Mr. Fairbairn's letter of March 17th from which it would appear that the Indians, Chief Percy Creighton and relatives of the accused, retained Mr. Moscovich for the defence, apparently on terms satisfactory both to the solicitor and to the Indians. Under these conditions there would not appear to have been any requirement for the employment of Mr. Fairbairn in order to assure the accused an adequate presentation of his defence. I gather from Mr. Fairbairn's letter that Mr. Moscovich defended the accused and I shall therefore require fuller data as to Mr. Fairbairn's actual and practical connection with the case before attempting to tax his bill.

I have the honour to be,

Sir,

Your obedient servant,

The Director,
Indian Affairs Branch,
Department of Mines & Resources,
OTTAWA.

for Assistant Deputy Minister
of Justice.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY
ORIGINAL ON
File 21-103

19103-7

See 4

Blood Indian Agency
Cardston April 1st, 1941.

Sir:

I have the honor the to submit herewith Report for the month of March 1941, together with Copy of Diary for the same month.

x x x

LIQUOR CASES & CONVICTIONS

During this month the case of Rex V Creighton (Billy) on Murder charge came up before the District Court in Macleod, which I attended on behalf of the Indian and the Department, Creighton was found guilty of Manslaughter with a strong recommendation for mercy, and was sentenced by Justice Tweedie to 5 Years suspended sentence with Charle Middleton, St Pauls Schools, and Charles Davis of the Reserve going Bond for his good behaviour for $500.00 each.

x x x

Anthony McMillan
Clerk in Charge

The Secretary
Indian Affairs Branch
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Ottawa, April 8, 1941.

Dear Sir:

I have to refer to your communication of April 7th and to previous correspondence with regard to the case of Billy Creighton, Indian of the Blood Agency, charged with murder.

As requested over the telephone today I am enclosing herewith our File 19103-7 in connection with this case.

Yours very truly,

Howay

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

encl

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

Ottawa, April 8, 1941.

Dear Sir:

I have to refer to your communication of April 7th and to previous correspondence with regard to the case of Billy Creighton, Indian of the Blood Agency, charged with murder.

As requested over the telephone today I am enclosing herewith our File 19103-7 in connection with this case.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

encl

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

EM/MG.

Department of Mines & Resources
Indian Affairs Branch
APR 12 1941
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 10th April, 1941.

Sir,-

A.3.General-Alta.
Your file No. 19103-7.

I have the honour to acknowledge receipt of your letter of April 8th and to return you herewith the file which accompanied same. I am communicating with Mr. Fairbairn with a view to ascertaining the part taken by him in this defence.

I have the honour to be,

Sir,

Your obedient servant,

"Encl."

F. P. Varcoe

Assistant Deputy Minister of Justice.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Lethbridge, Alberta,
March 17th, 1941.

L. E. [redacted]RBAIRN

In account with

DEPARTMENT OF INDIAN AFFAIRS.

Re: Rex vs Billy Creighton.

INDICTMENT

Member of the Blood Indian Band, stood charged before His Lordship Mr. Justice Tweedie, at Macleod, Alberta, on March 10th, for that he the said Billy Creighton on or about the 29th day of November, A.D., 1940, at or near Cardston, in the said Province, did murder Samuel Creighton, contrary to Section 263 of the Criminal Code of Canada.

Accused pleaded not guilty. Jury returned verdict not guilty of murder but guilty of manslaughter with strong recommendation for leniency. His Lordship Mr. Justice Tweedie imposed suspended sentence for 5 years on the recognizance of the accused in the sum of $1000.00 with 2 sureties in the sum of $500.00 each.

1940.			
December 20th.	UPON receiving advice from Indian Agent that I had been retained as Counsel for defence of Billy Creighton, obtained transcript of evidence before inquest and also preliminary hearing.		
	TO paid Court Reporters.		$ 40.75.
	TO studying depositions at inquest and preliminary hearing, briefing and indexing same and preparation for trial - 3 days.	$150.00.	
	TO interviewing Indians and investigating record of accused and arranging character witnesses.	25.00.	
1941.			
March 10th.	TO attendance at trial at Macleod - 1½ days, when accused found not guilty of murder but guilty of manslaughter.	300.00.	
	TO expenses to Macleod 70 miles 8¢.		5.60.
	TO hotel, meals, etc.		3.00.
		$475.00.	$49.35.
			475.00.
			$524.35.

VOTE.....

AGENCY.....

ALLOT.....E. R.....

Goods received or services performed. Prices fair and just.

Approved for payment.

(a) — 349.35

A. V. Mauchan

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Lethbridge, Alta.

Copy

March 17, 1941.

L.E.Fairbairn

in account with
Department of Indian Affairs.

Re Rex vs Billy Creighton.

Indictment

Member of the Blood Indian Band, stood charged before His Lordship Mr. Justice Tweedie, at Macleod, Alberta, on March 10 for that he the said Billy Creighton on or about the 29th day of November, A.D. 1940, at or near Cardston, in the said Province, did murder Samue Creighton, contrary to Section 263 of the Criminal Code of Canada.

Accused pleaded not guilty. Jury returned verdict not guilty of murder but guilty of manslaughter with strong recommendation for leniency. His Lordship Mr. Justice Tweedie imposed suspended sentence for 5 years on the recognizance of the accused in the sum of $1000.00 with 2 sureties in the sum of $500.00 each.

1940

Dec. 20. Upon receiving advice from Indian Agent that I had been retained as counsel for defence of Billy Creighton, obtained transcript of evidence before inquest and also preliminary hearing

To paid Court Reporters 40.75

To studying depositions at inquest and preliminary hearing, briefing and indexing same and preparation for trial 3 days 150.00

To interviewing Indians and investigating record of accused and arranging character witnesses. 25.00

1941

March 10 To attendance at trial at Macleod 1½ days when accused found not guilty of murder but guilty of manslaughter 500.00

To expenses to Macleod 70 miles @ 8 5.60

To hotel, meals, etc. 3.00

Dept. Justice
Apr. 18, 1941
I hereby certify that I have exmd this act and taxed same at the sum of $349.35
(Sgd) A.Miall for Asst D.M.J.

	195.00	49.35
		475.00
		524.35

VOTE.....
AGENCY.....
ALLOT.....
Goods received or services performed. Prices [illegible]
Approved for payment
349.35
T.A.A.

AUDITED FOR PAYMENT
APR 30
Treasury Office
J. A. BRANCH

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

MG. Sol

Department of Mines & Resources
Indian Affairs Branch
APR 19 1941
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 18th April, 1941.

Sir,-

A.3.General-Alta.
Re: The King vs. Creighton.

I have the honour to refer to your letter of April 3rd and to return you herewith account of Mr. L.E. Fairbairn, Barrister, Lethbridge, Alta. forwarded therewith covering services in connection with the defence of Billy Creighton, Indian of the Blood Indian Agency, Alberta, charged with murder, rendered at $524.35 and taxed and allowed by me at $349.35.

Taxation of the account of M.E. Moscovich, K.C. of Lethbridge which also accompanied your letter above mentioned is not a matter for the consideration of this department as this solicitor was not nominated by the Minister of Justice for the work in question. Mr. Moscovich's account is also returned.

I have the honour to be,

Sir,

Your obedient servant,

"Encl."

VOTE.....
AGENCY.....
ALLOT.....E. R.....
Goods received or services performed. Prices fair and just. Approved for payment.
@ — 349.35

AUDITED FOR PAYMENT
APR 30 1941
Treasury Office
L. A. MANOH

F. P. Varcoe

Assistant Deputy Minister of Justice.

The Director of Indian Affairs,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19103-7

April 21, 1941.

Dear Sir:

I have to refer to your account amounting to $524.35 which has been taxed by the Department of Justice at $349.35.

With regard to the account of Mr. M.E. Moscovich, K.C. amounting to $147.20 I have to advise you that this account was forwarded to the Department of Justice for taxation who have advised me in a communication dated April 18 as follows:

> " Taxation of the account of M.E.Moscovich, K.C. of Lethbridge which also accompanied your letter above mentioned is not a matter for the consideration of this department as this solicitor was not nominated by the Minister of Justice for the work in question. Mr. Moscovich's account is also returned.

The account in question is therefore returned herewith.

Yours very truly,

T.R.L. MacInnes,
Secretary.

L.E.Fairbairn, Esq.,
Barrister,
Lethbridge, Alta.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, April 21, 1941.

EXD.
G

Dear Sir:

I have to refer to my communication of April 8 and to previous correspondence with respect to the case of Billy Creighton, Indian of the Blood Agency, charged with murder.

I should be obliged if you would be good enough to return our File.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-7

EM/MG.

Department of Mines & Resources
Indian Affairs Branch
25 1941
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 24th April, 1941.

Sir,-

EXD.
A.

A.3.General-Alta.
Your file No. 19103-7.

I have the honour to acknowledge receipt of your letter of April 21st asking for return of your file. Our records show that while Mr. Fairbairn's account was taxed and sent to you April 18th your file was returned with a letter dated April 10th. The file does not appear to be in our hands but if you will inform me that the same has not yet been received by you a closer search will be made here.

I have the honour to be,
Sir,
Your obedient servant,

F. P. Varcoe

Assistant Deputy Minister of Justice.

The Director of Indian Affairs,
Department of Mines and Resources,
OTTAWA.

Mr. Ellis
pay from 1941-42 affairs
Paid May 3/41
ck 7844 & 34 34

Received in the Treasury
NOV 17 194
INDIAN

Indian Affairs. (RG 10, Volume 7468, File 19103-7, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. DORMANT 19103-8 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

BLOOD

MURDER

MRS. GRACE QUESNELLE BY HER HUSBAND

HORACE QUESNELLE

Central Registry	P.A. or B. F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
6 Dec 11	P.A.	4.12.48	[illegible]	Secy	4915	[illegible]	3.12.48
22-12-48-17	P.A.	22.12.48		Secy	9640	CR 11	22 Dec 48
CR 9 Jun 17	DA	16.6.49	~~[illegible]~~	Secy	25727	CR 9 Jun 15	

FILE NO. 19103-8 DORMANT

DORMANT

SECOND SERIES

R 2871

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

103-5-9

COPY
ORIGINAL ON
File 46-103

Blood Indian Agency
Cardston, Alta.,
26th Nov., 1948.

Mr. G. H. Gooderham,
Regional Supervisor of
Indian Agencies,
Calgary, Alta.

For your information the following wire was received at this office yesterday:-

"Mrs. Grace Quesnelle was murdered here Monday by her Husband Horace who is now in jail has aunt Mrs. Tallow and uncle Joe Bullshields living on Blood Reserve, please notify if possible there are no funds available so will await instructions."

Shaw and Sons Funeral Home,
Yakim, Wn.

The body is being shipped to the Blood Reserve for burial and the Cecil Tallows and Joe Bullshields have gone to Yakima to bring the children back and tend to other matters.

We have written the chief of police for more details and these will be forwarded to you on receipt.

(Sgd) R.D. Ragan
Superintendent.

Copied: V.S.

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-8

103-5-9

Noted
[illegible]

COPY
ORIGINAL ON
File 46-103

4915

507 Public Building,
CALGARY, Alberta,
November 29th, 1948.

Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Attached please find copy of a letter received from Superintendent R. D. Ragan, concerning the death in the United States of a Blood Indian Woman - Mrs. Grace Quesnelle. As soon as further information is received, you will be advised.

(Sgd) G. H. Gooderham
Regional Supervisor of Indian Agencies.

Copied: V.S.

Department of Mines & Resources
Indian Affairs Branch
DEC 3 1948
A.M.
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-8

FROM
EDITORIAL AND INFORMATION SECTION
Lethbridge Herald
Nov 25 1946

Blood Indian Held In Death

Washington Police Hold Horace Quesnelle After Badly-Beaten Body of Wife Found in Cabin Near Yakima — Both Raised on Reserve Near Cardston

CARDSTON.—(HNS)—Grace Margaret Quesnelle, aged 34 years, wife of Horace Quesnelle, Blood Indian of the reserve near Cardston, is dead at Tieton, near Yakima, Washington, and her husband is held by police for investigation. Evidence points to death having resulted from a beating.

Both were raised on the Blood Reserve and moved with their son and daughter to Yakima two years ago. Horace Quesnelle was raised by Cecil Tallow on the reserve here. He served overseas with the Canadian army during the Second Great War.

LEAVES FOR YAKIMA

Horace Quesnelle has a brother and a sister living in the reserve here: John Tallow and Mrs. Kenneth Pale Feathers. His foster father, Cecil Tallow, is leaving today) Thursday for Yakima.

Horace Quesnelle was born on the reserve in 1913. His wife was Grace Mountain Horse, a niece of Mrs. Cecil Tallow and of Joe Bull Shield, well known residents of the reserve. The two were married at St. Paul's school in 1934.

A son, John Woodrow, died while his father was overseas. A son and a daughter survive.

STORY UNFOLDS

YAKIMA, Nov. 25.—Officers are investigating the death of Mrs. Grace Margaret Quesnelle, 34, whose badly-beaten body was found in a cabin on the Marvin Curtis ranch, two miles north of Tieton Tuesday morning.

Chief Deputy Sheriff Bert Guns said that he and Prosecuting Attorney Owen Clarke have taken a statement from the woman's widower, Horace Quesnelle, 34, who was held for investigation.

FOUND HER WITH TWO MEN

Guns said that Quesnelle said that he had come home from work Monday night and discovered that his wife was gone. He said he went to Tieton to look for her, and finally found her in a cabin with two other men, near Tieton. He said his wife left, but that he stayed there and had some drinks. About midnight, Quesnelle said, one of the men left the cabin, and a little later, he and the other man left.

They went to another cabin, he said, where he found one of the men and his wife. He said he jerked his wife by the hair, throwing her to the floor, and kicked her, when the other two men interceded.

CARRIED HER INSIDE

Quesnelle told Guns and Clarke that the other two men agreed to take them to their cabin on the Curtis ranch, and en route, he and his wife had an argument. The men said he carried his wife into their cabin, and went to bed.

When he awoke about 6 a.m., he said he discovered his wife was dead, and went to the Curtis home and told Curtis, who called the sheriff's office.

MARRIED 18 YEARS

Quesnelle said he and his wife had been married about 13 years, and they had come to Yakima valley two years ago from their home in Cardston, Alta. He said that they had two children, Leona, 12, and Arnold 10. They moved to the Tieton district last June, and he recently had been working for Eneas Swite, an orchard prunning contractor.

Guns said Quesnelle claims that he did not remember anything, from the time he took his wife into their cabin, until he awoke Tuesday morning and found her dead.

Dr. F. J. Lemon, coroner, said that an autopsy will be performed to determine the cause of her death.

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-8

FROM
EDITORIAL AND INFORMATION SECTION
Lethbridge Herald
Nov 27 1948

Cardston Indian Is Given Jail Term

—For Fatal Beating Of Wife

YAKIMA, Wash., Nov. 27.—(AP)—Henry Darras, alias Horace Quesnelle, a Blood Indian from a reserve near Cardston, Alta., was sentenced to not more than 20 years in state penitentiary Friday after he pleaded guilty to a charge of manslaughter in connection with the death of his wife.

The charge filed against Darras, who has used the name of Quesnelle for many years, stated that he had inflicted a beating on his 34-year-old wife with his hands and feet which resulted in her death.

Prosecutor Owen Clarke recommended a minimum sentence for Darras. The prosecution said he was convicted the man "only intended to punish his wife for her misdeeds, and not kill her."

Officers said Darras told them he beat his wife after he found her in another man's cabin.

HIS ADMISSION

Darras is reported admitting to officers he beat his wife after finding her in another man's cabin after a night of drinking. He said he did not discover his wife had been fatally injured until he attempted to arouse her to get his breakfast the following morning.

Known here as Quesnelle, the accused told police his real name was Darras and that Quesnelle was the name of his adopted parents in Canada.

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-8

80

FROM
EDITORIAL AND INFORMATION SECTION
Lethbridge Herald
Nov 26 1948

Criminal Charge to Be Laid in Washington Against Cardston Indian

A criminal charge will likely be laid against Horace Henry Quesnelle, 34-year-old Blood Indian from the reservation near Cardston, who is being held in the county jail at Yakima, Wash., in connection with the death of his wife, according to news reports from Yakima.

The body of the woman, 34-year-old Mrs. Grace Margaret Quesnelle, was found in a badly beaten condition Tuesday morning in a cabin which she, her husband and two children had been occupying on the Marvin Curtis ranch two miles north of Tieton, Wash.

Chief Deputy Sheriff Bert Guns reported at Yakima that he was completing his investigation into the death of the woman.

Meanwhile, Prosecuting Attorney Owen Clarke reported at Yakima that he planned to file a charge against the husband, who thus far has been held in custody for investigation. The prosecuting attorney indicated that, based on the early evidence gathered, the charge would not be first degree murder. He added it has not been decided definitely whether the evidence warrants a charge of second degree murder or manslaughter.

Chief Deputy Guns said that statements have been taken from Quesnelle, Werner Kokkonen, 53, and Martin Lehto, 54, both of Tieton.

Guns said that Quesnelle has admitted beating his wife and that the other men stepped in. The other men said that a free-for-all fight ensued and after this had subsided they started to take Quesnelle and his wife home.

Guns said one phase of the investigation to be completed is to determine if Quesnelle inflicted further beatings of his wife after he carried or dragged her to their cabin and put her to bed.

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C O P Y

Office of

Prosecuting Attorney

Yakima County - Washington

YAKIMA

November 30, 1948.

Mr. R. D. Ragan,
Superintendent,
Blood Indian Agency,
CARDSTON, Alberta. Canada.

Dear Mr. Ragan:

Re: Henry Darras, alias Horace Henry Quesnelle.

On November 26th, 1948, the above named person pleaded guilty to the crime of manslaughter, and was sentenced to a maximum term of 20 years in the State Penitentiary at Walla Walla, Washington. The charge resulted from the death of Grace Margaret Quesnelle on November 23, 1948. We enclose herewith a copy of the autopsy report.

The defendent admitted inflicting the injuries upon the deceased at a time when he was in an intoxicated condition, and after having found the deceased in bed with another man. Since there was no evidence that he intended to do more than inflict bodily injury, a charge of manslaughter was filed rather than one of murder.

Yours very truly,

Sgd. "Owen Clarke"

Prosecuting Attorney.

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-8

FIELD SERVICE

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 103-5-9

507 Public Building,
Calgary, Alberta.
December 18th, 1948.

9640

Indian Affairs Branch,
Department of Mines & Resources,
OTTAWA.

Further to our letter of November 29th concerning the death in the United States of a Blood Indian woman, Mrs. Grace Quesnelle, attached please find copy of a letter written by the Prosecuting Attorney, Yakima County, Washington, which is self-explanatory.

G. H. Gooderham,
Regional Supervisor of Indian Agencies.

RFB/MG
Enc.

Department of Mines & Resources
Indian Affairs Branch
DEC 21 1948
P.M.
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19103-8

Extract from the Minutes of a Meeting of the Blood Band Council held on May 9th, 1949.

x 25727 x x

EXTRACT ORIGINAL ON 63-103

Councillor Percy Creighton brought up the question of Horace Quesnelle, who is now serving a prison term in Washington, U.S.A. for manslaughter, to see if part of his sentence could not be remitted and he could be sent back to the Reserve on parole. Supt. Ragan promised to write to the authorities in Washington in this regard.

Department of Mines & Resources Indian Affairs Branch
JUN 14 1949
P.M.
REGISTERED

x x x

Copied: V.S.

(Sgd) R. D. Ragan,
Superintendent.

Indian Affairs. (RG 10, Volume 7468, File 19103-8, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19104-2 DORMANT DORMANT

DORMANT FILE NO. 19104-2 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

BLACKFOOT MURDER OF POLICEMAN DAVIS BY BLACKFOOT INDIANS

CROSS REFERENCE

EXD M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

[redacted] No. 19104-2

19104-

Department of Indian Affairs.

Jan 11 1912

Blackfoot

Murder of Policeman Davis by Black foot Indians

Poor Copy

Indian Affairs, (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

File

MOUNTED OFFICER FOULLY MURDERED

Member of the North-West Police Found on Trail With Bullet in Heart.

INDIANS ARE ARRESTED

Feeling Runs High in Part of Alberta Where Crime Was Committed

Medicine, Hat, June 4.—Stripped of gun and cartridge-belts and his horse missing, the lifeless body of Mounted Policeman Frank W. Davies, of Brooks, with a bullet through his heart, was found lying on the trail last night two miles south of Southesk. Two Indians and a half-breed were arrested late last night and are now charged with the murder. A party of men working for the Southern Alberta Land Company came upon the body. They immediately hurried to Southesk and an alarm was sent to the Bassano quarters of the police.

The section patrolled by the murdered officer is considerably upset as a result of the crime and the feeling against the murderers runs high. Davies was most popular throughout the town. Prior to starting out on what has proved to be his last case he had been around the town joking and talking to the boys with whom he was a universal favorite. Just at dusk a terrified Italian hurried into the town. He located the constable, and, in broken language, told him that two Indians and a "breed" had shot several times at him, at the same time pointing to bullet holes in his hat, coat sleeve and in a bundle of blankets he carried. The officer immediately started after them and that was the last seen of him alive. What took place when he caught up with the party of three is only a matter of conjecture.

His murderers took his gun, cartridge belt and horse, and continued on their way south-east.

Mounted Police Corporal Johnston, of Bassano, as soon as possible hurried to the scene of the murder. Whether he was assisted or how he came upon and arrested the three men who are now being held for the murder has not as yet been told.

They were taken to Bassano by the officer, and will to-morrow afternoon be taken to the Calgary Barracks, where they will stand trial.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

0 364

Canadian Pacific Railway Company's Telegraph

TERMS AND CONDITIONS

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message. This is an unrepeated message, and is delivered by request of the sender under these conditions.

B. S. JENKINS, Gen. Supt., Winnipeg, Man.
J. FLETCHER, Supt., Vancouver, B.C.
J. McMILLAN, Supt., Calgary, Alta.
J. TAIT, Supt. Winnipeg, Man.
R. N. YOUNG, Supt., Moosejaw, Sask.
F. T. JENNINGS, Supt., North Bay, Ont.
W. MARSHALL, Supt., Toronto, Ont.
JNO. F. RICHARDSON, Supt., Montreal, Que.
F. J. MAHON, Supt., St. John, N.B.

JAS. KENT,
Manager Telegraphs, Montreal.

Rec'd No.	Of's from	Sent by	Rec'd by	Time	Date	Sent No.	Of's to	Sent by	Rec'd by	Time	Date

Ottawa Ont 6s 8y

Received at

Check 15 collect. From Cleichen, Alta. June 4-12. 191

To

Department Indian Affairs,

Ottawa.

Supposed indian murderer of Constable Davis apprehended by Indians and in custody at Brock's.

J.A.Markle.

647p

4 3907

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Canadian Pacific Railway Company's Telegraphs

TERMS AND CONDITIONS

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message. This is an unrepeated message, and is delivered by request of the sender under these conditions.

B. S. JENKINS, Gen. Supt., Winnipeg, Man.
J. FLETCHER, Supt., Vancouver, B.C.
J. McMILLAN, Supt., Calgary, Alta.
R. N. YOUNG, Supt., Moose Jaw, Sask.
J. TAIT, Supt., Winnipeg, Man.
W. J. CAMP, Elect. Engr., Montreal, Que.
F. T. JENNINGS, Supt., Sudbury, Ont.
W. MARSHALL, Supt., Toronto, Ont.
JNO. R. RICHARDSON, Supt., Montreal, Que.
F. J. MAHON, Supt., St. John, N.B.

JAS. KENT,
Manager Telegraphs, Montreal.

310

Rec'd No.	Or's Prof. Sent by	Rec'd by	Date	Sent No.	Or's No.	Sent by	Rec'd by	Time	Date

Glenshee Alta June 4th:12

Dept of Indian Affairs

413007

Check _____ From OTTAWA: _____ 191

To Jim or Mike running Wolf of weasel calts band attempted murder indian police scout last week and they presumably murdered policeman Davis east of Bassano yesterday as outcome Indians securing intoxicants recommend issue large posters calling upon justices peace to inflex maximum penalty to offenders who supply liquor to Indians also advise liberal reward offered for apprehension of murderers policeman Davis.

Glen Campbell

5209

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007

(18-4-10-6382)

CANADIAN PACIFIC R'Y CO.'S TELEGRAPH

NIGHT LETTERGRAM

The Canadian Pacific R'y Co.'s Telegraph transmits and delivers this night lettergram subject to the terms and conditions printed on the back of this blank.

JAS. KENT, Manager Telegraphs

RECEIVED AT 576

(WHERE ANY REPLY SHOULD BE SENT)

a44.RA. JE. ON. 50 Collect NL

Gleichen Alb. June 5 1913 73090

Secy Dept. of Indian Offices,

Ottawa

Have sent to hospital agent gooderham suffering from nervous prostration please wire Jewett act as agent till his return in recent murder case all chiefs and indians preferred help and capture murderer due to indians a message of thanks to chiefs and band from you would do good writing.

Glen Campbell

550a

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

NIGHT LETTER

N. L. 2

The Great North Western Telegraph Company of Canada.

Exclusive connection with the
WESTERN UNION TELEGRAPH CO.

Cable Service
to all the world

H. P. DWIGHT, President

I. MEMICHAEL, Vice-Pres. and General Manager

Receiver's No.	Time Filed	Check

SEND the following NIGHT LETTER subject to the terms printed on the back hereof, which are hereby agreed to.

Cut for author

6 June 1912

F. W. Jowett
Gleichen, Alberta

~~Return to Lodge~~ Take charge of agency while Gonderham in hospital. Convey to Chiefs & Indians thanks of Department for their help in capture of murderers of Policeman Davis.

Chg. Supt. L.

J. D. McLean

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007

Indian Office

DEPARTMENT OF INDIAN AFFAIRS
JUN 10 1912

At Kuichen

May 5th 19

MEMO.

Immediate

Secretary
of Indian Affairs
Ottawa

413278

Sir,

I beg to inform the department that when the news of the murder of Constable Davis by Indians came at 12:30 yesterday morning I took it upon myself to organize & send out parties to guard all bridges and ferries (on the Reservation) the to prevent the escape of the murderers to the south - To do this effectually we had to get to those points at once and had to employ autos. I went myself with one and sent men with the others - This action probably drove the Indians to take shelter at Buckskins Camp where they were promptly tied hand and foot by the Indians and later taken in to

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Office

At .....

..... 19 ....

MEMO.

to Bassano and handed over to the Mounted Police. As distances are long it took hours for all parties out to be notified of the capture so that party practically worked as well as night. I drove to the Iron bridge (9 miles) south of town retained there myself sending on the car to the South Ferry to (16 miles) warn the Ferry man & camps on the Southern Alberta Ditch. Before leaving the agency I left instructions for a saddlehorse to be sent me in case of Dick Bad Boy our Interpreter and he can have lost no time for about three o'clock he arrived. I sent him on to notify the Indians of the crime and by five o'clock every chief of the Band (with the exception of one who was sick sent his wife to represent him.) was at the bridge to proffer help and assure me that they were anxious that the Govt should know that they deplored the

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Office

At .....

..... 19 ....

MEMO.

Crime – arranged to divide the country up & had scouts scatter to work it all from east to west in case the fugitives were in hiding – leaving two or three volunteer Indians to guard the passage of the bridge at about 6 o'clock I started on horseback and worked all the river bends to the South Camp and then back wards & forwards thro the Sandhills till my horse (not to speak of myself) tired and back to Fleischer at five in the evening to find that the culprits were safe in custody – No sleep & nothing to eat since Supper the evening before & incidentally thinking some one might take a pot shot at me at any time – I had sent Geo Purves a contractor on the Canal works in Charge of the other auto, to drop men at different good outlook points and to warn the Ferryman near South Camp and then to work

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

4

Indian Office

At .....

..... 19 ....

MEMO.

the river bends eastwards - He visited every deserted shanty on the river and arrived at Buckskin's Camp two hours after the Indians had left for Bassano with the Captured men - Mr Scott will know the difficulties of the work I undertook, Knowing the lie of the country & and the wild nature of some of it & its immense distances - I send these details so that the Dept. will understand thoroughly the reason of the expense accounts I send it & also will know the history of this affair in detail -

The story of the crime can be told in one word Whiskey.

Two young Indians, sons of Running Wolf obtained liquor & first went on a spree and later on the warpath. One of them resisted arrest for being

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Office

8

At .....

..... 19 ....

MEMO.

drunk and stabbed the scout who was attempting arrest. Then with his squaw and his brother started east from Bassano in a democrat. Getting to Brooks they obtained a further supply and got so intoxicated that they took to shooting - They killed a dog and it is reported fired at a boy and shot at an Italian putting one shot thro his hat and another thro' his bundle & wounded him slightly - On following to arrest them Constable Davis of the N.W.M.P. was shot thro' the heart and his horse & accoutrements taken. Davis body was found after dark and the Bassano Police notified and news came here at 12.30 when I took action as before stated - The Indians after committing the crime broke

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Office

At .....

..... 19 ....

MEMO.

south and westward and our advices from Bassano were that they were heading for a point where they could get across the river to make a run for across the lines + However by the time they got to Buckskin's camp they were drunk & tired + so camped with the result that when they fell asleep the Indians trussed them up with ropes so that there was no get away – It is more than fortunate that they had so much liquor as if ever they had got to the river bottom and knew they were being hunted, they would have run amuck as did poor old Almighty Voice and the other fellow who shot Sergeant Colbrook or Wilde – They had two good rifles + about 300 rounds of ammunition + the country has

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Office

No. 4.

At .....

MEMO. ..... 19....

has got off cheap in their case arrest.

The Department must have more strenuous liquor laws with respect to Indians. There should be no get away from prison with hard labour for the man who supplies them. The Federal Govt. should communicate with the Provincial Govts. so that all J.P's should be notified to give the biggest wharden sentence possible in such cases (not to the Indian so much but to the white man) This liquor trade among the Indians is a disgrace to Canada & must be wiped out if legislation will do it. The N.W.M.P. are doing splendid work and so are the Indian Scouts, who should be better paid. The onus should be put on the Indians more and they should have the

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

8

Indian Office

At .....

..... 19 ....

MEMO.

appointing of police themselves who should be supplied with a Silver badge and some sort of uniform & get a share of fine money — The sentence shd be a fine & imprisonment with hard labour & if the culprits wont pay the fine, give them six months more with double rations of work — Now tho' I send this long screed I dont wish it for filing, but if a memo is taken of my advice re whiskey, this will accomplish all that is necessary particularly if acted upon at once in a tangible manner.

I would further suggest that a Commission be given me at once, so that I can sitt try cases of giving liquor to Indians, I can assure the Govt. in that case that

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

Indian Office

At .....

..... 19 ....

MEMO.

even as the law now is, I'll make it respected —

Mrs Yours &c

Glen Campbell

413278

Mr Secy —

P.S. I thought I'd write you this Noriette, to wile away some weary hours — G.

Indian Affairs, (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413,007

Ottawa, June 14, 1912.

Sir,-

The Department of Indian Affairs desires to draw your attention to the fact that the illegal sale of intoxicants to Indians would appear to be on the increase. The general result of this traffic amongst these people is, in any event, very serious, but, when accentuated by loss of life, it seems necessary that particular steps should be taken to stop or at least reduce the volume of this traffic.

It has recently been brought to the attention of the Department that a constable of the Royal Northwest Mounted Police was shot and killed, as alleged, by an Indian of the Blackfoot agency, and it would appear that this crime is clearly traceable to the use of intoxicants.

If instructions could be issued to the magistrates of your province that in inflicting penalties under the liquor clauses of the Indian Act they give special consideration to the seriousness of the offence and impose adequate penalties, it is anticipated that this action would have a beneficial effect. The penalties for supplying liquor to Indians provide for imprisonment or fine or both, and it is considered that

To the Attorneys General
of Manitoba, Saskatchewan and Alberta.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

imprisonment without the option of a fine would be a greater deterrent than the imposition of a fine alone. In some cases it might be considered advisable to inflict both imprisonment and fine.

The person who supplies the liquor is largely responsible for the spread of the traffic and should be made to realize the gravity of his offence. The attention of Indian Agents and other officers of this Department is also being drawn to this matter, and they are being instructed in line with the suggestions contained in this letter.

Your obedient servant,

(Sgd) J. D. McLean

Asst. Deputy and Secretary.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413,007.

Ottawa, June 13th, 1912.

Sir:-

I have to inform you that by virtue of your appointment as Chief Inspector of this Department you have the powers conferred upon an Agent by the Indian Act, with reference to the suppression of the liquor traffic and other matters. Your position clearly entitles you to be considered as an officer acting under the authority of the Superintendent General under sub-section B section 2 of the Indian Act.

Your obedient servant,

Assistant Deputy and Secretary.

Glen Campbell, Esqr.,
Chief Inspector of Indian Agencies,
Winnipeg, Man.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

413-27

DEPARTMENT OF JUSTICE
OFFICE OF THE MINISTER.

DEPARTMENT OF INDIAN AFFAIRS
JUN 13 1912

Memorandum for Mr. Pelletier

Kindly write to Barnardo that if Counsel is to be employed in connection with the murder trial of Indians that the work is to be given to Atwood & Carman Chairman upon conditions to be arranged with Dept

Ottawa, June 11 1912 J. A. Hughes

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413,007.

Ottawa, June 12, 1912.

Sir,-

In connection with the murder of Constable Davis by Indian, this Department has not been advised as to when and where trial of Indian is to take place. It is assumed that Counsel may be required to defend Indian, if so the work is to be given to Messrs. Stewart & Charman of Calgary, upon conditions to be arranged with Department of Justice. Kindly advise at once in this matter.

Your obedient servant,

Asst. Deputy and Secretary.

J. W. Jowett, Esq.,
Indian Office,
Gleichen, Alta.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007.

INDIAN AGENT'S OFFICE,

BLACKFOOT AGENCY

GLEICHEN, Alta.

June 17th 1912. 19

DEPARTMENT OF INDIAN AFFAIRS JUN 21 1912

IN YOUR REPLY REFER TO
No. 18
ALSO
TO DATE OF THIS LETTER.

414194

Sir,—

413007. In reply to Department's letter of the 12th instant, in connection with the murder of Constable Davis on June 3rd last, I beg to say that the correct name of the accused is, Mike Running Wolf, alias Jim Ham.

His friends have engaged as counsel, Mr Jones of the firm of Lent & Jones, Calgary.

The Supreme Court is sitting at present, and unless they hold a special sitting, which is scarcely probable, the case will be tried at the next regular sitting of the Court sometime in September next, at Calgary.

The accused is at present confined in the R.N.W.M.Police barracks at Calgary.

Your obedient servant

J. H. Gooderham

Indian Agent.

The Secretary

Dept of Indian Affairs.

OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DEPARTMENT OF JUSTICE

MEMORANDUM.

Under the circumstances no action seems to be necessary beyond instructing the Indian Agent to see that Mr. Jones understands that your department will not be responsible for his fees.

JOHG

24.6.12

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

413007

IN YOUR REPLY REFER
TO No. 6821

ATTORNEY GENERAL MANITOBA

DEPARTMENT OF INDIAN AFFAIRS
JUN 25 1912

WINNIPEG, June 20th. 1912.

The Secretary,
Department of Indian Affairs,
Ottawa.

Sir :

Your No. 413007

I have the honor to acknowledge receipt of your letter of 14th. inst. which will receive consideration by the Minister.

I have the honor to be,
Sir,
Your obedient servant,

R. B. Graham

Deputy Attorney-General.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

GLEICHEN, Alberta, June 17th 1912

M. Indian Agency
Gleichen

BLACKFOOT AGENCY
GLEICHEN, Alta.

Vote No. 11

IN ACC'T WITH

GLEICHEN LIVERY, FEED & SALE STABLES

DAVID C. WISHART, Proprietor.

Horses and Conveyances to Hire · Special Attention Given to Land Seekers · Competent Guides Furnished

June 3/11	hire of horse & saddle at $2.50 per day 8 days @ 2.50	22	00
		20	00

Horse hired by Chief Inspector (re murder of Const. Davis by Indians)

~~Certified Correct. Material Supplied Price fair and just.~~

J. D. Motherham
Indian Agent.

414527

81

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

GLEICHEN, Alberta, June 17th 1912

M. Indian Agency BLACKFOOT AGENCY
GLEICHEN, Alta.

Vote No. 11

IN ACC'T WITH

GLEICHEN LIVERY, FEED & SALE STABLES

DAVID C. WISHART, Proprietor.

Horses and Conveyances to Hire - Special Attention Given to Land Seekers - Competent Guides Furnished

June 3/11 hire of horse & saddle à $2.50 per dy 8 Days @ 2.50	~~22~~ ~~50~~ 20 00	
Horse hired by Chief Inspector (re murder of Const. Davis by Indians)		

Certified Correct. Material Supplied
~~Price fair and just~~

J. D. Soulter Lane
Indian Agent.

414527

81

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007

Letter No. 17/7

DEPARTMENT OF INDIAN AFFAIRS
JUN 28 1912

Office of the BLACKFOOT AGENCY Indian Agency,
GLEICHEN, Alta.

June 20th/12 191

Acpts

Sir,

EXD. 414527

I have the honour to inclose herewith Vouchers

Nos. 81 *, amounting to $* 20.00

for horse and saddle hired by the Chief Inspector

favour of David C Wishart. Gleichen. Alta.

This Expenditure was authorized by ~~*Departmental*~~-

Chief Inspector re murder by Indian of Constable Davis.

Letter No. *dated*

I have the honour to be,

Sir,

Your obedient servant,

J. H. Gooderham

Indian Agent.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007

EXD.

Ottawa, June 24th, 1912.

Sir:-

With reference to your letter of the 17th instant, regarding the case of Mike Running Wolfe, alias Jim Ham, who is accused of the murder of constable Davis, I beg to say that in view of your statement that his friends have engaged as counsel, Mr. Jones of the firm of Lent & Jones, of Calgary, no action seems to be necessary on your part beyond that you should inform Mr. Jones that the Department will not be responsible for his fees.

Lent
DCS

Your obedient servant,

J. D. McLEAN

Asst. Deputy and Secretary.

J. H. Gooderham, Esq.,
Indian Agent,
Gleichen, Alta.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007

Ottawa, June 21st, 1913.

Sir:-

With reference to your telegram of the 4th instant, relative to the murder of a Northwest Mounted policeman, presumably by an Indian under the influence of intoxicants, I beg to say that the Department has written to the Attorneys General of Manitoba, Saskatchewan and Alberta, in the matter and has pointed out the desirability that the magistrates in the said provinces when inflicting penalties under the liquor clauses of the Indian Act, give special consideration to the seriousness of the offence and impose adequate penalities with a view to the suppression of the liquor traffic amongst Indians. Copy of the letter referred to is transmitted herewith. I may add that the Department is also writing to all Indian Agents and Inspectors in the Dominion along the same lines. Copy of the circular letter in question ~~will be sent you.~~ is enclosed.

Your obedient servant,

Asst. Deputy and Secretary.

Glen Campbell, Esq.,
Chief Inspector of Indian Agencies,
Winnipeg, Man.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Copy of part of Receipt No 1 in the Treasury Cash Statement
Blackfoot Agency - Glenbow

Received of Lt. Sanderham - Indian Agent the following amounts in payment of Day - Wages &c

3899	4	Charley, Fred - Bringing in Liquor & Mail & Messages	+	2	50
3903	4	Fat Horse Smith, Wm & Chas Shepherd	+	3	—

Witness
G. Dick Bull Dog
Interpreter

45478

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

A/c No 310

Vote No. .....

Farm No. .....

Treaty No. .....

BLACKFOOT AGENCY
GLEICHEN, Alta.

Department of Indian Affairs

To J.H.Gooderham
Indian Agent
Gleichen. Alta.

DATE. 1912		SERVICE. 41.5478	AMOUNT.
Jun	4	To paid Indian,Charley Fish for bringing man and message from the Chief Inspector(on reserve) reliquor & murder case	2.50
		Fat horses son Taking letter from Agent to Chief Inspector scouting on reserve, that suspected murderer had been apprehended.	3.00
		re liquor and murder ~~xxxx~~ of Constable Davis. by Mike Running Wolf.	
		original receipts sent with June cash statements.	
		Five 50/100 dollars..... TOTAL,	$5.50

Cancel July 15 1911

1907

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed, and that the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

Authority
Chief Inspector

J.H. Gooderham
Agent.

91

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007

Letter No. 17/7 Rect

DEPARTMENT OF INDIAN AFFAIRS JUL 12 1912

Office of the BLACKFOOT AGENCY Indian Agency,
GLEICHEN, Alta.

July 8th/12 191

Sir,

ACCOUNTANTS

4.5478

I have the honour to inclose herewith Vouchers

Nos. 91 amounting to $ 5.50

Rect No 310

for messages to and from Chief Inspector

favour of J.H.Gooderham, Indian Agent, Gleichen, Alta.

This Expenditure was authorized by Departmental

by Chief Inspector Campbell.

Letter No. dated

a/c 310

I have the honour to be,

Sir,

Your obedient servant,

J.H. Gooderham

Indian Agent.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

GLEICHEN, Alberta. Sept 9th 1912

M. Indian Agency
Gleichen

Vote No. 11

419853 Treaty 7

IN ACC'T WITH

GLEICHEN LIVERY, FEED & SALE STABLES

DAVID C. WISHART, Proprietor.

Horses and Conveyances to Hire · Special Attention Given to Land Seekers · Competent Guides Furnished

1912 June 3/12	hire of saddle horse at 2.50 per day	22 50

This account is for use of 2642 Horse eleven days at the time of the Murder of Policeman Davis at Bro. and is fair & just.

Gleichen Campbell
Chief Inspector

Aust

Certified correct. Material supplied, Price fair and just.

J. H. Gordham
INDIAN AGENT.

Aust Sept. 19th

8045

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413047

Letter No. 29

Office of the Blackfoot Indian Agency,

September 10th 1912

ACCOUNTANTS SEP 17 1912 BRANCH

4:9853

EXD.

Sir,

I have the honour to inclose herewith Vouchers

Nos. 3045 *, amounting to $* 22.50

for Horse hire. at time of murder of Constable Davis.

Certified by Chief Inspector Campbell. Vote 11.

This Expenditure was authorized by Departmental

Letter No. *dated*

RECOMMENDED FOR PAYMENT 59 Accountant

APPROVED, D. C. G. of I. A.

I have the honour to be,

Sir,

Your obedient servant,

J. N. Gowdeau

Indian Agent.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

copy-413007

Blackfoot Mission, Gleichen, Alta.
July 14th, 1919.

D.C.Scott, Esq.,
Deputy Superintendent General,
Indian Affairs,
Ottawa.

Dear Sir,

I have been asked by the Blackfoot Indians to enclose the accompanying list of signatures, as the names of those who earnestly request the Department to consider favorably an application to the Minister of Justice for the release from the Penitentiary at Edmonton, Mike Running Wolf, who was given a life sentence for shooting a constable while intoxicated.

May I say, that I myself was present in the Camp, and am familiar with the facts that led up to the sad ending - but left for Calgary before I knew of the result - The facts, as I remember them, were as follows:-

Mike had taken a small quantity of liquor, which made him slightly foolish, but nothing more. I was in camp visiting Wm. Wolfshoe, who was camped near to Mike's people. The Indian Scout had just arrived to arrest Mike for obtaining liquor and spoke roughly to him. Mike was cutting either tobacco or a stick (I forget which) with his pen knife and said he would accompany the Scout presently but was in no hurry. The Scout then caught him by the shoulder, whereupon Mike strick him with the open jackknife in the leg and the Scout fell back saying he was dead. As a matter of fact it was only a very slight flesh wound needing very little treatment. But Mike thinking he had really done something serious jumped up and fled secured more whiskey and became unmanageable and dangerous.

Had the police scout shewn taet and patience there would have been no trouble.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Mike was one of our ex-pupils and gave us no trouble whatever, and was liked by every one.

At the trial, I understand, he was not defended by counsel, but pleaded guilty, and received immediately a life sentence. He has been in the Penitentiary for many years, and has behaved in an exemplary manner, as I have learned through Archdeacon Webb and others of Edmonton, who have visited him from time to time.

I shall be happy to forward any other particulars in my power, if you think such may be necessary in order to satisfy the Minister of Justice in the matter.

I am, dear Sir,

Yours very truly,

H.W.Gibbon Stocken.

The Chiefs names-
Yellow Horse
Iron Shields and 118 others.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

copy-413007

Blackfoot Mission, Gleichen, Alta.
July 14th, 1919.

D.C.Scott, Esq.,
Deputy Superintendent General,
Indian Affairs,
Ottawa.

Dear Sir,

I have been asked by the Blackfoot Indians to enclose the accompanying list of signatures, as the names of those who earnestly request the Department to consider favorably an application to the Minister of Justice for the release from the Penitentiary at Edmonton, Mike Running Wolf, who was given a life sentence for shooting a constable while intoxicated.

May I say, that I myself was present in the Camp, and am familiar with the facts that led up to the sad ending - but left for Calgary before I knew of the result - The facts, as I remember them, were as follows:-

Mike had taken a small quantity of liquor, which made him slightly foolish, but nothing more. I was in camp visiting Wm. Wolfshoe, who was camped near to Mike's people. The Indian Scout had just arrived to arrest Mike for obtaining liquor and spoke roughly to him. Mike was cutting either tobacco or a stick (I forget which) with his pen knife and said he would accompany the Scout presently but was in no hurry. The Scout then caught him by the shoulder, whereupon Mike strick him with the open jackknife in the leg and the Scout fell back saying he was dead. As a matter of fact it was only a very slight flesh wound needing very little treatment. But Mike thinking he had really done something serious jumped up and fled secured more whiskey and became unmanageable and dangerous.

Had the police scout shewn tact and patience there would have been no trouble.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Mike was one of our ex-pupils and gave us no trouble whatever, and was liked by every one.

At the trial, I understand, he was not defended by counsel, but pleaded guilty, and received immediately a life sentence. He has been in the Penitentiary for many years, and has behaved in an exemplary manner, as I have learned though Archdeacon Webb and others of Edmonton, who have visited him from time to time.

I shall be happy to forward any other particulars in my power, if you think such may be necessary in order to satisfy the Minister of Justice in the matter.

I am, dear Sir,

Yours very truly,

H.W.Gibbon Stocken.

The Chiefs names-
Yellow Horse
Iron Shields and 118 others.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007

Ottawa, 21st July, 1919.

Sir,

I beg to enclose herein an application for clemency made by Rev. H.W.Gibbon Stocken and supported by a long list of petitioners on behalf of Mike Running Wolf who is now serving a terms of life imprisonment at Edmonton, Alta., convicted of shooting a constable while intoxicated.

I may say that after giving this matter consideration the Department is favourably disposed toward this application.

enc.

a.s.w.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

Remission Branch,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007

Ottawa, 23rd July, 1919.

Reverend Sir,

I beg to acknowledge the receipt of your letter of the 14th instant, making application for clemency on behalf of Mike Running Wolf who is now serving a life sentence for shooting a constable while intoxicated which application is supported by a number of members of the Blackfoot reserve.

In reply I beg to say that this application was forwarded to the Minister of Justice for consideration.

Your obedient servant,

asw

Form 10

J.D. McLean

Asst. Deputy and Secretary.

Canon H.W.Gibbon Stocken,

Gleichen,

Alta.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

418007

REFER TO No. 21140

JDC/NL

DEPARTMENT OF JUSTICE.

REMISSION BRANCH,

OTTAWA.

DEPT. OF INDIAN AFFAIRS
JUL 24 1919
RECORDS

525449 July 23 1919.

File

Dear Sir:

I beg to acknowledge receipt of your letter, dated 21st instant, enclosing application for clemency made to the Deputy Superintendent of Indian Affairs by Reverend H. W. Gibbon Stocken, supported by a list of petitioners, on behalf of Mike Running Wolf.

The circumstances of this man's conviction will be investigated and every consideration possible given to the representations made on his behalf and when a decision is reached you will be informed of the result.

Yours truly,

R. Clarke

Chief of Remission Branch.

J. D. McLean, Esq.,
Asst. Deputy and Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

S/.

413007

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

DEPT. OF INDIAN AFFAIRS
AUG 22 1919
RECORDS

165

Remission Register.

Lethbridge

526435

Ottawa. August 20th, 1919.

Sir,-

With reference to your letter of the 21st ultimo to the Department of Justice, enclosing application for clemency from the Reverend H.W.Gibbon Stocken, of Gleichen, Alberta, in the case of one Mike Running Wolf, now confined in the penitentiary at Edmonton, Alberta, I am commanded to inform you that His Excellency the Governor General does not see fit to exercise the prerogative of clemency in this case.

I have the honour to be

Sir

Your obedient servant.

Thomas Mulvey

Under-Secretary of State.

J.D.McLean, Esq.,

Asst. Deputy and Secretary,

Department of Indian Affairs,

OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

413007

Ottawa, 23rd August, 1919.

Reverend Sir,

With reference to the application for clemency on behalf of Mike Running Wolf, I beg to say that the Department has just received a communication from the Under Secretary of State advising that His Excellency the Governor General does not see fit to exercise the prerogative of clemency in this case.

Your obedient servant,

J. D. McLean

For Asst. Deputy and Secretary.

Canon H.W.Gibbon Stocken,
Gleichen,
Alta.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

TRANSLATION

Catholic Mission,
Brocket, Alta.,
August 20th, 1933.

Honourable Sir:-

I take the liberty to solicit your clemency in favour of a poor Indian detained in the penitentiary at Prince Albert, Sask., for the last ten years. The Indian Agent at Gleichen told me that he was making some effort to obtain that he be given liberty and it is with all my heart that I come to support this request This is in regard to Mike Running Wolf, a Blackfoot Indian of Gleichen, guilty of manslaughter.

Without doubt crimes must be punished to safeguard the welfare of humanity; however, I will take the liberty to say that in the eyes of the Indians, among whom I have been living for twenty-two (22) years, a ten (10) year imprisonment is equivalent to perpetual confinement or even to death penalty; very scarce are the Indians who can bear three (3) or four (4) years of life in a penitentiary and afterwards return to their reserve. Furthermore, the freedom of Mike will not be considered as an encouragement to crime, far from it, and this is why, in my quality minister of our God of Mercy and as the missionary of the Blackfoot Indians, I beg to lay this prayer in his favour.

I pray you to pardon my interference in this matter and to believe me

Your humble servant.

J. L. Levern, O.M.I.
Brocket, Alta.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

JDC/R

REFER TO OUR NO. 6964

REFER TO YOUR NO.

DEPT. OF INDIAN AFFAIRS
NOV 3 1922
RECORDS

DEPARTMENT OF JUSTICE
REMISSION BRANCH
OTTAWA

26th October 1922

574214

Encl.

Dear Sir:-

I transmit you herewith the record of this Department containing an application for clemency for Mike Running Wolf alias Jim Ham, detained in the Penitentiary at Prince Albert under sentence for life imprisonment for the crime of manslaughter imposed by Mr. Justice Simmons at Calgary on 17th October, 1912.

Please see the appeal made for the release of this Indian as a matter of clemency by Rev. Father Levern, Broket, Alta., and let me know what view your Department takes in regard to this man's offence and the appeal made for his liberation at the present time.

Please return the record with your reply.

Yours truly,

J. D. Clarke

Chief of Remission Branch.

The Deputy Superintendent,
Department of Indian Affairs,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19104-2

file

November 2, 1922.

Dear Sir,-

I have your letter of the 26th ultimo, in which you ask for the opinion of the Department regarding the petition of the Reverend Father Levern for clemency on behalf of Mike Running Wolf, at present serving a life sentence in the Penitentiary at Prince Albert for manslaughter.

In view of the fact that this Indian has served ten years, and that his conduct while in the Penitentiary appears to have been satisfactory, the Department would be pleased if you would see your way clear to grant a ticket-of-leave.

I am returning herewith your papers.

Yours very truly,

Deputy Superintendent General.

J. D. Clarke, Esq.,
Chief of Remission Branch,
Department of Justice,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19104-2

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

DEPT. OF INDIAN AFFAIRS
NOV 16 1922
RECEIVED

PT/GD

No. 22935
REMISSION
REGISTER.

574860

File

Ottawa, 14th November, 1922.

Sir,-

Referring to your letter of the 2nd instant to the Chief of the Remission Branch, Department of Justice regarding one Mike Running Wolf, now detained in the Penitentiary at Prince Albert, I beg to inform you that His Excellency the Governor General has been pleased to order the release of this prisoner under ticket-of-leave and that his sentence be reduced to a term of twenty years' duration on the express condition that he shall return to his reserve, go to work immediately upon his liberation and shall abstain entirely from the use of intoxicating liquors.

I have the honour to be,

Sir,

Your obedient servant,

P. Pelletier

Assistant Under-Secretary of State.

The Deputy Superintendent General,

Department of Indian Affairs,

O T T A W A.

Indian Affairs. (RG 10, Volume 7468, File 19104-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19071-2	1	LABRADOR - EAST COAST OF JAMES BAY - ALLEGED KILLING OF AN ESKINO AT PORT HARRISON	1921
19071-3	1	NORTHWEST TERRITORIES - BAFFIN LAND - MURDER OF THREE ESKINOS AT HOME BAY	1923
19074-3	1	TEMISCAMING AGENCY - MURDER OF JAMES ROCK BY DAVID ROCK	1947-1949
19103-2	1	BLOOD AGENCY - MURDER OF A WHITE MAN ON BLOOD RESERVE	1903
19103-3	1	BLOOD AGENCY - RE CLAY-BANK-FOOT WHO KILLED HIS WIFE AND COMMITTED SUICIDE	1904
19103-4	1	BLOOD AGENCY - MURDER OF WINNIE TOLLESTRUP BY AN INDIAN NAMED TWO STABS OR JOE BLACK HORSE	1923
19103-6	1	BLOOD AGENCY - MURDER OF MRS. ROUND NOSE BY HER HUSBAND (NEWSPAPERS CLIPPINGS)	1939-1940
19103-7	1	BLOOD AGENCY - MURDER OF SAM CREIGHTON BY BILLY CREIGHTON	1940-1941
19103-8	1	BLOOD AGENCY - MURDER OF MRS. GRACE QUESNELLE BY HER HUSBAND HORACE QUESNELLE	1948-1949
19104-2	1	BLACKFOOT AGENCY - MURDER OF POLICEMAN FRANK W. DAVIES BY BLACKFOOT INDIANS	1912-1922
19104-3	1	BLACKFOOT AGENCY - MURDER OF AN INDIAN NAMED WOLF CHILD	1903

Indian Affairs. (RG 10, Volume 7468, File 19104-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19104-3 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

BLACKFOOT MURDER

WOLF CHILD

CROSS REFERENCE

EX'D M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

DORMANT FILE NO. 19104-3 DORMANT

DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19104-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19104-3

Department of Indian Affairs

19.....

BLACKFOOT

MURDER

WOLF CHILD

Indian Affairs. (RG 10, Volume 7468, File 19104-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORWARDED FOR THE INFORMATION OF THE DEPARTMENT
WINNIPEG SEP 15 1903
S. Laird
INDIAN COMMISSIONER

DEPARTMENT OF INDIAN AFFAIRS
SEP 19 1903

248790

(Copy)

Crime Report.

"E" Division

Calgary, II Sept.1903.

Hx'a

Re death of Wolf Child, Blackfoot Indian,
and suspected Foul Play.

Sept. 9th. Received word from Indian Agent Markle, and S/Sgt. Brooke, Gleichen, that an Indian called Wolf Child had been found on 5/9/03 by Mr. Robert Begg of Dunbow, in a dying condition. He at once notified the Indians who were putting up hay for him and they took him to camp where he died, in a short time. Mrs. Wolf Child reports to the Agent--"Her late husband had left camp to look for a horse, and had $5.50 in his pocket. Later in the day Mr. Robert Begg reported that he was lying at the edge of the river in a dying condition, and when friends arrived he died. She also said one Good Rider told her son Turned up Nose that Joe Red Blanket, Two Guns, and his wife started from High River in a state of intoxication, and fell in with her late husband, and in some way which she did not mention was the cause of the death of her husband. The Agent also says I understand that Good Rider was at High River too and one of the party, but whether he had a hand in the fray she did not say. Wolf Child was buried near Mr. Begg's ranche I'm told, Mrs. Wolf Child suggested that the body should be brought to the Reserve, but the Indians in the vicinity did not apparently want this, wanted it buried there and soon.

On the evening of the 8th. Sept. Turned up Nose reports as follows to S/Sgt. Brooke "His father had been drowned in Sheep Creek, near where it enters High River. The circumstances are as follows:- Turned up Nose states that on last Friday the 4th. September 1903 Wolf Child,

Indian Affairs. (RG 10, Volume 7468, File 19104-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

248790

Good Rider, Joe Red Blanket, Two Guns, and his wife went to Okotoks and returned the same night to Dunbow, where they were putting up hay for Mr. Begg and while at Okotoks they all got drunk. Good Rider came to Turned up Nose's tent on Saturday morning and told him his father was dead, and that Joe Red Blanket, Two Guns, and his wife had drowned him in the river. He went to see if it was true and found his father dead, and believe that he was murdered.

S/S Brooke is making further inquiries.

Sgt. Thomas has been sent to High River with orders to proceed to Mr. Begg's, investigate, and if necessary lay information for Coroner's inquest.

(sgd.) G. E. Sanders Supt.
Commanding "E" Division.

Forwarded for the information of the Indian Commissioner, Winnipeg.

(sgd.) J. H. McIllree
Asst. Commissioner.

Regina, 12/9/03.

Indian Affairs. (RG 10, Volume 7468, File 19104-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19105-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

BATTLEFORD
MURDER
SOLOMON BEARDY -MEDICINECHILD AND HIS
DAUGHTER ELIZABETH BY EDWIN KAKMOOSTOOSAWAY-
EDWARD JACKSON M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
	Pl	9.5.57	[illegible]	Secy	Reg.	[illegible]	9.5.57

R. 3755

DO NOT WRITE BELOW THIS LINE

DORMANT FILE NO. 19105-2 DORMANT

DORMANT

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19105-2

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

BATTLEFORD

MURDER

SOLOMON BEARDY-MEDICINECHILD- &
HIS DAUGHTER, ELIZABETH BY
EDWIN KAKMOOSTOOSAWAY -EDWARD
JACKSON

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105 - 2

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 113-210.

Bettleford. Sask.
June 15th. 1940.

Department of Mines & Resources
Indian Affairs Branch
JUN 18 1940
REGISTERED

AIR MAIL.

Dear Sir,

I have to advise you that Edwin Kakmoostoosaway(Edward Jackson) Ticket No. 183, Little Pine Band this agency, has bee remanded for eight days on a capital charge of murdering Solomon Beardy(Medicinechild) and his daughter Elizabeth of the same Band on June 13th.

As is customary on such charge will you please advise me whom I should engage for his defence. Please wire reply in order that I may receive it in time for prelimary hearing.

Yours truly,

J.P.B.Ostrander.
Indian Agent.

The Secretary,
Mines and Resources,
Indian Branch,
Ottawa. Ont.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Ottawa, June 18,1940.

Dear Sir:

The department is in receipt of a communication from the Indian Agent at Battleford, Saskatchewan, reporting that Edwin Kakmoostoosaway (Edward Jackson) an Indian of the Little Pine Band, has been remanded for eight days on a capital charge of murdering Solomon Beardy (Medicinechild) and his daughter Elizabeth of the same band, on June 13.

I should be obliged if you would authorize the employment of counsel for the purpose of defending this Indian.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADIAN PACIFIC TELEGRAPHS

C.D. 2

CLASS OF SERVICE	
Full Rate	
Day Letter	
Night Message	X
Night Letter	

Please mark an X opposite the class of service desired.

MONEY TRANSFERRED BY TELEGRAPH TO PRINCIPAL POINTS IN CANADA AND THE UNITED STATES

CANADIAN PACIFIC COMMUNICATIONS

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD
RADIOGRAMS TO SHIPS

TIME FILED
CHECK

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

Ottawa, June 18,1940.

J.P.B.Ostrander,
Indian Agent,
Battleford,Sask.

AUTHORITY GIVEN BY DEPARTMENT OF JUSTICE TO ENGAGE J.N.CONROY K. C. NORTH BATTLEFORD TO DEFEND EDWIN KAKMOOSTOOSAWAY PLEASE SUBMIT FURTHER REPORT AS CASE PROCEEDS. PLEASE COMMUNICATE WITH MR. CONROY.

C.M.R.
I.A.

T.R.L.MACINNES.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Dr McGill

File

19105-2

Saskatoon Star-Phoenix 15/6/40

Indian Girl Succumbs; Youth on Murder Count

Little Pine Reserve Shooting Affair Claims Second Victim; Formal Charge Preferred Against 20-Year-Old Edwin Jackson

Special to the Star-Phoenix

NORTH BATTLEFORD, June 15.—Elizabeth Medicine Child, wounded on Friday by rifle bullets in the shooting affray on Little Pine Reserve, died in hospital here early Saturday morning. Her body has been removed to an undertaking parlor where an autopsy will be held.

Edwin Jackson, allegedly linked with the double slaying, was formally charged, Friday night, with the murder of Solomon Medicine Child, father of the girl who died this morning.

INQUEST NOT ARRANGED

No dates have as yet been set for the inquests. The body of Solomon Medicine Child was brought into the city Friday afternoon. Dr. J. J. Hamelin conducted a post mortem.

Special to the Star-Phoenix

Ancient tribal custom that permits the head of a teepee to select the mate for his daughter may afford a clue to the slaying of 85-year-old Treaty Indian Solomon Medicine Child.

Jackson, the suitor, said to have been crazed by love, did not give himself up to the police until after he had exhausted the ammunition for his 25-20 rifle, according to the police.

The row between Jackson and the Medicine Child family, it appeared from the police investigation, developed when the Medicine Childs, after allowing Jackson to consider himself their daughter's suitor, and getting him, in this capacity, to work for them on their farm, in accordance with an old Indian custom, expelled him when they had no more work for him to do.

Previously, another young Indian, known as "Night Traveller," was a guest at the Medicine Child Home, and the daughter's suitor. He also, after having been there a time, was asked to leave.

On the morning the shooting drama occurred, Jackson and the Medicine Childs had a verbal row, which developed into fisticuffs, the police were told. The girl's mother urged the father to resist Jackson's attempts to claim the girl as his bride, according to information gathered by the police.

Jackson, it was reported, before he fled to the rolling hills around the reserve, went to the farm instructor and pleaded to be "put out of his misery."

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Dr. McGill

File Secretary

Pr. Alberta Herald 14/6/40

Aged Indian Murdered

NORTH BATTLEFORD, June 14.-(CP) — Solomon Medicine Child, aged treaty Indian of the Little Pine reserve, 40 miles west of here was shot and killed Thursday afternoon, and his daughter Isabelle, wounded by a rifle allegedly fired by 20-year-old Edwin Jackson, treaty Indian of the same reserve. Jackson was arrested late Thursday night by Royal Canadian Mounted Police of the North Battleford sub-division. Isabelle who was admitted to hospital late Thursday night, is said to be the common law wife of Jackson.

No details are available as to the extent of the injuries Isabelle received, and hospital authorities had nothing to add this morning to the facts already disclosed.

Indian tradition is believed to have died hard on the reserve where, it is said, the magic and witchcraft of the old medicine men, are still practiced in secret. Ancient tribal custom, long since abandoned by the more civilized members of the band, that permits the head of the household to trade off his daughters in marriage, is believed to be a factor in the shooting on the reserve.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

Sec'y

Department of Mines & Resources
Indian Affairs Branch
JUN 21 1940
REGISTERED

DC.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA June 19th, 1940.

B. 28 - M. & R.
Sask.

Dear Sir:

Referring to your letter of June 18th, I beg to inform you that the Minister of Justice has authorized the employment of J. N. Conroy, Esq., K. C., North Battleford, Sask., for the purpose of defending Edwin Kakmoostoosaway (Edward Jackson) an Indian of the Little Pine Band, remanded for eight days on a capital charge of murdering Solomon Beardy (Medicinechild) and his daughter Elizabeth of the same band, on June 13th.

Yours truly,

for Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a .

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105 2/

JOHN N. CONROY, K.C.
Barrister, Solicitor & Notary Public
TELEPHONE 472
NORTH BATTLEFORD, SASK.
CANADA

June 20, 1940.

Department of Indian Affairs,
Ottawa, Ontario.

Department of Mines & Resources
Indian Affairs Branch
JUN 24 1940
REGISTERED

Dear Sirs:

Re: Edwin Jackson
Little Pine Reserve.

I beg to acknowledge a communication received from the Indian Agent at Battleford, Sask. advising that I have been retained by your Department as Counsel to defend Edwin Jackson of Little Pine Reserve, charged with murder.

The inquest and preliminary hearing which were to have been held today, are adjourned to July 2nd. In accordance with your instructions, I will appear on behalf of the accused and make every effort in his behalf.

In preparing the Defence of this accused, it will probably be necessary for me to make at least one visit to the scene of the alleged crime and to interview the accused in the jail at Prince Albert where he will be confined pending trial. It will also be necessary for me to obtain transcription of the evidence which will be given at the inquest and the preliminary hearing. Will you kindly let me know if such attendances and disbursements are authorized and what fees are payable to me in connection therewith and in connection with the trial.

Will you kindly let me have a reply by air mail.

Yours respectfully,

JOHN N. CONROY,

Per:

JNC:Y.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19105-2

AIRMAIL June 24,1940.

Dear Sir: Re Edwin Jackson
Little Pine Reserve.

I have to refer to your communication of June 20 with regard to the above case.

Do whatever you consider necessary for the proper conduct of the defence, but, of course we expect you to use discretion as to expense, particularly because of the great need for public economy at the present time.

When submitting your account, please let me have three copies, itemizing all charges with full particulars, as this is required by the Department of Justice, to whom the account has to be presented for taxation before payment can be made.

Yours very truly,

T.R.L.MacInnes.
Secretary.

J.R.Conroy,Esq.,K.C.,
Barrister, etc.,
North Battleford,Sask.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No.....

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	North Battleford	C.I.B.
Province		Date
Saskatchewan.		June 18, 1940

Fyle References

Re: Edwin JACKSON (Treaty Indian) - murder of Solomon Medicine Child and Elizabeth Medicine Child - (Treaty Indians) - Little Pine Indian Reserve, Sask.

Headquarters

Sub-Division

40NB 480-5

Detachment

P. C. R.

1. On the 18th instant shortly before 4 o'clock in the afternoon, Edwin JACKSON, Treaty Indian, aged 22 years, shot and killed Solomon MEDICINE CHILD, aged Indian, and inflicted rifle wounds on Elizabeth MEDICINE CHILD, his twenty-three year old daughter. She was subsequently brought to the Notre Dame Hospital at North Battleford and died about 1:00 A.M. this morning, the 18th instant.

2. The accused made no attempt to escape, but awaited arrest by the police and has admitted his guilt. The rifle used has been obtained.

3. Apparently, he had lived with Elizabeth as his wife, and did not find favour with her parents who turned him away from the house and had kept some of his belongings. They wished another Indian to take Elizabeth as his wife which caused a resentment in the accused, and apparently, was the motive for the killings. The accused Indian appears to be quite rational, has no previous record and was apparently well liked by the other Indians.

4. He has been formally charged with the murder of Solomon MEDICINE CHILD and duly remanded in custody for eight days. A Coroner's Jury has been empanelled and is underway. A complete report will be submitted in due course.

D/Sgt.

H. Fielder Reg. No. 5525
i/c N.Battleford C.I.B.

Fyle numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(2)

Re: Edwin JACKSON (Treaty Indian) - murder of
Solomon Medicine Child and Elizabeth Medicine Child-
(Treaty Indians) - Little Pine Indian Reserve, Sask.
- -

O.C. "F" Div.,
R. C. M. Police,
REGINA, Sask.

Sir: Forwarded.

1. This matter was first reported at approximately 5:00 p.m. on the 13th instant to Cst. Brough of Cut Knife, Sask., by one, Warden, who is a farm instructor on the Little Pine Indian Reserve. This first report was forwarded to Regina by telegram this same evening. Indian Agent, O. Ostrander, was notified. It was afterwards learned that the woman, Elizabeth, was not dead and she was brought to North Battleford by the Indian Agent and Dr. Lewis of the Indian Department.

2. I am informed by D/Sgt. Fielder that the shooting of the Indian and his daughter was witnessed by Alice Medicine Child, wife of the deceased Indian. Annie and Emma Wright, sisters of Alice Medicine Child were also present. They saw the accused approach, but became frightened and ran away. They heard the shooting.

3. Dr. J. E. Moran, Coroner at Lashburn, Sask., is in charge of the inquest. An autopsy has been performed on the body of Solomon Medicine Child and will be performed on the body of his daughter by Dr. J. J. Hamelin, North Battleford, Sask.

4. As the offence occurred with in the Judicial District of Battleford, I would request that the services of the Agent of the Attorney, Mr. W. L. Glink, be authorized to be present at the inquest and to conduct the preliminary hearing. A separate application is being forwarded.

F. E. Sprigg
Inspr.
Commanding N. Battleford S/Div.
(F. E. Sprigg)

JJ/D
15-6-40

Copy to the Indian Agent, Battleford.

(N. Battleford C.I.B. report dated June 15th, 1940)
40 R 636-11.
The Inspector in Charge,
Indian Affairs Branch,
Dept. of Mines & Resources,
REGINA, Sask.

Forwarded in single copy for your information.

Supt.
(L.H.Nicholson)
In Charge, C.I.B.

17-6-40.WWH/AB.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F" Division,

REGINA, Saskatchewan,
June 17th, 1940.

40 R 636-11.

The Deputy Attorney-general,
REGINA, Sask.

Sir:-

Re: Edwin JACKSON (Treaty Indian) Murder of Solomon Medicine Child and Elizabeth Medicine Child (Treaty Indians) Little Pine Indian Reserve, Saskatchewan

---

1. I have the honour to forward herewith copy of North Battleford C.I.B. report dated June 15th, 1940, with forwarding minute of the Officer Commanding, North Battleford Sub-Division appended. The report is a short outline of the facts surrounding the recent murders committed on the Little Pine Indian Reserve.

2. Authority has already been received in telephonic communication of Mr. Treleaven of your Department, for the services requested by the O.C., N. Battleford, in his forwarding minute.

I have the honour to be,
Sir,
Your obedient servant,

Supt.
(L.H.Nicholson)
In Charge, C.I.B.

WWH/AB.
Encl.

The Commissioner,
R.C.M.Police, OTTAWA, Ontario.

Forwarded in triplicate for your information, with three copies of above mentioned report attached.

Supt.
(L.H.Nicholson)
In Charge, C.I.B.

17-6-40.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

83936

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40 B 636-13-G-8

OTTAWA, June 21, 1940.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Secy

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines and Resources
Indian Affairs Branch
JUN 24 1940
REGISTERED

JSC/DK

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40R 636-11.

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	NORTH BATTLEFORD	NORTH BATTLEFORD

Province: SASKATCHEWAN

Date: JUNE 18th.1940.

File References: Re: Edwin JACKSON (Treaty Indian) - Murder (263) Cutknife District.Saskatchewan. Charge .1. (NORTH BATTLEFORD C.I.B.CASE.).

Headquarters

Sub-Division: 40NB.480-3.

Detachment: NB.1940.1.224

P. C. R.

NB.C.I.B. 17-6-40. Radiogram. 17-6-40.

1. With reference to North Battleford C.I.B.report dated 17-6-40 in the above connection;

2. At 3.45.P.M,18-6-40,I left North Battleford per Code No. 8054,accompanied by Csts.L.BINGHAM,S.RYAN and L.C.CAWSEY, and proceeded to PAYNTON,Sask,where Sergt.H.FIELDEN and J.R.O'REILLY were contacted,also Cst.B.H.McLAREN with P.S.D "TELL" and D.L.Cpl.A.L.SHAHAN from GLASLYN district where they had been on duty,and from thence,in company,to the residence of J.T.WARDEN,Farm Instructor on the Little Pine Indian Reserve No.116.

3.In company with J.T.Warden we proceeded to a point on the Reserve approximately three quarters of a mile South of the Residence of the murdered man,Soloman MEDICINE CHILD,where JACKSON had been last seen and Cst.McLAREN put P.S.D."TELL" to work in an endeavour to pick up the scent,but owing to the torrential downpour of rain which had just taken place, conditions were adverse to the dog.

4. Cst.L.C.CAWSEY and Instructor WARDEN then proceeded per Police car to the tent of Mrs Dorothy JACKSON,(Treaty Indian) Foster mother of the accused and with whom he had been lately living. Mrs JACKSON was the last person who had seen the accused. Her tent was approximately one mile West of the residence of the murdered man.

STATEMENT OF REG.NO.12807.2/Cst.L.C.CAWSEY.R.C.M.Police.

" At about 9.00.P.M,June 13th,1940,in company with Farm Instructor James WARDEN,I proceeded to the tent of Mrs. Dorothy JACKSON,treaty Indian,on the Little Pine Indian Reserve.On arrival at the tent,about a dozen Indians were around it,amongst whom Warden recognized Edwin JACKSON, the accused in the murder of Soloman MEDICINE CHILD and the attempted murder of Elizabeth MEDICINE CHILD,the same date. Edwin JACKSON came to the car of his own accord,followed by the other Indians. I got out of the car and went to him when he said in English "Well,Here I am,I am out of bullets" I searched him for weapons and said to him "Where is the rifle,Edwin?"In Cree,he directed WARDEN and an Indian who is unknown to me,to where the rifle was,about 40 feet in the bush,N.E of the tent.The rifle was handed to me by WARDEN. It was a 25-20 Winchester repeating rifle,lever action,round barrel.Serial No.284368.I opened the breech and found the rifle to be empty.JACKSON was taken into custody by me and the car horn sounded to call the balance of the Police party. A conversation took place in Cree between Warden and the prisoner which I could not understand. I proceeded per Police car with Warden and the prisoner and met the remainder of the party on the road to the tent. The prisoner was handed over to Sergt.GILBERT.J.H.A,together with the rifle which had been marked for identification by both Warden and myself.

(CONTINUED ON PAGE 2.).

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Edwin JACKSON (Treaty Indian) - Murder (263)
Cutknife District.Saskatchewan. CHARGE.1.
(NORTH BATTLEFORD C.I.B.CASE.)

---

4. Statement of Reg.No.12807.Cst.L.C.CAWSEY.R.C.M.Police.
(Continued.) and myself. Cst.BINGHAM also marked the rifle in question.

Signed. L.C.Cawsey.Cst. #12807.

Witnessed.
John.H.A.Gilbert.Sergt.
June 18th.1940.

5. On taking over the prisoner from Cst.CAWSEY at 9.15.P.M. June 13th,1940,I said to him in English "You will be charged with the murder of Soloman MEDICINE CHILD and the attempted murder of Elizabeth MEDICINE CHILD" This was translated into Cree by James WARDEN. I then gave him the usual warning
CREE in English which was again translated into ~~English~~ by WARDEN, immediately following which the accused spoke in Cree which WARDEN translated as follows"He says the killing was deliber ate and that they treated him like a dog and that he knows a man cannot get away with a killing and that he wishes you could finish it now."

6. I returned to PAYNTON per Code No.8054 with the prisoner and Sergt.O'Reilly and D-L-Cpl.Seaman and from thence to North Battleford Detachment arriving at 1.25.A.M.the 14th inst. During the journey the accused said nothing of any import.

7. Accused was placed in the Detachment cells and I remained on guard until 7.10.A.M when I was relieved. During this time the accused said nothing except that he belonged to the Little Pine Indian Reserve.

8. The body of Solomon Medecine Child arrived at Sallows & Boyd's Undertaking parlours at North Battleford per hired livery,under escort of Cst.L.C.Cawsey at 6.30.P.M.14-6-40, and remained under Guard until Post Mortem was performed at 8.00.P.M.the same date.

9. Clothing was taken from the body of Soloman Medecine Child as per F.246.No.103,at 7.30.P.M.and the body photographed by Cst.S.RYAN.

10. Post Mortem Rigidity was complete. Post Mortem Lividity was present on the posterior part of the body but not to any extent.The folowing wounds were noted on the body:-
One penetrating wound below left jaw.
One wound between seventh and eighth ribs in the heart region three inches to the left of the midline.
One wound of entrance and one of exit left wrist.
Three wounds in line on left shoulder about one and a half inches apart.

11.Post Mortem was performed by Dr.J.J.HAMELIN of North Battleford in the presence of Drs.F.H.Hurlburt and J.E.Moran, Cst.S.RYAN and myself being present.

12.The only metal found was a small piece resembling an expanding band on a soft nosed cartridge,This was extracted from the wound behind the left humerus and handed to me by Dr.J.J.HAMELIN.The same was placed in a glass vial, marked,sealed and has remained in my possession ever since.

(CONTINUED ON PAGE 3.).

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

13. On the heart being removed it was seenthhatthere was a small wound in the apex,and on removal of the liver it was seen that there was wound through it. A careful examination of the body cavity was made by Dr,HAMELIN especially of the Costal walls but no further metal was found.On removing the skull cap the brain was found to be normal.The wound in the left jaw was incised and probed but no metal could be found.

14. POST MORTEM report is as follows:-

POST- MORTEM on the body of Soloman MEDICINE CHILD,Treaty Indian held at SALLOWS and BOYD undertaking parlours at North Battleford SASK,on June 14th 1940 at 8.00.P.M.

The body was identified by Cst.S.RYAN,R.C.M.Police.

The body is that of a man five feet ten inches tall,about one hundred and sixty pounds in weight,with long braided grey hair. Age.sixty two.

EXTERNAL APPEARANCE OF THE BODY.

One penetrating wound below the left jaw.
One penetrating wound between the seventh and eighth ribs on the anterior part of the chest,three inches from the mid-line.
One penetrating wound of the left wrist at the internal side of the radius with a wound of exit an inch and a half,on the back of the wrist.
One wound one and a half inches to the left of second Dorsal vertebrae.
Another wound three and a half inches to the left of the same vertebrae.
Another wound right behind the head of the humerus on left side.

The rigidity complete.
Lividity present on the posterior part of the body.
From the appearance of the eyes this man must have been partially blind.

ON OPENING THE CHEST the left lung was found very adherent to the costal wall. There was free blood in both pleural cavities.

ON SECTION the right lung was found full of pus probably due to tuberculosis.The left lung was normal.

There was a small penetrating wound in the apex of the heart opening the right ventricle in the pleural cavity. The Pericardium was empty.

Liver moderate size and showing a wound through its substance.

Stomach was fairly large and containing fluid.There was about 8 ozs of free blood in the abdominal cavity.The urinary bladder was small and containing a small amount of urine.

The appendix was retrocaecal and adherent to the Caecum.

A small piece of metal was taken from the wound behind the left shoulder.

The left scapula was fractured at the top.

The brain was found to be normal.

THE CAUSE OF DEATH was gun shot wound of heart and internal hemorrage. (CONTINUED PAGE.4.).

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re:- Edwin JACKSON (Treaty Indian) - Murder (263).
Cutknife District, Saskatchewan.
(NORTH BATTLEFORD C.I.B. CASE.).

---

14. (Continued.)

THE CAUSE OF DEATH was gun shot wound of heart and internal hemorrage.

Signed. J.J.Hamelin.M.D.

15. The Winchester 35-20 calibre rifle handed to me by Cst. Gawsey on 13-6-40, was marked for identification and has been in my possession ever since.

16. The clothing removed from the body of Soloman MEDICINE CHILD on the 14th inst has been marked for identification and sealed in a cardboard container and has been in my continuous possession.

17. On the 14th inst Edwin JACKSON appeared before W.C. JACKSON, J.P at North Battleford, Sask, on an information laid by D/Sergt.F.FIELDER charging him with the murder of Soloman MEDICINE CHILD on the 13th day of June 1940 and was remanded without plea to Prince Albert Common Gaol until Saturday, June 22nd, 1940, at two O'Clock in the afternoon at North Battleford.

18. Please see escort report of Radisson Detachment dated 17-6-40.

19. The shirt taken from the body of Soloman Medecine Child was rotten and full of holes and had been disarranged on the body, it was impossible to exactly determine which holes bullets passed through, but the approximate holes to the bullet wounds in the body were marked.

20. The photographs taken of the body as mentioned in paragaph 9 have been handed over to D/Sergt.H.Fielder.

HANDED OVER TO NORTH BATTLEFORD.C.I.B.
CARRIED FORWARD.
EXPENSES SHOWN on F.93.Period June 1st -15th.1940.

Sergt.

Reg.No.6239.(John.H.A.Gilbert.).
I/c North Battleford Detachment.

TO C.I.B. "F" DIVISION, REGINA
FORWARDED.
F.E. Sponagle INSPR.
O.C. NORTH BATTLEFORD S/DIVISION.
JUN 19 1940

COPY TO
NORTH BATTLEFORD C. I. B.
Copy to Indian Agent.
Copy to Agent or Attorney General.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Division File No. 40-15-636-11

F. 237

R[illegible]AL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	N/BATTLEFORD	CUT KNIFE

Province: SASK.

Date: JUNE 17th. 1940.

229446 JUN2840

File References

Re: Edwin JACKSON (Treaty Indian) - Murder (263) CCC.
Cut Knife District - Saskatchewan.
(NORTH BATTLEFORD C.I.B. CASE)

Headquarters

-Divi

nent

2

13-6-40

1. At 5 p.m. this date I received a telephone call from Mr. James Warden, farm instructor for the Little Pine Indian Reserve in the Cut Knife district, Sask. informing me that Edwin JACKSON a Treaty Indian of the Reserve had this afternoon shot and killed an aged Indian of the Reserve by the name of Solomon Medicinechild, and also shot and seriously wounded Elizabeth Medicinechild a married daughter of Solomon. He stated that JACKSON was at large on the Reserve armed with a 25-20 rifle. He requested that I patrol immediately to the Reserve, and take Doctor M. Lerner of Cut Knife with me.

2. Immediately after receiving the above information I telephoned the particulars to the O.C. N/Battleford Sub/Division, then at 5.15 p.m. accompanied by Dr. Lerner I patrolled per Pol. Car Chev. 2346 to the Little Pine Reserve and there contacted Mr. Warden and continued patrol to the Indian School on the Reserve, where we found Elizabeth Medicinechild under the care of the Teachers, namely Miss. A.L. Cunninghem, Miss I.M. Faithful, and Mrs. C.Foam.

3. Elizabeth was on a cot in the teachers residence. On the Doctor's examination he found her concious and a good pulse. A punctured wound was found in the right mastoid region, and a piece cut out of the lobe of the right ear, also a punctured wound in the aromion region of the right shoulder, and an incised wound 2 inches long below the shoulder in the deltoid region. There was also a perforated wound on the right radial side, dorsal region half way along forearm, and a wound on the voler surface. These wounds were treated immediately by the Doctor, and he stated there was a good chance for her recovery.

4. Patrol was then made one mile west to where the Medicinechild family lived, and where the shooting took place. At a point on a slight rise in the ground approximately 250 yards north west of the Medicinechild tent we found the body of Solomon Medicinechild. At this time it was 7.15 p.m. and raining quite heavy. The Doctor made his examination and pronounced him dead. Rigor-mortis had set in. Solomon had a punctured wound in sixth interspace, nip[illegible] line of the left chest, and a punctured wound on [illegible] forearm dorsal surface two inches above wrist, [illegible] lacerated wound on volar surface of the left [illegible] above the wrist. The wounds appeared to have [illegible] by a bullet from a small calibre rifle.

5.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Edwin JACKSON (Treaty Indian) - Murder (263) CCC
Cut Knife District - Saskatchewan.
(NORTH BATTLEFORD C.I.B. CASE)

5.
Due to the fact Doctor Lerner who is Coroner for this district refused to act as Coroner in this death I returned to Cut Knife for the purpose of notifying the O.C. N/Battleford Sub/Division, and requesting that arrangements be made to have a Coroner proceed to the scene as soon as possible.

6.
When at Cut Knife I had a general telephone call put through to all the towns in this area to keep a watch for JACKSON, having done this I returned to the Little Pine Reserve to assist in making a search for JACKSON, and on my arrival there it was ascertained that he had already been captured and escorted to North Battleford. I then returned to Detachment arriving in early p.m.

14-6-40

7.
At 7.45 a.m. I patrolled per Pol. Car Chev. 2346 to the Little Pine Reserve to assist in the investigation which was being conducted by D/Sgt.H. Fielder of the N/Battleford C.I.B. I remained at the Reserve all day, and in the p.m. I conveyed D/Sgt.Fielder to Paynton, then returned to Detachment.

8.
When at the Reserve this date I took several snapshots of the deceased and the near vicinity surrounding the body, the film is being forwarded to North Battleford Sub/Division for developing.

9.
For full particulars covering the investigation into this Murder, please refer to reports to be submitted by D/Sgt. H. Fielder.

10.
Extra copies of this report attached.

CARRIED FORWARD.

EXPENSES SHOWN ON P.93 PERIOD
JUNE 1/15th. 1940.

The Const. in Charge,
R. C. M. Police,
Cut Knife, Sask.

Cst.
(J.L. Brough) Reg.No.11209.
i/c. Cut Knife Detachment.

1. Forwarded: Your report was received in eight copies only - four more copies are requested. Please forward same without delay.

JB/D
20-6-40

Inspr.
Commanding N.Battleford S/Div.
(F. E. Spriggs)

O.C. "F" Div.,
R. C. M. Police,
REGINA, Sask.

Sir: Forwarded. Four copies herewith - further copies will follow.

F.E. Spriggs

JB/D
20-6-40

Inspr.
Commanding N.Battleford S/Div.
(F. E. Spriggs)

Copy to Mr. Clink . Copy to C.I.B. N.Battleford.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19105-2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40 B 636-13-G-8 OTTAWA, June 25, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
JUN 26 1940
REGISTERED

JSC/DK

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

North Battleford Sub/Div. FORM 264.

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

Division "G" Div. Fyle No. ..... Detachment N/Battleford S.I.B.

Defendant Edwin JACKSON Residence Little Pines Indian Reserve.

Alias ..... Occupation Treaty Indian

Nationality and Colour North American Indian.

Status in Country Native

Offence and Section of Act Murder (263)

Date and Place of Offence June 13th. Little Pines Indian Reserve, near Cutknife, Saskatchewan.

Authority for Search .....

Arrest or ~~Summons~~. Date June 14th, 1940.

Date and Place of Hearing June 14th, 1940. North Battleford.

Heard by W. J. Jackson J.P. of N/Battleford.

Prosecutor or ~~Pros'g Counsel~~ R.C.M.P. Defence Counsel Nil

Witnesses Nil

Finger Prints and Photo forwarded to Headquarters Fingerprints sent in 14/6/40 by Sgt. J.H.A. Gilbert. Photo to follow.

Result of Hearing Remanded for Preliminary Hearing on June 22nd, 1940 at N/Battleford.

Bail No Bail

Bondsmen .....

Remarks See report attached.

Submitted by N/Sgt. T. Fielder.

Fwd'd O.C. N. B'ford Sub-Dist. Fwd'd O.C. ..... Division Fwd'd to Commissioner

T. Fielder N/Sgt. 552 In Charge Detachment In Charge Sub-District Commanding Division

Date June 17th, 1940. Date ..... Date .....

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin JACKSON (Treaty Indian) - Murder (263)
Cutknife District, Saskatchewan.
Charges 1 & 2.

13 - 6 - 40

1. Shortly after 5 o'clock this p.m., I was notified by Cst Cawsey that information had been received of a double killing on the Little Pines Indian Reserve, and that the armed murderer was still at large.

2. I left immediately by private car, accompanied by Sgt J.R. O'Reilly, and proceeded to Paynton, where by pre-arrangement other members of the Force were contacted.

3. Leaving L/Cpl Spalding and Cst Ryan on duty at Paynton, the remainder proceeded by two police cars to the Little Pines Indian Reserve. Here further information was given by J.T. Warden, Farm Instructor, as follows:-

Edwin Jackson, Treaty Indian, aged 22 years, and married to Elizabeth Medicine Child, daughter of Soloman and Alice Medicine Child. He was not well treated by the parents and had recently been turned out of their house. Feeling resentful, on the 13th inst; he went to their home where he shot and killed Soloman and badly wounded Elizabeth.

4. Warden guided us to where Jackson had been last seen and Cst McLaren put Police dog 'Tell' to work in endeavour to pick up the scent. A few hours earlier, and since Jackson had travelled this way, there had been considerable heavy rains, and the dog did not appear to pick up the trail.

5. At this time, Warden, accompanied by Cst Cawsey went to a nearby Indian house to obtain further information, and there found the accused waiting for the police. He admitted the killing, handed over the rifle, and said he was waiting to give himself up.

6. He was taken in custody by Sgt Gilbert who gave the formal warning interpreted by J.T. Warden, who said that the accused admitted that he had done the shooting deliberately because 'they' had treated him like a dog. He knew that he he cannot get away with the killing and wanted to have it all over with.

7. The fatal weapon, a 25.20 Winchester, marked for identification by Cst Cawsey and Warden was taken over by Sgt Gilbert.

8. The accused prisoner would not speak English at this time, and was somewhat confused and excited, but he consented to taking us to where he thought the ejected rifle shells could be found. An unsuccesful search was made. At this time (10 o'clock p.m.) it was quite dark. Flashlights and the police dog were used, and it was decided to renew the search at daylight the following day.

9. The dead body of Soloman Medicine Child was in this vicinity, and was left guarded by Csts Singham and Cawsey.

10. The other victim, Elibabeth Medicine Child had been taken by Warden to the school on the Reserve, where she had received medical attention from Dr M. Lerner of Cutknife, and was now under the care of Miss Cunningham.
Visiting there, she was found to be resting well under the influence of drugs given by the doctor.

CONT'D

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian) - Murder (265)
Cutknife district. Saskatchewan.
Charges 1 & 2.

11. Returning to Paynton, I made arrangements with Dr J.E.Moran, Coroner, Lashb rn, and left early the next morning with the undermentioned jury:-

1. William Bone — Store clerk
2. Wilfred Walker — Elev agent
3. Armand Gagne — Labourer
4. Milton A.Harmen — Storekeeper
5. Robert Campbell — Elev agent
6. Hubert Douglas Poulds. Blacksmith.

12. Having elected William Bone as foreman, the jury, sworn, viewed the body, and the Inquest was tentatively adjourned until Friday, June 21st at 2 p.m.

13. The deceased, Soloman Medicine Child, a Treaty Indian aged about 62 years, was a member of the Little Pines Band. Examination of his body showed wounds as follows:-

1. Penetrating wound in lower heart region.
(There was a cor esponding hole in his shirt)
2. Penetrating wound under left jaw.
3. Penetrating wound in left wrist.
(There were wounds of entry and exit)
4. Wound at point of left shoulder.
5. Wound in region of shoulder blade, left side, and in line with wound number 4.
6. Wound in region of shoulder blade, left side, nearer vertebrae than number 5, and in line with wounds number 4 and 5.
(Wounds number 4, 5 and 6, may have been made by (the same bullet)

14. The body was kept under constant guard and brought to North Battleford, and taken to the Undertaking Parlours where Post Mortem examination was made this evening by Dr J.J.Hamelin.

15. His report is as follows:-

"Post Mortem on the body of Soloman Medicine Child, Treaty Indian, held at Sallows and Boyd Undertaking Parlours at North Battleford, Sask on June 14th, 1940 at 8 p.m.
The body was identified by Cst Ryan R.C.M.P.
The body is that of a man five foot ten inches tall, about 160 lbs, with long braided gray hair, age 62.
External appearance of the body; one penetrating wound below the left jaw, one penetrating wound between the 7th and 8th rib on the anterior part of the chest three inches from mid-line, one penetrating wound of the left wrist at the internal side of the radious with a wound of exit an inch and a half on the back of the wrist, one wound one and a half inches to the left of 2nd vertebrae (dorsal), another wound 3½ inches to the left of the same vertebra and another wound right behind the head of the humerus on left side.

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian) - Murder (263)
Cutknife District, Saskatchewan.
Charges 1 & 2.

15. Post Mortem report cont'd.

The rigidity complete, lividity present on posterior part of the body. From the appearance of the eyes, this man must have been partially blind.
On opening the chest the left lung was found very adherent to the costal wall. There was free blood in both plural cavities.
On section the right lung was found full of pus, probably due to tuberculosis, the left lung was normal.
There was a small penetrating wound in the apex of the heart opening the right ventricle in the plural cavity, the pericardium was empty.
Liver moderate size and showing a wound through it's substance.
Stomach was fairly large and containing fluid. There was about 8 ozs of free blood in the abdominal cavity.
The urinary bladder was small and containing a small amount of urine. The apendix was retrocecal and adherent to the coecum.
A small piece of metal was taken out from the wound behind the left shoulder.
The left scapula was fractured at the top.
The brain was found normal.

The cause of death was gun shot wound of heart and internal hemorrhage."

16. The 'small piece of metal' above referred to, was taken by Sgt Gilbert, and for the present being retained in his possesion.

17. Statements were taken from:-
(a) Alec Night Traveller, who lent to the accused the fatal weapon.
(b) Mrs (Alice) Soloman Medicine Child, wife of the deceased, and witness to the shooting.
(c) Annie Wright, sister of Mrs Soloman Child (Medicine) who was present, heard shots fired and ran away, not actually seeing the shooting.
(d) Emma Wright, sister of Annie, heard the shooting and ran away with Annie.
(e) William Edward Greenhalgh, employed at Indian School heard the report of the shooting from Annie and Emma Wright.
(f) Felix Bonaise, friend of the accused, walked by deceased shortly after he had been shot, and later spoke to the accused who then stated he had shot Soloman and wounded Elizabeth.
(g) Mrs Dorothy Jackson, Treaty Indian, who brought up the accused. She gives a statement of his movements the day of the shooting.
(h) J.T. Warren, Farm Instructor, who reported the shooting and subsequently heard a missions from the accused.

18. Alec NIGHT TRAVELLER:-(Treaty Indian)

BEGINS On Wednesday afternoon (June 13th) I was walking home from the Farm Instructor's house on the Little Pine Indian Reserve. I called in at the house of George ATIMOYOO (phonetic spelling) and met Edwin Jackson there. He went home with me, both riding on his horse. On the way, he said he had seen a jumping deer across the river every morning and asked me if I would lend him my gun. I said

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian) - Murder (263)
Cut nife district, Saskatchewan.
Charges 1 & 2.

18. Statement of Alec Night Traveller, cont'd.

I said I would lend it to him. When we got to the house, I asked him how many shells he wanted, and he asked me how many I got. I was not going to give him 4 at first, and he asked me to give him all I got. I had about 9 so I gave him 6. They were dif erent. Some had lead bullets and the others had copper coloured bullets. The gun was a 25-20 Winchester, I think"

Statement of Mrs Soloman (Alice) Medicine Child.

BEGINS Edwin Jackson, Treaty Indian, was married to Elizabeth, my daughter on Dec 26th. He lived in the same house with us. He left her in June about three weeks ago, because he was angry at that time.

We were going to Jackfish and he met us on the road and he had a loaded gun and Soloman took it away. I saw that it was loaded after Soloman got it.

Yesterday at about 10 o'clock in the morning he rode up on a horse and did not stop. Later he went back. About four nights ago he came to our tent and went in for his shoes. He asked his shoes and that's all. He got them and took them away.

Yesterday he came in the afternoon at about 4 o'clock. I, Annie and Elizabeth were in the tent and Emma was outside washing clothes. Soloman had gone to the bush near the tent and we heard a shot and he called us and said "Edwin is shooting me". My daughter and I went towards Soloman who was on the west side of the tent a little distance away. Edwin was shooting at him and we heard about 3 shots. We saw Soloman fall down and we ran away. He was shooting at us and Elizabeth said to me "He hit me" and we kept on. She went one way and I went the other way. He shot 3 times at us. My sisters were also running away.

Edwin did not speak to us. He came from the bush and shot Soloman and then shot at us.

I don't know why Edwin shot Soloman."

(c) Statement of Annie WRIGHT, (Treaty Indian)
Through interpreter. (22 years old)

BEGINS I am a sister of Mrs Alice Soloman Medicine Child, and live in the same tent with her. I know Edwin Jackson and saw him yesterday. The first time I saw him he was chasing Soloman. It was before 4 o'clock some time, and I was sitting inside the tent with Alice, Emma and Elizabeth. The first thing we heard was that Soloman shouted that Edwin had shot him, so we all went out. I saw Soloman and Edwin running after him, pointing the rifle at Soloman and they were not far away.

As soon as we saw them, Emma, my sister and I ran away and we heard shots. There were about 3 shots but they were not alltogether. I never looked back and we went straight to the Indian School and there told Miss Foan, and Mr Greenhalgh was there. "

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian) - Murder (263)
Cutknife District - Saskatchewan.
Charges 1 & 2

18,cont'd.

(d) Statement of Emma WRIGHT (Treaty Indian)
(Through Interpreter) (Aged 21 yrs)

BEGINS I am a sister of Alice (Mrs Soloman Medicine Child) and live in the same tent with her. Her daughter Elizabeth was married to Edwin Jackson. I know Edwin Jackson. Yesterday I was washing clothes just outside the tent,and inside the tent was Annie and Alice,my sisters, and Elizabeth. The first I saw was Soloman walking towards a bluff North west from the tent. Then a short while after, I saw him coming back again walking and he yelled 'Edwin has shot me' I hadn't seen Edwin at that time. The other women ran out of the tent,then I saw the young man (Edwin) come right out after him.He was running and he had the gun,carrying it in his hand. I had not heard any shots then. Then I saw the young man lift the gun and I said to my sister Annie "Let us run". We turned and ran and didn't look back,but heard 2 shots. We did not look back. A little later we heard another shot and heard Elizabeth yell that she was hit. That's the last.

We went to the school and told Miss Foan. The young man was Edwin Jackson.

The children had just got out of the school when we got there,we met some on the way." ENDS

(e) Statement of William Edward GREENHALGH

BEGINS I am a Church of England missionary student on Little Pines Indian Reserve. Yesterday at about 4 o'clock p.m.,Annie and Emma Wright,two Indian girls,sisters of Mrs Soloman Medicine Child,came to the Indian School and told me that there had been shooting. They said they had heard 3 shots and then left. They had been running and were out of breath. They thought Soloman had been hit.

I got the car and came down here and got Mr Warden,and we went to where the girls lived and found the dead body of Soloman Medicine Child lying on his stomach. This was about 150 or 200 yards west of their tent. I felt his pulse and thought he was dead. We turned the body over and saw that he really was dead.- shot through the heart. We then went to find the daughter Elizabeth who was supposed to have been hit. We found her lying down about 200 yards East of the tent. She had been shot but was still alive. We got her to the car and took her to the school.We then left to phone for the police and the doctor." ENDS

(f) Statement of Felix BONAISE (Treaty Indian)

BEGINS I am a Treaty Indian belonging to the Little Pines Indian Reserve. Yesterday at about 4 p.m.,I was going home from the Farm Instructor's house with Archie WEABONOS (phonetic spelling) We went by Medicine Child's tent and firstvsaw a little child crying just outside the tent. We saw Soloman Medicine Child lying on the ground and liked he was dead. We didn't see anyone else so we went straight on home. After we got home to my tent,Edwin JACKSON came soon after and he told us that he had shot Soloman Medicine Child and hit his daughter Elizabeth by accident. In the tent was my wife Stella and Arthur Weabonos,Ernest Peter's wife and Mrs Jackson and old King's wife heard Edwin say that he had shot Soloman. Mrs Jackson asked Edwin what he had done and he said that he had shot Soloman and hit his daughter by accident.

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treath Indian) - Murder (263)
Cutknife district - Saskatchewan.
Charges 1 & 2.

18 (f) cont'd. hit his daughter by accident Edwin did not have the big rifle when he came to our tent, he had Arthur Jackson's '22 rifle with him then.

Jast as soon as he had told what had happened, he ran away, and Mrs Dorothy Jackson followed him.

Then he arrived back again and did not have the '22 rifle with him. This was just before the rain started. I asked him where is the '22? and he just said 'It is over there' but did not say where. It has not yet been found. As he came back the second time with Mrs Jackson following, he stopped about 300 yards from the tent and picked up the Repeater rifle. He held it up so that the people in the tent could see him. Mrs Jackson, my wife Stella and I saw him) He left going East, running, and yelled to stop following him. When he ran away he said he was going to where his wife was lying and he was going to kill himself there.

The '22 rifle was taken from Arthur Jackson's tent in the morning. ENDS

18. (g) Statement of Mrs Dorothy JACKSON (Treaty Indian) Taken through interpreter.

BEGINS Edwin said yesterday morning that he was going up to Soloman Medicine Child to get his own rope. He told this to Jackson. I didn't hear it, but I knew. He came back in the evening and went into the tent. I was washing and followed him into the tent and saw him feel through the pockets of his overalls as though he was looking for something. He had a gun with him. I asked him 'Arn't you getting into trouble?'. He didn't answer but got up and ran out. He had no hat and seemed excited. He didn't answer. I followed and yelled to him to stop and come home. He stopped and said 'Go on home' 'I've done something wrong'

I ran behind him to try to catch him and he stopped at times and kept telling he to go home. As we were going he said 'I'll not live long, I've done wrong' 'I'll give you my horses, and you can keep them until they die'. I said 'Don't run away and don't kill yourself' I went across the prairie to the school and he went away.

I went home just when most of the rain was over and he was already there. There were many there sitting with him in Felix Bonaise's tent, so I went into another tent by myself, until the police came. Then I shook hands with him and said 'Good Bye'.

I took it for granted that he had killed Soloman Medicine Child because they had trouble all Spring. ENDS

18 (h) Statement of J.T. WARDEN, Farm instructor Little Pines Indian Reserve

BEGINS I, J.T. Warden am Farm Instructor at Little Pines Indian Reserve. Yesterday at about 4115 p.m., I was notified by Ted Greenhalgh of a shooting affair on the Reserve - that Edwain Jackson was shooting at Soloman Medicine Child -. We immediately went to the scene, about one and a half miles west of the church at Soloman Medicine Child's camp. Here we found Soloman Medicine Child lying on his stomach some 200 yards North-west of his tent. We found that he was dead. We were then informed by his wife Alice that his daughter had also been shot at and we immediately went in search of her and found her some 300 yards East of where Soloman was lying, badly wounded by rifle shot.

CONT'D

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian) - Murder (263)
Cutknife district, Saskatchewan.
Charges 1 & 2.

18 (h) cont'd badly wounded by rifle shot. She was lying down and was alive so we loaded her into our car and took her to the Indian School and placed her in the care of the teacher until we could get a doctor. We went at once to the nearest 'phone about five miles away and phoned to Dr Learner at Cutknife, and to the Mounted Police there. This was the nearest point. I then came home, and on their arrival, accompanied the doctor and police to the school where the doctor first attended the girl and went to the scene of the shooting. The doctor pronounced Solomon Medicine Child to be dead, and after covering the body, we came back home.

Later, in company with the police from North Battleford, I again visited the vicinity of the shooting and went with Cst Cawsey to the home of Mrs Dorothy Jackson, in order to find out from her where she had last seen Edwin Jackson. On our arrival we found there many Indians including Jackson who came out of the tent and said 'Well, here I am' or words to that effect. Cst Cawsey asked him where was the rifle, and he asked one of the Indians to get it from where he had hid on it in the bushes some 30 or 40 feet beyond the tent. Mrs Felix Bonnise went to help Joe King find it, and I got it from Joe and handed it to the constable. Edwin Jackson told me that he had shot Solomon Medicine Child because of ill treatment and that he had had to put up with a lot while he lived with them. He also said that he had shot Elizabeth by accident, intending to shoot Alice, her mother. He said that Alice was so far ahead that he could not catch her and then he followed the daughter Elizabeth and shot again at her. He also said that if he had had another bullet he would have shot himself, but that there were none left. He had then gone back to his home to get a '22 rifle to shoot himself but found on arrival that there were no shells for this gun either. Later, I translated to him the warning given by Sgt Gilbert and Edwin replied and said it didn't make any difference, he had already said he had done it (the shooting). He then led us to where the shooting had taken place in endeavour to find the empty shell cases.

ENDS

19. Cst McLaren and Police Dog 'Tell' spent the morning searching for the empty shell cases but were unable to find any. A further attempt will be made on the first opportunity.

20. On the evening of the 13th inst: the accused prisoner was taken by Sgt Gilbert to North Battleford.

21. On my return there the following night, I laid a charge before W.C. Jackson J.P., charging the accused with the murder of Solomon Medicine Child, and asked for a remand until June 22nd, 1940.

22. I very carefully explained to the prisoner the action which was being taken, and asked him if he wanted to make any statement. He at first said that he could not talk English very well, but continued to speak. I then read to him the usual warning, explained it to him, and let him read it over slowly to himself. This was all done in the presence of Cst Cawsey.

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian) - Murder (263)
Cutknife district - Saskatchewan.
Charges 1 & 2.

22, cont'd

Statement of Edwin Jackson.

BEGINS Soloman Medicine Child hid my things, my blankets, suitcase, '22 ~~rifle~~ and rope. I left them there at his place when I lived there. I went back there this morning to get my rope. I wanted the rope to help Jackson cut a stallion horse. It belonged to me and Jackson. I was riding a horse when I left Jackson's place and went over to Soloman Medicine Child. I saw Soloman there in the bush about 300 yards away from the house. I told him I want my rope, and he told me something bad, and was mad and he took a stick and hit me, and I put up my hands to stop him hitting my face. He took the stick from the ground. It was as thick as my wrist. Then I ran away and got on my horse which I had left in the bush, and rode to the school and got a plaster from Miss Faithful, and I put it on my right arm where Soloman had hit me. I did not tell her about it. After that I went home. This was about dinner time and I stayed about two hours. I didn't say anything. I wanted to get Elizabeth, his daughter, my wife. I told Soloman that, last Monday, and he said he didn't want me to get my wife. That old lady, his wife, start it first. She start to get mad at me, and to get me out of the house. I stay there about three months ago, That old lady want another fellow John Night Traveller to go and live with Elizabeth. I didn't like that. So my wife told me she didn't want the other fellow and that she s ill wanted me. That's why I stay for three months there. That old lady mad all the time, and told her husband Soloman something bad about me. I didn't like that. That old lady a liar. I told Soloman that old lady a liar. He said 'Don't listen to her'. This was long time ago, and he said "Listen to me".

On Wednesday, Miss Cunningham told Alec Night Traveller that old lady was going to have John marry Elizabeth and Alec told me the same day, and that she doesn't want me. I didn't like that. That's why that old lady was all the time mad at me, because she wanted Elizabeth to have John. I got mad. I took gun to go to Soloman's place. I see him in the bush having a shit and he went home. I shoot him. I shot him three times, and that old lady, I shot at her once. I missed her, that old lady, but my wife, I hit her in the right arm. I shout and ask her, and she tell me "Why did you shoot me?" I told her "That's your mother's fault". That old lady, I didn't see her again. She went away and left her little child in the tent. I told my wife "You want John", and she said "No, I don't want him, my mother wants me marry again, I didn't want him". I told my wife that Soloman had said you don't want me. She said 'I didn't say anything about you'. We were both standing still at this time and Soloman was lying on the ground and there was no one else there. That old lady I want to shoot, but did not see her again. My wife, she told me she wanted to marry me and would never forget me. I told my wife

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treath Indian) - Murder (263)
Cutknife Districth- Saskatchewan.
Charges 1 & 2.

2d. Statement of Edwin Jackson, cont'd.

I told my wife that Miss Cunningham had said that old lady wants you to marry John. My wife said "I don't know about it, I don't want to marry him again".

I had just one shot left. She said "That's my mother's fault". I was lokking for that old lady but didn't see her anyplace. She said "Don't shoot me, don't kill yourself". I told her "No", "I kill you, then I kill myself too". I hit her with my left hand and she slide down to the ground and I shoot her while she is on the ground.

Then I left there and go away. I didn't kill her. I shoot her in the right shoulder, I don't know just where, but she didn't die. She cried. I got no shells now. I went home. I got a '22 and take it. I can't find any shells. I went out again to Soloman's place. I want to see that old lady. I got no shells but got the '22. I thought if I see him, I hit him in the head with my '22, that old lady. I didn't see him. I look for my wife but didn't see her. I thought I would like to kill myself in the river, if she died, my wife. She's not there. Mr Warden took her away in the car. I tracked the car to the school. I got back to Soloman's tent. I know my wife is still alive because Mr Warden took her away. I take my wife's jackat because there is a big rain coming. I wanted to go to Mr Warden's place and tell him I want to wait for the police. I change my mind and went home because that big rain coming. I stayed at home and wait for the police when they come to get me. When they come in the car, I went out with them. I tell that women Mrs Felix Bonaise where I put the rifle in the bushes, and she got it, and the police took it. This Spring, when I live with my wife, she have a boy friend, Antoine Jiggermiss (phonetic spelling) of Poundmaker Reserve. I don't like that too. In May, Soloman and all of them go to Jackfish Lake and I want to take my wife away to my home. I was working at that time seeding, and I want my wife to stay with me. That old lady, she doesn't want it. She want John Night Traveller. In the morning when they start away, my clothes, she throws away outside. I didn't like that. I take my '22 rifle. I went to the Instructor's place, Mr Warden. Jackson told me to tell him about the crop. I take the '22 and I went back and meet in the road, Soloman, that old lady, and Elizabeth. Soloman told me my things were in the house, and said - "You want it, you go and get it". She locked the house. I tell them 'I don't want my clothes right now, when I come home, I take them'. He told me to go and cut picketts to sell. When I bring his wagon he would use it. I told him "Why that old lady throw my clothes away?". I told my wife to take my '22 to shoot rabbits and Soloman said "Allright, bring it", but I put one shell in it and Soloman take the gun away from me. He think that perhaps I shoot him, but I don't think of it. He take the gun, and I go home. He stay five days away then come back home and I went to his place. Soloman was awful mad and that old lady tell him something bad about me, and that's why he was mad at me. I didn't say anything to him. I just listened to what he say. He speak about an hour. Soloman say "Before I make trouble, you better go", I told him "Allright, I take my horses and then I go".

This is true and that's all. ENDS.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian) - Murder (263)
Cutknife district, Saskatchewan.
Charges 1 & 2.

15/6/40

23. This day, the accused prisoner was escorted to Prince Albert Common Gaol, under authority of a Warrant of Remand, returnable at North Battleford on June 22nd, 1940, issued by W.C. Jackson, J.P.

24. Elizabeth MEDICINE CHILD (Treaty Indian)
Daughter of Alice and Soloman
Medicine Child, Aged about 19 yrs.

13/6/40

Late this p.m., J.P.B. Ostrander, Indian Agent, Battleford and Dr H.W. Lewis of the Indian Dept; were seen in the Paynton district on their way to Little Pine Indian Reserve. The doctor attended Elizabeth Medicine Child and brought her back to North Battleford, where she was admitted to the Notre Dame Hospital.

25. 14/6/40

Having been notified by the doctor that this patient was dying, Cst L. Bingham interviewed her and submits the following Dying Declaration:-

BEGINS I, Elizabeth Medicine Child, having fear of impending death, and living without hope of recovery make the following statement to the questions asked:-

Elizabeth Medicine Child.

Q. Are you going to get better.

A No, I'm not

Q How do you know?

A I'm very weak, there's no strength in me at all I feel very bad, I'm getting weaker.

Q Will you tell me how you got hurt?

A Edwin Jackson he shot me. My father went out and we heard a shot. It was Edwin shooting my father. Edwin, he came to shoot me, he was shooting after everybody, My sisters and my mother ran away. Edwin came shooting after us and so he shot me and my father. I lived with Edwin Jackson but we were not married.

Q When did this happen?

A Yesterday

Q What time

A Around 4 o'clock. Edwin, he was very mad at John.

Q Who is John

A He's my baby's father. Edwin doesn't like John He's told me very often that John wants to come home to me. CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian) - Murder (26.3)
Cutknife district. Saskatchewan.
Charges 1 & 2.

25.cont'd.

Q What's John's last name

A Nighttraveller.

(Signed) Elizabeth Medicine Child.

Witnessed

L.Bingham. Cst
Norah Madden. R.N.

This declaration was made in my presence at Notre Dame Hospital,North Battleford,Sask, in the presence of two witnesses and saw Elizabeth Medicine Child write her name.

Signed this 14th day of June,1940,in the City of North Battleford in the Province of Saskatchewan.

W.Crighton Jackson J.P.

18/6/40

26. At about 1 o'clock a.m., Elizabeth Medicine Child died at the Notre Dame Hospital,and on instructions of the Coroner the body was removed to the Undertaking Parlours of Messrs Sallows and Boyd.

27. Dr J.E.Moran,Coroner,of Lashburn,and the same jury mentioned in para 11,were contacted and arrived in the morning of the 18th inst. After electing the same foreman,and being duly sworn,they viewed the body,and the inquest was tentatively adjourned until Friday,June 21st next.

28. A Post Mortem examination was performed by Dr J.J.Hamolin of North Battleford,and attended by Sgt Gilbert and Cst Ryan.

29. This body had a bullet wound through the right forearm,one just below the point of the right shoulder,one over the point of the right shoulder,and one in rear of the right ear.The lower tip of the lobe of the right ear had evidently been cut by the path of the bullet. It is likely that all of these wounds were made by the one shot.

30. During the course of the autopsy,a bullet was recovered from the wound in the head,and was taken by Sgt Gilbert in whose possession it still remains.

31. A full report from the doctor performing the autopsy has not yet been received,but there is no doubt that death was due to the rifle shot wound in the head. The detailed report will be embodied in a following report.

32. A further search is to be made in endeavour to find the empty cartridge cases fired by the accused, and further statements are to be taken from those Indians present at the Jackson and Bonaise homes,when this accused admitted the killings.

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian) - Murder (263)
Cutknife District - Saskatchewan.
Charges 1 & 2.

33. As there will not be sufficient time to arrange the preliminary hearing by June 2nd next, it is suggested that the accused be brought before a justice at Prince Albert and remanded for a further period of eight days.
The original Information and Complaint, duly waived is forwarded attached for this purpose.

34. Exhibit Forms numbers 103, 104 and 105, are forwarded attached hereto.

C/FORWARD.
EXPENSES. 295 JUNE 1/15.

H. Fielder. D/Sgt. Reg #5525
i/c N. Battleford C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Edwin JACKSON(Treaty Indian) - Murder (236)
Cutknife District, Saskatchewan.
Charges 1 & 2.

O.C. "F" Div.,
R. C. M. Police,
REGINA, Sask.

Sir: Forwarded;

1. With reference to para. No. 32, a further search for the missing empty cartridge cases will be made. Photographs will be taken, and a sketch of the locale will be prepared to be submitted to Mr. Clink, Agent of the Attorney General, Battleford, and his opinion obtained regarding whether a survey is necessary.

2. Separate report will follow in connection with the murder of Elizabeth Medicine Child. Form 246 attached.

3. Remand from the 22nd instant for eight clear days is being requested to be arranged by the Officer Commanding, Prince Albert Sub-Division. Four copies of my memo in this connection are attached for your information.

F.E. Spriggs

JS/D
18-6-40

Inspr.
Commanding N.Battleford S/Div.
(F. E. Spriggs)

Copy to Indian Agent, Battleford.
Copy to Mr. Clink, "

(North Battleford Sub-Division Form 264 dated June 17th, 1940)
40 R 636-11.
The Inspector in Charge,
Indian Affairs Branch,
Dept. of Mines & Resources,
REGINA, Sask.
Forwarded in single copy for your information.

Supt.
21-6-40.WWH/AB. (L.H.Nicholson)
In Charge, C.I.B.

The Commissioner,
R.C.M.Police, OTTAWA, Ontario.

Forwarded in triplicate for your information.

Supt.
21-6-40. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40R 626-M 13

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	NORTH BATTLEFORD	NORTH BATTLEFORD

Province	Date
SASKATCHEWAN	JUNE 19th.1940.

File References

Re: Edwin JACKSON (Treaty Indian) - Murder (263)
Cutknife District.Saskatchewan. CHARGE.2.
(NORTH BATTLEFORD C.I.B.CASE.).

Headquarters

Sub-Division

40NB.480-4.

Detachment

NB.1940.1-225

P. C. R.

FIRST.

1. With reference to North Battleford C.I.B.Report dated 17-6-40 and to North Battleford Detachment Report dated 18-6-40 re Edwin JACKSON(Treaty Indian)-Murder (263) CHARGE.1. Cutknife District.Saskatchewan:-

2. Elizabeth MEDICINE CHILD was brought to Notre Dame Hospital,North Battleford by Dr.H.W.LEWIS,of the Dept.of Indian Affairs Agency at Battleford,Sask,at about 5.00. A.M.14-6-40,from the Little Pine Indian Reserve.

3.At 1.25.A.M,15-6-40,Elizabeth Medicine Child died in the Notre Dame Hospital,and on the Coroner's instructions,Cst. RYAN proceeded to the hospital at 5.00.A.M.and received the body and clothing from Miss Nancy BRAITHWAITE,R.N,in the presence of Gordon MURPHY,Licensed Mortician.

4. The body was transferred to Sallows and Boyd's Undertaking parlours at North Battleford,per ambulance,where it was left under guard.

5. In the A.M.of Sunday,16-6-40,the body was viewed by the Coroner's jury.

6. The same A.M. the body was photographed by Cst.S.RYAN. The following wounds were present on the body:-

One wound of entrance and one wound of exit - right forearm.
One lacerated wound of entrance and one wound of exit - right shoulder.
One wound lobe of right ear.
One penetrating wound in skull behind right ear.

7. In all probability the wounds through the right shoulder lobe of right ear and skull were caused by the same bullet.

8. About 10.30.A.M.16-6-40,aPost Mortem was performed by Dr.J.J.HAMELIN of North Battleford in the presence of Drs. F.H.HURLBURT and J.E.MORAN,Cst.RYAN and myself also being present.

9. On the skull cap and brain being removed,a mushroomed bullet was recovered from the right side of the cerebellum and handed to me at 11.05 A.M.by Dr.J.J.Hamelin. The same was placed in a glass vial,marked and sealed and has remained in my possession ever since.

10. No other metal was found in the body or head.

11.Hemorragic areas were present in the brain tissue.

12. Post Mortem Report will be forwarded to North Battleford C.I.B.by Dr.J.J.HAMELIN in due course.

(CONTINUED ON PAGE 2.).

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Edwin JACKSON (Treaty Indian) - Murder (263)
Cutknife District. Sask. CHARGE.2.
(NORTH BATTLEFORD C.I.B.CASE.).

---

13. The clothing removed from Elizabeth Medecine Child by Miss Nancy BRAITHWAITE,R.N,on her admittance to Notre Dame Hospital,as per F.246 No.105,submitted by D/Sergt.H.FIELDER,and handed by her to Cst.RYAN on the 15th inst,were marked for identification by Miss BRAITHWAITE and Cst.RYAN at 3.00.P.M. 17-6-40,and have been sealed in a cardboard container and retained in my possession.

14. The photographs taken of the body as mentioned in Para.5. have been handed over to D/Sergt.H.Fielder

HANDED OVER TO NORTH BATTLEFORD C.I.B.
EXPENSES SHOWN on F.93.Period June 16-6-40.
CARRIED FORWARD.

Sergt.

O.C. "F" Div.,
R. C. M. Police,
REGINA, Sask.

Reg.No.6239.(John.H.A.Gilbert.).
I/c North Battleford Detachment.

Sir: Forwarded:

1. The bullet recovered from the body of the above named woman, the rifle and a cartridge case found at the scene of the crime are being taken to the Laboratory at Regina for examination. Further investigation is being made by C.I.B. members, and report will follow.

F.E. Sprigge
Inspr.
Commanding N.Battleford S/Div.
(F. E. Sprigge)

JS/D

Copy to Mr. N. L. Clink, Battleford.
Copy to North Battleford C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40D 636-13-G-8 OTTAWA. July 1, 1940.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Sec'y

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
JUL 2 1940
REGISTERED

JSC/MB

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40H 536-11 F. 247

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"H"	N/Battleford	C.I.B.
Province		**Date**
Sask		June 21st, 1940.

File References	Re: Edwin JAMES (Treaty Indian). Murder (263), Cutknife Dist, Sask. Charges 1 & 2.

Headquarters

Sub-Division

40HE 480-3

Detachment

1/157

P. C. R.

F 264
17/6/40

21/6/40

1. This afternoon, I interviewed W.L. Glink, Esq. K.C., A.A.G at Battleford, in reference to this case, and he is of the opinion that xx the Provincial surveyor should make a survey of the scene of the murder, particularly in view of the fact that the land is situated within an Indian Reservation and is not surveyed.

2. He also mentions that the evidence of the ballistic expert from Regina is not necessary at the inquest or preliminary hearing, but that a report from him should be available, for the information of the defence counsel.

3. The inquest has been further adjourned until Friday June 28th at 10 o'clock in the a.m., and arrangements should be made for the accused prisoner to be brought from Prince Albert by that time.

4. The A.A.G., intends holding preliminary hearing immediately following the inquest. In the meantime, further investigation is being made and statements are to be taken in addition to those referred to in my previous report.

PROSECUTION WITNESS.
NO EXPENSE.
S/FORWARD. NOW 6/7/40

H. Fielder, S/Sgt. Reg #55325
i/c N. Battleford C.I.B.

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(2)

Re: Edwin JACKSON (Treaty Indian)
Murder (263) Cutknife Dist., Sask.
Charges 1 & 2.

The N.C.O. in Charge,
R. C. M. Police,
North Battleford Detachment.

1. Forwarded: Please note that the Inquest is set for Friday, June 28th, and arrange to have the prisoner JACKSON, escorted to North Battleford to be available on that date.

2. If any change is made in the present arrangement, you will be notified accordingly.

JS/D
22-6-40

Inspr.
Commanding N. Battleford S/Div.
(F. E. Sprigge)

O.C. "F" Div.,
R. C. M. Police,
REGINA, Sask.

Sir: Forwarded:

1. With reference to para. No.1 above, I would request that the service of Mr. Tyrer, Provincial Surveyor, be authorized in this connection. Separate application is being forwarded.

2. With reference to para. No.2, it is noted that Mr. Clink has informed D/Sgt. Fielder that he considers the report of the ballistic expert for the information of Defence Counsel will be sufficient at the Inquest and the Preliminary Hearing.

3. I do not concurr with the opinion expressed by Mr. Clink, I consider that if it is necessary at all for the Ballistic expert to give evidence, he should at least be present at ~~the inquest and~~ the Preliminary Hearing. May I have your opinion in this connection.

F E Sprigge

JS/D
22-6-40

Inspr.
Commanding N. Battleford S/Div.
(F. E. Sprigge)

Copy to Mr. Clink, Battleford

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

6

"F" Division,

REGINA, Saskatchewan,
June 24th, 1940.

40 R 636-11.

40 N B 480-3
Memo -

The O.C.,
R.C.M.P., N. Battleford Sub-Division.

Re: Edwin JACKSON - (Treaty Indian) Murder (263) of Solomon Medicine Child and Elizabeth Medicine Child (Treaty Indians) Little Pine Indian Reserve, Saskatchewan

---

1. Adverting to your forwarding minute of the 22nd instant appended to North Battleford C.I.B. report dated June 21st, kindly be advised that it is considered that the procedure advocated by W.L.Clink, Esq., regarding the attendance of the ballistic expert at the Preliminary Hearing would be in order providing that the Defence Counsel concurred respecting same. Will you kindly cause Mr. Clink to be discreetly interviewed in this regard with a view to ascertaining whether he has taken this matter up with the Counsel acting for the Defence, and advise this office of the result thereof in due course.

2. Appended hereto please find copy of letter from this office to the Department of the Attorney-general of even date.

W.H/AB.

Supt.
(L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F"Division,

REGINA, Saskatchewan,
June 24th, 1940.

40 R 636-11.

C 12 J, C.B.345 a
The Deputy Attorney-general,
REGINA, Sask.

Sir:- Re: Edwin JACKSON - (Treaty Indian) Murder (263) of Solomon Medicine Child and Elizabeth Medicine Child, (Treaty Indians) Little Pine Indian Reserve, Saskatchewan

---

1. I have the honour to forward herewith North Battleford C.I.B. report dated June 21st, 1940, with forwarding minute of the Officer Commanding, North Battleford Sub-Division appended thereto, also memo of even date to the O.C., North Battleford Sub-Division. It will be noted from para.(1) of the report that W.L.Clink, Esq., K.C., your Agent for the Battleford Judicial District, considers the survey of the scene of these murders should be made in order that suitable plans may be available at the Trial. From the reports submitted in this connection it is considered that the evidence available is such that the matter of the crime scene being surveyed would not be of any great importance.

2. Should you not concur with this, it would be appreciated if the services of a Provincial Surveyor could be authorized to make the necessary survey and prepare plans.

I have the honour to be,
Sir,
Your obedient servant,

Supt.
(L.H.Nicholson)
In Charge, C.I.B.

WWH/AB.
Encls.

The Commissioner,
R.C.M.Police, Ottawa, Ontario.

Forwarded in triplicate for your information, with copies of memo to O.C., N. Battleford of today's date, and report dated June 21st, 1940, from N. Battleford C.I.B.

24-6-40.

Supt.
(L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

0

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 40 B 636-13-G-8.

OTTAWA, June 28, 1940.

YOUR FILE No.

Sec 7

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
JUL 2 1940
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY AMB (27-6-40)

40 R 636-11 North Battleford, Sask. June 20, 1940

40 N B 480-3

The O.C., "Depot" Div.,
R.C.M.Police,
REGINA, Sask.

Sir:

Re: Edwin Jackson (Treaty Indian) - Murder (263)
Cutknife District, Sask. Charge 1

1. Exhibits in the above matter are being taken to the Scientific Laboratory by Sgt. Gilbert. They consist of:

(1) One 25-20 cal. Winchester Centre Fire repeating rifle - lever action, hammer type, round barrel, No. 284368.

(2) Fragment of metal removed from the body of Solomon Medicine Child by Dr. J.J.Hamelin.

(3) Piece of metal (bullet) removed from right side of the cerebellum of the head of Elizabeth Medicine Child by Dr. J.J.Hamelin.

(4) One 25-20 cal. D.C. Co. spent cartridge case, brass, recovered by Cst. B.H.McLaren near the scene of the murder of Solomon Medicine Child.

(5) Clothing removed from the body of Solomon Medicine Child, June 14, 1940.

(6) Clothing removed from the body of Elizabeth Medicine Child at Notre Dame Hospital 5.20 A.M. 15-6-40.

2. I would request that the Ballistic check be made to identify exhibits above, numbered 2.3 and 4 with exhibit No. 1, and also to determine the nature of exhibits No. 2 and 3, to ascertain the nature of the stains appearing on articles of clothing included in exhibits No. 4 and 5.

3. Copy taken direct to Scientific Laboratory by Sgt. Gilbert.

Attention Scientific Laboratory.

Inspr.
Commanding N. Battleford S/D.
(F.E.Spriggs)

JS/D.
Copies to O.C. "F" Div.

Copy to C.I.B. N. Battleford.
Copy to Mr. Clink.

Copy to Deputy Attorney General

Forwarded for your information.
J. C. Macdonald, Supt. C. M. P.
Officer in Charge C.I.B. Sask. Div.

E. H. NICHOLSON SUPT.

REGINA, SASK. JUN 27 1940
DATE

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40R 636-11. F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	NORTH BATTLEFORD	NORTH BATTLEFORD

Province: SASKATCHEWAN

Date: JUNE 24th.1940.

File References

Re: Edwin JACKSON (Treaty Indian) - Murder (263)
Cutknife District.Saskatchewan. CHARGE.1.
(NORTH BATTLEFORD C.I.B.CASE.).

Headquarters

Sub-Division
40NB.430-3.

Detachment
NB.1940.1-225.

P. C. R.
13-6-40.

1. With reference to previous reports in the above connection and especially to the letter of the O.C.North Battleford Sub-Division to the O.C."Depot" Division dated 20-6-40.

2. On the 21st inst I left North Battleford per C.N.R and proceeded to Regina,where on the 22nd inst I handed to Sergt. J.A.CHURCHMAN the following exhibits in the above case:-

One D.C.25-20 calibre spent cartridge case as per F.246. No.107.North Battleford C.I.B.
One Winchester Rifle 25-20 calibre No.284368 as per F.246. No.103,North Battleford C.I.B.
Fragment of metal from body of Solomon Medicine Child as per F.246.No.103. North Battleford.C.I.B.

3. The same date I handed to Surgeon M.Powers clothing of Solomon Medicine Child as per F.246.No.103,North Battleford C.I.B.together with a copy of the letter of O.C.North Battleford Sub-Division dated 20-6-40.

4. I am informed by Surgeon M.Powers that considerable work will be necessary on some of the above exhibits and he requests that he and Sergt.Churchman be notified in good time as to the date when their evidence will be required.

5. I returned to Post in the P.M. of the 23rd inst per C.N.R.

6. Forms 246.Nos.103 and 107 North Battleford C.I.B.,duly receipted,attached hereto.

HANDED OVER TO NORTH BATTLEFORD C.I.B.
EXPENSES SHOWN on F.93.Period June 16-30th.1940.
CARRIED FORWARD.

Sergt.

Reg.No.6239.(John.H.A.Gilbert.).
I/c North Battleford Detachment.

Copy to Deputy Attorney General

Forwarded for your information.
C. W. Pollock
Officer in Charge C.I.B. "F" Div.
REGINA, SASK. JUN 2 6 1940
DATE

NICHOLSON
SUPT.

TO C.I.B., "F" DIVISION, REGINA.
FORWARDED
F.E. Spraggett INSP.
COMDG. NORTH BATTLEFORD SUB-DIVISION.
JUN 24 1940
Exhibit Report Attached
COPY TO NORTH BATTLEFORD C. I. B.

Copy to Agent of Attorney General

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

"DEPOT" DIVISION

40SL-250

Scientific Laboratory,
Regina, Sask. June 26, 1940.

LABORATORY REPORT

Re: Edwin JACKSON - Murder (263)
Cutknife District, Sask.

1. The following exhibits were received from Sergt. Gilbert on 22-6-40 for examination in the above connection.

40SL-250A	one pair of beaded moccassins
40SL-250B	One shirt of checked broadcloth with light coloured patch of foreign material on the back.
40SL-250C	One pair of blue overall pants.
40SL-250D	One red bandana handkerchief from left hand pocket of above pants tied to which was:-
40SL-250E	Two keys, Yale type.
40SL-250F	One pair black denim pants, stained on waistband.
40SL-250G	One rawhide belt.
40SL-250H	One pair of odd socks
40SL-250J	One white bandage.
(Above	clothing was taken from the body of Solomon Medicine Child)
40SL-250K	One red and white and blue spotted skirt
40SL-250L	One pair yellow drawers, stained in back and seat.
40SL-250M	One blue knitted sweater, stained on back.
40SL-250N	One white brassiere, blue trimmed, stained on left side.
40SL-250P	One blue full length smock with belt.
40SL-250Q	One white wool undervest, cut down front, stained on right side.
40SL-250R	One red, blue and white checkered skirt.
40SL-250S	One black and white cloth garter.
40SL-250T	One pair high legged moccassins
40SL-250U	One pair pinkish grey cotton stockings
40SL-250V	One pair pink cotton stockings.

2. Examination of Exhibits 40SL-250A, 40SL-250D, 40SL-250E, 40SL-250H, 40SL-250J and 40SL-250U revealed no stains which were positive for blood.

3. Exhibits 40SL-250B, 40SL-250C, 40SL-250F, 40SL-250G, 40SL-250K, 40SL-250L, 40SL-250M, 40SL-250N, 40SL-250P, 40SL-250Q, 40SL-250R, 40SL-250S, 40SL-250T and 40SL-250V were positive for blood. This was found to be human in origin.

Surgeon.
(Maurice Powers, M.D.C.M.)

The Officer I/C., C.I.B.,
"F" Division, Regina.

Forwarded for your information.
1. The above exhibits are being held pending instructions as to disposal.

Surgeon.
(Maurice Powers, M.D.C.M.)

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F" Division,

REGINA, Saskatchewan,
June 26th, 1940.

40 R 636-11.

40 N B 480-3.

BY AIR MAIL.

The O.C.,
R.C.M.P., N. Battleford Sub-Division.

Re: Edwin JACKSON (Treaty Indian) Murder (263)
Cut Knife District, Sask. (Two Charges).

1. Appended hereto please find three copies of Scientific Laboratory report submitted by Surgeon Powers, dated June 26th, 1940.

2. With reference to the exhibits to be examined by Sergt. Churchman in this case, kindly be advised that this N.C.O. left for Shaunavon to attend King's Bench Court on Monday last, and has not yet returned to the Laboratory, therefore examination of the exhibits has not yet been made, and it is not anticipated that same will be conducted in time for a report to reach your office prior to the 28th instant, for which date it is understood the Preliminary Hearing is set.

Supt.
WWH/AB. (L.H.Nicholson)
Encls. In Charge, C.I.B.

C 12 J, C.B.345 a
The Deputy Attorney-general,
Regina, Sask.

Forwarded for your information, with copy of Laboratory Report dated June 26th, 1940, attached.

Supt.
26-6-40. (L.H.Nicholson)
In Charge, C.I.B.

The Commissioner,
R.C.M.Police, OTTAWA, Ontario.

Forwarded in duplicate for your information, with two copies of above mentioned Laboratory report attached.

Supt.
26-6-40. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

"DEPOT" DIVISION

40SL-250

Scientific Laboratory,
Regina, Sask. June 27, 1940.

LABORATORY REPORT

Re: Edwin JACKSON - Murder (263)
Cutknife District, Sask.

1. The following exhibits were received from Sergt. Gilbert on the 22nd instant.

40SL-250W One .25/20 Winchester lever action, hammer type, round barrel, repeating rifle. Serial No. 284368.
40SL-250X One fragment of metal removed from body of Solomon Medicine Child.
40SL-250Y One piece of metal removed from the right side of the cerebellum of the body of Elizabeth Medicine Child.
40SL-250Z One .25/20 D.C.Co. spent cartridge case in a glass vial.

2. As a result of examinations and comparisons made it is found that exhibit 40SL-250Z was fired in rifle Exhibit 40SL-250W.

3. Exhibit 40SL-250Y is a fired, considerably distorted, S. P. bullet, weighing 81.7 grs. There is no evidence that it was fired from the rifle, Exhibit 40SL-250W.

4. Exhibit 40SL-250X is a small fragment of what appears to be bullet jacket or envelope metal. It is badly distorted and engravings thereon cannot be identified.

Sergt.
(J.A.Churchman) Reg. No. 9447.

The Officer I/C., C.I.B.,
"F" Division, Regina.

Forwarded for your information. The exhibits are being held pending further instructions.

Surgeon.
(Maurice Powers, M.D.C.M.).

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F" Division

40R 636-11 REGINA, June 27, 1940.

MEMORANDUM TO:

The Officer Commanding,
R. C. M. Police,
NORTH BATTLEFORD Sub-Division.

Re: Edwin JACKSON - Murder (263)
Cutknife District, Saskatchewan.

1. Appended hereto please find three copies of Scientific Laboratory report dated June 27, 1940, submitted by Sgt. Churchman, ballistics expert.

Supt.
(L. H. Nicholson)
in Charge C.I.B.

WWH/VC -

AIRMAIL

The Commissioner,
R. C. M. P.,
OTTAWA, Ont.

Forwarded in duplicate with copies of Scientific Laboratory report dated June 27, 1940.

Supt.
(L. H. Nicholson)
in Charge C.I.B.

WWH/VC - 2
27/6/40.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

ROYAL CANADIAN MOUNTED POLICE

8089

HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40D 636-13-G-8

OTTAWA, July 3, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

See 4

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
JUL 4 1940
REGISTERED

JSC/MB

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poo
Cop

19105-2

DWM/DC

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Department of Mines & Resources
Indian Affairs Branch
JUL 5 1940
REGISTERED

OTTAWA July 3rd, 1940.

B. 28 - M. & R.
Sask.

Re: Edwin Jackson, Little Pine Reserve,
- Defence on Charge of Murder

Dear Sir:

I am in receipt of a letter, dated June 27th, from our agent in this connection which reads, in part, as follows:

> "The Defence will involve my attendance at the inquest and preliminary hearing which will probably be held on July 2nd, and may also necessitate my attendance at Prince Albert for at least one consultation with the accused, who is confined in the Provincial Jail and awaiting trial. I believe it will be necessary to have the accused examined by a competent psychiatrist who will be called as a witness on behalf of the accused at the trial. I presume that my retainer includes the authority to make the above attendances and to engage and to subpoena a psychiatrist and such other witness as I may consider necessary for the proper defence of the accused. However, I would like your instructions concerning this."

Would you kindly let me have your instructions with reference to the question raised by our agent.

Yours truly,

for Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a .

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19105-2

Air Mail

July 6, 1940.

Dear Sir:-

Re Edwin Jackson- charged with murder.

I have to advise you that Mr. J.N.Conroy, Barrister of North Battleford, Saskatchewan, who has been authorized by the Department of Justice to defend Mr. Jackson, has informed the Department of Justice that it will be necessary to have the accused examined by a competent psychiatrist who will be called as a witness at the trial.

The department accordingly wrote today to the Deputy Minister of the Department of Public Health for the Province of Saskatchewan, requesting him to assign a competent psychiatrist to examine Mr. Jackson.

Yours very truly,

T.R.L.MacInnes.
Secretary.

J.P.B.Ostrander,Esq.,
Indian Agent,
Battleford,Sask.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Air Mail

Ottawa, July 6,1940.

Dear Sir:-

I have to advise you that Edwin Jackson, an Indian of the Little Pine Reserve, in the Battleford Indian Agency, Saskatchewan, is at the present time charged with murder.

I have to request that you will be good enough to assign a competent psychiatrist to examine him. This examination has been requested by the agent of the Department of Justice appointed for the defence of this Indian,- Mr. J.N.Conroy, K.C., Barrister of North Battleford.

It would be appreciated if the psychiatrist would prepare three copies of his report, of which one copy is to be sent to this office, one sent to Mr. Conroy, and one retained for your own records.

TKM

Yours very truly,

Dr. R. O. Davidson,
Deputy Minister,
Department of Public Health,
Regina, Saskatchewan.

Director.

PBT

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Ottawa, July 6,1940.

Dear Sir:

I have to refer to your communication of July 3, with regard to the case of Edwin Jackson, an Indian of the Little Pine Reserve, Saskatchewan, charged with murder.

With respect to the question of having the accused examined by a competent psychiatrist who will be called as a witness at the trial, I have to advise you that I have today written to Dr. R. O. Davidson, Deputy Minister of Public Health for the Province of Saskatchewan, and have requested him to assign a psychiatrist to examine this Indian. This action is in keeping with discussions previously had with your office on the subject, with a view to economy in securing services of the kind.

In reply to Mr. Conroy's inquiry as to what expenses he is authorized to incur in the defence, I should be obliged if you would advise him that he is entitled to incur any expenses which usually would be considered proper for the successful prosecution of the case. It is not possible to set an exact figure, but while it is not desired that anything essential should be overlooked, nevertheless, any unnecessary or extravagant outlays should be avoided.

Yours very truly,

The Deputy Minister,
Department of Justice,
Ottawa.

Director.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40R 636-11

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
'P'	N/Battleford	G.I.B.
Province		Date
Sask		June 29th,1940.

File References

Re: Edwin JACKSON.(Treaty Indian).
Murder (263), Cutknife District,Sask.
Charges 1 & 2.

Headquarters

1. I have received from Dr J.J.Hemelin,the following copy ofhis report on the post mortem examination of Elizabeth Medicine Child :-

"Post Mortem examination of the body of "Elizabeth Medicine Child,Treaty Indian at Sellows and "Boyd Undertaking Parlours,North Battleford,Sask; on "June 16,1940,10.30 a.m.

"The body was identified by Sergt Fielder,RCMP.
"The body is that of a women age 22,weight about 155 lbs, "height 5 ft 1½". Rigor mortis is complete; lividity "present on the back and posterior parts of the limbs.

"External appearance:- there is a penetrating "wound over the mastoid,the ear is split about ½" and "opposite the wound there is also some coagulated blood "around the wound,two wounds over right shoulder,one "about ½" long and the other 1½" long,two wounds about "the middle of the right forearm and 1½" space between "the wounds,there is also a small superficial wound at "the middle of right leg.

"Chest :- right lung very adherent to chest "wall,the lung is very small anddeeply congested and "containing pus at the base; the left lung appears "normal. Heart - the heart is normal in size and position. "There is about 4 ozs of bloody fluid in the left chest "cavity.
"Liver - the liver is normal. Stomach normal,. Intestines "normal.
"Small amount of bloody fluid in the pelvis. Uterus normal. "Both tubes showing chronic inflammation. Bladder is "empty. The breasts are normal.
"There is a fracture of the right ulnar bone opposite "the wounds referred to. There is also a fracture of the "~~right ulnar bone~~ acromionprocess on the right side and "opposite the wounds previously described.
"Head:- There is a small contused wound in the middle "of the forehead and just at the hair line.
"On opening the skull free blood is found at the right "side of the brain and the right side of the cerebellum "is torn and a lead bullet in the right occipital fossa. "The brain itself is normal.
"The cause of death is Gun Shot wound of the brain with "hemorrhage."

26/6/40

2. This day I proceeded by pol car to the Little Pines Indian Reserve making further investigation,and to serve summonses in connection with the Coroner's Inquest and preliminary hearing to be held at Paynton on Tuesday, July 2nd.

CONT'D.

Sub-Division 40NB 480-3

Detachment 1/157

P. C. R.

26/6/40.

Sir,
Forwarded for your information.
H. NICHOLSON
Officer in Charge C. I. B. "P" Div'n.
JUL 5 - 1940
REGINA, SASK.
DATE

SUPT.

Copy to Deputy Attorney-General

The Commissioner R.C.M. Police Ottawa

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian), Murder (263)
Cutknife District, Sask, Charges 1 & 2.

3. Considerable difficuly was encountered due to the fact that the Indians had scattered to various outlying districts, and that the roads were very bad.

4. During the course of further investigation, the following three statements were taken from young Indian boys who happened to actually witness the shooting of Elizabeth Medicine Child by the accused prisoner Edwin Jackson.

(a) Statement of Albert PETE (Treaty Indian)

BEGINS I am Albert PETE, aged 15 years. On Thursday, June 13th, I was going home from school in the afternoon with ISAAC CUTHAND, and when we were near to Soloman Medicine Child's camp, I saw Edwin Jackson shoot the woman Elizabeth Medicine Child. She was on her knees moving as though to dodge the rifle, and Edwin was near to her and I was about 200yards away. Edwin was in a sitting position with his knees up when he fired. I was looking right at him and heard the shot fired, and I saw Elizabeth slump down to the ground. Edwin yelled at us before he shot, just as we were coming through the fence and he told us to go home.

After shooting Elizabeth, Edwin walked away toward the river. ENDS

(b) Statement of ISAAC CUTHAND (Treaty Indian)

BEGINS I am Isaac Cuthand, Treaty Indian, aged 15 next October. On Thursday, June 13th, I was going home from school with Albert Pete and Rudolf Sokowayponace, and we went near to Soloman Medicine Child's camp. I saw Edwin Jackson and Elizabeth Medicine Child talking together. We stood by the gate and watche them. We were about 200 yards away. Edwin was standing up and Elizabeth was on the ground. Suddenly we saw Edwin kneeling and he pointed a gun (rifle) at Elizabeth and I heard the report of a shot being fired. Elizabeth didn't get up, but fell right down. We were then about half way between the fence and Kennedy's place. Edwin went away toward the river. We then left and went home. I remember the day because it was the day before Treaty Day. ENDS

(c) Statement of Rudolf SOKOWAYPENACE
(Treaty Indian, aged 13 years, in Grade VII)

BEGINS I remember the day when Elizabeth Medicine Child was shot. I was going home from school with Albert Pete and Isaac Cuthand in the evening. We were at the gate when we saw Edwin Jackson. He was standing with Elizabeth and he saw us, and said 'Get away from here'. We were not far away. He turned and pointed the gun towards us. We went away a little distance and then stopped and looked back, and I saw Edwin shoot Elizabeth. We saw them sitting on the ground, and then Edwin pointed the gun at Elizabeth, and she moved from side to side as though trying to dodge the gun.

Edwin shot her, and I heard the noise of the gun and saw Elizabeth fall on her side.

Then we ran away and saw Edwin walk north-west away toward the river. ENDS

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Edwin Jackson (Treaty Indian). Murder (263)
Cutknife district, Sask: Charges 1 and 2.

4. The three Indian boys previously mentioned, are all smart and truthful, and should be excellent witnesses. They were separately interviewed in their various homes, and their stories are almost identical.
I later examined the scene of the shooting, and took measurements to prepare a sketch.

5. A further statement as follows was taken from Felix Bonnise:-

BEGINS On Thursday, June 13th when I left the Farm Instructor's house at Little Pines Indian Reserve with Archie WE AR BON AS, as we passed Soloman Medicine Child's tent, there was a little child crying outside and no one else there. I saw Soloman lying on the ground, I think he was on his back, and he looked to be dead. I passed within about 150 yards on the trail going home and did not go over to look at him. When Archie and I got over the hill where Soloman was lying, we started to run home to our camp which was about a little more than a mile away. That night Edwin Jackson had supper with us just before the police came, and he told that he had shot the man Soloman Medicine Child and that he had shot the woman Elizabeth by accident. He said he was going to give himself to the police, and that it was no use for him to run away. He stayed inside the tent till the police came for him. Archie, Stella and I were there, just the three of us. ENDS

6. The Indian Archie WEARBONAS has left the Little Pine Reserve, and so far, I have not been able to locate him. I am assured however, that he will be present at Paynton on the day of the trial, and available as a witness.

7. I interviewed Stella (Mrs Felix) BONAISE, and obtained from her the following statement. This witness is very difficult.

BEGINS I remember Thursday, June 13th. On that day, in the afternoon Edwin Jackson came to Mrs Jackson's teepee and looked for '22 rifle shells. He looked through his old clothes. He was excited and I knew there was something wrong. He didn't find any '22 rifle shells and he ran out. Mrs Jackson was there and she ran after him and tried to stop him. He ran down the trail and stopped and picked up the big rifle and held it up for us to see, then dropped it and ran away again. I went down and hid his rifle in the bush. He came back again before the rain came, and then came into our tent. He told us that he had shot and killed Soloman Medicine Child and had shot Elizabeth by accident.
He had supper with us. He said that he would give himself up to the police and that it was no good to run away, and he waited for the police to come. When the police came he asked me to get the rifle and I got it with Joe Akehow and I gave it to Mr Werden. ENDS

8. I am informed that there is some illfeeling among the Indians toward Mrs Alice (Soloman) Medicine Child, because Edwin Jackson was well liked, and it was generally known that he was not well treated by her. As a result of this, she had left the Little Pines Reserve and returned to the Moosomin Reserve, where she formerly lived.

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

KODAK SAFETY ▲ FILM

Re - Edwin Jackson (Treaty Indian), Murder (26.)
Battleford District, Sask. Charges 1 & 2.

9. Staying overnight at the Little Pine Reserve, the following morning, I took measurements to prepare a sketch, and in the afternoon, proceeded to Meeseomin and served summonses on Mrs Alice (Solomon) Medicine Child, and Emma and Annie Wright, her two sisters.

10. Alice (Mrs Solomon) Medicine Child speaks English well and should be a good witness.

11. On the day of the Inquest and Preliminary Hearing, it will be ascertained from the defense counsel whether it will be necessary for the evidence of the ballistics expert to be taken at an adjourned hearing.

C/FORWARD. MDD. 6/7/40
EXTENDED.F 93. JUNE, 1940.

W. Fielder. D/Sgt. Reg #8525
i/c N. Battleford C.I.B.

O.C. "F" Div.,
R. C. M. Police,
REGINA, Sask.

Sir: Forwarded;

1. It is noted that three more persons were eye witnesses to the murder of Elizabeth Medicine Child.

2. Coroner's Summons to Witness have been served and the Preliminary Hearing will proceed immediately after the Inquest. If necessary an adjournment will be obtained so that the evidence of the Ballistic Expert can be taken.

F.E. Spriggs

JB/D
29-6-40

Insp.
Comndg. N. Battleford S/Div.
(F. E. Spriggs)

Copy to Mr. Glink, Battleford.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105

93945

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40B 636-13-G-8 OTTAWA, July 9, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Ready

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
JUL 10 1940
REGISTERED

JSC/MB

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105 2

Secret

TITLE RACE
25-105

AGENT'S REPORT ON BATTLEFORD AGENCY FOR MONTH OF JUNE 1940.

x x x

On the 13th of the month, an elderly man and his daughter, Solomon Medicine Child and Elizabeth Medicinechild were shot and killed by a young Indian of the same band, Edwin Jackson. The inquest and preliminary trial have been held and the young Indian has been committed to gaol on a charge of murder. The case will be held next September. The trouble resulted from hard feelings between the old man and the young man, over the daughter, with whom the young man had been living for a few months. They were not married by the church and the old man, although allowing the young man to live with his daughter, in the old man's home, would not consent to their marriage in the church. There is no doubt that it waspremeditated murder, with the only excuse mental, as well as, physical abuse.

x x x

J.P.B. Ostrander.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 408 -36-11 F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	NORTH BATTLEFORD	NORTH BATTLEFORD

Province	Date
SASKATCHEWAN	JULY 3rd.1940.

File References

Re: Edwin JACKSON (Treaty Indian) - Murder (263)
Cutknife District.Saskatchewan CHARGE.2.
(NORTH BATTLEFORD C.I.B.CASE.).

Headquarters

1. With reference to the report of North Battleford C.I.B. dated 17-6-40 in the above connection;

2. On the 2nd inst I left North Battleford per Code No.8054 with prisoner Edwin JACKSON and accompanied by Cst.L.C.CAWSEY, and proceeded to Paynton,Sask,where the adjourned inquest into the death of Elizabeth Medicine Child was resumed before Dr.J.E.MORAN,Coroner,of Lashburn,Sask.

Sub-Division

3. The following witnesses were heard:-

Detachment

P. C. R.

1. Alice (Mrs Solomon) Medicine Child.		Little Pine I.R.
2. Dr.J.J.Hamelin.		North Battleford.
3. Dr.H.W.Lewis.	Dept of Indian Affairs.	Battleford.
4. Cst.L.Bingham.	R.C.M.Police.	North Battleford.
5. Albert Pete.		Little Pine I.R.
6. Isaac Cuthand.		Little Pine I.R.
7. Rudolph Sokowaypinace.		Little Pine I.R.
8. Emma Wright.		Moosomin I.R.
9. Annie Wright.		Moosomin I.R.
10. William Edward Greenhalgh.	Missionary.	Little Pine I.R.
11. Felix Bonaise.		Little Pine I.R.
12. Alex Night Traveller.		Little Pine I.R.
13. Mrs Dorothy Jackson.		Little Pine I.R.
14. Jackson "OKEMOW"		Little Pine I.R.
15. Stella(Mrs Felix) Bonaise.		Little Pine I.R.
16. Joe "OKEMOW"		Little Pine I.R.
17. James T. Warden.	Farm Instructor.	Little Pine I.R.
18. Cst.L.C.Cawsey.	R.C.M.Police.	North Battleford.
19. Sergt.J.H.A.Gilbert.	R.C.M.Police.	North Battleford.
20. D/Sergt.H.Fielder.	R.C.M.Police.	North Battleford.

4. Mr.W.L.GLINK,K.C,Battleford,Agent of the Att-General attended on behalf of the Crown. Mr J.M.CORNOY of North Battleford attended on behalf of the accused,having been retained by the Dept of Mines and Nat.Resources,Indian Affairs Branch.

5. The proceedings were recorded by Mrs.Helen Smith,stenographer of Battleford,Sask.

6. At the termination of the evidence the jury,through their foreman,William BONE of Paynton,returned the following verdict:- "that we the undersigned jury do agree that Elizabeth Medicine Child came to her death on June 15th 1940 at Notre Dame Hospital at North Battleford by gun shot wounds inflicted on June 13th 1940 at Little Pine Indian Reserve from a rifle in the hands of Edwin Jackson. We believe Edwin Jackson took this action owing to exasperating circumstances."

(Continued on Page.2.).

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F" Division,
REGINA, Saskatchewan,
July 8th, 1940.

40 R 636-13.

The Deputy Attorney-general,
REGINA, Sask.

Sir:-

Re: Edwin JACKSON (Treaty Indian) Murder (263)
Cut Knife District, Sask. (Charge Two)

1. I have the honour to forward herewith North Battleford detachment report dated July 3rd, 1940, and North Battleford C.I.B. Form 264 also dated July 3rd, relative to the above, with forwarding minutes of the Officer Commanding, N. Battleford Sub-Division appended thereto. The reports disclose that the Inquest into the death of Elizabeth Medicine Child was continued before Dr. J.E.Moran, Coroner, on the second instant, and at the conclusion thereof the Jury returned a verdict as set out in para.(6) of North Battleford detachment report.

2. The Preliminary Hearing was proceeded with before S.M.Mighton, Esq., Police Magistrate, immediately after the Inquest, and by arrangement between Counsel the evidence was allowed to apply to both this and the allied case. At the conclusion of the Hearing the Accused was committed for Trial at the next competent Court of Jurisdiction to be holden in the North Battleford Judicial District.

I have the honour to be,
Sir,
Your obedient servant,

Supt.
(L.H.Nicholson)
In Charge, C.I.B.

WWH/AB.
Encls.

The Inspector in Charge,
Indian Affairs Branch,
Dept. of Mines & Resources,
REGINA, Sask.

Forwarded for your information, with copy of N. Battleford detachment report dated July 3rd, and N. Battleford C.I.B. Form 264 dated July 3rd, 1940.

Supt.
8-7-40. (L.H.Nicholson)
In Charge, C.I.B.

The Commissioner,
R.C.M.Police, OTTAWA, Ontario.

Forwarded in triplicate for your information, with triplicate copies of above mentioned reports attached.

Supt.
8-7-40. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

95737

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE NO. 40B 636-13-G-8 OTTAWA, July 11, 1940.

YOUR FILE NO. _____

Sec'y

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
JUL 12 1940
REGISTERED

JSC/MB

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105 2

DC.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Secretary

Department of Mines & Resources
Indian Affairs Branch
JUL 16 1940
REGISTERED

OTTAWA July 13th, 1940.

B. 28 - Gen. - Sask.
Re: Edwin Jackson, Little Pine Reserve
- Defence on Charge of Murder.

Dear Sir:

I wish to acknowledge receipt of your letter of July 6th, in connection with the above matter, for which I wish to thank you.

Yours truly,

A. Ashton

for Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a .

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

J. W. MACNEILL, M.D., MEDICAL SUPERINTENDENT

PLEASE NAME PERSON ABOUT WHOM YOU WISH INFORMATION

SASKATCHEWAN

MENTAL HOSPITAL

IN YOUR REPLY ADDRESS
THE MEDICAL SUPERINTENDENT
BOX 39
NORTH BATTLEFORD, SASK.

NORTH BATTLEFORD, SASK. July 23/1940.

The Deputy Attorney-General,
Regina,
Sask.

Dear Sir: - Re: Rex v. Edwin Jackson -
Your file No. C13286 - C B 625 -

In accordance with your instructions, I beg to report that I examined the above named prisoner at the Prince Albert Gaol on July 20th, 1940.

In my opinion this man is not insane.

Yours truly,

Geo F. Nelson

G.F. Nelson, M.D.
Clinical Director.

GFN/DM.

Copies to:

Mr. W.L. Clink, K.C., Agent of the Attorney General, Battleford.
Mr. J.N. Conroy, K.C., Barrister, North Battleford, Sask.
Dr. H.W. McGill, Director, Department of Mines & Resources, Indian Affairs Branch, Ottawa, ONT.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105--2

J. W. MACNEILL, M.D., MEDICAL SUPERINTENDENT

PLEASE NAME PERSON ABOUT WHOM YOU WISH INFORMATION

SASKATCHEWAN

MENTAL HOSPITAL

Department of Mines & Resources
Indian Affairs Branch
JUL 29 1940
REGISTERED

IN YOUR REPLY ADDRESS
THE MEDICAL SUPERINTENDENT
BOX 39
NORTH BATTLEFORD, SASK.

NORTH BATTLEFORD, SASK. July 23/1940.

Dr. H.W. McGill,
Director,
Department of Mines & Resources,
Indian Affairs Branch,
Ottawa, Ontario.

Dear Sir: - Re: Rex v. Edwin Jackson -
Indian of Little Pine Reserve -

Attached hereto is a report on the above mentioned, submitted by the examining psychiatrist to the Attorney General's Department.

Yours truly,

J.W. MacNeill

J.W. MacNeill, M.D.
Commissioner of
Mental Services.

GFN/DM.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EXTRACT
ORIGINAL ON
75-105

19105-2

Battleford, Sask.,
July 31st, 1940.

AGENT'S REPORT FOR MONTH OF JULY.

x x x

The preliminart trial, on the charge of murder, was finished and the accused, Edwin Jackson is to stand trial on the murder charge at the next court, this September.

x x x

J.P.B. Ostrander.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F" Division

40R 636-11 REGINA, July 23, 1940.

MEMORANDUM TO:

The Officer Commanding,
R. C. M. Police,
NORTH BATTLEFORD Sub-Division.

Re: Edwin JACKSON (Treaty Indian)
Murder (263) Cutknife Dist., Sask.

1. Embodied hereunder for your information are contents of a letter dated July 16, 1940, received from the Deputy Attorney General:

"Adverting to the previous correspondence I have the honour to inform you that I am now in receipt of the Departmental copy of the depositions herein and I have today instructed Mr. W. L. Clink, K. C., Agent of the Attorney-General at Battleford, to prefer a charge in this case."

Supt.
(L. H. Nicholson)
in Charge C.I.B.

WWH/VC - 2

The Inspector,
Indian Affairs Branch,
Dept. of Mines and Resources,
Federal Building,
Regina, Sask.

Forwarded for your information.

Supt.
(L. H. Nicholson)
in Charge C.I.B.

WWH/VC - 1
23/7/40.

The Commissioner,
R. C. M. P.,
OTTAWA, Ont.

Forwarded for your information.

Supt.
(L. H. Nicholson)
in Charge C.I.B.

WWH/VC - 3
23/7/40.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

11246

OUR FILE No. 40B 636-13-G-8

OTTAWA. August 10, 1940

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Sec'y

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
AUG 12 1940
REGISTERED

JSC/MB

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

1. Medy ~~[illegible]~~ to Nove

2. Mr. Tourch

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19105-2

JOHN N. CONROY, K.C.
Barrister, Solicitor & Notary Public
TELEPHONE 472
NORTH BATTLEFORD, SASK.
CANADA

See 5

Sept. 27th. 1940.

Department of Mines & Resources
Indian Affairs Branch
OCT 2 1940
REGISTERED

Department of Mines and Resources
Indian Affairs Branch,
O t t a w a,
ONT.

Dear Sirs:-

Re: Edwin Jackson - Little Pine Reserve.
Charged with Murder - Your #19105-2.

The trial of the above named accused was held at Battleford, Sask., before Mr. Justice Anderson and Jury. The trial began at 10.00 a. m. on the 24th. inst. and continued until 4.00 p. m. on Sept. 27th. Two indictments were preferred against the accused, one charging him with the murder of Solomon Medicine Child and the other charging him with the murder of Elizabeth Medicine Child. As a result of a motion made by me to the trial Judge, both indictments were tried together.

The Jury acquitted the accused of murder but found him guilty of manslaughter in each case. He was sentenced to five years' imprisonment in Prince Albert Penitentiary. You agent her appears very much pleased with the result of the trial.

In accordance with instructions contained in your letter to me of June 24th. last, I am enclosing herewith my statement of account, in triplicate, together with vouchers covering all items charged as disbursements with the exception of items covering necessary mileage travelled when my own car was used.

I trust the account will be found in order and would appreciate receiving payment at an early date.

Yours very truly,

John N. Conroy.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19105-2

October 2, 1940.

Dear Sir:

I have to refer to your letter dated June 19 wherewith you authorized the employment of Mr. J. N. Conroy, K.C., of North Battleford, Saskatchewan, for the purpose of defending Edwin Kakmoostoosaway (Edward Jackson), an Indian of the Little Pine Band charged with the murder of Solomon Beardy (Medicinechild) and his daughter Elizabeth.

An account has now been received from Mr. Conroy amounting to $678.38, which I am enclosing herewith and have to ask you to be good enough to tax and return here for payment.

Yours very truly,

FKM

Acting Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

Winnipeg Tribune 25/9/40

Indian To Be Tried For Double Slaying

(By The Canadian Press)

BATTLEFORD, Sept. 25.—Edwin Jackson, young treaty Indian of Little Pine reserve appeared before the Hon. Mr. Justice P. M. Anderson in King's bench court here Tuesday pleading not guilty to a double shooting last June that brought death to Solomon Medicinechild, and his 19-year-old daughter Elizabeth.

Crown theory in the murder case is that Jackson shot Solomon Medicinechild at close range on the reserve June 13 and that Elizabeth died in a North Battleford hospital two days later from bullet wounds allegedly inflicted by the accused.

For the defense J. N. Conroy, K.C., sought through interrogation of witness to establish that the girl's parents tried to separate the young couple when a marriage contracted last December between Edwin and Elizabeth, according to Indian custom, was no longer acceptable to them.

Girl's Parents

From Mrs. Alice Medicinechild, the girl's mother, the court heard of a previous Indian marriage of her daughter with Aoh Night Traveler of Little Pine reserve. It appeared that an Indian marriage involved consent of the parties, and the girl's parents, but without benefit of the church.

The mother through an interpreter concurred with defense submissions. At first she and her husband were content to have Edwin Jackson live with them, as the husband of their daughter and that a marriage, in a church had been arranged. "They were to be married in the English church but my husband wanted them to be married in a Roman Catholic church," she told defense counsel.

W. L. Clink, K.C., prosecuting for the crown elicited from witness that Edwin was lazy, that he refused to work and was always cross.

Heard Shot

Three Indian boys of school age, told of seeing Edwin, "two rods" away from Elizabeth about four o'clock on the day of the tragedy. He was pointing a gun at her, kneeling, they said. Elizabeth s ed back and forth. They hee shot, and saw the body of Eliz slump on the grass. The heard of the shooting of S Medicinechild from his w two sisters, Emma an Wright, who heard his r the bush not far from tha

"We went out, and sa shooting him," they said turned and faced Edwi Solomon fell," the cour Solomon was shot heart.

END

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

LEFT NOT ORIGINAL ON 75-105

19105-2

Battleford, Sask., Oct. 4th, 1940.

Acey

AGENT'S REPORT FOR MONTH OF SEPTEMBER.

x x x

The Indian Edwin Jackson, was tried on the 24th on a charge of murder. The charge was reduced to manslaughter and he was sentenced to five years on the charge. Great provocation was the reason for the reduction of the charge. It was a case of parents' interference, over a period of months and he had previously been of excellent conduct, which was also in his favour.

x x x

J.P.B. Ostrander.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Saskatoon Star Phoenix

WEDNESDAY, SEPTEMBER 25, 1940.

19105-2

Indian Is On Trial

Faces Murder Charges Arising From Deaths Of Man, Woman

BATTLEFORD, Sept. 25.—Edwin Jackson, young treaty Indian of Little Pine Reserve, appeared before Mr. Justice P. M. Anderson in King's Bench Court here Tuesday, pleading not guilty to a double shooting last June that brought death to Solomon Medicine Child, and his 19-year-old daughter, Elizabeth.

CROWN THEORY

Crown theory in the murder case is that Jackson shot Solomon Medicine Child at close range on the reserve last June 13 and that Elizabeth died in a North Battleford hospital two days later from bullet wounds allegedly inflicted by the accused.

For the defence, J. N. Conroy, K.C., sought, through interrogation of witnesses, to establish that the girl's parents tried to separate the young couple when a marriage, contracted last December between Edwin and Elizabeth according to Indian custom, was no longer acceptable to them.

From Mrs. Alice Medicine Child, the girl's mother, the court heard of a previous Indian marriage of her daughter with John Night Traveller of Little Pine Reserve. It appeared that an Indian marriage involved consent of the parties, and the girl's parents, but without benefit of the Church. Witness, through an interpreter, concurred with defence submissions. At first she and her husband were content to have Edwin Jackson live with them, as the husband of their daughter and that a marriage, in a church had been arranged.

"They were to be married in the English Church but my husband wanted them to be married in a Roman Catholic Church," she told defence counsel. Witness denied that the Chief Blackman came to their home to see why the marriage had not been proceeded with.

REFUSED TO WORK

W. L. Clink, K.C., prosecuting for the Crown, elicited from witness that Edwin was lazy, that he refused to work and was always cross. Defence counsel directed questions at witness to establish if she had not tried to separate the couple when work was no longer forthcoming from them. Her reply was inaudible. Later, she declared, "I knew it," when asked by Mr. Conroy if she knew that if Elizabeth got married in a church, her parents would have no more control over her. John Night Traveller had made arrangements for a church marriage with Elizabeth, the court heard. Her mother declared that it was he who had cancelled the arrangement.

Three Indian boys of school age told of seeing Edwin, "two rods" away from Elizabeth about 4 o'clock on the day of the tragedy. He was pointing a gun at her, while she knelt. They said Elizabeth swayed back and forth. They heard a shot, and saw the body of Elizabeth slump on the grass. The court heard of the shooting of Solomon Medicine Child from his wife and two sisters, Emma and Annie Wright, who heard his cries near the bush not far from their tent.

"We went out, and saw Edwin shooting him," they said. "Solomon turned and faced Edwin, and then Solomon fell," the court heard that Solomon was shot through the heart.

James Warden, farm instructor, told of finding the dead body of Solomon Medicine Child and of his care for Elizabeth, who was still conscious when she was removed to the school home, where medical aid was summoned for her. Witness told also of accompanying the police in their quest of Edwin Jackson who gave himself into custody without offering any resistance.

The case is proceeding.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

File 19105-2

Indian to Serve Five Year Term

Charges of Murder Cut To Manslaughter by Jury Report

ADMITS KILLINGS

PROVOCATION SUFFICIENT IN OPINION OF TALESMEN TO GRANT REDUCTION

By a Staff Correspondent

BATTLEFORD, Sept. 28.—A King's Bench jury found here, Friday afternoon, that there was sufficient provocation in a mid-June double shooting at Little Pine Reserve, to reduce murder charges to manslaughter, Edwin Jackson, young treaty Indian, was then sentenced to five years in Prince Albert penitentiary by Mr. Justice P. M. Anderson. The defence admitted that Jackson killed Solomon Medicine Child and his 19-year-old daughter Elizabeth, wife of the accused by a tribal marriage.

TOO MUCH INTERFERENCE

Defence submission of J. N. Conroy, K.C., was that the intolerable interference of Elizabeth's parents and others, to break up the marriage to a degree where Edwin knew beyond all doubt of the impending loss of his wife, constituted provocation as prescribed by law, sole circumstance under which a murder count may be reduced to one of manslaughter.

"It is for you to say whether the mother or the father or any other well-intentioned person had any right to separate these people after they were married," declared the trial judge in the course of his charge to the jury. There was evidence to show that a tribal marriage had been contracted a year previously between Elizabeth and John Night Traveller, broken off, the accused said on the witness stand, by the girl's parents; that a baby had been born to them; and that the day before the shooting, Alec Night Traveller had told Edwin that Miss Cunningham, school matron, and the girl's mother had made arrangements for John and Elizabeth to be married again.

DECENT THING

"It was an honest and decent thing for the accused to do to find out from John Night Traveller what his position was with regard to Elizabeth, before contracting a marriage with her," said the judge. "The evidence undoubtedly is that the accused was very much in love with this girl. According to the Indian form of marriage, Edwin and Elizabeth were husband and wife. I have no hesitation in saying that those people who tried to get Elizabeth to marry John again were well intentioned, and probably thought that it was the best way to clear up an undesirable moral situation. But there was one very important thing they overlooked in their tragic blundering. In the meantime Edwin and Elizabeth were deeply in love with each other. They considered themselves man and wife."

Sentence was passed after the trial judge, addressing the accused through an interpreter declared, "You have been found guilty by the jury of manslaughter on each count. By that verdict, the jury has held there was provocation within the limits of provisions as set out by the criminal code. It is too bad you took the law in your own hands. That was very wrong. You could have got your rights through court procedure, it was not necessary to do any shooting. I want you and all other Indians and all other people to know you cannot take the law in your own hands, and shoot people lightly. I think you had a fair trial. Crown counsel (W. L. Clink, K.C.) was very fair to you, and you had the benefit of very excellent counsel for your defence. The sentence I am going to pronounce will answer the needs of justice," said his lordship before imposing the five year penitentiary term.

"In giving this sentence," he went on, "I do so in the hope that when you are released, you will re-establish yourself. You still have the opportunity of becoming a respected citizen."

Earlier in the day, Edwin heard the verdict with outward calm. Heedless of the proceedings to follow, his tribesmen, who for four days had lingered near him in his trial by the white man's law, took to the trails for distant homes. For them, there was only one issue, life or death for Edwin.

Saskatoon Star-Phoenix 28/9/40

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

Acct
S71

DC.
PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA October 8th, 1940.

Department of Mines & Resources
Indian Affairs Branch
OCT 9 1940
REGISTERED

A. 3 - M. & R.
Sask.

Dear Sir:

Referring to your letter of the 2nd instant, I return herewith account of John N. Conroy, Esq., K. C., North Battleford, Sask., for legal services rendered in connection with the defence of Edwin Kakmoostoosaway (Edward Jackson) charged with murder, which account I have taxed and certified for payment in the sum of $478.38.

VOTE.....
AGENCY..... No. 281
ALLOT..... E. R.
Goods received or services performed. Prices fair and just. Approved for payment.
Taxed @ 478.38
T. R. L. MacInnes

AUDITED FOR PAYMENT
OCT 15 1940
Treasury Office
I. A. BRANCH

Yours truly,

T. R. L. MacInnes
for Deputy Minister.

The Acting Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

"F" Division,

REGINA, Saskatchewan,
October 3rd, 1940.

40 R 636-11.

C 13286, C B 345 A

The Deputy Attorney-general,
REGINA, Sask.

Sir:-

Re: Edwin JACKSON (Treaty Indian) Murder
(Charge 1) Little Pine Indian Reserve,
Saskatchewan

---

1. I have the honour to forward herewith Form 264 B submitted by North Battleford C.I.B. relative to the above, dated Sept. 27th, 1940, with forwarding minute of the Officer Commanding, North Battleford Sub-Division appended thereto.

2. The report discloses that this Accused appeared before His Lordship, Mr. Justice Anderson and Jury at the Court of King's Bench at Battleford, and at the conclusion of the Trial was found Guilty of Manslaughter, and sentenced to five years in the Prince Albert Penitentiary.

3. It is understood that your Agent, W.L.Clink, Esq., is communicating with your Department regarding the outcome of this case.

4. Forms 264 B relative allied case will be forwarded in the usual manner.

I have the honour to be,
Sir,
Your obedient servant,

Supt.
(L.H.Nicholson)
In Charge, C.I.B.

WWH/AB.
Encl.

The Commissioner,
R.C.M.Police, OTTAWA, Ont.

Forwarded for your information, with one copy of Form 264 B, and Form 264 C, attached. Another copy of Form 264 B will be forwarded as soon as it is received from North Battleford Sub-Division.

Supt.
3-10-40. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG.10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 264B

Hdqrs. File No. ..... DIV'N FILE No. 40R636-11 R.C.M.P. Seiz. No. .....

ROYAL CANADIAN MOUNTED POLICE

DIVISION ....."F"..... N/Battleford G.I.B DETACHMENT

REPORT ON CONCLUSION OF CASE A.R.V. No. .....

Defendant ..... Edwin JACKSON ..... Residence ..... Little Pines I.R. .....

Occupation ..... Treaty Indian ..... Date of offence ..... June 13,1940. .....

Offence and Sec. of Act. Murder (265) ..... (Charge 1) .....

Place of offence ..... Little Pines Indian Reserve .....

Information laid by ..... D/Sgt H.Fielder ..... before ..... W.C.Jackson J.P. .....

at ..... N/Battleford ..... on ..... June 14th,1940. .....

Place of trial ..... N/Battleford ..... Date of adjudication ..... Sept 27,1940 ..... Plea ..... NOT GUILTY .....

Tried by ..... J.M.Anderson.Esq.,Judge of the Court of King's Bench .....

..... of .....

Adjournments ..... Sept 24,25,26,27. .....

Prosecuting Counsel ..... W.L.Glink,K.C ..... Defence Counsel ..... J.H.Conroy.K.C. .....

Witnesses ..... See separate list attached. ..... of .....

..... of .....

Sentence .....

Disposition of fine ..... FIVE Years Imprisonment in Prince Albert Penitentiary. .....

Exhibits (Nature and Disposition) ..... Held by Clerk of the Court. .....

Costs Serving Summons $ ..... Arrest $ ..... Attending Court $ .....

Received by ..... Justice fees $ .....

Mileage ..... Miles @ ..... per mile $ ..... Witness fees $ .....

Total expenses of case $ ..... Total costs $ .....

Mileage collected $ ..... Disposition of mileage .....

Moiety $ ..... Disposition of moiety .....

Appeal ..... Nationality .....

Finger prints and photo forwarded to Headquarters ..... By Sgt Gilbert on 14-6-40 .....

Previous convictions ..... None known. .....

Remarks .....

See report attached.

CONVICTED OF MANSLAUGHTER.

FDD. 4/10/40.

EXPENSES. F95. SEPT.1940.

Investigated by ..... C.I.B and N/Battleford Detachment members. .....

Forwarded O.C. Sub. Div. ..... Forwarded O.C. Division ..... Forwarded to the Commissioner

H.Fielder,D/Sgt.Reg #5525 .....

I/c Detachment I/c Sub. Division Commanding Division

Date Sept 27,1940. ..... Date ..... Date .....

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin JACKSON (Treaty Indian)
Murder (Charge 1),
Little Pine Indian Reserve, Saskatchewan.

24 / 9 / 40

1. This date, the above named appeared at the Court of King's Bench, Battleford, charged as follows:-

CHARGE

(1) Edwin Jackson of Little Pine Reserve in the Province of Saskatchewan, stands charged before Honourable Justice P.M.Anderson, a Judge of the Court of King's Bench in and for the Province of Saskatchewan and jury sworn by Walter Livingstone Clink, Agent of the Attorney General, for the Judicial District of Battleford at Battleford, in the said Judicial District for that he the said Edwin Jackson at North Battleford in the said Province and within the said Judicial District on or about the 15th day of June A.D., 1940, did murder Elizabeth Medicine Child.

(2) The said Edwin Jackson further stands charged as aforesaid for that he the said Edwin Jackson at Little Pine Reserve in the said Province and within the said Judicial District on or about the 13th day of June A.D., 1940 did murder one Soloman Medicine Child.

2. On this charge the accused pleaded 'Not Guilty', and evidence was given by the following witnesses, in the order given:-

WITNESSES

1. Mrs Alice Soloman Medicine Child
2. Emma Wright
3. Anne Wright
4. Albert Pete
5. Isaac Cuthand
6. Rudolph Sokowapenice
7. W.E.Greenhalgh
8. Cst Brough
9. Dr M.Lerner
10. Jackson Okemaw
11. Alex Night Traveller
12. Mrs Dorothy Jackson
13. J.T.Warden
14. Sgt Gilbert
15. Sgt Fielder
16. Cst Cawsey
17. Dr Lewis
18. Cst Bingham
19. Dr Hamelin
20 Felix Bonaise
21 Stella Bonaise
22 Cst McLaren
23 Archie Weabonas
24 Cst Ryan

DEFENCE

25 Chief Blackman
26 Ernest Pete
27 Dr Nelson
28 Rev H.F.Hives
29 Indian Agent J.D. Ostrander
30 The accused, Edwin Jackson.

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFET

Re - Edwin Jackson (Treaty Indian)
Murder (Charge 1)
Little Pine Indian Reserve, Saskatchewan.

3. The case lasted from the morning of the 24th inst until the afternoon of the 27th inst.

4. The evidence for the prosecution was practically the same as that given at the preliminary hearing. The admissions of the accused and the Dying Declaration were all admitted.

5. For the defence, evidence was given as to the previous good character of the accused. Dr Nelson, Psychiatrist stated he had examined the accused, and found him to be sane and not a criminal type.

6. The accused himself gave evidence of his unhappy life after Soloman and Alice Medicine Child took Elizabeth, his wife, away from him. He admitted both killings, but stated that he was so wrought up that he did not know what he was doing.

7. His Lordship spent considerable time in looking up references as to the law, and in the morning of the 27th inst addressed the jury from 10.00 o'clock until 11.25 a.m. He was most decidedly in favour of the defence and showed sympathy for the accused. He stressed the excuse of provocation which he defined as 'action under impulse before the passion cools', and implied such was the case in question. He remarked on the evidence from reliable witnesses as to their favourable opinion of the accused, and of the well intentioned but tragically wrong attempts on the parts of others to interfere with the domestic affairs of the accused and his wife. In speaking of the accused, he referred to him as an Indian boy who had been brooding a long time over his injustice which reached the apex on June 13th, and that the whole matter most be considered 'subjectively', that is, from his viewpoint. He repeatedly stressed the 'reasonable doubt' in regard to the shooting of Soloman and referred to the 'accidental' shooting of Elizabeth. He said 'All antecedents are to be considered, not only between the slain and the slayer'. 'If you are of same mind you are likely justified in finding provocation in the case of the girl shot'.

8. After the jury had retired, W.L.Clink, raised certain objections of His Lordship's address, and particularly in regard to his summing up of parts of the evidence. The Judge agreed that he had made certain errors, so recalled the jury for further instructions.

9. The Jury reached their verdict in a few minutes bringing in a verdict of 'manslaughter' in both charges. They did not recommend mercy.

10. His Lordship thereupon sentenced the accused to imprisonment in the Penitentiary for a term of FIVE years. He remarked that he thought this would meet with the ends of justice and was quite sure that the Dept of Justice will take some of that time off.

CONT'D.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian)
Murder (Charge 1)
Little Pine Indian Reserve - Saskatchewan.

11. I understand that this surprisingly light sentence and the Judge's charge to the Jury will be the subject of a report to the Attorney-General from W.L.Clink.

12. J.T.Warden, Farm Instructor of the Little Pine Indian Reserve, expressed some concern, and mentioned that there are numerous cases of marital entanglements on the Reserve which may terminate in violence because the Indians will take it, that they may kill and be imprisoned for only five years. Hitherto they have refrained from such acts of violence in the belief they would be punished by hanging, and that in all after life a rope would be around their neck. The Indian belief is that the circumstances of death persists through eternity.

CONVICTED.
EXPENSES.F93.SEPT.1940

H.Fielder.D/Sgt.Reg #5525
i/c N.Battleford C.I.B.

O. C. "F" Div.,
R. C. M. Police,
REGINA, Sask.

Sir: Forwarded: I understand that a full report in this matter is being submitted by Mr. W. L. Clink, K.C., to the Department of the Attorney-General.

2. I am informed that as a result of this prosecution and conviction that the young Indians are now anxious to be properly married and are abandoning the custom of Indian marriages.

F.E.Spriggs

JS/D
30-9-40

Inspr.
Commanding N.Battleford S/Div.
(F. E. Spriggs)

Copy to Agent or Attorney General.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(5)

(Form 264 B dated Sept. 27th, 1940, from N/Battleford C.I.B.)

40 R 656-11.

Re: Edwin JACKSON (Treaty Indian) Murder (Charge 1)
Little Pine Indian Reserve, Sask.

The Inspector in Charge,
Indian Affairs Branch,
Dept. of Mines & Resources,
REGINA, Sask.

Forwarded in single copy for your information.

Supt.

3-10-40. WWH/AB. (L.H. Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40 B 636-13-G-8

OTTAWA. October 10, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Representative of the Secretary, OCT 15 1940 INDIAN AFFAIRS.

Department of Mines & Resources Indian Affairs Branch OCT 11 1940 REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC/RH

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40R 636-11.
40-13-636-136-8

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	NORTH BATTLEFORD	NORTH BATTLEFORD

Province: SASKATCHEWAN

Date: SEPTEMBER 28th.1940.

417390 OCT 1 1940

File References

Re: Edwin JACKSON (Treaty Indian) - Murder(263) CHARGE.1.
Cutknife Dist.Sask.
(NORTH BATTLEFORD C.I.B.CASE.).

Headquarters

Sub-Division 40NB.480-3.

Detachment 40NB.1-224.

P. C. R.

8-7-40

1. With reference to previous reports in the above connection;

2. On the 21st inst I proceeded to Prince Albert,Sask,per C.N.R,where I took over the above named prisoner from Prince Albert Guardroom,and the same P.M.proceeded to Saskatoon where I remained overnight,the prisoner being lodged in Saskatoon Detachment Guardroom.

3. On the 22nd inst I returned to post per C.N.R when the prisoner was placed in the North Battleford Detachment cells

4. On the 24th inst accused appeared at Battleford,Sask,before Mr.Justice P.M.Anderson and a jury. Mr.W.L.CLINK.K.C, appeared for the Crown and Mr.John Conrey,Barrister of North Battleford,appeared for the accused,having been retained by The Dept of Mines and Natural Resources,Indian Affairs Branch.

5. The trial continued until the 27th inst. The evidence given followed that given at the Preliminary hearing. Onthe 27th inst His Lordship addressed the Jury very strongly in favour of the accused and did not stress the strength of the case for the Crown.

6. The Jury brought in a verdict of Manslaughter on this Count (Murder of Soloman Medecine Child) and also on the second count (Murder of Elizabeth Medecine Child).

7. The same P.M.His Lordship sentenced the accused to serve a termof five years in the Penitentiary at Prince Albert, the sentence covering both counts.

8. On the 27th inst,by advice of his counsel,accused signed a waiver of Appeal.He was medically examined on the 28th inst and escorted to Prince Albert Penitentiary the same date.

9. Conclusion of Case report will be submitted by North Battleford C.I.B. Escort Report will be submitted in due Course.

10. Copy of Waiver of Appeal and Medical Examination together with F.6.attached hereto.

CARRIED FORWARD.

EXPENSES SHOWN ON F.93.Period September 16-30th.1940.
D.D.10-10-40.

John H A Gilbert. Sergt.
Reg.No.6239.(John.H.A.Gilbert.).
O/c North Battleford Detachment.

Forwarded for information
E. L. H. NICHOLSON SUPT.
Officer in Charge C.I.B. "F" Div.
OCT 10 1940
REGINA, SASK.

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(2) Charge 1.

Re: Edwin JACKSON (Treaty Indian)
Murder (263) - Cut Knife Dist., Sask.
(NORTH BATTLEFORD C.I.B. CASE)
- - - - - - - - - - - - - - - - - - - -

O. C. "F" Div.,
R. C. M. Police,
REGINA, Sask.

Sir: Forwarded: Copy of Waiver of Appeal and copy of Medical examination are held on file at this office. Voucher on F.6 in favour of Dr. J. J. Hamelin is forwarded attached hereto. Escort report will follow.

F. E. Spriggs

JS/D
30-9-40

Inspr.
Commanding N. Battleford S/Div.
(F. E. Spriggs)

Copy to N. Battleford C.I.B.
Copy to Mr. W. L. Clink, K.C.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 264B

Hdqrs. File No. ..... DIV'N FILE No. 40R 636-13 ..... R.C.M.P. Seiz. No. .....

ROYAL CANADIAN MOUNTED POLICE

DIVISION "F" N/Battleford C.I.B DETACHMENT

REPORT ON CONCLUSION OF CASE A.R.V. No. .....

Defendant Edwin JAGESON Residence Little Pine Indian Reserve.

Occupation Treaty Indian Date of offence June 16th, 1940.

Offence and Sec. of Act Murder (263) (Charge 2)

Place of offence Little Pines Indian Reserve

Information laid by D/Sgt H. Fielder before S.McD Mighton. P.M.

at N/Battleford on July 2, 1940.

Place of trial N/Battleford Date of adjudication Sept 27, 1940 Plea NOT GUILTY

Tried by J.M. Anderson, Esq. of Judge of the Court of King's Bench.

of

Adjournments Sept 24, 25, 26, 27. 1940

Prosecutor or Prosecuting Counsel W.L. Glink, Esq. K.C Defence Counsel J.W. Conroy, Esq. K.C.

Witnesses of

See separate list attached.

of

Sentence FIVE Years in Prince Albert Penitentiary.

Disposition of fine

Exhibits (Nature and Disposition) In custody of Clerk of the Court, Battleford.

Costs Serving Summons $ ..... Arrest $ ..... Attending Court $ .....

Received by ..... Justice fees $ .....

Mileage ..... Miles @ ..... per mile $ ..... Witness fees $ .....

Total expenses of case $ ..... Total costs $ .....

Mileage collected $ ..... Disposition of mileage .....

Moiety $ ..... Disposition of moiety .....

Appeal ..... Nationality .....

Finger prints and photo forwarded to Headquarters on 14-6-40 by Sgt Gilbert.

Previous convictions

None known.

Remarks

CONVICTED OF MANSLAUGHTER.
C/F. RDD 4/10/40
EXPENSES. F 93. SEPT, 1940.

See Page 2.

Investigated by C.I.B and N/Battleford Det members.

Forwarded O.C. Sub. Div. N/B'ford Forwarded O.C. Division "F" Forwarded to the Commissioner

H. Fielder, D/Sgt. Reg. 16525 I/c Detachment I/c Sub. Division Commanding Division

Date 27-10-40. Date Date

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Edwin Jackson (Treaty Indian)
Murder (Charge 2)
Little Pine Indian Reserve, Saskatchewan.

1. This case was tried at the Court of King's Bench at Battleford on Sept 24th, 25th, 26th and 27th. It was tried jointly with Charge 1, which is more fully reported under separate heading this date.

2. After sentence, the accused was taken by North Battleford Detachment for escort to Prince Albert, and a separate report will be submitted covering this.

CONVICTED.
HANDED OVER.
EXPENSES F93.SEPT,1940

H.Fielder.D/Sgt.Reg #5525
i/c N.Battleford C.I.B.

TO C.I.B., "F" DIVISION, REGINA.
FORWARDED.
T.E. Springate
COMD'G NORTH BATTLEFORD S/DIVISION.

SEP 30 1940

Copy to Agent or Attorney General.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40 B 636-13-G-8 OTTAWA, October 16, 1940.

YOUR FILE No. _____

See 4

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
OCT 17 1940
REGISTERED

JSC/DK

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C
O
P
Y

19105-2

North Battleford, Sask.,
October 21st, 1940.

Department of Mines and Resources,
Indian Affairs Branch,
Ottawa, Ontario.

Dear Sirs:

Re Rex vs. Edwin Jackson.

Your Reference 19105-2

I beg to acknowledge receipt of treasury cheque for $478.38 in connection with the defence of Edwin Jackson, charged with murder.

No explanation was given as to why this amount was forwarded instead of $678.38 which was the amount of my account as rendered. I presume, however, that the Department has allowed me only $75.00 per day for the trial which I think is inadequate in view of the importance of the case and the difficulty of the defence. It should be noted in this connection, that the Provincial Government allowed the Crown Prosecutor $350.00 for Counsel fee at trial being at the rate of $87.50 per day. It is well recognized that because of the volume of work received by the Crown Prosecutor the counsel fees allowed to him are less than would otherwise be paid. I consider that a counsel fee of at least $100.00 per day should be allowed to me in this case but in any event I should not receive less for the defending than is allowed to Counsel for the prosecution.

I would be glad to hear from you regarding this.

Yours very truly,

"John N. Conroy"

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

October 28, 1940.

Dear Sir:

Re Rex vs. Edwin Jackson.

I have to refer to your letter of October 21 with regard to payment of your account in the defence of the above-mentioned Indian charged with murder.

As the Department of Justice taxes all legal accounts of this nature, your letter has been forwarded to them.

Yours very truly,

T.R.L.MacInnes,
Secretary.

John N. Conroy, Esq., K.C.,
Barrister, etc.,
North Battleford, Sask.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, October 28, 1940.

Dear Sir:

I have to refer to your letter of October 8 and to previous correspondence with regard to the case of Edwin Jackson, an Indian of the Little Pine Band charged with murder.

I am enclosing herewith a letter that has been received from Mr. John N. Conroy dated October 21, with respect to his account which was taxed by you at $478.38.

I have advised Mr. Conroy that his letter has been forwarded to you.

Yours very truly,

TLM

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Oct 29/40

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 6122

CLASS OF SERVICE	SYMBOL
Full-Rate Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

CANADIAN NATIONAL TELEGRAM

TELEGRAPH CANADIAN NATIONAL AND CABLE

D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

STANDARD TIME

25YJ0 43 DL XC

NORTHBATTLEFORD SASK 12NOON OCT 28 1940

DEPT OF MINES AND RESOURCES 460

INDIAN AFFAIRS BRANCH OTTAWA ONT.

RE REX VS EDWIN JACKSON YOUR FILE 19105-2 CROWN HAS FILED APPEAL APPEAL WILL BE HEARD BY COURT OF APPEAL REGINA NOV 12 WIRE ME INSTRUCTIONS IF YOU WISH ME TO APPEAR FOR ACCUSED AT HEARING.

JOHN N CONROY.

250P

3220

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105 2

JOHN N. CONROY, K.C.
Barrister, Solicitor & Notary Public
TELEPHONE 472
NORTH BATTLEFORD, SASK.
CANADA

Department of Mines & Resources
Indian Affairs Branch
OCT 29 1940
REGISTERED

October 26th. 1940.

Department of Mines and Resources,
Indian Affairs Branch,
Ottawa, Ontario.

Dear Sirs:-

Re: Rex vs Edwin Jackson : Your reference: 19105-2.

The Crown has served me with Notice of Appeal in this case. The appeal is based on the objection that the conviction should have been for murder instead of manslaughter. The crown asks for a new trial or alternately for an increase in the sentence imposed on the accused.

The appeal will probably be heard at the next sittings of the Court of Appeal to be held at Regina on Tuesday November 12th. I presume that your department will wish me to represent the accused on the hearing of the appeal but I, naturally, require your instructions to that effect. As the time is very short I would ask you to kindly let me have the necessary instructions by telegram.

Yours truly,

John N. Conroy.

JNC/LKW

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Return to Mr. Young

19105-2

October 29,1940.

Dear Sir:

I have to refer to your letter of June 19 and to previous correspondence with regard to the case of Edwin Jackson, an Indian of the Little Pine Band, Saskatchewan, charged with murder.

I have been advised by Mr. John N. Conroy, who was appointed by you to defend this Indian, that the Crown has served him with Notice of Appeal in this case, which is based on the objection that the conviction should have been for murder instead of manslaughter.

The appeal will probably be heard at the next sittings of the Court of Appeal to be held at Regina on Tuesday, November 12.

I should be obliged if you would authorize the employment of counsel to represent the accused on the hearing of this appeal.

P.O.1

Yours very truly,

Director.

The Deputy Minister,
The Department of Justice,
Ottawa.

Oct 29/40

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

DC.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Secretary.

OTTAWA October 30th, 1940.

Department of Mines & Resources
Indian Affairs Branch
NOV 1 1940
REGISTERED

B. 28 - M. & R.
Sask.

Dear Sir:

Referring to your letter of October 29th, I wish to inform you that the Minister of Justice has authorized the employment of John N. Conroy, K.C., of North Battleford, Saskatchewan, in connection with an appeal to the Court of Appeal with reference to Edwin Jackson, Indian of the Little Pine Band, charged with murder.

Yours truly,

for Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

12-37

CANADIAN PACIFIC TELEGRAPHS

C.D. 2A

CLASS OF SERVICE	
Full Rate	
Day Letter	X
Night Message	
Night Letter	

Please mark an X opposite the class of service desired.

MONEY TRANSFERRED BY TELEGRAPH TO PRINCIPAL POINTS IN CANADA AND THE UNITED STATES

CANADIAN PACIFIC COMMUNICATIONS

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD
RADIOGRAMS TO SHIPS

TIME FILED

CHECK

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof which are hereby agreed to

Mr. Jones

John N.Conroy,
Barrister,
North Battleford,Sask.

Ottawa, ~~September~~ November 1,1940.

REFERENCE YOUR LETTER OCTOBER TWENTYSIXTH DEPARTMENT OF JUSTICE HAS AUTHORIZED YOUR EMPLOYMENT IN CONNECTION WITH APPEAL TO COURT OF APPEAL WITH REFERENCE TO EDWIN JACKSON INDIAN OF LITTLE PINE BAND CHARGED WITH MURDER.

T.R.L.MacInnes.
Secretary.

C.M.R.
I.A.

T.R.L.M.

cc Jones

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

Department of Mines & Resources
Indian Affairs Branch
NOV 4 1940
REGISTERED

DWM/DC

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Secretary

OTTAWA October 30th, 1940.

A.3 - Mines & Resources - Sask.
Re: Edwin Jackson, Little Pine
Reserve - Murder charge.

Dear Sir:

I wish to acknowledge receipt of your letter of October 28th enclosing letter dated October 21st from John N. Conroy, K.C., of North Battleford, with respect to his account rendered in connection with the defence of Edwin Jackson, an Indian of the Little Pine Band, charged with murder.

I wish to advise that this bill was, as stated by Mr. Conroy, taxed on the basis of a counsel fee of $75.00 a day. This is in accordance with the usual practice of this Department in matters of this kind. I regret, therefore, that no further fees can be allowed in this matter.

Yours truly,

W. Stuart Edwards

Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a .

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

November 4,1940.

Dear Sir: Re Rex vs Edwin Jackson.

I have to refer to your letter of October 21 and to previous correspondence with regard to payment of your account in the defence of the above named Indian, charged with murder.

As I advised you in my letter above mentioned, your communication was forwarded to the Department of Justice. They have now advised me that this bill was, as stated by you, taxed on the basis of a counsel fee of $75.00 a day, which is in accordance with the usual practice of their department in matters of this kind. It is stated, further, that no further fees can be allowed.

Yours very truly,

T.R.L.MacInnes.
Secretary.

John N.Conroy,Esq.,K.C.,
Barrister, etc.,
North Battleford,Sask.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

PRINCE ALBERT SUB'DIVISION
PRINCE ALBERT/ SASK.

40PA480-4 October 25, 1940.

40R 636-11

40NB480-3

H.E. Sampson, Esq. K.C.,
Agent of the Attorney-General,
REGINA, Saskatchewan.

Dear Sir:

Re: Edwain JACKSON (Treaty Indian)
Murder (263) Cut Knife Dist, Sk.
(H.BATTLEFORD CIB CASE)

---

1. I have for acknowledgment your letters of the 23rd. and 24th. instant, together with enclosures referred to in the latter.

2. Upon receipt of your communication of October 23rd., Sgt Crowe immediately referred the matter to the Warden of the Saskatchewan Penitentiary who quoted Penitentiary Regulation No. 133, which reads as follows: "The Warden may permit service of a Writ or other judicial process on a convict upon production of the Order of the Court out of which the process issues, directing that the process may be served on the convict in the Penitentiary, or in case it be impracticable to obtain such an Order, upon the instructions of the Supt of Penitentiaries".

3. It was explained to the Warden that the Notice of Appeal did not issue from any Court and I did not think that this regulation applied. However, the Warden insisted that the matter be referred to you so that you might have the opportunity of obtaining an Order from a Judge of the Court of Appeal. As the time for effecting this service was limited, Sgt Crowe telephoned you, yesterday, when you advised that an Order of the Court was not necessary and would not be obtained.

4. The Warden was advised accordingly and today he informed me that he had communicated, by wire, with his Department at Ottawa and had received instructions to allow the Agent of the Attorney-General to serve Edwin Jackson with copy of Notice of Appeal.

5. Service of Notice was effected on Edwin Jackson, this P.M. by Cst. P.E. Hughes, at the Saskatchewan Penitentiary and I return herewith the original Notice of Appeal with Affidavit of service duly subscribed thereto.

Yours truly,

(T.B. Hutchings) Inspr.
Commanding Pr.Albert S/Div.

C/B.

COPY TO DEPT. OF INDIAN AFFAIRS, REGINA

Copy to Deputy Attorney-General

Forwarded for your information
Sir
H. NICHOLSON
Officer in Charge C.I.B. "F" Div.
Supt.
Sir
Commissioner, R.C.M. Police, Ottawa.

REGINA, SASK. OCT 29 1940
DATE

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re; Edwin JACKSON (Treaty Indian) Murder (263)
Cut Knife Dist, Sk.(N.BATTLEFORD CIB CASE)

The Officer I'C CIB RCMP "F" DIV. REGINA.
Forwarded for your information. Embodied hereunder contents of the letters received from Mr. Sampson, which are self-explanatory:

Oct. 23, 1940.

" This is a case in which I have instructions to appeal. The accused is in the Saskatchewan Penitentiary at Prince Albert and I will be sending to you tomorrow Notice of Appeal for service upon him. I write you so that you may be on the lookout for the Notice of Appeal because Saturday, the 26th. instant, is the last day for service of the Notice."

Oct. 24, 1940.

" I now enclose original Notice of Appeal and copy for service; to the original is attached an Affidavit of Service; kindly serve Jackson in the Penitentiary with the copy and have the person making the service duly complete the Affidavit of Service attached to the original Notice of Appeal, and have the Commissioner taking the Affidavit of Service mark the exhibit; you will find the exhibit stamp on the back of the Notice of Appeal. Kindly have the service made tomorrow or, in any event, not later than Saturday, the 26th. instant.

You intimated over the telephone today that the Warden of the Penitentiary intimated that Regulation 133 applied to services of this kind; I think if he reads the Regulation closely, he will agree that it does not apply to cases of this kind. The Attorney-General has appealed against the result in this trial and the rules of the Court of Appeal provide that the respondent, in this case, Jackson, is to be served with the Notice of Appeal, and the Warden, if he refuses to permit you to serve Jackson, might render himself liable to committal for contempt of court and be put to the expense of appearing before the Court of Appeal at his own expense; however I anticipate you will have no trouble in making service, but if for any reason the Warden refuses to permit you to serve Jackson tomorrow, kindly wire me at once.

I have written the Warden today and enclose copy of my letter to him which you may retain."

2. Copies of this correspondence have been forwarded to the O.C. at North Battleford.

(T. B. Hutchings) Inspr.
Commanding Prince Albert S/Division

25-10-40 C)S.

The O.C. RCMP N. BATTLEFORD, Sk.
Forwarded for your information.

(T.B. Hutchings) Inspr.
Commanding Prince Albert S/Div.

25-10-40 C/S.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105 2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 B 636-13-G-8 OTTAWA, November 4, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Seen

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
NOV 5 1940
REGISTERED

JSC/MB

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2 Regina Leader-Post 9/1/41

Regina Leader-Post 9/1/41

Crown's Legal Right To Appeal Challenged By Indian's Counsel

The legal right of the crown to appeal against conviction on a charge of manslaughter, where the charge has been reduced from one of murder was challenged in the Saskatchewan court of appeal Wednesday by F. N. Conroy, K.C., North Battleford, in his fight to prevent a new trial being ordered for Edwin Jackson, Indian of the Little Pine reserve, who shot his father-in-law and his wife to death on June 13.

"There is no authority for the crown to appeal against conviction on a charge of manslaughter. The only authority I know is to appeal against acquittal," said Mr. Conroy.

Counsel characterized as "monstrous" the experience of one, Seabright, in Ontario, who escaped the gallows after killing a neighbor and his wife with an axe in a quarrel over a line fence, after the case passed through three trials and four appeals, many years ago, the crown declining to sanction any more trials.

Judge's Comment

Mr. Justice P. E. McKenzie agreed that it is the tendency of the law "not to put a man in jeopardy twice."

Meeting the argument of H. E. Sampson, K.C., for the crown, Mr. Conroy urged that even if it could be held that the trial judge, who sentenced Jackson to five years after the jury had reduced the charges to manslaughter, had failed to differentiate between the two charges of killing the father-in-law and the wife, on the question of provocation, the evidence at the trial was such that the jury must have been well aware of the difference, yet, on both charges, the jury, well acquainted with all the circumstances, had seen fit to reduce them to manslaughter.

Judgment was reserved.

Crown's Legal Right To Appeal Challenged By Indian's Counsel

The legal right of the crown to appeal against conviction on a charge of manslaughter, where the charge has been reduced from one of murder was challenged in the Saskatchewan court of appeal Wednesday by F. N. Conroy, K.C., North Battleford, in his fight to prevent a new trial being ordered for Edwin Jackson, Indian of the Little Pine reserve, who shot his father-in-law and his wife to death on June 13.

"There is no authority for the crown to appeal against conviction on a charge of manslaughter. The only authority I know is to appeal against acquittal," said Mr. Conroy.

Counsel characterized as "monstrous" the experience of one, Seabright, in Ontario, who escaped the gallows after killing a neighbor and his wife with an axe in a quarrel over a line fence, after the case passed through three trials and four appeals, many years ago, the crown declining to sanction any more trials.

Judge's Comment

Mr. Justice P. E. McKenzie agreed that it is the tendency of the law "not to put a man in jeopardy twice."

Meeting the argument of H. E. Sampson, K.C., for the crown, Mr. Conroy urged that even if it could be held that the trial judge, who sentenced Jackson to five years after the jury had reduced the charges to manslaughter, had failed to differentiate between the two charges of killing the father-in-law and the wife, on the question of provocation, the evidence at the trial was such that the jury must have been well aware of the difference, yet, on both charges, the jury, well acquainted with all the circumstances, had seen fit to reduce them to manslaughter.

Judgment was reserved.

No Differentiation

While not refuting the declaration that provocation existed against the girl's father Solomon Medicine Child, and the mother, Alice, who did everything they could to interfere between the young couple and to keep them apart, Mr. Sampson contended that the trial judge, in charging the jury, made no differentiation between his state of mind when he killed his girl wife and that which inspired his action in shooting his father-in-law to death in the bush outside the family tent. "The trial judge," he declared, "could have made no better address for the accused than counsel for the defence."

"This is a striking illustration of the difference between hearing a trial in court and reading it in the report of the stenographer," said F. N. Conroy, K.C., North Battleford, who appeared for the defendant-respondent.

Mr. Conroy told a dramatic story of the double shooting and said that at the trial after the jury had brought in their verdict, crown counsel was in agreement with the verdict and the sentence subsequently imposed. He declared the court, the police, and everybody else sympathized with the position in which the defendant found himself.

"It is quite evident that he had the sympathy of the court when he was only given a five-year sentence," commented Mr. Justice Martin.

Mr. Conroy told the court that everybody who knew the defendant was impressed with him as a decent, honorable young man and that was the impression he created upon the court. He contended that the action of Solomon in attacking him with a stick when he went to get his wife back to live with him on the morning of the tragedy was the culmination of a series of provocations.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40R 626-11

F. 237

ROYAL CANADIAN MOUNTED POLICE
(COURT OF APPEAL.)

Division | Sub-Division: Regina. | Detachment: Regina Town Station.

Province: Sask. | Date: 24-1-41

File References

Re: Edwin JACKSON (Indian) - Murder (263) CCC.
Little Fine Indian Reservation, Saskatchewan.
(NTH. BATTLEFORD DETACHMENT CASE).

Headquarters

Sub-Division

40R 634-14

Detachment

RTE40-1-1118

P. C. R.
R.T.S.
26-9-40

8-1-41

1. Relative to the above and appeal lodged by the Crown, on this date the appeal was heard at Regina before the Hon. Justice W.M. Martin, Hon. Justice F.E. Mackenzie and Hon. Justice F.H. Gordon, appearing for the Crown was H.E. Sampson, K.C., A.A.G., and J.N. Conroy, K.C., for the defendant. Decision was reserved.

2. Contact has been kept with the Deputy Registrar at the Court House, but as yet the decision has not been handed down, as soon as it is known it will be reported upon immediately. It is respectfully requested that extension of diary date be granted.

CARRIED FORWARD. D.D.10-2-41
EXP.NIL.

Cst.
(D.A. Dunlop). Reg.No.10727
Regina Town Station.

The O/C Regina Sub-Div,
R.C.M.P, Regina, Sask.
Sir: FORWARDED: Further report will follow on receipt of decision herein.

Sgt.
Reg.No.7597. C.E. Harvey.
I/C Regina Town Stn. Det.

24-1-41.
The O.C., R.C.M.P.,
"F" Division,
REGINA, Saskatchewan.

1. Forwarded. Further report will follow when decision has been rendered in this matter.

2. Extra copies submitted for the information of the O.C., North Battleford Sub-Division.

T.V. Sandys-Munsch, Supt.
Comdg. Regina Sub-Division.

25-1-41
DJM:HS

COPY TO DEPT. OF INDIAN AFFAIRS REGINA

Copy to Deputy Attorney-General

The Commissioner, R. C. M. Police, Ottawa.
Sir:
For the information
H. NICHOLSON -SUPT.
Officer in Charge C. I. B. "F" Div'n.
JAN 29 1941
REGINA, SASK.
DATE

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Appeal to
Court of
Appeal
Pending

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR
COPY

19105-2 Regina Leader-Post 9/1/41

Regina Leader-Post 9/1/41

Crown's Legal Right To Appeal Challenged By Indian's Counsel

The legal right of the crown to appeal against conviction on a charge of manslaughter, where the charge has been reduced from one of murder was challenged in the Saskatchewan court of appeal Wednesday by F. N. Conroy, K.C., North Battleford, in his fight to prevent a new trial being ordered for Edwin Jackson, Indian of the Little Pine reserve, who shot his father-in-law and his wife to death on June 13.

"There is no authority for the crown to appeal against conviction on a charge of manslaughter. The only authority I know is to appeal against acquittal," said Mr. Conroy.

Counsel characterized as "monstrous" the experience of one, Seabright, in Ontario, who escaped the gallows after killing a neighbor and his wife with an axe in a quarrel over a line fence, after the case passed through three trials and four appeals, many years ago, the crown declining to sanction any more trials.

Judge's Comment

Mr. Justice P. E. McKenzie agreed that it is the tendency of the law "not to put a man in jeopardy twice."

Meeting the argument of H. E. Sampson, K.C., for the crown, Mr. Conroy urged that even if it could be held that the trial judge, who sentenced Jackson to five years after the jury had reduced the charges to manslaughter, had failed to differentiate between the two charges of killing the father-in-law and the wife, on the question of provocation, the evidence at the trial was such that the jury must have been well aware of the difference, yet, on both charges, the jury, well acquainted with all the circumstances, had seen fit to reduce them to manslaughter.

Judgment was reserved.

Crown's Legal Right To Appeal Challenged By Indian's Counsel

The legal right of the crown to appeal against conviction on a charge of manslaughter, where the charge has been reduced from one of murder was challenged in the Saskatchewan court of appeal Wednesday by F. N. Conroy, K.C., North Battleford, in his fight to prevent a new trial being ordered for Edwin Jackson, Indian of the Little Pine reserve, who shot his father-in-law and his wife to death on June 13.

"There is no authority for the crown to appeal against conviction on a charge of manslaughter. The only authority I know is to appeal against acquittal," said Mr. Conroy.

Counsel characterized as "monstrous" the experience of one, Seabright, in Ontario, who escaped the gallows after killing a neighbor and his wife with an axe in a quarrel over a line fence, after the case passed through three trials and four appeals, many years ago, the crown declining to sanction any more trials.

Judge's Comment

Mr. Justice P. E. McKenzie agreed that it is the tendency of the law "not to put a man in jeopardy twice."

Meeting the argument of H. E. Sampson, K.C., for the crown, Mr. Conroy urged that even if it could be held that the trial judge, who sentenced Jackson to five years after the jury had reduced the charges to manslaughter, had failed to differentiate between the two charges of killing the father-in-law and the wife, on the question of provocation, the evidence at the trial was such that the jury must have been well aware of the difference, yet, on both charges, the jury, well acquainted with all the circumstances, had seen fit to reduce them to manslaughter.

Judgment was reserved.

No Differentiation

While not refuting the declaration that provocation existed against the girl's father, Solomon Medicine Child, and the mother, Alice, who did everything they could to interfere between the young couple and to keep them apart, Mr. Sampson contended that the trial judge, in charging the jury, made no differentiation between his state of mind when he killed his girl wife and that which inspired his action in shooting his father-in-law to death in the bush outside the family tent. "The trial judge," he declared, "could have made no better address for the accused than counsel for the defence."

"This is a striking illustration of the difference between hearing a trial in court and reading it in the report of the stenographer," said F. N. Conroy, K.C., North Battlford, who appeared for the defendant-respondent.

Mr. Conroy told a dramatic story of the double shooting and said that at the trial after the jury had brought in their verdict, crown counsel was in agreement with the verdict and the sentence subsequently imposed. He declared the court, the police, and everybody else sympathized with the position in which the defendant found himself.

"It is quite evident that he had the sympathy of the court when he was only given a five-year sentence," commented Mr. Justice Martin.

Mr. Conroy told the court that everybody who knew the defendant was impressed with him as a decent, honorable young man and that was the impression he created upon the court. He contended that the action of Solomon in attacking him with a stick when he tried to get his wife back to live with him on the morning of the slayings was the culmination of a long series of provocations.

Department of Indian Affairs
JAN 16 1941
Publicity & Information

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

19105

2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 B 636-13-G-8 OTTAWA, November 4, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

See 11

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
NOV 5 1940
REGISTERED

JSC/MB

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

PRINCE ALBERT SUB'DIVISION
PRINCE ALBERT/ SASK.

40PA480-4 October 25, 1940.

40R 636-11

40NB480-3

H.E. Sampson, Esq. K.C.,
Agent of the Attorney-General,
REGINA, Saskatchewan.

Dear Sir:

Re: Edwain JACKSON (Treaty Indian)
Murder (263) Cut Knife Dist, Sk.
(N.BATTLEFORD CIB CASE)

1. I have for acknowledgment your letters of the 23rd. and 24th. instant, together with enclosures referred to in the latter.

2. Upon receipt of your communication of October 23rd., Sgt Crowe immediately referred the matter to the Warden of the Saskatchewan Penitentiary who quoted Penitentiary Regulation No. 133, which reads as follows: "The Warden may permit service of a Writ or other judicial process on a convict upon production of the Order of the Court out of which the process issues, directing that the process may be served on the convict in the Penitentiary, or in case it be impracticable to obtain such an Order, upon the instructions of the Supt of Penitentiaries".

3. It was explained to the Warden that the Notice of Appeal did not issue from any Court and I did not think that this regulation applied. However, the Warden insisted that the matter be referred to you so that you might have the opportunity of obtaining an Order from a Judge of the Court of Appeal. As the time for effecting this service was limited, Sgt Crowe telephoned you, yesterday, when you advised that an Order of the Court was not necessary and would not be obtained.

4. The Warden was advised accordingly and today he informed me that he had communicated, by wire, with his Department at Ottawa and had received instructions to allow the Agent of the Attorney-General to serve Edwin Jackson with copy of Notice of Appeal.

5. Service of Notice was effected on Edwin Jackson, this P.M. by Cst. P.E. Hughes, at the Saskatchewan Penitentiary and I return herewith the original Notice of Appeal with Affidavit of service duly subscribed thereto.

Yours truly,

(T.B. Hutchings) Inspr.
Commanding Pr.Albert S/Div.

C/S.

COPY TO DEPT. OF INDIAN AFFAIRS, REGINA

Copy to Deputy Attorney-General

Forwarded for your information.
Sir
H. H. NICHOLSON
Officer in Charge C. I. B. "F" Div.
-SUPT.
REGINA, SASK.
DATE OCT. 29 1940

Forwarded for your information.
Sir
Commissioner, R. C. M. Police, Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

POOR COPY

Appeal to
Court of
Appeal
pending

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor
Copy

Division File No. 40R 636-11 F. 237

ROYAL CANADIAN MOUNTED POLICE
(COURT OF APPEAL.)

Division | Sub-Division: Regina. | Detachment: Regina Town Station.

Province: Sask. | Date: 24-1-41

File References

Re: Edwin JACKSON (Indian) - Murder (263) CCC.
Little Pine Indian Reservation, Saskatchewan.
(NTH.BATTLEFORD DETACHMENT CASE).

COPY TO DEPT. OF INDIAN AFFAIRS REGINA

Headquarters

Sub-Division

40R 634-14

Detachment

RT540-1-1118

P. C. R.
R.T.S.
26-9-40

8-1-41

1. Relative to the above and appeal lodged by the Crown, on this date the appeal was heard at Regina before the Hon.Justice W.M.Martin, Hon.Justice F.E.Mackenzie and Hon.Justice F.H.Gordon, appearing for the Crown was H.E.Sampson, K.C., A.A.G., and J.N.Conroy, K.C., for the defendant. Decision was reserved.

2. Contact has been kept with the Deputy Registrar at the Court House, but as yet the decision has not been handed down, as soon as it is known it will be reported upon immediately. It is respectfully requested that extension of diary date be granted.

CARRIED FORWARD. D.D.10-2-41
EXP.NIL.

Cst.
(D.A.Dunlop).Reg.No.10727
Regina Town Station.

The O/C Regina Sub-Div,
R.C.M.P, Regina, Sask.
Sir: FORWARDED: Further report will follow on receipt of decision herein.

Sgt.
Reg.No.7597. C.H. Mafvey.
I/C Regina Town Stn. Det.

24-1-41.

The O.C., R.C.M.P.,
"F" Division,
REGINA, Saskatchewan.

1. Forwarded. Further report will follow when decision has been rendered in this matter.

2. Extra copies submitted for the information of the O.C., North Battleford Sub-Division.

T.V.Sandys-Munsch, Supt.
Comdg. Regina Sub-Division.

25-1-41
DJM:HS

The Commissioner, R. C. M. Police, Ottawa.
Sir:
Forwarded for information.
H. NICHOLSON -SUPT.
Officer in Charge C. I. B. "F" Div'n.
REGINA, SASK. JAN 29 1941
DATE

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40 B 636-13-G-8.

OTTAWA, Feb. 3, 1941.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines and Resources
FEB 5 1941

TO:
The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC/GB.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40R 636-11 P. 287

ROYAL CANADIAN MOUNTED POLICE

APPEAL COURT DECISION.

Division	Sub-Division	Detachment
"F"	Regina.	Regina Town Station.

Province	Date
Sask.	24-2-41

File References

Re: Edwin JACKSON (Indian) - Murder (263) CCC., Little Pine Indian Reservation, Saskatchewan. (NTH.BATTLEFORD DETACHMENT CASE).

Headquarters

18-2-41

1. Relative to the above it was learned at the office of the Deputy Registrar on this date that decision of appeal heard at Regina on 8-1-41 hai been handed down. Appeal lodged by the Crown in this connection was dismissed, also decision was handed down on even date.

Sub-Division

H.Q.D.C.
RS40-34-14 EXP.NIL.

Cst.
(D.A.Dunlop)Reg.No.10727
Regina Town Station.

Detachment

The O/C Regina Sub-Div.,
R.C.M.P, Regina, Sask.
MT340-1-1118 Sir: FORWARDED:

Sgt.
Reg.No.7597. C.H. Harvey.
24-2-41. I/C Regina Town Stn. Det.

P. C. R.
R.T.S.
18-2-41

The O.C., R.C.M.P.,
"F" Division,
REGINA, Saskatchewan.

1. Forwarded. Extra copies submitted for the information of the O.C., North Battleford Sub-Division and Detachment concerned.

D.J.McCombe, Sgt. for
O.C.,Regina Sub-Division A.O.D

25-2-41
DJM:HS

The Commissioner, R. C. M. Police, Ottawa.
Sir:
Forwarded for your information
L. H. NICHOLSON -SUPT.
Officer in Charge C. I. B. "F" Div.
REGINA, SASK. FEB 28 1941
DATE

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 B 636-13-G-8

OTTAWA. March 6, 1941.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Seen

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines and Resources
MAR 7 1941
REGISTERED

JSC/DK

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

JOHN N. CONROY, K.C.
Barrister, Solicitor & Notary Public
TELEPHONE 472
NORTH BATTLEFORD, SASK.
CANADA

See 8

March 3rd. 1941.

Department of Mines & Resources
Indian Affairs Branch
MAR 7 1941
REGISTERED

Department of Mines and Resources,
Indian Affairs Branch,
OTTAWA, Ontario.

Dear Sirs:-

Re: Jackson, Little Pine Reserve.
Your file: 19105-2.

The Crown's appeal from the verdict given on the trial of this accused for murder was heard on January 8th last and judgment of the Court of Appeal was given on February 24th dismissing the Appeal.

I am enclosing herewith my Bill of Costs in duplicate and also vouchers covering hotel bills and receipts for sleeping car tickets.

396.25

I trust the account will be found in order. I may add that this appeal was one of exceptional difficulty and importance. The counsel fee of $75.00, which the Department has advised me is all that can be allowed, is entirely inadequate and out of proportion to the amount of work involved. I therefore trust that the enclosed account will be allowed and paid without deductions.

You might be kind enough to send a copy of this letter to the Deputy Minister of Justice or to the person to whom the enclosed Bill is submitted for taxation. A duplicate of this letter is enclosed for this purpose.

Yours truly,

John N. Conroy.

JNC/LKW

Encl.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

1 Director
2 Secy

Ottawa, Ontario,
March 10, 1941.

Dear Sir: A.3 - Mines & Resources - Sask.
Re - Edwin Jackson, Little Pine
Reserve - Murder Charge.

I have to refer to your letter of October 30 and previous correspondence on the above mentioned subject. I gave Mr. Conroy the contents of your letter above mentioned and I am now in receipt of a further communication from him, copy of which he has asked me to forward together with his account as now submitted.

Yours very truly,

Director.

The Deputy Minister,
The Department of Justice,
Ottawa.

TM

Get more information re result of appeal

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

March 20, 1941.

Dear Sir:

I have to refer to your letter of March 3 enclosing your account for the defence of Edwin Jackson an Indian of the Little Pine Reserve, charged with murder.

I should be obliged if you would let me have an additional copy of this account which are required in triplicate.

I should be glad also if you would let me have further information with regard to the result of Appeal.

Yours very truly,

T.R.L. MacInnes,
Secretary.

John N.Conroy, Esq.,K.C.,
Barrister, etc.,
North Battleford, Sask.

Pol

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

March 20, 1941.

Dear Sir:

I have to refer to your communication of June 15 last with respect to the case of Edwin Jackson an Indian of the Little Pine Band, charged with murder.

Will you kindly submit a report for our files?

Yours very truly,

T.R.L. MacInnes,
Secretary.

J.P.B.Ostrander, Esq.,
Indian Agent,
Battleford, Sask.

pol

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

Secy

DWM/DC

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Department of Mines & Resources
Indian Affairs Branch
MAR 20 1941
REGISTERED

OTTAWA March 19th, 1941.

A. 3 - M. & R. - Sask.
Re: Edwin Jackson, Little Pine Reserve
- Murder Charge

Dear Sir:

Referring to your letter of March 10th, I return herewith account of John N. Conroy, Esq., K. C., of North Battleford, for legal services rendered in connection with the prosecution of the above mentioned party, which account I have taxed and certified for payment in the amount of $392.65.

Yours truly,

Enc.

AUDITED
FOR PAYMENT
APR 4 1941
Treasury Office
I. A. BRANCH

for Assistant Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a .

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. St. Louis:

The Treasury Branch will not pay this account at the moment as there is only one copy, the second copy being retained by Justice. I have asked Mr. Conroy to send another copy and I should be glad if you would return the file to me immediately it is received.

RSL

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19105-2

EXD.
A.

DEPARTMENT OF INDIAN AFFAIRS
CANADA

Battleford Agency

OFFICE OF
INDIAN AGENT

Battleford, Sask.,
26th March, 1941.

Re Department File 19105-2, dated 20th March, 1941.

Dear Sir:

I beg to report as follows in connection with the case of Edwin Jackson of the Little Pine Reserve.

On the 13th June, 1940, Edwin Jackson shot and killed Solomon Medicine Child and Elizabeth Medicine Child, of the Little Pine Reserve.

Preliminary hearing was held the 2nd July, 1940, at which W.L.Clink, K.C. prosecuted and John N. Conroy, K.C., defended. Jackson was charged with murder. He was committed to stand trial for murder, and at the trial commencing the 24th September, 1940, he was sentenced to serve five years, the charge having been reduced to one of manslaughter, on the grounds of extreme provocation resulting in a brain-storm which rendered him irresponsible for his actions. It might be here mentioned that the very able defence put forth by Mr. Conroy, was a large factor in the light sentence.

The Crown later lodged an appeal but the Court of Appeal decided the sentence should stand.

The provocation was brought about over a period of months. The girl's parents first invited Jackson to come to their home and live with their daughter, in return for the privilege, Jackson became a servant for the family, cutting and hauling wood and pickets to provide a living for them. After about two months of this Jackson took the girl and went and lived with her at the home of another young couple on the same reserve. Subsequently, the parents were able to get the girl to return to their home and they then urged another young Indian of the same reserve to come and live with her, also to be the servant of the household similarly to Jackson. This continued for some time during which Jackson made several efforts to get Elizabeth to return to him, without success. Eventually, having decided there was no hope for her return, Jackson made a visit to the Medicine Child home to recover some of his property which had been left there. He was met by the old man who abused him orally, then struck him with a fairly large stick. This seems to have been the climax, after which Jackson seems to have been in an insane rage, and not accountable for his actions until he had killed both the old man and Elizabeth. After he had accomplished these two acts he must have calmed down because he gave himself up to the police and made no further trouble of any kind.

Opinions are divided as to whether the sentence of five years fits the crime. Personally, I think the reduction to manslaughter was correct, but I would have liked to have seen a little longer sentence, for the effect upon others. The judge thought that Jackson would be released from the penitentiary a better man with a five year sentence than with a longer one. I believe this is quite true.

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa, Ont.

Yours truly,

J.P.B.Ostrander,
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

EXD.

, May 5, 1941.

Dear Sir:

In reply to your letter of April 30 I have to advise you that your account re Edwin Jackson - Little Pine Reserve, was paid as taxed by the Department of Justice.

Yours very truly,

T. R. L. MacInnes,
Secretary.

John M. Conroy, Esq., K.C.,
Barrister, Solicitor & Notary Public,
North Battleford, Saskatchewan.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

JOHN N. CONROY, K.C.
Barrister, Solicitor & Notary Public
TELEPHONE 472
NORTH BATTLEFORD, SASK.
CANADA

Department of Mines & Resources
Indian Affairs Branch
MAY 5 1941
REGISTERED

Sec 7

April 30th. 1941.

Department of Mines & Resources,
Indian Affairs Branch,
OTTAWA, Ontario.

Dear Sirs:-

Re: Edwin Jackson - Little Pine Reserve.
Your reference - 19105-2

I wish to acknowledge receipt of treasury cheque number C046589 for $392.65 in connection with my Bill of Costs re the appeal in the above case.

My bill as rendered amounted to $396.25. The cheque received is for $392.65. It seems probable to me that the reduced amount of the cheque is due to a transposition of figures. If it was your intention to send your cheque for the full amount of the account as rendered I would be glad to receive your cheque for the difference. In any event I considered it advisable to draw the matter to your attention to save you any inconvenience which might result from the error in accounting.

Yours truly,

John N. Conroy.

JNC/LKW

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

REFER TO OUR No. R-87070.

DEPARTMENT OF JUSTICE
REMISSION SERVICE
OTTAWA

Department of Mines & Resources
MAR 18 1943
REGISTERED

March 3rd, 1943.

Dear Mr. MacInnes:

Re: Edwin Jackson.

If you can find a spare moment, would you mind looking over the Police and Trial Judge's reports,- which are decidedly conflicting,- and letting me know how the case impresses you?

Yours most sincerely,

M. F. Gallagher,
Director of Remission Service.

T. R. L. MacInnes, Esq.,
Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
O T T A W A.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

March 9,1943.

Dear Mr. Gallagher:

I have to refer to your communication of March 3 with regard to Edwin Jackson, at present serving a sentence in the Prince Albert Penitentiary for manslaughter, enclosing your file 87070 which I have read carefully.

As I have not a copy of the evidence and have not seen it, I cannot check the discrepancies on certain points of fact between the Judge's report and the Police report. I do not think, however, that these points are material, even granting that the Police are in error on them. To my mind, the arguments set forth in the report of Sergeant Fielder, dated December 28,1942, i (j), second paragraph concurred in by Inspector Spraggs in his covering communication to the Commissioner, dated December 29, 1942, is incontrovertible. The experience of this department over a long period has been conclusive that Indians are easily affected by the severity or leniency, as the case may be, of punishment meted out for violent crime amongst them, particularly homicide. I am unable to share the favourable sentiments expressed by the trial Judge in his report with regard to the prisoner. In this report, repetitive emphasis seems to be laid upon the term "wife" as applied to the late Elizabeth Medicine Child in regard to her relationship to the accused. Actually she did not possess the status of wife, even by Indian custom, as by Indian custom, according to the Judge's report, she was the wife of Johnny Night Traveller. The contention that the friction between Johnny Night Traveller and Elizabeth's parents, and their rejection of him, was tantamount to a divorce, is quite inadmissible. It is here interesting to note that while Indian marriages have been recognized in law, Indian divorces in respect to Indian marriages have not received any such recognition.

Accordingly, in my opinion, Jackson is not entitled to any sympathy on the ground that his was a "crime passionnelle", attributable to the outraged feelings of a wronged husband. On the contrary it was he, who according to the record, stole Elizabeth from her husband.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

I have carefully examined the photograph of Jackson. I ascribe special importance to physiognomy as an indication of character, particularly in the case of Indians. The expression of his eyes, particularly in the profile, convinces me that he is a type of Indian, well known to me, who when his temper is aroused, cannot be restrained or reasoned with. Contrary, therefore, to the expectation expressed in the Judge's report, it would not surprise me in the least if he were to commit violent crime again. I am not at all impressed with the idea that the shooting of Elizabeth might have been accidental. The suggestion, moreover, that Jackson intended to take his own life, in my opinion, is without point as a reason for his liberation. Further, I do not consider that the prisoner would be a worthy representative of the Indian race in the Armed Forces, even if, in the event of his liberation, he could get into them. If on the other hand, he returned, as suggested in his letter, to the Little Pine Reserve, at an early date, he would acquire among his fellow Indians, an undesirable prominence as an Indian who had been able to kill two people to satisfy a personal grievance with only slight consequence by way of punishment to himself.

I firmly believe that in the interests of the public, of good Indian administration, and of the accused himself, the sentence in this case should be allowed to run its course.

Your file is returned herewith.

For your information I am enclosing ~~herewith~~ report from the Indian Agent, and also from the counsel for the defence, which I should be obliged if you would return in due course.

Yours very truly,

T.R.L. M

T.R.L.MacInnes.
Secretary.

M.F.Gallagher, Esq.,
Chief of the Remission Serive
Department of Justice,
Ottawa.

Agent's letter March 26-1941
McConvey's " March 25. 1941

enc

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

March 11,1943.

Dear Mr. Gallagher:

In support of the view expressed in my letter to you of March 9 that Edwin Jackson was not in any sense, even by native custom, the husband of the late Elizabeth Medicine Child, I think it worthwhile to draw your attention to citations from Opinions received from your department as follows:-

" Ottawa, November 7,1904.
You ask for advice as to whether assuming that there was a divorce (by Indian custom) that fact would remove the objection to the validity of the second marriage arising from the existence of the first wife at the time it is said to have been contracted.

In reply I beg to refer you to letters from this department of 14th December, 1888 (91612) and 4th January, 1895 (122830) in which the question here involved was considered and the opinion expressed that Indian marriages if valid cannot be dissolved according to the Indian custom, but only in such manner as may other valid marriages. I see no reason to change my view as to this question

(Sgd) E.L.Newcombe,
Deputy Minister of Justice"

" Ottawa, January 4,1895.
Indian marriages, if valid, cannot be dissolved according to the Indian customs, but only in such manner as may other marriages.'

(Sgd) E.L.Newcombe,
Deputy Minister of Justice"

"File No. 79875
Reference
Legal question raised in letter of Dec. 4,1888, from Inspector A.Dingman.

Opinion. Ottawa, Dec. 14,1888.
Referring to your letter of the 10th instant, I am direct-

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

ed by the Minister of Justice to say that he is, as pointed out to you in Mr. Power's letter of the 7th November, 1887, of opinion that marriages of Pagan Indians which have been contracted in accordance with tribal customs should be treated by your department as prima facie valid and the issue of such marriage as legitimate.

If, however, an Indian so married deserts the woman who is recognized or is entitled to recognition as his wife, and during her life time lives with and has children by another woman, the Minister does not think that such cohabitation should in any case be recognized as a marriage, unless there has been an actual divorce from the first wife. The resulting issue should therefore be treated as illegitimate and as having no right to share in the annuities of the band.

It would seem that difficulties of the kind referred to in Mr. Dingman's report need not often arise if these principles be applied to the solution of questions respecting the claims of such children.

(Sgd) Geo. B. Fraser
Acting Deputy Minister of Justice
and Solicitor of Indian Affairs."

These Opinions I think dispose of the suggestion that Jackson had any claim to sympathetic consideration as a deserted husband.

Yours very truly,

M.F.Gallagher, Esq.,
Chief of the Remission Service,
Department of Justice,
Ottawa.

TRLM

T.R.L.MacInnes.
Secretary.

Sent by Hand March 12

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

JOHN N. CONROY, K.C.
Barrister, Solicitor & Notary Public
TELEPHONE 472
NORTH BATTLEFORD, SASK.
CANADA

March 25th. 1941.

Secretary Indian Affairs Branch ,
O T T A W A ,
Ontario.

Department of Mines & Resources
Indian Affairs Branch
MAR 29 1941
REGISTERED

Dear Sir -

Re: Rex vs Jackson - Your file- 19105-2.

As requested in your letter of March 20th I enclose herewith an additional copy of my Statement of Account in connection with the Appeal taken by the Crown herein.

You asked for further information with regard to the result of the Appeal. The judgment of the Court of Appeal is reported in full in 1941 - 2 - W.W.R. - 418.

The accused was originally tried for the murder of his wife and of his father-in-law. The jury found there was provocation sufficient to reduce the crimes to manslaughter and found him guilty of manslaughter only on both charges. The accused was thereupon sentenced to imprisonment for five years. The Crown appealed from this result. The Appeal was based on numerous grounds including alleged misdirection by the Trial Judge to the Jury. The main grounds argued on the Appeal were, first, whether the defence of provocation was available to the accused in connection with the killing of his wife who was not a party to the acts of provocation; second, whether the provocation could be said to have been "acted upon on the sudden" within the meaning of the code; third, whether the burden lay upon the Crown or upon the accused to disprove or prove provocation.

The determination of these questions depended largely upon the proper interpretation to be given to the judgment of the Supreme Court of Canda in Rex vs Manchuk, 1938 - S.C.R. - 18 and 341. The questions involved were of considerable importance in the general field of criminal law. They were all decided in favour of the prisoner and the new trial which the Crown sought to obtain was refused.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

JOHN N. CONROY, K.C.
Barrister, Solicitor & Notary Public
TELEPHONE 472
NORTH BATTLEFORD, SASK.
CANADA

The Appeal by the Crown also involved an Appeal from the sentence, the Crown contending that the sentence of five years imprisonment was inadequate and should be increased. This ground of Appeal naturally presented a great deal of difficulty from the stand point of the defence as the facts and circumstances disclosed in the evidence undoubtedly tended, at first glance, to justify the Crown's complaint on this ground. Two people had been killed and a third had escaped death merely because the accused's aim was not accurate. The Court of Appeal, at first, was obviously and expressively of the opinion that the sentence was inadequate. I was very fortunate in being able, eventually, to induce them to change their view on the matter and the sentence was left un-changed.

The result was, therefore, that the Crown's appeal was dismissed entirely and the prisoner was left to serve a sentence of five years imprisonment passed upon him by the trial judge.

Yours very truly,

John N. Conroy.

JNC/LKW

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

DEPARTMENT OF INDIAN AFFAIRS
CANADA
Battleford Agency

OFFICE OF
INDIAN AGENT
Battleford, Sask.,
26th March, 1941.

Re Department File 19105-2, dated 20th March, 1941.

Dear Sir:

I beg to report as follows in connection with the case of Edwin Jackson of the Little Pine Reserve.

On the 13th June, 1940, Edwin Jackson shot and killed Solomon Medicine Child and Elizabeth Medicine Child, of the Little Pine Reserve.

Preliminary hearing was held the 2nd July, 1940, at which W.L.Elink, K.C. prosecuted and John N. Conroy, K.C., defended. Jackson was charged with murder. He was committed to stand trial for murder, and at the trial commencing the 24th September, 1940, he was sentenced to serve five years, the charge having been reduced to one of manslaughter, on the grounds of extreme provocation resulting in a brain-storm which rendered him irresponsible for his actions. It might be here mentioned that the very able defence put forth by Mr. Conroy, was a large factor in the light sentence.

The Crown later lodged an appeal but the Court of Appeal decided the sentence should stand.

The provocation was brought about over a period of months. The girl's parents first invited Jackson to come to their home and live with their daughter, in return for the privilege, Jackson became a servant for the family, cutting and hauling wood and pickets to provide a living for them. After about two months of this Jackson took the girl and went and lived with her at the home of another young couple on the same reserve. Subsequently, the parents were able to get the girl to return to their home and they then urged another young Indian of the same reserve to come and live with her, also to be the servant of the household similarly to Jackson. This continued for some time during which Jackson made several efforts to get Elizabeth to return to him, without success. Eventually, having decided there was no hope for her return, Jackson made a visit to the Medicine Child home to recover some of his property which had been left there. He was met by the old man who abused him orally, then struck him with a fairly large stick. This seems to have been the climax, after which Jackson seems to have been in an insane rage, and not accountable for his actions until he had killed both the old man and Elizabeth. After he had accomplished these two acts he must have calmed down because he gave himself up to the police and made no further trouble of any kind.

Opinions are divided as to whether the sentence of five years fits the crime. Personally, I think the reduction to manslaughter was correct, but I would have liked to have seen a little longer sentence, for the effect upon others. The judge thought that Jackson would be released from the penitentiary a better man with a five year sentence than with a longer one. I believe this is quite true.

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa, Ont.

Yours truly,

J.P.B.Ostrander,
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105 2

REFER TO OUR No. R-87070

DEPARTMENT OF JUSTICE
REMISSION SERVICE
OTTAWA

Your No. 19105-A

Notice

March 15th, 1943.

Department of Mines & Resources
MAR 16 1943
REGISTERED

Dear Sir:

Re: Edwin Jackson,
Saskatchewan Penitentiary.

The information contained in your letters of the 9th and 11th instant, also enclosures, is very much appreciated, and I wish to thank you for the trouble taken in the matter.

Enc.2 I am returning the Indian Agent's letter, and Mr. Conroy's, as requested.

Yours very truly,

R. G. Warnock
for M. F. Gallagher,
Director of Remission Service.

T. R. L. MacInnes, Esq.,
Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
O T T A W A.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

File

COPY
ORIGINAL ON
File 3-105

Mines & Resources
Indian Branch
FEB 22 1944
RECEIVED

Battleford, Sask.
February 16th, 1945.

Department of Mines & Resources, Indian Branch, Ottawa, Ont.

Will you please advise me if Edwin Jackson, No. 183 Little Pine Band, will be entitled to annuity for the following years:-

1941, 1942, 1943 and 1944

during this period he was serving a four year term in the Prince Albert Penitentiary for the murder of two members of Little Pine Band?

He is now in the Army, Pte. E. Jackson. L. 109406, A 14. C.I.T.C. 2 T.S. Coy. Camp Shilo, Man.

J.P.B. Ostrander,
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EX'D.
A

Ottawa, January 14,1944.

J.P.B.Ostrander,Esq., Indian Agent, Battleford,Saskatchewan.

I have to refer to previous correspondence with regard to Edwin Jackson, an Indian of your agency, who is at present serving a sentence for manslaughter.

I am now in receipt of a letter from the Department of the Secretary of State,respecting the application for clemency for Jackson, in which it is stated that this man's case has been considered by the Minister of Justice, who did not see fit to recommend to His Excellency the Governor General that there be any interference with the sentence imposed by the Court.

Scott.

Director.

T.R.L.M

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

REMISSION
REGISTER
70302
T/MS

Discipline
Sobri

OTTAWA, January 12, 1944.

Department of Mines & Resources
Indian Affairs Branch
JAN 1[illegible] 1944
REGISTERED

Sir,

In continuation of the correspondence that you have exchanged with the Director of Remission Service, Department of Justice, concerning EDWIN JACKSON, I have the honour to inform you that this young man's case was recently considered, but the Minister of Justice did not see fit to recommend to His Excellency the Governor General that there be any interference with the sentence imposed by the Court.

I have the honour to be,

Sir,

Your obedient servant,

PH. THIBAULT
For Under-Secretary of State.

T. R. L. MacInnes, Esq.,
Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
O T T A W A.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Files 3-106
19105-2 ✓
452-6-106

Ottawa, Ontario,
February 28th, 1945.

J.P.B. Ostrander, Esq., Indian Agent,
Battleford, Sask.

Reference is made to your letter of February 16th, 1945, your file No. 171-109. You are advised that no annuity is to be paid Edwin Jackson, No. 183 Little Pine Band for the years 1941, 1942, 1943 and 1944.

The cost of his defence during his trial for murder exceeded $475.00, therefore under Section 134 of the Indian Act, no annuity is due him for the years during which he was imprisoned.

R.A. HOEY

Acting Director.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION "F" DIVISION FILE No. 44R 1074-4-9

SUB-DIVISION PRINCE ALBERT DETACHMENT PRINCE ALBERT

PROVINCE Saskatchewan DATE September 25th, 1944.

COPY

FILE REFS.

RE: Edwin JACKSON - Enq. re whereabouts Little Pine Indian Reserve, Paynton, Saskatchewan.

EXTRACT 14-10-1944

HEADQUARTERS

1. With further reference to the above, enquiries made at the local Army Recruiting Office revealed that the above named joined the Canadian Army on August 16th, and is attached to No. 12 District Depot, Regina, Saskatchewan. This man was given Reg. No. L.109406 Rfn. E. JACKSON.

2. In view of the foregoing, this fyle will now be considered closed. Extra copies of this report attached for departments concerned.

SUB-DIVISION

44PA-356/1-8

HANDED OVER.
NEI

Const.
(J.E. RUTTAN) Reg. #14040
PRINCE ALBERT DETACHMENT

DETACHMENT

Const.
J.D.L.

44PA -5-966

The Officer I'C CIB RCMP "F" DIV. REGINA.
Forwarded for your information. It will be noted the subject of this enquiry is now a member of the Canadian Army, stationed in Regina.
Copies herewith for the Department of Indian Affairs.

P.C.R.

(E. Alexander) Sgt. for
O.C. Prince Albert S/Div. AOL.
25-9-44

The O.C. "D" DIVISION R.C.M.P. WINNIPEG, Man.
Forwarded in triplicate for your information. In view of the contents of the above report will you kindly discontinue further enquiries herein.
2. Copies to the Commissioner.

A. R. V. No.

Regina:
28-9-44
F.E. Spriggs, Supt.
Asst. C.I.B. Officer.

The Commissioner, R.C.M.P. OTTAWA, Ont.
Forwarded in duplicate for your information.

Regina:
28-9-44
F.E. Spriggs, Supt.
Asst. C.I.B. Officer.

The Gen. Supt. Indian Agencies, Indian Affairs Branch, N
Forwarded for your information.

Regina
28-9-44
F.E. Spriggs, Supt.
Asst. C.I.B. Officer.

DIARY DATE

SET FOR.....

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE NO. 40 B 636 13-G-8 OTTAWA, February 28, 1945

YOUR FILE NO. _____

Department of Mines and Resources
Indian Affairs Branch
FEB 28 1944
REGISTERED

To: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

Re: Edwin Jackson, Little Pine Ind. Res.,
Paynter, Sask.

Report dated 25-9-44
forwarded for your information.

Enc.

for Director, Criminal Investigation.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

Mr. Jones

Ottawa, March 9,1945.

J.P.B.Ostrander,Esq., Indian Agent, Battleford,Saskatchewan.

I have to refer to your letter of February 16, with regard to Edwin Jackson of the Little Pine Band, stated by you to be in the Army at Camp Shilo, Manitoba.

I should be obliged if you would advise me when this Indian was released from the Penitentiary. He was sentenced to 5 years in September,1940, for manslaughter Presumably he earned several months for good conduct.

Please submit full particulars regarding his enlistment on the enclosed forms for office record.

Acting Director.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

OF THE
IN[redacted]GENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 210.

Mr Jackson

Battleford. Sask.
March 20th. 1945.

Department of Mines & Resources
Indian Affairs Branch
MAR 24 1945
REGISTERED

Department of Mines & Resources, Indian Branch, Ottawa. Ont.

Referring to your letter No. 19105-2 of the 9th. inst. Edwin Jackson of the Little Pine Band, was sentenced to five years in the Prince Albert Penitentiary September 26th. 1940 and released August 1 0th. 1944 on account of good conduct.

I returned his record of enlistment to you several weeks ago.

C. S. Bell
For J.P.B. Ostrander.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

Ottawa, April 9,1945.

J.P.B.Ostrander,Esq., Indian Agent, Battleford,
Saskatchewan.

I have to refer to your letter of March 20 and previous correspondence with regard to Edwin Jackson, an Indian of the Little Pine Band, who was sentenced to 5 years in 1940 for manslaughter.

It is noted that you state Jackson was released August 10,1944, on account of good conduct. Did he return to Camp Shilo please following his release from prison, and is he still in the Army.

Acting Director.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

OFFICE OF THE INDIAN AGENT

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

Department of Mines & Indian Affairs Branch APR 18 1945 REGISTERED

19105-2

PLEASE QUOTE FILE 10-213.

COPY Placed on File 452-6

Battleford. Sask.
April 14th. 1945.

Department of Mines & Resources, Indian Branch, Ottawa. Ont.

Replying to your letter No. 19105-2 of the 9th. inst. from information received Edwin Jackson, of Little Pine Band, enlisted soon after his release from Prince Albert Penitentiary, and went to Camp Shilo.

As far as I am aware he is still in the Army. He married Madeleine Boubard, No. 830 Fort Alexander Band, Clandeboys Agency, Manitoba. February 1945.

C.S. Bell

C.S. Bell.
Acting Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

Ottawa, June 15, 1946.

G.S. Bell, Esq., Indian Agent, Battleford, Saskatchewan.

I have to refer to your letter of April 14, 1945, and previous correspondence with regard to Edwin Jackson, an Indian of the Little Pine Band, who was sentenced to 5 years in 1940 for manslaughter. On August 10, 1944 Edwin was released on account of good conduct and enlisted.

Kindly submit a further report on the above case.

EXD.

Director.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

OFFICE OF THE INDIAN AGENT

CANADA
DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE 131

Battleford, Saskatchewan
July 3, 1946

Your File: 19105-2

EX'D.

Department of Mines & Resources Indian Affairs Branch. JUL 8 1946 REGISTERED

Department of Mines & Resources, Indian Affairs Branch, Ottawa, Canada

Replying to your letter of the 15th ultimo with regard to Edwin Jackson, an Indian of the Little Pine Band who was sentenced to five years in 1940 for manslaughter, I have to advise you that, since this man was discharged from the Penitentiary, I have had very little to do with him.

He enlisted but I am given to understand that he did not go Overseas. At the present time, he is living at Pine Falls, Manitoba, and two years ago he married an Indian from that Area. I do not think that it is his intention to return to the Little Pine Reserve.

When I send him his annuity cheque, I will ask him to advise me definitely as to what his work is and if he would consider a transfer to Manitoba.

C. S. Bell
Indian Agent

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-2

OFFICE OF THE INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 210.

Battleford. Sask.
Auhust 5th. 1947.

Department of Mines & Resources,
Indian Branch, Ottawa. Ont.

Department of Mines & Indian Affairs Branch
AUG 12 1947
REGISTERED

Your File No. 19105-2, March 9th. 1945.
Edwin Jackson.

During September 1940 Edwin Jackson, Ticket No. 183, Little Pine Band, was sentenced to 5 years in the Prince Albert Penitentiary, for manslaughter. Will you please advise me if he will be entitled to arrears of annuity for:-

1941
1942
1943
1944

as to-day he called here requesting same. At present he is living in Manitoba and has no intention of returning to his reserve.

C.S. Bell

C.S. Bell.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

File 19105-2 (T.3)

OTTAWA, August 26th, 1947.

C. S. Bell, Esq.,
Indian Agent,
Battleford, Saskatchewan.

In reply to your letter of August 5th, 1947, your file 210, we are herewith enclosing a copy of a letter forwarded to J. P. B. Ostrander, Indian Agent, February 28th, 1945 which will answer the question set forth in your letter.

A. G. Leslie,
For Chief Clerk,
Trusts & Annuities.

JS/PT.

Indian Affairs. (RG 10, Volume 7468, File 19105-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 18[illegible]8-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CORRECTION

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19105-3 DORMANT DORMANT

DORMANT FILE NO. 19105-3 DORMANT

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

BATTLEFORD

MURDER

ARREST OF JEAN MARIE MONTGRAND PENDING INVESTIGATION INTO DEATH OF GABRIEL SYLVESTER.

EX'D M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19105-3

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

BATTLEFORD

MURDER

ARREST OF JEAN MARIE MONTGRAND PENDING INVESTIGATION INTO THE DEATH OF GABRIEL SYLVESTER

R. 791

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Calgary Albertan 28/5/43

Calgary Albertan 28 May 1943

ARREST INDIAN

PRINCE ALBERT, May 27.—Jean Marie Montgrand, 17-year-old Indian youth, today is in custody of R.C.M.P. at Portage La Loche pending investigation into the death of Gabriel Sylvester, a trapper. Portage La Loche is 235 miles northwest of here. The body of Sylvester was found in the bush near Portage La Loche May 12.

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EXT.

AIRMAIL

Ottawa, June 5,1943.

J.P.B.Ostrander,Esq., Indian Agent, Battleford,Sask.,

I have noted a clipping in the "Calgary Albertan" of May 28, with regard to the arrest of Jean Marie Montgard, 17-year old Indian of Portage la Loche, pending investigation into the death of Gabriel Sylvester, a trapper, whose body was found in the bush near Portage la Loche on May 12.

Will you kindly let me have a report on the case. If a charge of murder is laid again this Indian, please advise, and action will be taken to obtain counsel to defend him.

Allowed.

Director.

T.R.L.M

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EX'D.
A

Ottawa, June 21,1943.

J.P.B.Ostrander,Esq., Indian Agent, Battleford,Sask.,

I have to refer to my letter to you of June 5 with regard to the arrest of Jean Marie Montgard, 17-year old Indian of Portage la Loche, pending investigation into the death of Gabriel Sylvester, a trapper, whose body was found in the bush near Portage la Loche on May 12.

Please let me have a reply to my letter above mentioned.

Director.

F.R.L.M

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Victoria Times 14/6/43

19105-3

Surgent

Murder Charged

PRINCE ALBERT, Sask. (CP) —Jean Marie Montgrand, 17-year-old Chipewyan halfbreed trapper, today was charged with the murder of Gabrial Sylvester, a northland hunter and trapper. He was arraigned in court at Portage la Loche, 305 miles north of here, and remanded till June 21 for preliminary hearing.

Sylvester died May 8 from a bullet wound in the back of the neck.

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Calgary Albertan 15/6/43

19105-3

Calgary Albertan

Halfbreed of 17 Faces Murder Charge

15 June 1943

PRINCE ALBERT, Sask., June 14. —Jean Marie Montgrand, 17-year-old Chippewyan halfbreed trapper, today was charged with the murder of Gabrial Sylvester, a northland hunter and trapper.

He was arraigned in court at Portage La Loche, 305 miles north of here, and remanded to June 21 for preliminary hearing.

Montgrand was named as the slayer of Sylvester in the verdict of a coroner's jury Saturday night.

The trapper was killed May 8, dying from a bullet wound in the back of the neck.

Montgrand will be brought to Prince Albert jail to await the hearing.

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19105-3

OFFICE OF THE INDIAN AGENT

Battleford Agency

CANADA
DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch
JUN 28 1943
REGISTERED

PLEASE QUOTE FILE 150

Battleford, Sask.,
23rd June, 1943.

EX D
A

Indian Affairs Branch,
Department of Mines and Resources, Ottawa, Ont.

Replying to your letter of the 5th instant, in connection with the report in the "Calgary Albertan", of the arrest of one Jean Marie Montgrand on a charge of murder, I have to say that neither the person charged nor the victim are treaty Indians.

I have just returned from the north treaty trip, which is the reason for the delay in answering your letter. I had heard of this case before going north, but had been informed that the persons concerned were not in treaty. However I made full enquiry when I was paying those Indians and it is certain that they are not in treaty.

J.P.B.Ostrander,
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Victoria Times

June 30 1943

19105-3

Sent

Department of Mines & Resources
Indian Affairs Branch
JUL 14 1943
REGISTERED

Victoria Times

SDAY, JUNE 30, 1943

Halfbreed Faces Trial

PRINCE ALBERT, Sask. (CP) — Jean Marie Montgrand, 17-year-old Chipewyan halfbreed trapper, charged with the murder of Gabriel Sylvester, 20, a north country hunter and trapper, has been committed for trial by Magistrate J. E. Lussier.

At the preliminary hearing here Tuesday night, Cpl. R. W. Buchanan of the R.C.M.P., testified that Montgrand had confessed, making a statement in which he was quoted as saying:

"I am sorry I shot Gabriel, but I want to kill when I shoot gun at him."

Montgrand's trial will be held at the next session of the King's Bench Court at Battleford.

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Montreal Gazette
July 1 1943

No account 19105-3

Department of Mines & Resources
Indian Affairs Branch
JUL 14 1943
REGISTERED

Montreal Gazette 1/7/43

FACES MURDER CHARGE

Halfbreed Trapper of Saskatchewan Sent Up for Trial

Prince Albert, Sask., June 30.—(?)—Jean Marie Montgrand, 17-year-old Chippewan halfbreed trapper, charged with the murder of Gabriel Sylvester, 20, a north country hunter and trapper, has been committed for trial by Magistrate J. E. Lussier.

At the preliminary hearing here last night, Cpl. R. W. Buchanan of the Royal Canadian Mounted Police testified that Mongrand had confessed, making a statement in which he was quoted as saying:

"I am sorry I shot Gabriel, but I want to kill when I shoot gun at him."

Sylvester was killed May 8, dying from a bullet wound in the back of the neck. His body was found in the woods near Portage La Loche in Northern Saskatchewan. Police said an attempt had been made to burn the body.

Montgrand's trial will be held at the next session of the King's Bench Court at Battleford.

Hix 1.

Indian Affairs. (RG 10, Volume 7468, File 19105-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19106-2 DORMANT DORMANT

DORMANT FILE NO. 19106-2 DORMANT

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

BIRTLE
MURDER
JNO. ASSINNEWASIS

CROSS REFERENCE

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19106-2

Department of Indian Affairs

19.....

BIRTLE

MURDER

JNO. ASSINNEWASIS

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

312289

(Copy)

Birtle, Man. July 27, 1907.

Sir,

I beg to report for your information, that on my way to Minnedosa to attend trial in King vs Houri, trespass case, I was informed by the Missionary, Dr. F.O.Gilbart, whom I met at Shoal Lake Station en route, that John Assinnewasis, No.47, of the Rolling River Band, had been missing since the 25th. of May last and that his friends had made inquiries about him at Turtle Mountains and Crooked Lake Agency, but could not locate him. I drove out to Rolling River reserve with Chief Boyer, who was attending the trial and got the following information from "Yellow Calf" as far as known about the matter:-

John Assinewasis and Ahbatis, No. 35, same Band, went from Shoal Lake to Portage la Prairie, on the 24th. May last, leaving their wives in camp behind them, returning on train to Shoal Lake on the 25th. Chief Boyer got on same train at Strathclair going to Birtle. On entering the car he saw both Assinewasis and Ahbatis in the car and took a seat beside them, until they left the car at Shoal Lake. Both were the worse of liquor and the Conductor informed Chief Boyer that both of them were very noisy when they got on the train at the Portage. About June 15th. or 16th. last, Ahbatis and Hunting Hawk, No.10, of the same Band, were returning from the Waywayseecappo Reserve and after passing Shoal Lake Ahbatis told Hunting Hawk, that he had found Assinewasis' clothes rolled up about 1 1/2 or 2 miles east of Shoal Lake, near the trail running alongside of the Railway tracks; Hunting Hawk replied and asked him why he did not tell him this before they left Shoal Lake, Ahbatis then said he would be astonished if he saw the clothes

The Hon. David Laird,

Indian Commissioner.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

312289

and told Hunting Hawk that when he found the clothes he poked around near the place with a stick and found a place where the ground was loose and he left the stick sticking in the ground. This is all that could be got out of him by Hunting Hawk. This story came to be known to "Yellow Calf", same Band, about the 20th. instant and was reported to the Missionary, who informed me as stated above. Yellow Calf and other members of the Band, though reticent of making a charge against Ahbatis, believe that Assinewasis is dead and have asked me to have the mystery of his disappearance cleared up.

Assinewasis and Ahbatis were camped together with their wives, just the two tents. The wife of Assinewasis, who returned to her reserve with Ahbatis and his wife, sometime before the payments, told the Indians that her husband took some of his things and left their tent about midnight 25th. May last and has never seen him since.

Ahbatis, Hunting Hawk, Jim Pack and Assinewasis' wife, were not on their reserve, 26th. instant, the date I went to the reserve and got the above information from Yellow Calf. They were at Brandon at the exhibition. On my return to Minnedosa I laid the above information, received in this case before Magistrate H. Cuttle, Minnedosa, asking for an investigation. He informed that the matter would be attended to at once.

I will report the result of the investigation of the Attorney General's Department.

I gave the Magistrate all the information regarding all the Indians mentioned above and that they were supposed to be at Brandon Exhibition.

I have the honor to be,
Sir,
Your obedient servant,
(sd.) G.H.Wheatley,
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Office of the 158653.6 312289

Indian Commissioner

for the Northwest Provinces and Territories.

DEPARTMENT OF INDIAN AFFAIRS AUG 3 1907

In your reply refer to No. 24/2 and date of this letter and address Hon. David Laird, Indian Commissioner, Winnipeg, Man.

Winnipeg, 31 July 1907.

Sir,

I send for your information copy of a letter respecting the suspicious disappearance of John Assinnewasis. I am asking the Agent to let me have a copy of the report he may make to the Attorney General's Department of the result of the investigation now being had, and when received I will transmit a copy to you.

Your obedient servant,

Asst. Indian Commissioner.

Secretary,
Dept. of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

BIRTLE AGENCY
INDIAN OFFICE
AUG 7 1907
WINNIPEG MAN

INDIAN AGENT'S OFFICE,

312577

Birtle, Man.

August, 3rd. 1907

IN YOUR REPLY REFER TO
No. F/7
ALSO
TO DATE OF THIS LETTER.

Sir,–

Referring to your letter of

No.

I have the honor to report for your information, that on the Evening of July, 26th. last, I gave the following information to Police Magistrate H.Cuttle, Esqr. of Minnedosa, asking for an investigation from your Department:-

An Indian named John Assinewasis, of the Rolling River Band, Birtle Agency, Manitoba, missing since May 25th. last. It was reported to me, that he had gone to Portage laPrairie from Shoal Lake, Man. in company with another Indian of the same Band named Ahbatis, to attend the sports held there on the 24th. May last. Both returned on the next day the 25th. Chief Jos. Boyer of the Keeseekoowenein's reserve, verifies this, as he got on the same train, at Strathclair and sat in the same seat as the above two Indians. Boyer states that both Assinewasis and Ahbatis were the worse of liquor and got off the train when it arrived in Shoal Lake. Both Assinewasis and Ahbatis were camped near Shoal Lake 1½ or 2 miles East ofthe town, along the trail running along side of the railway tracks. About June the 15th. or 16 th. last, Ahbatis and Hunting Hawk another Indian ofthe same Band, were returning from the Waywayseecappo's reserve, Rossburn, Man. by way of Shoal Lake and after passing the latter place Ahbatis told "Hunting Hawk" that he had

found

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

found Assinewasis' clothes rolled up, about 1½ or 2 miles east of Shoal Lake, near the trail running along side of the railway tracks; "Hunting Hawk" asked him why he did not tell him this before, and Ahbatis replied that he would be astonished if he had seen the clothes and then added that he had poked around the place with a stick and found a place where the ground was loose, and that he had left the stick there, sticking in the ground. This is all that Ahbatis would tell him about it. The Indians seem to beleive that Assinewasis is dead and that Ahbatis knows about it and although unwilling to make a charge against him, wish for an investigation.

Inquiries have been made for Assinewasis at Turtle Mountains also at Crooked Lake Agency, Sask. places where he was in the habit of visiting during the summer months, but up to date he has not been located. Both Assinewasis and Ahbatis were camped together, near Shoal Lake with their wives, and on the return of Assinewasis's wife to her reserve, some time before June, 12th. last, when inquiries were made by the Indians of the reserve, as to where her husband was, she told them that he had left their tent about midnight of the 25th. May last and did not return, and that she has never seen him since.

All this was kept very quiet by the Indians until Ahbatis, himself told "Hunting Hawk" and Jim Pack another Indian of the same Band; who have made inquiries from Indians living at Turtle Mountains and Crooked Lake reserves, and the conclusion arrived at by the Indians seems to be that Ahbatis knows more than he is willing to tell about the disappearance of Assinewasis.

The Indians referred to above, were off

off

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

312577

off their reserve attending the Exhibition, Brandon, when I visited the reserve. I gave the above information to the Magistrate, also a description of Ahbatis and that he and the other Indians were in Brandon at the Exhibition, at that time.

Not hearing from the Magistrate, that action had been taken and an investigation made, I considered it my duty to report the matter to your Department, as a crime may have been committed and it should be investigated. Leaving this matter, now in your hands.

I have the honorto be,

Sir,

Your Obedient Servant,

Lg. G. R. Wheatley

Indian Agent.

To

The Hon. Colin H. Campbell,

Attorney General,

Winnipeg, Man.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Office of the ~~312577~~

Indian Commissioner

for the Northwest Provinces and Territories.

DEPARTMENT OF INDIAN AFFAIRS AUG 10 1907

In your reply refer to
No. 24/2
and date of this letter and address
Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Winnipeg, 7th August, 1907.

ACCOUNTANTS BRANCH AUG 12 1907

Sir,—

Referring to my letter of the 31st ultimo respecting the suspicious disappearance of John Assine-wasis, an Indian of the Rolling River Band, I beg to enclose herewith for your information copy of the report made by Mr. Agent Wheatley, of the 3rd instant, to the Attorney General for Manitoba on the subject.

Your obedient servant,

Asst. Indian Commissioner.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

158,693-6a

Ottawa, August 14, 1907.

Sir :-

24/2. I have the honour to acknowledge the receipt of letters from your office of 31st ultimo and 7th instant together with their respective inclosures, all relating to the investigation of the diaappearance of an Indian named John Assinewasis, of the Rolling River band, and in reply to inform you that the contents have been noted and the Department will await with interest information as to any further developments which the investigation by the Provincial authorities may disclose.

Your obedient servant,

Acting Deputy Supt. General
of Indian Affairs.

Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Office of the

313374

Indian Commissioner

for the Northwest Provinces and Territories.

DEPARTMENT OF INDIAN AFFAIRS
AUG. 1907

In your reply refer to
No. 24/2
and date of this letter and address
Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Winnipeg, 26 August 1907.

Mr. Bell

Dep't. 2 Indian
asked to send
Report for defence
3/9/07

I58,693-6a

Sir,

With reference to your letter of the I4th. instant, relative to the disappearance of an Indian named John Assinewasis, of Rolling River Band, I beg to state that the matter was investigated by the Provincial authorities, with the result that the body of Assinewasis was found, and deceased's wife was arrested on suspicion. An inquest was held on the I9th. instant at Shoal Lake, by Dr. Brothers, Coroner, and the verdict of the jury was as follows:- "Said Assinewasis came to his death by strangulation during struggle with his wife while he was drunk, she acting in defence of herself and child".

The preliminary hearing was heard on the 20th. instant, same place, before Police Magistrate W.M.Ingersoll, Mr. R. M. Matheson, of Brandon, being the Crown Prosecutor. After hearing the evidence and statement of the accused, the Magistrate committed the prisoner, Assinewasis' wife, to stand her trial at the next competent Court of jurisdiction, to be held in Brandon, Man., for murder. The witnesses Ahbatis, No. 35, and his wife, Rolling River Band, also Willie Thorn, of Clear Water Lake, Non-treaty, were bound over to appear at the trial when

Crown Prosecutor

Secretary,
Dept. of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

313374

when called upon, in the sum of $200.00 each. The prisoner with her child, 18 months old, left for Brandon on the 22nd. instant, in the charge of Provincial Constable Jas. Gurtin, of Portage La Prairie, Man.

It will be necessary to engage counsel for the defence at the trial, and I would request the Department to name the person who should be employed on the case.

Your obedient servant,

D Laird

Indian Commissioner.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

312,289

Hx'd

Ottawa, 17th Sept., 1907.

Sir,-

With reference to your letter of 26th ultimo - 24/2 - I beg to inform you that Mr. J. F. Kilgour, Barrister, of Brandon, may be retained to defend the Indian woman now awaiting her trial at Brandon and charged with the murder of her husband.

The Department will allow a sum not exceeding $100 for the defence, Mr. Kilgour's account to be taxed by the Department of Justice.

I have the honour to be
Your obedient servant,

Secretary.

Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Immediate
F.H. Paterson

314199

DEPARTMENT OF INDIAN AFFAIRS
SEP 16 1907

Ottawa Sept. 14th, 1907

Sir:

In reply to your inquiry as to what lawyer might be retained to defend the indian woman of choking her husband to death who is now awaiting trial at Brandon, Manitoba, I have the honour to state that you may retain Mr. J. F. Kilgour, Barrister of Brandon. Mr. Kilgour should however be advised that his account for his services will be subject to taxation by this Department and that such taxation will be final.

I have the honour to be,

Sir,

Your obedient servant,

E. Newcombe,

D. M. J.

The Secretary,

Department of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

312785

316298

DEPARTMENT OF INDIAN AFFAIRS
NOV 8 1907

ENG.

Ottawa, November 7th, 1907

ACCOUNTANT'S BRANCH
NOV 9 1907

The King vs. Nease-oh-easick.

S i r :

I have the honour to enclose herewith a letter and an account which I have received from Mr. Kilgour in connection with the defence of an Indian woman for murdering her husband. You will note that Mr. Kilgour asks that he be allowed a larger sum than the $100 specified by your Department.

I have the honour to be,

Sir,

Your obedient servant,

E. Fewcombe

~~Acting~~ D. M. J.

The Secretary,

Department of Indian Affairs,

Ottawa.

Act

Mr

We will allow whatever Justice Dept considers fair

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

512339

Ottawa, 13th November, 1907.

Sir,-

I beg to acknowledge receipt of your letter of the 7th instant and the account therewith enclosed from Mr. Kilgour, together with a letter which he addressed to you in the matter, with respect to his defence of an Indian woman for murdering her husband, and in reply I may say that this Department will allow Mr. Kilgour whatever sum you consider fair for the legal services.

Mr. Kilgour's account and letter to you are returned herewith.

Your obedient servant,

Secretary.

The Deputy Minister of Justice,

Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

316552

(Copy)

Birtle, Man., Nov. 6, 1907.

Sir,

Referring to your letter of Sept. 20th. 1907, No. 24/2, I have the honor to report for your information, that I attended the trial of Hewawekeeseecook, No. 47, Rolling River Band, who was on trial for the murder of her husband, the late John Assinewasis, No. 47, same Band, at the Assize Court which opened in Brandon, on the 28th. ultime. The case came up on the 31st. ultimo, and was concluded on the 1st. instant, the jury bringing in a verdict of not guilty, and she was discharged by the Judge, who gave her the option of remaining in the jail until next morning, or she could leave now at once. She decided to remain until next day. She was ably defended by Mr. J. F. Kilgour, Barrister of Brandon.

I had an interview with her, as to where she intended to go, and she expressed a wish to return to Crooked Lake Agency with her Father, who was present at the trial. I then arranged with the Governor of the Jail to see her off on the train with her Father, and as Inspector Swinford was in Brandon, I got a railway requisition for her to Broadview and gave her one dollar for her expenses on the road. Her Father had a return ticket of his own, and was lodged in the jail during his stay in Brandon and was well treated by the Governor of the jail, Mr. R. B. Hetherington.

I have the honor to be,
Sir,
Your obedient servant,
(sd.) G. H. Wheatley,
Indian Agent.

To The Hon. David Laird,
Indian Commissioner,
Winnipeg.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Office of the 312285 316552

Indian Commissioner

for the Northwest Provinces and Territories.

DEPARTMENT OF INDIAN AFFAIRS NOV 14 1907

In your reply refer to
No. 24/2
and date of this letter and address
Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Winnipeg, II Nov. 1907.

DEPARTMENT OF INDIAN AFFAIRS NOV 14 1907

312,289

Sir,

Referring to your letter of the 17th. September last, I beg to enclose herewith copy of a letter dated the 6th. instant from Mr. Agent Wheatley, reporting the result of the trial of Hewawekeesee-cook, No. 47, Rolling River Band, who was charged with the murder of her husband.

Your obedient servant,

D. Laird

Indian Commissioner.

Secretary,
Dept. of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

316841

PHILP & KILGOUR,
Barristers, Solicitors &c.
A. E. Philp. J. F. Kilgour.

SOLICITORS FOR { THE HAMILTON PROVIDENT & LOAN SOCIETY
BANK OF MONTREAL

316298

Brandon, Man. 2nd November, 1907.

NOV 6 1907

The Deputy Minister of Justice,

Ottawa, Ont.

Dear Sir,- King vs Nease-oh-easick.

By letter dated 3rd of October, 1907, I was instructed by the Honorable David Laird, Indian Commissioner, to undertake the defence of the prisoner on her trial at the Brandon Fall Assizes on the charge of murdering her deceased husband. The Commissioner intimated that a fee not exceeding $100.00 would be allowed by the Department. I, however, beg to submit that under the circumstances an increased fee should be allowed. The case developed serious features that were perhaps not foreseen, and certainly involved much more time and work than was anticipated either by myself or no doubt by the Indian Department. From the enclosed bill you will be able to gather something of the character of the work done, and I take the liberty of submitting that the bill as drawn is moderate and should be allowed by the Department.

The woman was acquitted after a trial lasting more than two days, that is to say, it continued on into the evening of the second day. The difficulties were increased by the necessity thrown upon me of procuring an independent friendly interpreter and holding consultations through him with the prisoner & others before the trial.

I have the honor to be,
Sir,
Your obedient servant,

Encl.

J. F. Kilgour

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

312785

316841

F.G.

Enc.

Ottawa, November 18th, 1907.

ACCOUNTS BRANCH NOV 21 1907

DEPARTMENT OF INDIAN AFFAIRS NOV 18 1907

Sir:

D.X14

A. J.

Referring to your letter of the 12th inst. No. 312289, I now beg to return Mr. Kilgour's account which I have certified at $152.10.

I have the honour to be,

Sir,

Your obedient servant,

E. Newcombe

Deputy Minister.

Pay $152.10 Finch

3966

The Secretary,

Department of Indian Affairs,

Ottawa.

Sent Nov 21st

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Copy. 317188

Brandon, Man. 19th November 1907.

The Deputy Minister of Justice,

Ottawa, Ont.

Dear Sir:

King vs. Nese-oh-easick. A20

In connection with the defence of this Indian woman on the charge of murder at the last Assizes here I found it necessary to subpoena several City Doctors on the medical questions that arose. The Crown issued and served the subpoenas but declined to pay any witness fees. I am of course not personally interested, but feel that these fees should be paid either by the Indian Department or by the Attorney General's Department of Manitoba. As the latter refuse will you be good enough to let me know whether you can make an allowance of say $8.00 being professional fee of $4.00 (1 day) to Drs. Fraser and McDiarmid.

Yours truly,

Philp & Kilgour.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F.G.

Enc.

317188

Ottawa, November 22nd, 1917.

DEPARTMENT OF INDIAN AFFAIRS NOV 23 1917

The King vs. Nease-Oh-easick.

A. 20

S i r :

I have the honour to enclose herewith a copy of a letter dated the 19th inst. which I have received from Messrs. Philp & Kilgour and would be glad to know if your Department is willing to pay the witness fees in question.

I have the honour to be,

Sir,

Your obedient servant,

E. Lawrence,

Deputy Minister.

The Secretary,

Department of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

312289

DXH

Ottawa, 26th November, 1907.

Sir,-

I beg to acknowledge receipt of your letter of the 22nd instant, enclosing copy of a communication which you received from Messrs. Philp & Kilgour of Brandon in connection with the defence of an Indian woman charged with murder, on whose behalf they acted, and in reply I beg to say that the Department is willing to pay the witness' fees in the case referred to to the extent of $8.00.

Form 1

Your obedient servant,

Secretary.

The Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

317732

Vote 11
General

THE KING vs. NHASE-OH-BASION.

Amount due Dr. M. S. Fraser,

One day's professional witness
fee at the trial of the
above Case, ...$4.00

December 6, 1907.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

317732

Vote 11
General

THE KING vs. NEASE-OH-BASICK.

Amount due Dr. M. S. Fraser,

One day's professional witness
fee at the trial of the
above Case, ...$4.00

December 6, 1907.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Vote 11
General

317732

THE KING vs. NEASE-OH-SASICK.

Amount due Dr. John McDiarmid,

One day's professional witness
fee at the trial of the
above Case,..... $4.00

December 6, 1907.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

317732

Vote 11
General

THE KING vs. NEASE-OH-EASICK.

Amount due Dr. John McDiarmid,

One day's professional witness
fee at the trial of the
above Case,..... $4.00

December 6, 1907.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. C.

317732

Ottawa, Dec. 6, 1907.

Enc.

A.20.

Sir,-

THE KING vs. NEASE-OH-EASICK.

I have the honour to enclose herewith the accounts for witness fees in the above Case. Will you kindly send me separate cheques for Drs. Fraser and McDiarmid.

I have the honour to be,

Your obedient servant,

E. L. Newcombe,

D. M. J.

The Secretary,
Department of Indian Affairs.
Ottawa.

Pay Dr Fraser

Enc cks. Nos. 4417, 4418 to Justice also o/c for certificate & return here

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

312289

HZO

Ottawa, 12th December, 1907.

With cheques.

Sir,

In compliance with the request in your letter of the 6th instant, I enclose herewith two cheques, each for $4.00 (Nos 4417 and 4418) in favour respectively of Dr John McDiarmid and Dr M.S. Fraser, in connection with the case of the the King versus "Nease-ch-Easick". I also transmit the accounts from the two medical men, in order that they may be certified. Kindly have the accounts returned to this Department.

Your obedient servant,

Secretary.

The Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19106-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19106-3 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

BIRTLE
MURDER
MRS. HARRY NORQUAY BY HER HUSBAND

EX'D
M

DORMANT

FILE NO. 19106-3

DORMANT

DORMANT

DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19106-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19106-3

Department of Indian Affairs

19.....

BIRTLE

MURDER

MRS. HARRY NORQUAY BY HER HUSBAND.

Indian Affairs. (RG 10, Volume 7468, File 19106-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Brandon Sun
June 6-35

INDIAN HELD IN SLAYING

Arrested at Elphinstone for Murder of Wife

Elphinstone, Man., June 4.—Harry Norquay, 36-year-old Indian was arrested today and charged with the murder of his wife Maria.

The body of Mrs. Norquay, 35, was found on the Indian Reserve here this morning. Her head had been crushed in. Last night the Norquays were visiting at the home of a neighbor, Donald Blackbird, where police alleged, a drinking party took place. About midnight the Norquays left for home and at 5 a.m. Harry Norquay called at the home of another neighbor, Walter Scott, and said he had lost his wife.

Scott retraced Norquay's footsteps through the woods and found the body of Mrs. Norquay. Royal Canadian Mounted Police were immediately notified and the murder charge was laid against Norquay.

An inquest will be held.

Ottawa

4-

Indian Affairs. (RG 10, Volume 7468, File 19106-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19106-4 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

BIRTLE
MURDER
HIS WIFE MARY BY RODERICK BONE

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
12/5/17	A	9.5.57	AH	Secy	Request	AH	9.5.57

DORMANT FILE NO. 19106-4 DORMANT

DORMANT

PUBLIC ARCHIVES
RECORDS CENTRE

219621

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19106-4

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

BIRTLE

MURDER

HIS WIFE MARY BY RODERICK BONE

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ALL CORRESPONDENCE TO BE ADDRESSED:—

THE COMMISSIONER,
R. C. POLICE,
OTTAWA

147386

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS "C" DEPARTMENT

IN REPLY PLEASE QUOTE

FILE No. 40 B 636-13 F 3.

OTTAWA, CANADA. Sept. 25, 1940.

By Special Messenger.

Department of Mines & Resources
Indian Affairs Branch
SEP 26 1940
REGISTERED

Sir,-

Re: Roderick BONE, Murder,
Elphinstone Reserve, Man.

Attached is copy of a radiogram received from the Officer Commanding this Force at Winnipeg, which is self-explanatory.

2. Reports will be forwarded to you in due course.

Yours truly,

K. Duncan, Supt.,
Asst. Director, Criminal Investigation.

The Director,
Indian Affairs Branch,
Dept. of Mines & Resources,
OTTAWA.

Encl.
KD/W.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Copy W.

R. C. C. S. RADIO.

WINNIPEG, September 24th, 1940.

TO COMMISSIONER
R C M P. OTTAWA.

RODERICK BONE AGE TWENTY FOUR, INDIAN, LAST NIGHT MURDERED WIFE MARY, AGED TWENTY EIGHT, on ELPHINSTONE INDIAN RESERVE FIVE MILES NORTH OF ELPHINSTONE. CLUBBED TO DEATH. BONE UNDER ARREST.

O.C., R.C.M.P., WINNIPEG.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. Young

September 25, 1940.

VIA AIR MAIL

Dear Sir:

I have just received a letter from the Royal Canadian Mounted Police advising me that Mary Bone was murdered by her husband, Roderick Bone, on September 24, having been clubbed to death.

Roderick Bone is a member of the Elphinstone Reserve.

Will you kindly let me have a report by Air Mail.

If the charge is one of murder, please advise and steps will be taken to obtain authorization for the employment of a counsel from the Department of Justice.

Yours very truly,

T.R.L.MacInnes,
Secretary.

A. G. Smith, Esq.,
Indian Agent,
Birtle, Manitoba.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4.

OFFICE OF THE
INDIAN AGENT

Secy

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch
SEP 27
REGISTERED

PLEASE QUOTE
FILE 9

Birtle Manitoba
25th September 1940

Dear Sir:-

Yesterday I was alvised by telephone that Mary Jane Bone, wife of Roderick Bone No.120 of the Keeseekoowenin Band, had been found dead in the bush on the Keeseekoowenin Reserve. I proceeded to Elphinstone and found the R.C.M.P. in possession of the body, and Dr.R.Kippen of Newdale performing a Post Mortem. Apparently Mrs Bone was beaten to death, and her husband, Roderick Bone, is held on a charge of murder.

A drunken brawl likely was the cause of the trouble.

I understand that the Department provide Counsel for the defence of an Indian charged with murder. Please advise me regarding this.

Yours truly

A.G. Smith

A.G.Smith
Indian Agent

The Secretary
Indian Affairs Branch
Department of Mines and Resources
Ottawa

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EXL.

Ottawa, September 27,1940.

Dear Sir:

I am in receipt of a report from the Royal Canadian Mounted Police advising that Mary Jane Bone, wife of Roderick Bone, of the Keeseekoowenin Band, Birtle Agency, Manitoba, was found beaten to death on September 24, and that the husband is being held on a charge of murder.

I should be obliged if you would authorize the employment of a counsel to defend this Indian.

Pt. 1

Yours very truly,

H. Lowell

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

Indian Bride, 28, Is Killed; Husband Is Under Arrest

Copy-Tribune 24/9/40

[Special to The Winnipeg Tribune]

DAUPHIN, Sept. 24.—Roderick Bone, 24, an Indian living on the reserve 5½ miles north of Elphinstone, is held by the R.C.M.P. in connection with the death of 28-year-old Mary Bone, his bride of a montn, whose battered body was found on a lonely road early this morning. Police said a murder charge would be laid against him.

In another shooting affray, near Laurier, southeast of here, Emanuel Maguet was critically wounded Monday evening. After a search through surrounding bush country four R.C.M.P. officers took into custody a 21-year-old Indian half-breed, whose name was given as Edward Roussin.

No charge has been laid against Roussin. Police have brought him to Dauphin for questioning.

Maguet was taken to the hospital at Ste. Rose Ou Lac. Only meagre details of the shooting have been learned by the Dauphin detachment of the R.C.M.P., in charge of the case. A bullet from a .22 rifle in the hands of his assailant entered Maguet's chest and lodged near his heart.

The Indian woman's body was found by her husband, who reported the matter to Frank Rogerson, justice of the peace at Elphinstone.

According to details gathered by the R.C.M.P., Bone and his wife had been visiting in Oak River and Oakburn on Monday and had been drinking homebrew with three men. There had been a quarrel in which Bone received a black eye. Bone and his wife then left the others and started to walk home.

Bone arrived home too drunk to know what happened, and waking up the next morning inquired for his wife. He then went back over the road to look for her.

Several sticks covered with blood and other signs of struggle were found on the road, police stated. An inquest will be held this afternoon.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

Manitoba Free Press
Sept. 25/40.

Indian Woman Beaten to Death; Husband Is Held

Elphinstone, Man., Sept. 24. (Special)—Battered over the head with sticks, in the woods of an Indian reserve six miles north of Elphinstone some time Monday afternoon, Mary Jane Bone, 28, Indian bride of but a month, is dead.

Her husband, Roderick Bone, 24, who Tuesday morning told police he had discovered the body, is in jail and a charge of murder has been preferred against him.

Bone was taken into custody by R.C.M.P. at Shoal Lake, Man., Tuesday morning, after he had burst into the office of Frank Rogerson, justice of the peace at Elphinstone, and blurted out the startling story of having found his wife lying in a pool of blood. His own clothes were saturated with blood, and he is said to have told Corp. L. Bayfield, R.C.M.P., who is in charge of the investigation, that he was unable, because of an overdose of home brew, to explain his actions after 4 p.m. the day previous.

Immediate investigation by Corp. Bayfield and Constable Ferguson revealed that Monday afternoon Bone and his wife had visited at both Oak River and Oakburn. They had been in the company of Joseph Boyer, Albert Boyer and Harry Swain, police say.

Fight Results

At Oakburn, police said, the group got some home brew, and a party began. Later, police declare, they called at the home of Pete Bialas, who lives north of Elphinstone, and the gaiety continued. The men became intoxicated, police say, and a fight resulted, Bone receiving a black eye.

Angered at such treatment, Bone and his wife are said to have left the party, and, carrying a bag of pork with them, set out through the woods for their home on the reservation.

Bone arrived there, alone, shortly before sunset, and at that time, police say, was far too drunk to know what had happened. He fell into a stupor, and it was only when he awakened this morning that he realized that his wife was missing.

On being informed from what direction he had come, Bone promptly set out to search for her, and some time later, shortly after 7 a.m., found the battered body. He went immediately to the justice of the peace.

Find Blood-Stained Sticks

Police, during their investigation, found indications of a struggle on the road near where the body was lying. They also picked up several sticks soaked with blood and covered with long, black hair. Bone, they say, told them that he vaguely remembered having had some sort of argument with his wife, Monday afternoon, but could not recall what had happened or how it had ended.

Inquest into the fatality opened at Elphinstone this afternoon, with Dr. J. M. Sigvaldason, coroner of Shoal Lake, officiating.

Constable Dobson, R.C.M.P., took photos of the body as it was found and of the surroundings. A post-mortem examination was made by Dr. Robt. Kippen of Newdale. A coroner's jury comprising W. J. McMurrachy, J. C. Foster, M. Zahodnuak, J. Fastershank, Hugh Clancy, and Leo Lauder, foreman, viewed the body and the inquest was adjourned until Wednesday, October 2, at 2.30 p.m., at Elphinstone.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

Winnipeg Tribune

25-9-40

Indian Faces Murder Charge

[Special to The Winnipeg Tribune]

DAUPHIN, Sept. 25—Roderick Bone, 24-year-old Indian from the reserve near Elphinstone, was charged Tuesday afternoon with the murder of his wife, Mary, whose battered body was found on a lonely road earlier in the day. He was taken to the provincial jail at Brandon to await trial.

The case was investigated by the Dauphin detachment of the R.C.M.P., under direction of Inspector Fowell. Constable Dobson photographed the body as it was found, and also took pictures of the surroundings.

A coroner's jury viewed the body, and the inquest was adjourned until Wednesday, Oct. 2.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Winn. Free Press 19106-4 25/9/40

Indian Woman Beaten to Death; Husband Is Held

Elphinstone, Man., Sept. 24. (Special)—Battered over the head with sticks, in the woods of an Indian reserve six miles north of Elphinstone some time Monday afternoon, Mary Jane Bone, 28, Indian bride of but a month, is dead.

Her husband, Roderick Bone, 24, who Tuesday morning told police he had discovered the body, is in jail and a charge of murder has been preferred against him.

Bone was taken into custody by R.C.M.P. at Shoal Lake, Man., Tuesday morning, after he had burst into the office of Frank Rogerson, justice of the peace at Elphinstone, and blurted out the startling story of having found his wife lying in a pool of blood. His own clothes were saturated with blood, and he is said to have told Corp. L. Bayfield, R.C.M.P., who is in charge of the investigation, that he was unable, because of an overdose of home brew, to explain his actions after 4 p.m. the day previous.

Immediate investigation by Corp. Bayfield and Constable Ferguson revealed that Monday afternoon Bone and his wife had visited at both Oak River and Oakburn. They had been in the company of Joseph Boyer, Albert Boyer and Harry Swain, police say.

Fight Results

At Oakburn, police said, the group got some home brew, and a party began. Later, police declare, they called at the home of Pete Bialas, who lives north of Elphinstone, and the gaiety continued. The men became intoxicated, police say, and a fight resulted, Bone receiving a black eye.

Angered at such treatment, Bone and his wife are said to have left the party, and, carrying a bag of pork with them, set out through the woods for their home on the reservation.

Bone arrived there, alone, shortly before sunset, and at that time, police say, was far too drunk to know what had happened. He fell into a stupor, and it was only when he awakened this morning that he realized that his wife was missing.

On being informed from what direction he had come, Bone promptly set out to search for her, and some time later, shortly after 7 a.m., found the battered body. He went immediately to the justice of the peace.

Find Blood-Stained Sticks

Police, during their investigation, found indications of a struggle on the road near where the body was lying. They also picked up several sticks soaked with blood and covered with long, black hair. Bone, they say, told them that he vaguely remembered having had some sort of argument with his wife, Monday afternoon, but could not recall what had happened or how it had ended.

Inquest into the fatality opened at Elphinstone this afternoon, with Dr. J. M. Sigvaldason, coroner of Shoal Lake, officiating.

Constable Dobson, R.C.M.P., took photos of the body as it was found and of the surroundings. A post-mortem examination was made by Dr. Robt. Kippen of Newdale. A coroner's jury comprising W. J. McMurrachy, J. C. Foster, M. Zahodnuak, J. Fastershank, Hugh Clancy, and Leo Lauder, foreman, viewed the body and the inquest was adjourned until Wednesday, October 2, at 2.30 p.m., at Elphinstone.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

DC.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA October 1st, 1940.

Department of Mines & Resources
Indian Affairs Branch
OCT 3 1940
REGISTERED

B. 28 - M. & R.
Man.

Dear Sir:

Referring to your letter of the 27th ultimo, I beg to inform you that the Minister of Justice has authorized the employment of Walter C. Richardson, Esq., Barrister, Elphinstone, Manitoba, in connection with the defence of Roderick Bone, Indian, of the Keeseekoowenin Band, Birtle Agency, Manitoba, held on a charge of murder of his wife.

Yours truly,

W. Stuart Edwards
EJ

~~for~~ Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines & Resources,
O t t a w a .

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Form 6102B

Exclusive Connection with WESTERN UNION TELEGRAPH CO.
Cable Service to all the World
Money Transferred by Telegraph

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

CLASS OF SERVICE DESIRED	
FULL-RATE MESSAGE	
DAY LETTER	
NIGHT MESSAGE	
NIGHT LETTER	X

PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED: OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

Ottawa, October 4, 1940.

A G SMITH
INDIAN AGENT
BIRTLE MANITOBA

RE RODERICK BONE CHARGED WITH MURDER OF HIS WIFE
DEPARTMENT OF JUSTICE HAS AUTHORIZED EMPLOYMENT
OF WALTER C RICHARDSON BARRISTER OF ELPHINSTONE
TO DEFEND THIS INDIAN PLEASE ADVISE MR RICHARDSON
ACCORDINGLY

T R L MacInnes,
Secretary.

Charge M. & R.
I.A.

TRM

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DAUPHIN, Manitoba.
September 26th, 1940.

The Officer Commanding,
"D" Division,
R. C. M. Police,
WINNIPEG, Manitoba.

Sir:-

Re - Roderick BONE, Indian, Elphinstone, Manitoba. MURDER.

1. Further to my telephone message of the 24th instant in connection with the above, I submit for your information a brief outline of the case as it stands at the present.

From information received it appears that Roderick Bone, the accused, and Mary Bone, his wife, in company with three half breeds, Joe and Albert Boyer and Harry Swain, left the Elphinstone Indian Reserve in a car on the afternoon of the 22nd instant and proceeded to Oak River to collect wages due to Roderick Bone.

Bone collected $10.00 and some cents at Oakburn and the whole party proceeded to Shoal Lake, where they spent the night with relatives of Boyer. They left Shoal Lake at 10.00 A.M. Monday and returned to Oakburn where two 26 oz bottles home brew were purchased. The liquor was purchased for Roderick Bone by Harry Swain and Albert Boyer. The party left Oakburn at 11.00 A.M. enroute for Elphinstone Reserve. It appears that considerable drinking was done on the return journey.

Before arriving at the Reservation the party stopped at the home of Pete Bialas. At this point Roderick and Mary Bone got out of the car and went into the Bialas house. They stayed in the house for about fifteen mintues. Swain and Boyer went in and brought them out. When they got back into the car it was noted that they had purchased another bottle of home brew.

As the journey continued towards the Reservation, Mary and Roderick Bone had a severe altercation, and Bone is alleged to have assaulted his wife in the car. About 2½ or 3 miles from the Bialas place

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re Roderick BONE, Indian, Elphinstone, Man.,
MURDER

Bone and his wife got into a fight. Boyer stopped the car and the whole party got out. Roderick Bone attached Boyer and in a short fight which ensued Boyer gave Bone a black eye. After this they got back into the car and proceeded to the Reservation.

The Bones got out of the car with all their belongings and the three half breeds proceeded to Elphinstone, where they arrived at about 2.30 in the afternoon.

Nothing is known definitely of what transpired between Roderick and Mary Bone from that time until 7.00 o'clock the same evening when Roderick Bone returned to his home alone. His hands were covered with blood, as was his shirt. His mother asked him were Mary was, he did not reply but flung himself on the bed and immediately went to sleep. They stated that he was very drunk at the time. The next morning at day break Roderick Bone got up and went out of the house and in a short time returned and told his mother and sister that Mary was dead on the road, and that he was going into Elphinstone and give himself up to the police.

He did go to Elphinstone and contacted the Justice of the Peace at that point, who 'phoned Cpl. Bayfield. Cpl. Bayfield immediately proceeded to Elphinstone. He placed Roderick Bone under arrest and started the investigation into the alleged murder of Mary Bone.

Upon receipt of telephone communication from Cpl. Bayfield that this crime had been committed, I proceeded to Elphinstone accompanied by Cst. Dobson, where we contacted Cpl. Bayfield and proceeded to the point were the body was. A

At the scene of the body many stick were picked up with blood upon them and superficial examination showed that Mary Bone had been beaten about the head.. Her arms and other parts of her body were black and blue, and her face and head were covered with blood. Photographs were taken of the body by Cst. Dobson, and with the consent of the Coroner the body was removed to Elphinstone where the post mortem was held. I am not able to advise you of the actual cause of death as I have not yet received this information from Cpl. Bayfield.

Further reports in the above connection will follow.

H. M. Fowell

(H. M. FOWELL) Insp.,
O.C., Dauphin S/Div'n

The Commissioner,
R. C. M. Police,
OTTAWA.

Forwarded for your information, 30-9-40. This investigation is well in hand and there should be no difficulty in bringint it to a successful conclusion. Full detailed report will be forwarded as early as possible.

S. U. I.

W/W

P. H. Tucker, Supt.,
i/c C. I. B.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE NO. 40 B 636-13-F 3

OTTAWA, October 4, 1940.

YOUR FILE NO. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

See 4

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC/JB

Department of Mines & Resources
Indian Affairs Branch
OCT 7 1940
REGISTERED

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

REV. A. LLOYD SMITH, D.D.
CHAIRMAN

Board of Home Missions

The United Church of Canada

299 QUEEN ST. WEST
TORONTO 2, ONTARIO

REV. ROBERT B. COCHRANE, D.D.
SECRETARY

REV. GEORGE DOREY, D.D.
ASSOCIATE SECRETARY

REV. MALCOLM C. MACDONALD, B.A.
ASSISTANT SECRETARY

Secy

Oct. 8, 1940

Department of Mines & Resources
Indian Affairs Branch
OCT 10 1940
REGISTERED

The Department of Mines and Resources,
Department of Indian Affairs,
Ottawa, Ont.

Attention Dr. H. W. McGill

Dear Sir,-

At the meeting of the Portage la Prairie Presbytery held on Oct. 1st, the following resolution was passed,-

" Whereas, in the public press of September 25th (see Winnipeg Free Press) there was the report of an Indian named Bone having allegedly killed his wife while under the influence of home brew, and whereas the illicit manufacture of liquor by Indians is reportedly a prevailing evil, be it resolved that the officials of the Department of Indian Affairs be requested to apply the various sections of the Indian Act dealing with liquor with such vigor as to eliminate this evil and its evident consequences".

I think that it is self-explanatory and I should like to say that it has the support of the Board in so far as it requests that steps be taken to eliminate the making of home brew by Indians. I am sure that it is the desire of the Department Officials that this be curtailed, and we should be glad if you would take whatever steps are possible to eliminate this evil.

Yours sincerely,

GD/EB

Geo. Dorey

Indian Affairs, (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No.....

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"D"	DAUPHIN	SHOAL LAKE
Province: MANITOBA.		Date: SEPTEMBER. 27th. 1940

File References

Re: Roderick Robert BONE. Elphinstone I.R. Manitoba. Murder. Sec. 259. CC

Headquarters

Sub-Division

Dauphin

40D 240-146

Detachment

M.7-1-40

P. C. R.

First.

24-9-40

1. At 7.45.a.m. this date F. Rogerson J.P. Elphinstone, telephoned this Detachment to the effect that Roderick BONE a treaty Indian resident on the Elphinstone I.R. had called at his house and reported that he had found his wife, Mary Jane BONE lying on a trail on the Indian Reserve about four miles north of Elphinstone, and she wasx apparently dead, although BONE had not examined her to make sure she was dead.

2. In event this woman was still alive, because this fact could not be definitely obtained from Mr.Rogerson, I instructed Mr.Rogerson to summon Dr. MacKenzie, Strathclair, and that I would proceed with an investigation immediately. I also instructed Rogerson to remain at Elphinstone with BONE until my arrival, making sure that no person was liable to disturb the ~~xxxx~~ scene where Mrs BONE was alleged to be, before I could arrive there.

3. Accompanied by Cst.Woods and Ferguson I patrolled immediately per P.C. 8143 to Elphinstone, there picked up Roderick BONE and Mr.Rogerson.

4. I noted that BONE had a small cut over his left eye, and the eye was slightly blackened, his face and hands were clean. BONE when asked stated he did not know how he came to get the black eye, and remenbered he was with his wife on the afternoon of Monday 23rd, inst., and this morning when he got up about daylight he found his wife missing so set out to find here and after walking about a mile north of his home, found his wife lying on the bush trail, he did not go near her, but he had an idea she was dead.

5. I also noted that BONE had a certain amount of blood spattered on his jacket, he stated he did not know how it got there.

6. Roderick BONE directed me north of Elphinstone, onto the Indian Reserve, along a trail which led in a general direction north about four and a half miles from Elphinstone, at this point, lying on the right hand side of the trail we found Mrs BONE, she was dead, and had apparently been so ~~xxxxxx~~ several hours.

7. The body was lying on its back, head towards the south, right arm raised above the head and flexed at the elbow, left arm parallel with the body, right leg outstretched, straight, left leg flexed at knee. Body was clad in dress and proper underclothes, stockings, running shoes, and on the left forearm was the

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

the sleeve of a black plush jacket, torn from the jacket worn by Deceased, the rest of the jacket was lying about eighteen inches east of the head, Deceased was wearing white cotton drawers, without moving the body these were examined, they were intact and apparently no attempt had been made to ravish deceased. The dress and underskirt was drawn up almost to the waist, giving the appearance of the body having been dragged along the ground feet first, although, partly due to the condition of the ground surface, there was no mark to definitely indicate this.

8. Most careful examination of the hands revealed them to be covered with dried blood and dirt, there was nothing between the finger and thumb tips that might have been torn from her assailant, such as hair or skin. The head was inclined to the left, the hair disarranged and matted with blood.

9. The body was quite cold, Rigor Mortis well set in.

10. In the immediate vicinity of the body there were no marks visible to indicate whether more than one person had been near the body. The trail runs through bush which grows right up to the edge of the wheel tracks, and the centre of the trail is sod.

11. Measuring from the head of the body, south eighteen feet was a small blood stain in the centre of the trail, dried blood was found here on a dried leaf, I took possession of same as possible evidence. From this blood stain measuring south another five feet the surface of the ground showed signs of a struggle, at this spot was a red beret, a broken bracelet and a powder puff, all the property of deceased, immediately east of this beside the trail was a sack containing about thirty pounds of pigs feet and fat, which it was later learned, BONE had obtained in Shoal Lake on Monday morning the 23rd. inst.,

12. On the east side, or right side, of the trail near this sack of meat was found two sticks, both splintered and blood stained and with black hair adhereing to them. the sticks are described as follows:-

NO.1. 2' 7" long 5" in circumference, split and shattered near one end. dried poplar and verry tough. nearby was another piece of stick 1' long blood stained, broken with violence from No.1

NO.2. Black poplar stick 3' 1" long 4" in circumference. blood stained over a length of 1' 8"

13. The above were taken possession of and carefully preserved. In the sack of meat was a 25ounce green glass bottle, this smelled strongly of home brew and contained about a teaspoonful, BONE later admitted ownership of this bottle.

14. Near the body was another stick described as follows:-

Choke cherry wood, 4' long 2½" in circumference. blood stained one end.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone, M.R. Man:
Murder. Sec. 259. CC

15. This stick was also taken possession of. The only foot tracks visible at the scene of the crime were made by persons wearing running shoes, both deceased and ~~his~~ Roderick BONE were wearing running shoes. Dilligent search failed to reveal the presence of any other weapons that had been used.

16. The trail at this point is 6' 8" wide and measuring from the head of deceased one hundred feet north car tracks were noted, the tracks suggested that the car which made them had been backed up because the walls of the ruts were rubbed, the tracks were made by an old model car. These tracks will be fully dealt with later in this report.

17. At this stage I talked again with Roderick BONE and carefully examined all his clothing, he was wearing a brown suit coat and pants to match, brownish-gray tweed cap, red sweater under coat, shirt and brown canvas running shoes.

18. On the cap I found two small spots of blood, and inside and on the peak several spots. On the trousers there were large blood stains particularly below the knees, on the jacket there were also blood stains on the shoulders and back and sleeves. I carefully examined BONE's hands, they were clean, there was nothing to be taken from the nails because they were chewed belwo the tips of the fingers, and he stated that he had already washed his hands. There was no blood on BONE's shirt because he had changed it, he was wearing a sweater, the cuffs of this had one or two small blood stains.

19. All clothing mentioned above was taken possession of by me, same has been properly packed and labeled. BONE stated he was wearing these clothes on the 22nd and 23rd instants. Later at BONE's home he gave me the shirt he was wearing on Monday the 23rd, and which he changed on the early morning of the 24th, inst., this shirt is fairly new, has a tear in right shoulder, and has a lot of blood stains on it, the sleeves are particularly bloody, in some places the blood has become dry and crusted.

20. BONE claimed he had been very drunk on the 23rd, Sept. and could not remember what happened after he had left one Pete BIALAS place early in the afternoon. I warned BONE that he might be charged with murder before taking the following statement.

STATEMENT OF RODERICK BONE. age 24. Sept.24th. 1940

21. "Me and my wife and Harry Swain and Joe and Albert Boyer went to Oak River on Sunday to collect my wages and came to Shoal Lake Sunday we stayed there, and yesterday we left for home, we came to Oakburn I bought two bottles of home brew in Oakburn, I gave Harry and Albert the money and told them to get it, they did. We left Oakburn before dinner to come home, we stopped for one drink after we left Oakburn. We came to Pete BIALAS place, we finished one bottle, I got another bottle of home brew from Pete BIALAS, we were all drunk, we left Bialas place

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

to come home, it was afternoon not dark yet, I don't remember anything else except I got home about as the sun goes down, I woke up this morning and found blood all over my shirt and hands, I asked mother where I come from, she said from the north, so I asked where my wife Mary was, she said she was not with me when I come home, so I came out from the house just as it was beginning to be daylight, I came north to look for my wife, I found her on the road about a mile north of my place, she looked dead so I ran to report it to Elphinstone, before I go to Elphinstone I went home and washed my hands and changed my shirt, and my face was blood too.

"I have been married a month and as far as I know I had no trouble with my wife yesterday, I was too drunk I don't know how we got off Albert Boyer's car I know the sack of meat was on the car, I remember me and my wife getting off the car just after we left Pete Bialas and I had a quarrel with Joe and Albert BOYER they tried to fight me and one of them hit me, I don't know which one, I was too drunk and they drove off with Mary and left me, after about an hour or so they came back for me, I got on the car and sat with my wife, I was mad at her and told her she should not go off and leave me, but I don't think I hit her. I don't know where the blood came from that was on me. I don't know any more what happened, I would tell you the truth if I know any more. I remember giving my wife some money, $5.00 to keep so I would not lose it, as soon as I got it from Mrs Armstrong at Oak River where I was working"

Sgd/"Roderick Bone"

22. At this stage I left Constable Ferguson to guard the body and scene of the crime, and accompanied by Cst. Woods escorted BONE to his home, there I received from him his shirt and whilst he was changing his clothes I told him he was under arrest on a charge of Murder, and again warned him, he replied " I want to tell the truth what I can remember." I showed accused the green glass bottle found in the meat sack, he stated that was his bottle and was one which he had bought in Oakburn full of home brew, he stated he knew nothing of where the other two bottles might have gone.

23. We returned to Elphinstone then, the prisoner was under guard by Cst. Woods. I immediately telephoned Dr.M.Sigvaldason, Coroner, Shoal Lake, he stated he would be out as soon as possible, but it would not be before 11.00.or 11.30.a.m. I also telephoned Dr.R. Kippen, Newdale and requested him to hold himself in readiness to perform the Post Mortem, he stated he would also come to Elphinstone.I then telephoned the O.C. Dauphin S/Div. and gave him the particulars in my possession and requested that Cst.Dobson, Dauphin Det. be dispatched to take photographs of the body and scene of the crime. The O.C. Dauphin S/Div. informed me that he would leave immediately with Cst.Cst.Dobson and meet me in Elphinstone.

24. I continued with the investigation interviewing some witnesses, until the arrival of the O/C.Dauphin S/Div. at which time the case was discussed, and we proceeded to the scene of the crime. By this time Dr.Sigvaldason, Coroner, and Dr.Kippen had arrived, The scene of the crime was checked over by the O.C.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

Dauphin S/Div. and Cst. Dobson took a number of photographs of the body, after which the Coroner ordered the body removed to Elphinstone.

25. At Elphinstone I received Coroner's Warrant to summon a Jury, the following ratepayers were summoned.

Leo Lauder- Elphinstone.
Hugh Clancey-Elphinstone.
Mike Zahodnyk- Elphinstone.
John McMurachy-Elphinstone.
John Pastershank- Elphinstone.
John C. Foster- Elphinstone.

26. After view of the body and having chosen Leo.Lauder as Foreman, and been duly sworn, the body was identified by A.G. Smith, Esq. Indian Agent, the inquest then adjourned until 2.30.p.m. October 2nd. 1940, subject to a further adjournment.

27. Dr.Kippen commenced his Post Mortem examination at this time, and Cst. Ferguson and myself rendered the necessary assistance. The following were the findings of ~~the~~ Dr. Kippen.

Mary Jane BONE. age 28 years.
well nourished.
Bruise on throat 2" above left clavicle
Bruise 1" long on left clavicle.
Fracture of right ulna. small finger left hand dislocated and hand cut between little finger and ring finger. Both arms bruised.
Cut on left side of head 2"long right down to skull. Whole top of cranium covered with clotted blood. cut in corner of right eye. bruises on face.
HEART-Normal. LUNGS. Normal. LIVER-Normal.
GALL BLADDER-Normal. KIDNEYS- normal.
BLADDER - Normal. BRAIN-Normal no clotted blood in or around the brain.
CAUSE OF DEATH Shock and exposure.

28. The body was later released for burial.

29. On the afternoon of 24-9-40 I laid a charge under Section 259 C.C. against Roderick BONE charging him with the murder of his wife, Mary Jane BONE. Immediately after the laying of the charge, accused appeared before F.Rogerson. J.P. and was remanded in custody to appear at Elphinstone 2.30.p.m. October 2nd. 1940. On p.m. of same date, 24-9-40 this prisoner was escorted to Brandon Gaol on remand, by Cst. Woods and Ferguson, see F.264. and 264.A. covering this remand.

30. Whilst this prisoner was being guarded at Elphinstone by Cst. Woods, it was noted that the prisoner was nervous and uneasy, Constable Woods remarked "try and not worry too much Roderick" in reply BONE said "I worry a lot I am ashamed for myself for doing that". Cst. Woods did not question the prisoner further.

31. Cst Woods also heard me tell BONE that he would be charged with murder while we were

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Roderick Robert BONE. Elphinstone. I. R. Man:
Murder. Sec. 259. C.C.

in Mr. Rogerson's house after retruning from the Reserve, and after BONE had been warned, and after a about half an hour, without any reason, BONE remarked "I guess I've got to die sometime anyway".

32. Albert Boyer age 21 stated as follows:-

"On Sunday last I drove our car to Oak River and Joseph Boyer and Roderick BONE and his wife went along because had to collect some wages at Mrs.Armstrongs at Oak River, we left around 2.00.o'clock.

"We came from Oak River to Shoal LakeSunday evening, the car broke down so we all stayed at my Grandfather's in Shoal Lake all night. Monday morning the car was fixed at Red Indian Garage, and we four all left Shoal Lake about 10.00.o'clock in the morning. We met Harry Swain in Shoal Lake and he came with us to come home. We got to Oakburn and Roderick said he wanted some home brew and he gave me $2.00 and said for me to get some, Harry Swain went with me and we bought two bottles at $.1.00 each, we got it from the lame man behind the Station in Oakburn. Roderick took one bottle and his wife Mary took the other, we stopped about two miles east from Oakburn and we all had a snort apiece, then Mrs BONE kept both bottles, she and Roderick were in the back seat alone. We truned north,east of Oakburn and we stopped again near Wisla Church and had another drink, Joe, my brother did not have any this time. Roderick said to go to Pete BIALAS place and he would get some more home brew, one bottle was empty now. At BIALAS place I stopped the car by the road and Roderick and his wife got out and me and Joe and Harry stayed in the car, Mrs BONE took the full bottle of home brew with her, and they both went to BIALAS house, after about fifteen minutes me and Harry SWAIN went to BIALAS house and I told Roderick to come, he was drunk and so was his wife, she was carrying two bottles in her breasts, I could see the corks sticking out, Mary said she bought one from BIALAS. Roderick did not want to come, we all got in the car, Mary said she and Roderick would sit in the front with me, this was about half past twelve yesterday. After we left BIALAS place Roderick got mad because he told his wife not to drink so much, he did not hit her then, About this time Roderick turned round and started to quarrel with my brother Joe who was in the back seat, I stopped the car and Roderick and Mary got out, we all got out and right away Roderick grabbed my brother Joe and they hit each other, we stopped the fight, and then we got in the car and drove off leaving Roderick and his wife on the road, this would be about three miles from BIALAS place. After going about half a mile I turned the car around and went back because I wanted my sweater that I had lent to Mary to wear, when we turned back we saw Roderick and Mary walking on the road just north of Rozdebh's place, I stopped the car and walked to Roderick and Mary, Roderick had some stones in his hand, I told him to come and we would take them home, Mary was willing to come and they started to walk to the car and Roderick and his wife started to quarrel again and Roderick told his wife not to back talk to him, and he hit her with his fist on the eye, she fell into the ditch, she got up and was crying, and Roderick took a bottle from her and they then got into the car, they sat in the front seat with me and we drove on, just as we turned south on the trail leading intb the Reserve, east of Mike ZURBYK's place Roderick and his wife started to quarrel again, Roderick was shouting and swearing and just as we got to the corner where the trail goes west to ZURBYK's Roderick said"we are getting off here stop the car" we stopped and

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

6

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

Roderick and his wife got off, I stayed in the car, Roderick or some one took the sack of meat, which was Roderick's and which he had bought in Shoal Lake, off the car, Roderick and his wife were pretty drunk, Roderick took a stick and said "get off from here, don't go any further" and he came towards the car with the stick, I backed the car around, this was about 2.00.p.m. when we left Roderick and his wife, and we came through Mike ZURBYK's yard. I had three or four drinks, Joe had only one and Harry had had three or four drinks. When we got to DZIVER's place we stopped and got water for the car, and then came on home, as soon as we got home there was a letter from me to join the army, so the three of us, Joe, Harry and myself drove right away to Elphinstone, met my father there, and went out to see Alex Coutts to collect my wages, from there we went to Strathclair to see the doctor for examination, the doctor was not there.

"It would be about half past three or quarter to four when we got to Strathclair, we left, for Elphinstone, the four of us, and got to Mr.Rogerson's house about quarter after six to pick up my mother who was working there, we came home then and got there about seven o'clock, then after a few minutes me and Joe and Harry drove to Thomas Bones to borrow records, it was dark then and there were no lights on the car we stayed all night. I never saw Roderick BONE since about two o'clock yesterday"

Sgd/"Albert Boyer"

33. Harry Swain stated:-

"On Sunday about 5.00.o'clock Joe and Albert Boyer came to where I was at Old man Swain's at Shoal Lake, Roderick BONE and his wife Mary were with them, and they stayed all night. On Monday morning (23rd) after Albert got his car fixed we left Shoal Lake about 10.00. o'clock with Roderick and Mary Joe and Albert Boyer in the car, Albert was driving, we were going home. When we got to Oakburn Roderick said he wanted some home brew, he gave me $1.00 and said to go and but some, and he gave Albert a $1.00 too and we went to a house behind the station, a lame fellow lives there (Steve Matiowski) and he sold us a bottle of home brew each, the bottles were green glass like the one you showed me. We gave these to Roderick and his wife took one, we drove about three miles towards Elphinstone and Albert stopped the car for water, then we all had a drink out of Roderick's bottle, then we drove on, Roderick and his wife were alone in the back seat. We stopped again about near Pete Bialas old place and we had another drink, Joe did not and I took a small one, then we drove on to Pete BIALAS place and Roderick told us to stop because he wanted to get another bottle of brew, and Rod rick and his wife walked to the house and after about half an hour they did not come back so me and Albert went for them, Joe stayed in the car, and Roderick and his wife and Pete and his daughter were there and we had a drink in the granary, Pete BIALAS gave it to us, then as we were leaving Pete gave Roderick another bottle, I never saw him pay for it, and Mrs Bone took it later. We got to the car and all got in, Roderick and his wife in the front seat with Albert, this was about half past twelve or quarter to one, we drove about three miles and Roderick was quarrelling with his wife, and Joe said to Roderick not to fight his wife, Roderick told Albert to stop, and Roderick got out, also Albert Joe and Mary and Roderick grabbed Joe right away and hit his sore ear and Joe hit him back and Roderick's

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

8

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

eye bled a little and his shirt was torn, there was only a little drop of blood on Roderick's shirt, then we got in the car and drove on and left Roderick and Mary, they were holding each others arms like they were fighting. We drove on about half a mile and then Albert went back because Mary was wearing his sweater, and she gave him the sweater, Roderick and Mary were very drunk then. We passed them to turn round and when we turned I saw Roderick picking up stones. Albert walked back and I saw Roderick hit Mary across the face with his fist and Mary went down in the ditch, she got up and was crying, Roderick swung at Albert then but Albert ducked, we tried to keep them from fighting. It seemed Roderick was mad at Mary because she was talking to us. Then Roderick and Mary got in the car and we said we would take them home, they got in the front seat, then after we started Roderick hit his wife again and Joseph grabbed him and told him to stop, we were getting near Mike ZURBYK's now where the road runs south onto the Reserve, and Roderick said "we are getting off here" Albert stopped the car and Roderick and Mary got off, Roderick had some meat in a sack so I took that from the car and put it on the road, then Roderick said "you guys go back from here or I'll give you a licking" and he took a stick and chased us, Albert back the car around and we drove off around by Mike ZURBYK's yard, Mike was in the yard, we kept going and we came to Boyer's place, then went to Elphinstone and Strathclair and got back to Boyer's about seven o'clock, then we went to Tom Bones and left the car there, and walked to Peter BURNS place for records, and came back to Thomas Bones and stayed all night. When we passed Roderick's place just after seven we saw Roderick run around behind the house, but we did not stop. Roderick and his wife were very drunk when we left them around half past two"

"Sgd/" Harry Swain"

34. Joe BOYER was also interviewed and statement taken by Cst. Woods, this statement corroborates the statement of Albert Boyer and Harry Swain.

35. In order to get a clear picture of the trip after those mentioned left BIALAS place, Joe BOYER was requested to accompany Cst. Woods and my self and point out the route taken and where the various stops were made. After leaving the BIALAS farm the road followed ran south east two and a half miles to a new road, here they turned south about half a mile and made the first stop, here the fight took place between Joe and Roderick. Half a mile south of this the car turned when Albert went back for his sweater the car tracks were still visible, and the spot was pointed out where Roderick Allegedly knocked his wife down, the ground surface in the ditch at the point indicated was disturbed, but waht caused the distrubance could not be determined apart from what Boyer told us. From here the car continued south to the end of the mile, then turned east a mile, then south onto the trail leading onto the I.R. travelling this trail south about a quarter of a mile one arrives at the point where the trail branches off to the west towards Mike ZURBYK's about forty feet south of this branch trail, Boyer stated the car stopped and Roderick and Mary got off, here the meat was put off also, the car backed up from here and took the trail west to ZURBYK's.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

8

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259, CC

36. It was only 140 feet, tape measure from this point south, to where the body of deceased was found, suggesting in itself that the murder was committed soon after the car left Roderick and his wife, about 2.30.p.m.

37. Later Harry Swain was asked to point out the spot where he put the meat off and where they left Roderick and his wife, he showed us the same spot within a few feet. This accounts for the car tracks mentioned in para 16, this report, and the tracks were still quite plain where the car turned round.

38. Helen Keewatincappo, sister of accused was interviewed. This woman looks after her mother who is bedridden, and since Roderick got married he and his wife lived with Helen and her mother. Helen is a good type of Indian woman and her word can be relied upon. She stated as follows:-

39. "Roderick Bone, my brother married Mary Jane Burns about a month ago and since they were married they lived with my mother. About three weeks ago I came home too and we all lived together. After a while Roderick went to work near Oak River and his wife got a job there too, but about two weeks ago they came home and stayed.

"Last Sunday about one o'clock Roderick and his wife left here saying that they would go to Oak River if Boyer's would take them to collect wages, and if they did not they would go to church. They never came back Sunday or Monday. They seemed to get along alright.

"On Monday evening just as the sun went down (about 6.35.p.m.) Roderick came home alone walking from the north, when he came in he said not one word, and mother said where is Mary, Roderick did not answer, he went straight to my bed laid down and went to sleep with all his clothes on, he was very drunk, he could not walk straight and we wondered how he found his way home, there was a horrible smell of home brew and mother did not like it so I opened some lysol and sprinkled on the floor. I did not want to disturb my mother because she is ill so we let him sleep, he was asleep right away. There was blood on Roderick's hands and on his face and shirt, it looked like he had rubbed his hands over his face, he had a black eye, the left one, there was a little wet blood on a cut over his eye. There was blood on his coat too.

"Roderick slept all though the night and woke up just at daylight, I was outside, and when I came back to the house I saw Roderick was going back to look for Mary, after about half an hour Roderick came back and said Mary was dead on the road, Mother said "wonder what happen to her" he said he did not know, he then went and washed his hands and face, and then he took his shirt off, the one with the blood on, and hung it in the room, put on another shirt, he was not saying a word and neither were we, he put his coat on then and said he was going to Elphinstone, and said "I guess I'll have to report myself" and he left and we have not talked to him since. I threw the water out he had washed his hands and face in, the water was red like from the blood from his hands and face. Roderick must have been so drunk he did not know what he was doing.

"Roderick had been home about ten or fifteen minutes on Monday when I saw Boyer's car pass, I don't know how many was in the car, it was going fast, it came from the south where Boyer's live and Swain live and

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

8

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

went east, they did not come from the road north wehere Mary was or go that way, and Roderick was asleep already when they went by. I was behind the house and had on a kind of white blouse, they must have seen me, but not Roderick.

"I was in the house and around it getting wood once in a while all Monday and neither heard or saw any other car or wagon, or any one go past, and I heard no yelling or other noise. I was keeping an eye out all day Monday waithing for them to come home because Mother was waiting, but we never thought anything would happen, they never stayed away all night before. Thats why mother was anxious for them to get home"

Sgd/ "Helen Keewatincappo.

40. Helen also informed me that Roderick had a very jealous disposition, and had on occasions beaten and threatened both herself and her mother, she had also seen him strike his wife about three weeks ago when he was quite sober and for no apparent reason.

41. Marie Bone mother of accused was interviewed, this woman had a stroke about a year ago and is confined to her bed. Mrs Bone and Helen sleep downstairs, the one large room being used for all purposes, and when Roderick came home on the evening of the 23rd, Mrs.Bone was in bed, and Roderick went to sleep on Helen's bed across the room. Mrs Bone stated:-

42. "When Roderick came home Monday evening he was alone, he was very drunk and did not say a word, he went and laid on the other bed and went to sleep in a minute. I asked him where Mary was, he said not a word. He woke up just as daylight and I said nothing, Roderick said "I am going out to look for Mary" he did not ask me anything, he came back, he said Mary was dead on the road and I asked him what happened and he said he did not know, he washed his hands and face, then he changed his shirt and said "I guess I'll have to go and report myself" that is all he said to me.

Sgd/ Marie her X mark Bone.

Witness/Helen Keewatincappo.

43. Mrs Bone did not see blood on accused she could not get up and her sight is poor.

44. Rose Swain who lives off the Reserve about three quarters of a mile south of BONE's place was interviewed, she stated.

"On Sunday last at about one o'clock Roderick Bone and his wife passed by walking south, I never saw them again until yesterday, (24th Sept.) Tuesday, morning when Roderick came to the house just after the sun was up, we were all in bed, and Roderick open the door without knocking and he said are you still sleeping, my husband said yes, Roderick asked then is Harry home, my husband said no, then Roderick said "I guess I did something wrong yesterday, I found my wife on the road dead and I am going down to report myself that is all he said and he left. I asked him where his wife was, he just said "on the road"

"Harry Swain had been at Shoal Lake working and on Monday afternoon about half past three I was over at Mrs Joe.Swain's and I saw Boyer's car pass it came

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

8

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

from the west and turned south. Albert Boyer was driving and Harry was next then Joe. Boyer next. Then about a quarter to seven that evening the sun was just down the three boys were in the car and they stopped a few minutes at the house here they said they were going for records to Peter Burns place. No car went north or came from the north on Monday afternoon."

Sgd/"Rose Swain"

45. Mrs Swain lives immediately beside the road and it would be impossible for any person or vehicle to pass on the road without being seen or heard. Mel Swain husband corroborates this woman's story as to the conversation with BONE.

46. On 25-9-40 and 26-9-40 enquiry was continued and Katie ZURBYK wife of Mike ZURBYK who reside about quarter of a miles west of the Indian Reserve where deceased, Mary Bone was found, was interviewed, Katie Zurbyk stated as follows:-

"On Monday after noon I was digging potatoes in the field north of the house and west of the Reserve, my children were with me, and at about 2.00.oclock I heard some men yelling north east of the house on or near the Reserve, I could not see anyone for the bluffs, then about half past three I was still in the field and I saw Roderick BONE alone in our field bordering the Reserve, he was shaking his hands and yelling and swearing like a bull, at first I thought it was cattle, then I saw Roderick. I know it was Roderick, he went south to the Reserve, he was alone and was not carrying anything, he was staggering around and nearly fell over, he was drunk and looked like he was crazy, I watched him about fifteen minutes until he took the bush road. I saw no car but my husband did. I did not see Roderick's wife".

Sgd/ "Katie Zurbyk"

47. The place where Mrs.Zurbyk saw Roderick was carefully checked, nothing was found, it is about quarter of a mile north and a little west of where Mrs BONE was found dead.

48. Mike ZURBYK was later located he stated:-

"On Monday afternoon September 23rd. 1940 at fifteen after two I was in my yard and I heard a woman yell straight east of the house, the Indian Reserve is about 300 yards east of my house, and I walked to the top of the hill in my yard about twenty yards, and a car, Boyer's car was just coming up the hill in my yard, so I ran back to my horses, there were three boys in the car, all in the front seat, they were going quiet and did not seem to be drunk, one was a Swain boy (Harry) and the others two Boyers' this was about two minutes after I heard the yell, the car turned south in my yard then I went to the field for the potatoes, and wife said did you see Roderick going in the field, she said he was going this way and that way and swinging his arms and trying to fight and swearing, I said I did not see him, I told the kids to go an look at the house in case he steal something, I said to my wife he'll kill somebody tonight, because I heard from Helen his sister before that he tried to kill her and her mother with a .22 rifle.

"I did not see Roderick Bone or his wife. Yesterday when I was cutting hay near the road line on my farm I found a cigarette package with one cigarette init and two pictures of Roderick BONE and some others. It had not been there long, just fresh dropped.

"After the car passed I heard nothing

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

more because I went to the field. When I heard the woman yell I thought at first it was the wife calling me but it was not"

Sgd/Mike ZURBYK"

49. Zurbyk is sure of the time because he got home to lunch at 1.40 p.m. and his wife was annoyed at this and drew the time to his attention, he had his lunch, his wife went to the field soon after he got home, and as soon as he had finished his lunch he hitched up his team, had just done this when the woman yelled and the car came through the yard. This evidence eliminates Albert and Joe Boyer and Harry Swain of being present at the time of the murder, and corroborates their own statements, as to where they went after leaving BONE and his wife.

50. As BONE was seen in Zurbyk's field about an hour later alone, it would suggest that he had beaten his wife immediately after the car left, as the meat was found one hundred feet south of where it was put off t the car, and Mrs BONE's body about 80 feet south of where the car apparently stopped to let them off. After beating his wife, BONE most likely turned back north in the direction the car had come a short while previously, and he wandered through the bluff into ZURBYK's field in a drunken rage, fr it will be seen that BONE spent from about 2.00.p.m. to 6.30 somewhere between his home and a mile north, and when he got home was still drunk.

51. ZURBYK gave me the cigarette box mentioned in his statement, this contained two snaps of Roderick Bone and the Boyer Boys, it does not belong to the Boyer's and if was found in a hay slough which runs up to the road north of the Zurbyk farm, from the condition of the box and paper it had not been exposed to the elements for more than a day, it was undoubtedly dropped by BONE when he was rambling around after the murder. Efforst to definitely prove this will be made.

52. Nick ZURBYK was located he was hauling grain on the afternoon of 23-9-40 and at about 1.00.p.m. was travelling down the new grade north of Rozdeba's place going south, and Albert Boyer drove up in his car, in the front seat with him was Harry Swain and Joe Boyer, the car stopped and the talked and had a smoke for a few minutes, Mary BONE was not with them, and Albert said they had left Roderick and Mary on the road because they wanted to quarrel. This definitely proves that these boys did not drive off with Mary as Roderick alleges in his statement. BONE might have thought if he said this some of the blame might be cast on the Boyer's and Swain, unless his mind was not clear enough to recall what happened.

53. Alex COUTTS was interviewed he has not very much conception of time, is a batchelor and works from daylight to dark, however, he thinks it was about three p.m. when Albert Boyer called at his place for his wages on the afternoon of the 23rd. It was learned that whilst at COUTTS place Swain telephoned his brother working on a farm at Rossburn, as near as can be ascertained this call was put through between 3.15. and 3.30. however, if necessary to definitely place the time it could be obtained from the District Office at Portage la prairie of the M.T.S. but Mike ZURBYK and Harry Swain seem most definite on the time they passed through ZURBYK's yard.

54. Annie BIALAS age 23 was interviewed, she stated as follows:-

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

"Last Monday Sept. 23rd at about twelve or half past an Indian Roderick Bone and his wife came here, they walked into the yard, I was here alone in the summer kitchen (granary) and Dad was in the field, and they both came into the summer kitchen and Roderick said something about a hay permit, and Mrs Bone asked me if I had any dill pickles, so I gave her some and she sat and ate them. Roderick said he would vomit if he ate them so he did not have any. Mrs Roderick Bone took a bottle of home brew from under her coat, it was a green bottle and it was full, she ~~xxxx~~ took a drink and then said did I want a drink, I said I did not drink that, she left the bottle standing on the bench beside her Roderick Bone and his wife were both drunk, they talked in Indian. Dad came into the yard from the barn right after they came and we were all in the summer kitchen together and Roderick talked to Dad about the hay, Mrs Bone had a hay permit then after about fifteen minutes two half breeds, one was Harry Swain and I thought the other was Fred Swain, came and they told Rod rick and his wife to come home, the two half breeds had been drinking I think. I cannot say but they were not drunk like Roderick and his wife.

"The two half breeds left so did Roderick and his wife, they walked towards the road I saw no car nor heard one. When they left Mrs Bone picked up the bottle of home brew a and put it under her coat beside her neck. It was easy to see Roderick and his wife were drunk, but Roderick was not making any noise. It would be about quarter to one when they left here.

"I did not see any of them get any home brew from my father and I did not hhar them ask for any, all the brew I saw was what Mrs Bone brought with her, and I did not give them any. The bottle Mrs Bone had was a green glass one, looks like the one you showed me today, it was the same one I think, that is the only bottle I saw. None of them said where they were going after they left here. Mrs Roderick Bone said they had been in Oakburn"

Sgd/"Annie Bialas"

55. Pete BIALAS was not at home at this time, he will be interviewed as soon as possible, this man was convicted a year ago for selling home brew.

56. The statement of Annie Bialas corroborates that of Boyer and Swain except it denies, as can be expected, the purchase of home brew. Cst. Woods and myself spent hours search the bush and road side for the bottle allegedly purchased from BIALAS, being informed it wa a light green or white glass bottle but we could not find it.

56. Steve MATIOWSKI of Oakburn also denies selling any home brew to any person on Monday the 23rd inst. This man was also convicted a year ago for selling home brew, and his place has been searched by this Det. since without result.

58. During the Post Mortem examination the doctor found cucumbers, (dill pickles) in the stomach of deceased.

59. I omitted to mention that when Cst. Ferguson and myself lifted Mary Bone into the car to take the body to Elphinstone, there was a very strong smell of home brew from her. Also I purchased two clean bottles from the drug store in Elphinstone and had Dr.Kippen take a sample of deceased's blood and also a small sample of the contents of the stomach which smelt strongly of home

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

brew, both these samples I labeled and sealed immediately and had Dr.Kippen initial same, these samples have been kept under refrigeration since, pending examination. It was thought, owing to the amount of home brew allegedly consumed, that a sample of the liquid in the stomach should be taken in event it was necessary to check the same, in case the defence advanced the theory that as the wounds inflicted were not sufficient in themselves to cause death, this woman died from alcoholic poisoning. I also cut some hair from deceased's head so that it could be compared with the hair found adhering to the sticks found at the scene of the crime.

60. All exhibits moentioned herein are at present in my possession and are set out on attached F.246. Forms 264. and 264.A. also attached together with F.161.

61. Now that we are in possession of further evidence, it is proposed to patrol to Brandon and interview BONE further, the result of such interview will be covered by a report. As soon as time permits I also propose to draw a plan of the scene of the crime so that same cane be produced in Court if necessary.

62. From the evidence obtained it appears that BONE completely lost all control of himself through excessive drinking of home brew, so far no motive for the murder can be found, and there is certainly a space of four hours that accused cannot account for, his actions when seen about 3.30 by Mrs Zurbyk were not the actions of a person in control of his senses.

63. I think he has some recollection of what happened but does not want to say so, his statement that he asked his mother which way he came from the night before, which is apparently untrue, might have been made in the hope that it would impress one that he did not know what he had done, his actions in saying he was going fmx out to look for Mary, and then immediately follow the road over which he had come the previous night, suggest that he had some recollection. This point will if possible be cleared up.

The O.C.R.C.M.P.
Dauphin S/Div. Sir. FORWARDED:- 28-9-40. Copy to C.A.N.J.D.
Copy direct to C.I.B. Winnipeg. Extra copies attached.

PROSECUTION ENTERED
D.D. 10-10-40

C.H. Bayfield A/Cpl.
(C.H.Bayfield) reg.No.11358.
i/c Shoal Lake Detachment.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Roderick Robert BONE, Elphinstone I.R., Man.
MURDER - Section 259 C.C.C.

The O.C., "D" Division,
R.C.M.P., WINNIPEG, Man.

Sir: Forwarded 30-9-40. Copy of this report has gone forward to the Crown Attorney, N.J.D., and to the O.C. "D" Division, Winnipeg, direct.

2. Cpl. Bayfield has made a good investigation, and his report clearly outlines what happened up to the point where Roderick BONE and the deceased left the car at a point close to where the body of Mary BONE was found. What happened there is only known by BONE, and there is considerable doubt as to whether he is able to recollect what actually took place. There appears to be no doubt that he and the deceased were very drunk when they left the car.

3. It is reasonable to conclude that the quarrel continued, and that Roderick BONE beat Mary Bone into unconsciousness and then wandered about in the bush and finally ended up in his home at about 6.45 P.M. The woman apparently never regained consciousness, and died from shock and exposure.

4. There would appear to be no reason to doubt the story of the three halfbreeds who accompanied Mary and Roderick BONE; namely, Harry Swain, Joe and Albert Boyer, as their story is well corroborated.

5. I was in telephone communication with Cpl. Bayfield yesterday, and he advised me that Mr. Eakins, Crown Attorney, N.J.D. wished the exhibits No's (1) to (12) on attached Form 246, sent to Regina for pathological examination. This will will be done at once and report submitted by Cpl. Bayfield.

6. The inquest will be continued on the 2nd proximo.

H. M. Fowell

(H. M. FOWELL) Insp.,
O.C., Dauphin S/Div'n

The Inspector of Indian Agencies,
Dominion Public Building,
WINNIPEG.

Forwarded for your information, 2-10-40.
Further reports will be forwarded as received here.

P. H. Tucker, Supt.,
i/c C. I. B.

W/N

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

40 W 636 - 13 - 3

FORM 264.

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

Division ..... Div. Fyle No. ..... Detachment Shoal Lake.

Defendant Roderick Robert BONE. Residence Elphinstone. I.R.E.

Alias ..... Occupation Labourer

Nationality and Colour Treaty Indian.

Status in Country Born in.

Offence and Section of Act Murder. Sec. 259. CC

Date and Place of Offence Elphinstone I.R. Man: September 23rd, 1940

Authority for Search -

Arrest or ~~Summons~~ Date 24-9-40

Date and Place of Hearing 24-9-40 Elphinstone. Man:

Heard by F. Rogerson. J.P. of Elphinstone.Man:

Prosecutor or Pros'g Counsel A/Cpl.Bayfield. G.H. Defence Counsel -

Witnesses

Finger Prints and Photo forwarded to Headquarters by Cpl.Bayfield. 25-9-40

Result of Hearing Remanded in custody to appear at Elphinstone 2.30.p.m. Wednesday Oct. 2nd. 1940

Bail Nil.

Bondsmen

Remarks For full details see Complete C.R. attached.

Submitted by A/Cpl.Bayfield. G.H.

Fwd'd O.C. Dauphin Sub-Dist. Fwd'd O.C. ~~S.D.~~ Division Fwd'd to Commissioner

G.H. Bayfield — In Charge Detachment (G.H.Bayfield) Date 28-9-40

A/Cpl. H.M. Powell — In Charge Sub-District (H.M.Powell) Date SEP 30 1940

Supt — Commanding Division (P.H.Tucker) Date 2-10-40

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"D" DAUPHIN DAUPHIN C.I.B.

MANITOBA SEPTEMBER 30th. 1940.

Roderick Robert BONT,
Elphinstone I.R., Manitoba,
Murder, Sec. 259 C.C.

SHOAL LAKE DET. CASE.

1. On the 24-9-40, acting upon instructions of the O.C. Dauphin S/Division, I made a patrol in P.C. Code #3420, accompanied by Insp. H.M.Fowell, from Dauphin to Elphinstone, Man. Cpl. C.H.Bayfield was located at Elphinstone and directed us to a point about 5½ miles north on the I.R. where the body of Mary Jane BONT was located on a bush road.

2. Photographs of the body were taken from three different angles and three copies of each photo are attached, one of each for the information of Shoal Lake detachment and one of each for the information of the Crown Attorney N.J.D. at Minnedosa, Man.

40D240-146

3. After taking the photographs I gave assistance in loading the body into the Shoal Lake Police car for transportation to Elphinstone where the P.M. was held. After arrival at Elphinstone patrol returned to Dauphin arriving about 5.00 pm.

SHOAL LAKE DET. STILL UNDER INVESTIGATION
SHOAL LAKE DETACHMENT.

27-9-40 SEE F.93 SEPT. 16-30*40.

R J Dobson Const.
(R.J.W.Dobson) #11036.

DAUPHIN C.I.B.

First

Geo. A. Eakins, K.C.,
Crown Attorney, N.J.D.
MINNEDOSA, Manitoba.

Forwarded 30-9-40. In connection with the above case and Shoal Lake Detachment report of the 27th-9-40, I attach one set of photographs fro your information, taken at the scene of the crime.

The N. C. O. i/c,
R.C.M.P., SHOAL LAKE, Man.

(H. M. FOWELL)Insp.,
O.C., Dauphin S/Div'n

Forwarded 30-9-40. One set of photographs attached for your information.

The O.C., "D" Division,
R.C.M.P., WINNIPEG, Man.

(H. M. FOWELL)Insp.,
O.C., Dauphin S/Div'n

Sir: Forwarded 30-9-40. Copy of set of photographs attached for your information.

PROSECUTION ENTERED

H.M. Fowell

(H. M. FOWELL)Insp.,
O.C., Dauphin S/Div'n

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re Roderick Robert BONE - Elphinstone Indian Reserve, Man.,
M U R D E R, Sec. 259 C.C.C.

The Commissioner,
R. C. M. Police,
OTTAWA.

Forwarded for your information, 2-10-40. Forms 246, 264, 264A, Dauphin Detachment report dated Sept. 30, 1940, and photographs attached.

2. Cpl. Bayfield appears to have conducted his investigation in a very thorough and intelligent manner and his report clearly outlines what happened in this case. It is quite evident this murder can be ditributed to the drinking of home brew alcohol. This phase of the matter will receive further attention and such prosecutions as the evidence warrants will be entered.

3. The exhibits held will be taken to Regina for expert examination at the Scientific Laboratory.

PROSECUTION ENTERED.

P. H. Tucker, Supt.,
i/c C. I. B.

W/W

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40 B 636-13-F-3 OTTAWA. October 10, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
OCT 11 1940
REGISTERED

JSC/RH

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C

O

P

Y

Elphinstone, Man.,
Oct. 7th/40.

The Superintendent General
of Indian Affairs,

Ottawa, Ont.

Dear Sir:

Re Roderick Bone, Keeseekoowen
Band, Birtle Agency.

The Department of Justice have authorized me to act for Roderick Bone who has been charged with murder of his wife. As I understand it I am to act on your instructions. I believe I should attend the inquest Oct. 16th and the preliminary hearing the same date as well as the Assize Court which will likely be Nov. 12th. Please let me have your instructions and oblige

Yours truly,

"W. C. Richardson"

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

October 10, 1940.

Dear Sir:

Re Roderick Bone, Keeseekoowen Band, Birtle Agency.

Your letter of October 7 with regard to Roderick Bone, charged with the murder of his wife, Mary, is being transferred to the Department of Justice, from which your instructions must issue.

Yours very truly,

T.R.L.MacInnes,
Secretary.

W. C. Richardson, Esq.,
Barrister, etc.,
Elphinstone, Manitoba.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

October 10, 1940.

Dear Sir:

I am enclosing herewith a letter that has been received from Mr. W. C. Richardson, barrister of Elphinstone, Manitoba, with regard to the case of Roderick Bone, charged with the murder of his wife.

In this connection, I would refer you to your letter of October 1 last authorizing the employment of Mr. Richardson to defend this Indian.

I have written to Mr. Richardson today advising him that his letter is being transferred to you.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DEM/DC

October 40.

B. 28 - M. & R. - Man.
Re: Roderick Bone, Indian, of
the Keeseekoowenin Band,
Birtle Agency, Manitoba, -
Murder Charge.

Dear Sir:

Your letter of October 7th to the Superintendent General of Indian Affairs has been forwarded to me. I wish to confirm my wire of yesterday's date as follows:-

"RE RODERICK BONE YOU ARE
RESPONSIBLE FOR CONDUCT OF
DEFENCE AND TAKING ALL STEPS
REASONABLY DEEMED NECESSARY
LETTER FOLLOWING"

Your position in this case is somewhat different to that of an ordinary agent of the Minister of Justice. In the latter case, agents act solely on instructions of this Department. In the present case, you have been appointed as defence counsel for an Indian who is a ward of the Crown and who has not retained counsel himself. You are responsible for the

....

Walter G. Richardson, Esq.,
Barrister, &c.,
ELPHINSTONE, Man.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

conduct of the defence as if you had been retained by Mr. Bone himself and in so doing for taking all steps which may reasonably be deemed necessary. In this regard, I would point out that your account will be taxed in this Department before payment and that any unduly extravagant or unreasonable items will not be allowed.

Should you require any additional information or assistance in the course of the defence, might I suggest that you get in touch with the Director, Indian Affairs Branch, Department of Mines and Resources, Ottawa.

Yours truly,

for Deputy Minister.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

DWM/DC

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Department of Mines & Resources
Indian Affairs Branch
OCT 18 1940
REGISTERED

OTTAWA October 16th, 1940.

B.28 - M. & R.
Man.

Dear Sir:

I wish to acknowledge receipt of your letter of October 10th enclosing letter of October 7th from our agent, Walter C. Richardson, of Elphinstone, Manitoba.

I enclose herewith copy of letter which I am to-day forwarding to Mr. Richardson.

Yours truly,

Enc.

for Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines & Resources,
O t t a w a .

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Schedule File

19106-4

Montreal Herald 17/10/40

Indian Committed For Bride Slaying

Elphinstone, Man. Oct. 17—(CP) — Roderick Bone, 24-year-old Indian of this district 175 miles northwest of Winnipeg, was committed yesterday to stand trial at the Fall Assizes in Minnedosa, Man., for the murder of his bride of a month.

Mrs. Bone's body was found Sept. 26 on a road near the young couple's home on the Kiesekowayin Indian Reserve north of Elphinstone.

Evidence submitted by Royal Canadian Mounted Police officers at the preliminary hearing before Magistrate John Felming of Minnedosa was that both Bone and his wife had been drinking on the night of Sept. 25. Police said they found several sticks covered with blood and hair near the body.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

EXTRACT
ORIGINAL ON
75-106

Birtle, Man., Oct. 14th, 1940.

AGENT'S REPORT FOR SEPTEMBER.

x x x

GENERAL

On Sept. 24th. I was called to Elphinstone as Mrs. Roderick Bone was found beaten to death in the bush on the reserve. Her husband is charged with murder and the preliminary hearing is to be held in Elphinstone on Oct.16th. Mr. Walter Richardson, Barrister, of Elphinstone has been engaged to defend Roderick Bone as per instructions from the Department. It is doubtful if Bone knows much about it as he was intoxicated at the time. This reserve is in a Ukrainian district and used to have a bad reputation for drinking. Five years ago there was a half-breed murder there under very similar circumstances to the present case, and since that time the behaviour of the Indians has been very much better. All the reserves have been visited during the month and rations distributed to the needy. Three Indians of the Keeseekoowenin Band and a half breed, were charged under Section 130 (2) of the Indian Act. These were found guilty and fined $10.00 and costs each. All were first offences.

x x x

A.G. Smith.
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

Lethbridge Herald 1/10/40

Roderick Bone, 24-year-old Indian of Elphinstone, Man., was committed to stand trial at the fall assizes in Minnedosa, Man., for the murder of his bride of a month.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 40N. 636-13-3 F. 287

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"D"	DAUPHIN	SHOAL LAKE
Province		Date
MANITOBA.		OCTOBER 11th. 1940

File References

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC
(Shoal Lake Det)

Headquarters

Sub-Division

Dauphin

40D.240-146

Detachment

M 7-1-40

P. C. R.

27- 9-40
30-9-40

1. 7-10-40

Further to the marginally noted C.R's under the above heading this date I patrolled to Brandon per. P.C. 8143 and interviewed BONE again at the Prov. Gaol there.

2. BONE still maintains that he knows nothing of what happened after leaving Pete BIALAS' place, apart from the faint recollection of the fight between himself and Albert or Joe BOYER. He states he cannot recall hitting his wife, or actually quarrelling with her. He still maintains that he did ask his mother which way he returned home, before he set out to find his wife. All BONE can say is "I was too drunk I don't know what happened".

3. Before questioning BONEa at this time I warned him again, he said he"understood all that", I talked with him for about an hour, he did not implicate himself further. According to himself he knows nothing of what happened fromm the time he got into the fight with BOYER, about 1.15.p.m. 23-9-40 until he woke up at daybreak 24-9-40, and cannot account for the b;ood on his clothing.

4. On 8-10-40 I patrolled to the Elphinstone district and endeavoured to pick up any further evidence. At this time I interviewed Mrs Peter BURNS where Albert and Joe BOYER and Harry SWAIN went to for records on the evening of the 23rd. Sept. and also interviewed Mrs Thomas BONE where these three stayed the night of the 23rd. I thought it best to cover this angle in event the Defence try to disprove the evidence of these three, in an effort to show that they might have committed this murder, or been otherwise implicated.

5. Mary (Mrs Peter) BURNS. states that on the evening of Sept. 23rd. Albert and Joe BOYER and Harry SWAIN arrived at her place, on foot, at about 8.00.p.m. and asked if they had any gramaphone records. They were not drunk, and she could not even tell if they had been drinking, they said they had no lights on the car so would camp at their aunts, Mrs Thomas BONE's all night, and after about ten minutes they left to return to Thomas Bone's where they said they had left their car. They made no mention to Mrs BURNS of either Roderick or his wife.

6. Mrs Thomas BONE STATED THAT these three, Albert and Joe BOYER and Harry Swain arrived at her house shortly after seven p.m. 23-9-40, they were not drunk, and Albert was driving the car. She invited them to stay all night, first because Albert was leaving to join the

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

army, and second because they had no lights on the car. During the evening Albert said they had been to Oak River with Roderick and Mary on the Sunday, and that coming back on Monday (23rd Sept) they got some "booze" and that Roderick and Mary wanted to fight so they had skipped away from them. Mrs Thomas Bone stated that nothing further was said, and they had no liquor when they arrived at her place, and were not drunk or under the influence of liquor to the extent that it could be noticed.

7. This date also I located Pete BIALAS at this time, I told him he would be charged with selling home brew, he emphatically denied selling or giving home brew to either Roderick or Mary Bone on the 23rd. Sept. he admitted however, that BONE did ask him to sell a bottle to him, but as he was an Indian He would not. Knowing BIALAS as I do it is certain he is not telling the truth, and we can be sure that if he had any home brew he would sell it to an Indian or any one else that he knew.

8. Steve MATIOWSKY of Oakburn was interviewed in this connection by Cst. Ferguson on 30-9-40 he also denied selling any home brew, but admits that two Indians (Albert Boyer and Harry Swain half breeds) called at his home on the 23rd Sept. at about dinner time and asked for home brew but he did not sell them any and they left. It can only be expected that these men will deny selling the home brew, but charges will be laid against both BIALAS and MATIOWSKY under the G.L.C.Act, both second offence charges.

9. I might also state here that MATIOWSKY'S wife appears in Court tomorrow on a charge of selling liquor, so there is no doubt but MATIOWSKY did sell the home brew as alleged by BONE, BOYER and SWAIN.

10. Copy of the report by Surgeon M.Powers M.D. C.M. Scientific Lab. Regina havering his preliminary examination of the exhibits sent in, and shown in my report of the 30th Sept. to the O.C. Depot Div. has been sent to the C.A. N.J.D. for his information.

11. The Inquest has now been definitely set for 11.00..am. Wednedday October 16th, 1940, and the Preliminary Hearing at 2.30.p.m. the same date, at Elphinstone. I have obtained summonses for the following witnesses, these will be served on 12-10-40.

(1) Dr.R. Kippen. Newdale.
(2) Albert Boyer Elphinstone. Dist.
(3) Joe Boyer " " "
(4) Harry Swain. " " "
(5) Helen Keewatincappo " "
(6) Rose Swain Elphinstone Dist.
(7) Katie Zurbyk " " "
(8) Mike Zurbyk " " "
(9) Annie Bialas Wisla Dist
(10) Pete Bialas " "

12 Apart from the above mentioned witnesses the following will be required.

Surgeon M. POWERS. M.D. C.M.
A/Cpl.Bayfield. Shoal Lake.
Cst.Woods. L.C. Shoal Lake
Cst.Ferguson L.A. Shoal Lake
Cst.Dobson. Dauphin.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

13. May the necessary arrangements please be made to have Surgeon Powers M.D.C.M. and Cst. Dobson, present at the Preliminary Hearing.

14. Mr. Eakins, C.A. N.J.D. requests that the exhibits be on hand in time for the inquest in case the Jury wants to see them, should it not be possible for Surgeon Powers to arrive in time for the inquest, the C.A. N.J.D. suggests that the exhibits be forwarded to this Det. by Express from Regina.

15. As soon as I learned that Surgeon Powers would be required, I telephoned Sgt. Bebb, Dauphin S/Div. and give him the information contained in the para. above, on 9-10-40.

16. The evidence required from Cst. Dobson will be concerning the photographs taken.

17. I might also mention here that charges will be laid against Albert and Joe BOYER and Harry Swain for unlawful consumption of liquor. All the charges concerning the liquor will be disposed of at Elphinstone on 18-10-40, this date being suitable to both the Magistrate and the C.A.N.J.D.

The O.C.R.C.M.P.
Dauphin S/Div. Sir. FORWARDED:- 11-10-40

PROSECUTION ENTERED.
D.D. 25-10-40

C.H. Bayfield A/Cpl.
(C.H. Bayfield) Reg.No.11358.
i/c Shoal Lake Detachment.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

ROYAL CANADIAN MOUNTED POLICE

"DEPOT" DIVISION

Scientific Laboratory,
Regina, Sask. Oct. 7, 1940.

40SL-440

LABORATORY REPORT

Re: Roderick Robert BONE - Elphinstone I. R.
Manitoba - Murder, Sec. 259 C.C.

1. The following exhibits were received via Canadian Pacific Express on 2-10-40 for examination in the above connection.

40SL-440A	One small bottle containing a specimen of blood stated to be that taken from the heart of Mary Jane BONE
40SL-440B	One envelope containing hair stated to have been cut from the head of May Jane BONE.
40SL-440C	One poplar stick, blood stained and with hair adhering.
40SL-440D	One poplar stick, blood stained.
40SL-440E	One pair of brown trousers, blood stained and stated to have been taken from R. BONE
40SL-440F	One brown coat, blood stained and stated to have been taken from Roderick R. BONE
40SL-440G	One red coloured sweater, Sliknit Brand, blood stained and stated to have been taken from Roderick R. BONE
40SL-440H	One light tan checkered cap, blood stained and stated to have been taken from R. BONE
40SL-440J	One blue coloured dress shirt, blood stained and stated to have been taken from R. BONE

2. Preliminary examinations have been conducted on these exhibits with the following results:

40SL-440A	This specimen of blood is found to belong to Group "O", sub-group "M".
40SL-440B	Examination not completed--comparisons continuing.
40SL-440C	The stains on this stick are found to be blood which is human in origin. The examination of the hair is not yet completed but it can be stated that they are human hair and preliminary examination indicates that they could have come from the same source as Exhibit 40SL-440B.
40SL-440D	The stains on this stick are found to be blood which is human in origin. Hair was also found on this stick and while the examination is not yet completed it can be stated that they are human hair and preliminary examination indicates that they could have come from the same source as Exhibit 40SL-440B.
40SL-440E	The stains on this exhibit have been identified as blood which is human in origin.
40SL-440F	The stains on this coat have been identified as blood which is human in origin.
40SL-440G	The stains noted on this exhibit are too minute to permit identification.
40SL-440H	The stains on this cap have been identified as blood which is human in origin.
40SL-440J	The stains on this shirt have been identified as blood which is human in origin.

Surgeon.
(Maurice Powers M.D.C.M)

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS "C" DEPARTMENT

OUR FILE No. 40 B 636-13-F-3

OTTAWA. October 23, 1940.

YOUR FILE No. _____

Secy

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
OCT 24 1940
REGISTERED

JSC/DK

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Winn. Free Press 17/10/40

19106-4

Indian Faces Murder Trial At Minnedosa

Elphinstone, Man., Oct. 17. (Special)—Roderick Bone, 24-year-old Indian, will face a charge of murder in connection with the death of Mary Jane Bone, 28, his bride of one month.

Bone, who comes from the Kiesekowayin reserve north of Elphinstone, was committed for trial at a preliminary hearing before Magistrate John Fleming in Elphinstone, Wednesday.

Mrs. Bone was found beaten to death Sept. 24 on the Indian reserve.

Juryman Accident Victim

The coroner's jury, holding its inquest in Elphinstone Wednesday, brought in an open verdict. Only

MURDER CASE
Continued on Page 12, Column 6

MORE ABOUT

MURDER CASE

(Continued from Page One)

five jurors took part, as the sixth, J. C. Foster, was killed in a hunting accident after the jury had been sworn in. Dr. J. M. Sigvaldason, provincial coroner from Shoal Lake, presided.

Shock, Exposure

Evidence showed that none of the numerous bruises on Mrs. Bone's body were fatal. It is presumed she died of shock and exposure.

Evidence showed that both Bone and his wife were drunk during the morning and afternoon preceding the fatality. Several sticks covered with blood and human hair were found near the body.

Reported Intoxicated

Bone was reported to have come home at night intoxicated and without his wife. In the morning he started a search for her, and when he found the body he reported to Frank Rogerson, justice of the peace at Elphinstone, who notified the R.C.M.P. According to his statement to the police, Bone was unable to recall what had taken place.

George A. Eakins, K.C., acted for the crown at the inquest and the preliminary hearing, and W. C. Richardson, Elphinstone, represented Bone. The murder charge will proceed at the assizes in Minnedosa Nov. 12.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

The Alberton 25/9/40

Held for Slaying Of Indian Bride

ELPHINSTONE, Man., Sept. 24.—Royal Canadian Mounted Police today arrested Roderick Bone, 24, on a charge of murder after the body of his Indian bride of one month, Mary Jane Bone, 28, was discovered in the bush six miles north of here.

Police said the woman apparently had been clubbed to death.

Justice of the Peace Frank Rogerson said Bone reported to him that he had found his wife's body in the bush when he went in search of her after she failed to return home with him the previous night.

Bone told police he had had a slight quarrel with his wife yesterday afternoon. Police said they found signs of a struggle on a country road and several sticks covered with blood and hair.

Elphinstone is 170 miles northwest of Winnipeg.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 264

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

40D2440-146

Division "D" Div. Fyle No. 40W. 636-13-3 Detachment Shoal Lake.Man:

Defendant Roderick Robert BONE. Residence Elphinstone. IR.Man:

Alias Occupation Labourer

Nationality and Colour Treaty Indian

Status in Country Born in.

Offence and Section of Act Murder. Sec. 259 CC

Date and Place of Offence Elphinstone. I.R. Man: Sept.23rd..1940

Authority for Search

Arrest or Summons. Date 24-9-40

Date and Place of Hearing 16-10-40 Elphinstone. Man:

Heard by J. Fleming. P.M. of Minnedosa. Man:

Prosecutor or Pros'g Counsel G.A. Eakins, Esq. Defence Counsel W.G. Richardson.

Witnesses PROS Harry Swain, Joe BOyer, Albert Boyer, Helen Keewatincappo, Rose Swain, Katie Zurbyk, Mike Zurbyk, Annie Bialas, all Elphinstone.P.O.Dist. Surgeon Powers,RCMP.Regina, Dr.Kippen-Newdale, A/Cpl.Bayfield, Cst.Woods,RCMP. Shoal Lake Cst.Dobson RCMP Dauphin.

Finger Prints and Photo forwarded to Headquarters By Cpl.Bayfield. 25-9040.

Result of Hearing Committed for Trial.

Bail No.

Bondsmen no.

PCR. 27-9-40 to 11-10-40

Remarks

1 12-10-40. Further to marginally noted C.R's this date I patrolled to the Elphinstone district and to Brandon and served the necessary witnesses summonses for this hearing and for the inquest, both set to come up at Elphinstone 16-10-40.

2.16-10-40 This date Cst. Woods and Ferguson escorted BONE from Brandon to Elphinstone, where at 11.00.a.m. the inquest opened before Dr.J.M.Sigvaldason, Coroner, the evidence given by the various witnesses was the same as that contained in their respective statements set out in the previous reports. At 12.45 p.m. the Jury retired and after twenty minutes deliberation returned with their verdict, which is as follows:-

Submitted by A/Cpl.Bayfield. C.H. Continued page.2.

Fwd'd O.C. Dauphin Sub-Dist. Fwd'd O.C. "D" Division Fwd'd to Commissioner

In Charge Detachment A/Cpl. (C.H.Bayfield) Date 22-10-40

In Charge Sub-District Insp. (H.M.Fowell) Date OCT 25 1940

Commanding Division Supt (P.H.Tucker) CIB Date

Indian Affairs, (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick R. BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. C.C.

3. "Mary Jane BONE came to her death on the afternoon of Sept. 23rd. 1940 between the hours of 3.00.p.m. and 5.00.p.m. on the west line of the Elphinstone. Indian Reserve. Death we find came by shock and loss of blood by a severe beating with sticks and clubs"

4. At 2.30.p.m. the Preliminary Hearing opened before J.Fleming. P.M. with G.A. Hakins. K.C, acting for the Prosecution and W.C. Richardson, Barrister for the defence.

5. The Witnesses mentioned on page 1. this report gave evidence, same being along the lines as that contained in their respective statements embodied in the previous reports.

6. Cst.Dobson, Dauphin C.I.B. put in evidence, photographs taken by him of the body, depicting the position of same when found.

7. I received from Surgeon M.Powers. R.C.M.P. Scientific Lab. Regina, who had arrived in Elphinstone this date, the exhibits which I had forwarded for pathological examination, I put these in evidence and all were filed as exhibits. I also put in evidence a plan which I prepared of the scene of the crime.

8. Surgeon M.Powers. M.D. C.M. gave evidence as to receiving the exhibits intact by C.P.R. express on 2-10-40. Here Defence Counsel registered an objection as to the manner in which the exhibits were shipped, saying they should have been taken to Regina personally, and requested that his objection be recorded in the evidence. Surgeon Powers, stated that the blood found on clothing worn by accused was human in origin, and of the same blood group as the sample taken from deceased. He also stated in evidence that the hair adhering to the sticks was human hair, was similar in all details to the sample taken from head of deceased, and in his opinion came from the same source.

9. Upon conclusion of the Crown evidence accused had nothing to say, was therefore Committed for trial, and escorted to Brandon Gaol by Cst.Woods and Ferguson, late p.m. of the same date, receipt being obtained, same on file at this Det.

10. As far as is known now, this case will come to Trial on November 12th, 1940 in Assize Court Minnedosa. Man:

The. O.C.R.C.M.P.
Dauphin S/Div. Sir. FORWARDED:- 23-10-40.

COMMITTED FOR TRIAL.
D.D. 1-1-41.

C.H.Bayfield Cpl.
(C.H.Bayfield) Reg.No.11358
i/c Shoal Lake Detachment.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Dauphin S/Div.
40D 240-146

40W 636-13-3

-3-

Re: Roderick Robert BONE, Elphinstone, I.R., Man.
Murder, Sec. 259 C.C.C.

The O.C. - "D" Division,
R.C.M.P., WINNIPEG, Man.

Sir: Forwarded 25-10-40. It is noted that this accused has been committed for trial and may come up at the Assize Court at Minnedosa, Man. on Nov. 12th, 1940.

2. Blueprints of the scene of the crime have been obtained and forwarded to Shoal Lake Detachment.

COMMITTED FOR TRIAL.

H.M. Fowell

(H. M. FOWELL) Insp.
O.C. Dauphin S/Div'n

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

W. C. RICHARDSON, LL.B.
Barrister, Solicitor, Notary Public

PHONE 45-5

Elphinstone, Man. November 19, 1940.

Department of Mines & Resources
Indian Affairs Branch
NOV 29 1940
REGISTERED

Supt General, of Indian Affairs.
Ottawa, Ont.

Re: Roderick Bone, Elphinstone.

Dear Sir:

I beg to report that I attended a criminal assizes at Minnedosa, and defended Roderick Bone, on a charge of murder and was successful in obtaining a verdict of, not guilty of murder and not guilty of man slaughter.

The accused was released and I attended to having him returned to the Elphinstone Reserve. I am rendering my account to the Department of Justice.

Yours truly,

W.C. Richardson

WCR/JB

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 B 636-13-F-3 OTTAWA. November 4, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Seen

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
NOV 5 1940
REGISTERED

JSC/MB

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 9

Legal

Department of Mines and Resources
NOV 28 1940
Registered

Birtle Manitoba
25th November 1940

Dear Sir:-

I attended the trial of Roderick Bone, No.120 of the Keeseekoowenin Band, who was charged with the murder of his wife on the Reserve, at the fall Assizes at Minnedosa on the 12th, 13th and 14th of this month. Bone was aquitted by the Jury, due to the clever address to the Jury delivered by Mr Walter Richardson, Barrister, of Elphinstone, whom the Department engaged to defend Bone.

Mr Richardson expected a verdict of guilty of manslaughter, instead of not guilty, I am sure, and I also think that Mr Justice Adamson, who tried the case, was also astonished when the Jury brought in a verdict of not guilty.

Unless the case can be appealed, which I doubt, I am afraid that the murder will never be solved, and that will have a very bad effect on the Indians in the district.

Bone admits being drunk on the Reserve. Do you think it would be advisable to try him under Sec.130 (2) of the Indian Act? Bone was in custody from September 24th to November 14th on the murder charge.

After his aquittal on a charge of murder, it might seem petty to charge him with being drunk on the Reserve at the time when the murder was committed, but I do not like to have him get away free altogether.

Yours truly

A.G. Smith

A.G. Smith
Indian Agent

The Secretary
Indian Affairs Branch
Department of Mines and Resources
Ottawa

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

H.Q. File No. ..... Div. File No. 40H.656-13-3 F. 264 B.

ROYAL CANADIAN MOUNTED POLICE

Sub-Division: Dauphin S.Div. Ref. 40D.140-146 R.C.M.P. Seizure Number .....

Detachment: Shoal Lake. Man! Det. Ref. M.7-1-40 A.R.V. No. .....

Defendant: Roderick Robert BONE. (Name in full) Address: Elphinstone. I.R. Man!

Occupation: Labourer. Status in Canada: Born in.

Nationality: Treaty Indian. Colour: Red. Date of Birth: 1916.

Place of Offence: At or near Elphinstone I.R. Man! Date: 23-9-40

Offence: Murder (Description) C.C. (Name of Act) 250 (Section)

Information: A/Cpl. Bayfield. C.H. (By whom laid) (date) F. Rogerson. J.P. (Before) 24-9-40 (Place)

Arrest or Summons: Arrest Date: 24-9-40 Place of Trial: Minnedosa. Man! Date: 12th to 14th. 1940

Tried By: Mr. Justice Adamson. Winnipeg. Man! Plea: Not guilty

Prosecutor or Pros'g Counsel: G.A. Eakins, K.C. Defence Counsel: W.G. Richardson.

Disposition of Charge or Sentence imposed & date: ACQUITTED.

Fine paid or gaol term taken: -

Costs Collected (Police) Authority for Search: -

Serving Summons: - $ Complainant: -

Arrest: - $ Fingerprints to H.Q. By Cpl. Bayfield. 25-9-40

Attending Court: - $ Photograph to H.Q. -

Witness Fees: - $ Last previous conviction (quote (date) F.P.S. Number if known): 331973

Mileage ..... Miles @ ..... c.p.m. $ ..... Common Assault-6-3-37. fined costs of $7.00 bound over 1 yr.

Costs other than R.C.M.P.:

REMARKS:— P.O.R's. 27-9-40 to 22-10-40

(1) Further to the above noted O.R's on 12-11-40 I, accompanied by Cst. Woods. I.C. patrolled per P.C. 8143. to Minnedosa to attend as witnesses in this case, to be heard in Assize Court for the N.J.D.

(2) The Court opened at 2.30.p.m. this date presided over by Mr. Justice Adamson, Winnipeg, and at 3.15. p.m. this case was call'ed, and a six man jury selected, the first witness being call'ed at 4.00.p.m.

(3) The witnesses call'ed this date were Dr. R. Kippen who gave evidence covering the Post-Mortem and gave the cause of death. Cst. Dobson, R.C.M.P. Dauphin gave evidence covering photographs of the body and scene, these were admitted in evidence. Harry SHAIN was next call'ed and gave evidence as out'lined in his statement embodied in the first report, and along the lines of that given at the Preliminary Hearing. Court adjourned at 5.10.p.m. until 10.00.a.m. 13-11-40.

Continued page 2.

Diary Date: - Investigated by: A/Cpl. Bayfield. Cst. Woods & Ferguson. Shoal Lake Det.

Fw'd on 26-11-40 to O.C. S-Div. Fw'd on NOV 22 1940 (date) to O.C. Div. Fw'd Comm'r NOV 25 1940 (date)

C.H. Bayfield A/Cpl. i/c Detachment (C.H. Bayfield)

W.M. Powell Insp. i/c Sub-Division (W.M. Powell)

Capt Commanding Division (P.H. Tucker)

NOTE:—No covering report is required with this form except in special cases. Any sub-headings which are not applicable need not be used. If insufficient room for remarks, continue on plain tissue.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

4. When Court re-opened at 10.00.a.m. 13-11-40 the following witnesses were called and all gave evidence along the lines of their respective statements embodied in the previous reports.

Albert Boyer.
Helen Keewatincappo.
Rose Swain.
Katie Zurbyk.
Mike Zurbyk.

5. Helen Keewatincappo was a very good witness and told of accused going home drunk on p.m. of 23-9-40 and how on the a.m. of 24-9-40 got up and went out returning a few minutes later saying he had found Mary dead and he was "goin to Elphinstone to report MYSELF"

6. Defence Counsel tried to breakthis statement down without result.

7. Rose Swain also gave evidence to effect that when accused called at her house on a.m. of 24-9-40 he said "I guess I did something wrong yesterday, I found my wife dead on the road, I am going to Elphinstone to report MYSELF".

8. I next gave evidence covering the investigation, and put in evidence all exhibits previously mentioned, also signed statement taken from accused on a.m. of 24-9-40.

9. Surgeon M.Powers, R.C.M.P. Scientific Lab. Regina next gave evidence as to receiving the exhibits on 2-10-40 and to making an examination of same, finding human blood on the clothing worn by accused, and also on the clubs picked up at scene of the crime, and that the blood on the clothing of accused was of the same blood group as the blood of deceased. Dr.Powers also gave evidence as to the effect of alcohol on the brain touching on the different stages of intoxication.

10. If I may be permitted, I would like to remark that Dr.Powers'evidence was, apart from being interesting, most instructive, very definite and left no room for doubt.

11. Cst. Woods also gave evidence covering his conversation with accused whilst under guard on 24-9-40.

12. This closed the case for the Crown. Defence Counsel stated he had no defence. Court then adjourned until 10.00.a.m. 14-11-40.

13. On a.m. of 14-11-40 when Court re-opened, Mr. Eakins. K.C? Crown Attorney addressed the Jury from 10.00.a.m. to 10.45.a.m. covering the evidence submitted.

14. Address of Defence Counsel lasted from 10.45.a.m. to 11.40a.m. and dwelt at some length on the possibility of Albert and Joe Boyer and Harry Swain being responsible for the wounds inflicted on deceased, saying "you have three men and three sticks". Undoubtedly defence Counsel left a doubt in the minds of the Jury, although the Judges' charge should have removed

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Roderick Robert BONE. Elphinstone. I.R. Man:
Murder. Sec. 259. CC

any doubt.

15. His Lodrships' charge to the Jury lasted one hour and five minutes, he charged strongly for a verdict of Manslaughter, in fact told the Jury that that was their verdict.

16. The Jury retired at 12.55.p.m. 14-11-40 and returned at 3.30 p.m. with a verdict "Not guilty". The Crown asked the Jury be Polled, this was done, the verdict was the same, asked by the C.A.N.J.D. if they meant not guilty of any charge, they replied not guilty of any charge.

17. This verdict was a great surprise to Defence Counsel andto the Judge, and all concerned.

18. The trial Judge then addressed the prisoner as follows:-

"The Jury, in their wisdom or other wise, have seen fit to find you not guilty Bone; but I hope that the fact that you have been found not guilty on the evidence of this kind will be of no encouragement to either yourself or any of those other young men that were with you or any persons on that Reserve who are inclined to the excessive use of alcohol and to the use of violence.

"You know, as well as I do, that there has been a good deal of this and while I, myself, had every sympathy for you, in fact I was inclined to look with a great deal of leniency on what I have no doubt you did, in sentencing you, yet, the Jury have found you not guilty and there is nothing for me to do but discharge you.

"I don't understand how they came to that verdict on the evidence submitted. I don't see how six intelligent men could find that you were not the person that inflicted the wounds on your wife, however, that is their finding and that is their privilege and I discharge you"

19. Mr. Eakins informed the Court that the matter would be taken up with the Attorney General immediately and every possible effort made to appeal. Unless this is done, this File will be considered closed.

20. The Judges' remarks as set out above leave no doubt as to what in his opinion,should have been the finding of the Jury.

21. Forms 246. A. covering disposition of Exhibits attached hereto.

CONCLUDED.

C.H.Bayfield A/Cpl.
(C.H.Bayfield)reg.No.11358.
i/c Shoal Lake Detachment.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re - Roderick Robert BONE, Elphinstone I.R., Man.
Murder - 259 C.C.C.

The O.C., "D" Division,
R.C.M.P., WINNIPEG, Man.

Sir: Forwarded 22-11-40. The virdict of "Acquitted" brought in by the jury appears to be a great surprise to His Lordship, Mr. Justice Adamson, who stressed the point very clearly to the accused, before giving him his discharge.

2. The evidence in this case was brought out clearly, all exhibits entered with no objection and as expressed by His Lordship in charge to the jury, at least a verdict of "Manslaughter" should have been brought in.

3. The Crown Attorney, N.J.D. is taking the matter of "Appeal" up with the Attorney-General. I concur with this action, that an appeal be entered if at all possible. In the meantime if no action can be taken along this line file will be closed. Forms 246A attached.

CONCLUDED

H. M. Fowell

(H. M. FOWELL) Insp.,
O.C., Dauphin S/Div'n

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS "C" DEPARTMENT

OUR FILE NO. 40 B 636-13 F 3. OTTAWA, Nov. 29, 1940.

YOUR FILE NO. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Copy

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
NOV 30 1940
RECEIVED

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Department of Justice, Ottawa.

in account with

W.C. Richardson

Barrister, Elphinstone, Man.

BILL OF COSTS

Taxed on	Taxed off			
		Attdg. on Hon. J.A. Glen K.C. re: ~~requesting~~ requesting that I act for the Dept. of Indian Affairs in the defence of Roderick Bone, on a charge of murder	1.00	
	5-	Instr's. from Deputy Minister of Justice to act for Roderick Bone on charge of murder in accordance with instructions from the Indian Affairs Branch, of the Dept. of Mines & Resources	10.00	
		Perusing letter of instructions	N.C.	
		Lt'r to Supt. General of Indian Affairs for more detailed instructions	1.00	.03
		Attdg. on A.G. Smith, Indian Agent Birtle, and discussing instructions	2.00	
		Perusing letter from A.G. Smith, Indian agent, confirming instructions from Dept. of Indian affairs	N.C.	
	2-	Attdg. on Cpl. C.H. Bayfield, officer commanding, Shoal Lake detachment R.C.M. Police, Re: facts of case	4.00	
		Attdg. on interview, Constable Ferguson R.C.M. Police	1.00	
		Attdg. on interview, Constable L.C. Woods R.C.M. Police	1.00	
		Long attdg. on F. Rogerson, J.P. for facts of arrest+statement of accused	2.00	
		Attdg. on Dr. R. Kippen, M.D. re: findings of post mortem examination	4.00	
	1-	Attdg. on accused, Roderick Bone for details of defence and advising, 1 hour	6.00	
		Perusing letter from Secretary of Indian Affairs Branch	N.C.	
		CARRIED FORWARD	32.00	.03
	8-			

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Taxed on	Taxed off			
		BROUGHT FORWARD	32.00	.03
	8-	Perusing telegram from Minister of Justice re: defence	N.C.	
		Attdg. adjurned inquest before coroner J.W. Sigvaldason, M.D. when evidence of eleven witnesses taken and witnesses questioned on behalf of the accused, 2½ hrs	25.00	
		Attdg. on accused following inquest and before preliminary hearing	1.00	
		Attdg. police court at Elphinstone on preliminary hearing before John Fleming, J.P. when the evidence of twelve witnesses taken and nineteen exhibits filed, witnesses cross examined on behalf of the accused defence reserved and accused committed for trial at assizes. 3½ hrs	35.00	
		Attdg. on accused following commitment for trial and advising	2.00	
		Attdg. on Court Reporter to order a copy of depositions at preliminary hearing	1.00	
		Letter to Court Reporter and paid acc't for depositions postage and stamp on cheque.	1.00	13.93
	5-	Perusing depositions taken at preliminary hearing; 275 folios	15.00	
		Perusing letter from Deputy Minister of Justice confirming telegram	N.C.	
		Preparing brief for trial 331 folios instructions	20.00	
		Letter to Geo. A. Eakins, K.C. Crown Attorney re: analysis of blood sample for alcoholic content	1.00	.03
		Letter to Cpl. C.H. Bayfield, R.C.M. Police re: analysis of blood samples for alcoholic content	1.00	.03
		Letter to Clerk of Court re: jury panel	1.00	.03
		Letter to Crown Attorney re: time of trial	1.00	.03
	20-	Preparing for trial; 40 hrs.	60.00	
		CARRIED FORWARD	196.00	14.08

33

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Taxed on	Taxed off			
		BROUGHT FORWARD	196.00	14.08
	33-	Attdg. to phone Cpl. C.H. Bayfield at Shoal Lake re: analysis of blood sample and paid	1.00	.30
		Attdg. on accused, Roderick Bone at Provincial Jail, Brandon, and discussing details of defence before trial. Away from office ½ day	15.00	
		Paid mileage on trip to Brandon Jail 65 miles one way		6.50
		Attdg. to peruse letter from Crown Prosecutor enclosing copy of indictment	N.C.	
		Attdg. to peruse and check form of indictment	1.00	
		Further attendance on A.G. Smith before trial	1.00	
		Attdg. on accused immediatley before trial	1.00	
		Attdg. at Minnedosa for Assizes, 42 miles one way		4.20
		Attdg. on arraignment of accused when ~~verdict~~ Plea of not guilty entered to charge of murder		
		Attdg. on selection of jury and exercising right of challenge on behalf of accused		
		Attdg. trial of accused when evidence of eleven witnesses taken and cross examined for defence		
		Attdg. to hear Crown Prosecutor address Jury		
		Attdg. to address jury in defence of accused		
		Attdg. to hear Judges' charge to Jury		
		Attdg. on return of indictment by Jury on a verdict rendered of not guilty of murder and not guilty of man-slaughter		
		CARRIED FORWARD	215.00	25.08

33-

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Taxed on	Taxed on			
33-		BROUGHT FORWARD	215.00	25.08
		Attdg. on polling of Jury on request of the Crown Prosecutor. Ayaw from office three full days		
25-		Counsel fee, first day	125.00	
40-		Counsel fee, second day	100.00	
40-		Counsel fee, third day	100.00	
		Attdg. to arrange for return of accused to Indian Reserve on his discharge	1.00	
		Letter to R.C.M. Police re: return of clothing belonging to accused	1.00	.03
		Letter to Crown Attorney re: release of accused clothing, filed as exhibits	1.00	.03
		Letter to Dept. of Indian Affairs advising of outcome of trial	1.00	.03
1.40		Drawing Bill of Costs for Dept. of Justice	5.00	
		Two duplicate copies of Bill of Costs for Dept. of Justice	3.00	
		Attdg. on Taxing Officer for appointment of tax costs	1.00	
		Attdg. ~~at Minnedosa~~ to tax Bill of Costs	5.00	
		Letter to Dept. of Justice, enclosing amount in triplicate	1.00	.09
		Paid personal expenses at trial as per rates: Hotel bill		5.80
		Car storage		2.00
			559.00	33.06
			33.06	
		TOTAL	$592.06	
			139.40	
			$452.66	

AUDITED FOR PAYMENT
DEC 21 1940
Treasury Office
I. A. BRANCH

$139.40
5%
$436.57

Urgent
Lowest
Justice Dept

Taxed on ~~[illegible]~~ According to practice and tariff between solicitor and client I would tax this bill and allow

VOTE.....

Taxed off

AGENCY.....

Taxed and allowed at $ 452.66 fees, & $ —— disbursements

A.....E.R.....

Accounts received or services performed. Prices fair and just.

this 10th day of December A.D. 1940.

Approved for payment
Taxed at $436.57

T. R. L. MacInnes

T. M. Macdonell
Taxing Officer Court of Kings Bench
Manitoba

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

W. C. RICHARDSON, LL.B.
Barrister, Solicitor, Notary Public

PHONE 45-

Elphinstone, Man. December 13th
1940

DEPARTMENT OF JUSTICE
DEC 16 1940
CANADA

The Deputy Minister of Justice,

Ottawa, Ont.

?

Re B. 28 - M & R.
Man.
King vs Roderick Bone; Murder.

Dear Sir :-

Enclosed find my Bill of Costs in triplicate with vouchers attached for disbursements. You will note that the Bill has been taxed by F.A.Macdonald, taxing officer for the Court of King's Bench for Manitoba, and allowed at $452.66.

Owing to the serious nature of the charge and the successful conclusion of the matter, I think you will agree that the account is fair. I would request payment at your convenience.

Yours truly,

W.C.Richardson

W.C.Richardson

R/R.

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19106-4

Acct

File

DWM/DC

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA December 18th, 1940.

Department of Mines and Resources
Indian Affairs Branch
DEC 20 1940
REGISTERED

EX'D
A

A.3 - M. & R. - Man.
Re: King v. Roderick Bone: Murder

Dear Sir:

I enclose herewith letter, dated December 13th, from our agent, together with his account in the above connection, which I have taxed and certified for payment in the sum of $436.52.

Yours truly,

Enc.

F. P. Varcoe

for Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a .

Indian Affairs. (RG 10, Volume 7468, File 19106-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY ▲ FILM ●●

FILE NO. 19107-2 DORMANT

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CARLTON MURDERS
INDIAN WOMAN SOUTH FORT-A-LA-CORNE RES.

CROSS REFERENCE

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

FILE NO. 19107-2 DORMANT

DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19107-2

Department of Indian Affairs

19.....

CARLTON

MURDERS

Inp. Woman -
SOUTH FORT-A-LA-CORNE RES.

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

322399

(Copy)

Prince Albert, 5 Feb.1908.

The Office in Charge,

R. N. W. M. Police,

Prince Albert.

Dear Sir,

News has just been brought to me of another case which requires looking into. The facts are these: A woman living on South Fort a la Corne Reserve, commontly known as "Big Head's Reserve" was, a short time ago about to give birth to a child. It appears the child came the wrong way, with its head first and the woman was unable to be delivered, so the Indian "doctor" cut off the arm of the child and that was all he could do; they then sent for the school mistress, a married woman, to see if she could help them, but under the circumstances she could do nothing but advise to send to Kinistino, I2 miles away, for the Indian Department Doctor. He went at once to see the woman as as soon as he saw what had been done and the state of the woman, he pronounced her past recovery, and as a fact, the woman did die.

Now Sir, can't something be done to stop this sort of thing among the Indians, it is about as bad as a case which has just been tried at Norway House.

This case should be looked into by the authorities.

I am,

Yours truly,

Sgd. Rev. J. Hines.

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

322399

(Copy)
R. N. W. M. Police.

"F" Division. Melfort Detachment, March 3,08

Crime Report
re
Indian "doctor" Chickoosoo - alleged manslaughter.

On instructions received I proceeded to Kinistino to interview the doctor who, at the time the crime was committed, was Doctor for the Indian Department. The crime in question was committed over two years ago and since then the Doctor - a man by the name of Hall - has left this country and gone to British Columbia. In order to investigate I proceeded to the "Big Head" Reserve and interviewed the school mistress who had been sent for (a woman by the name of Mrs. Godfrey) She informed me that everything was absolutely correct as stated by Mr. Hines and further went to state that it was a dreadful piece of work. She also informed me that the Indian "doctor" took fright when he heard that the Department Doctor had been sent for, and skipped out of that part of the country, but had lately returned and was starting practice again on the reserve, which she thought was not safe. I afterwards proceeded to the house of another woman - an Indian by name Eliza Sanderson - who was present at the time, and through careful questioning was able to find out that all was correct as stated on the file. The name of the Indian "doctor" is Chickoosoo. The husband of the woman who died is now dead. Neither of the two women interviewed actually saw the arm cut off, but can certify that it was so from what they saw.

Sd.D.S.Rashleigh Const.

The Commissioner,
Forwarded for his information.
(sd.) J. V. Begin Supt.
Commanding "F" Division.

P.Albert.
9.3.1908.

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Office of the 322399

DEPARTMENT OF INDIAN AFFAIRS. MAR 20 1908

Indian Commissioner

for the Northwest Provinces and Territories.

In your reply refer to No. 24/9 and date of this letter and address Hon. David Laird, Indian Commissioner, Winnipeg, Man.

Winnipeg, 17 March 1908.

Mr Coté

Sir,

Re Indian "doctor" Chickoosoo - alleged manslaughter.

I transmit copies of communications I received in a letter of the 13th. instant from the Asst. Commissioner of the R.N. W. M. Police, who states in his letter that it is the intention of the Police to institute criminal action against Chickoosoo, if Dr. Hall can be located, and who asks if the Indian Department will meet the expenses of bringing Dr. Hall to give evidence.

Chickoosoo

?

There is a discrepancy as to the time of the alleged manslaughter in the communications. To this I have called the attention of the Asst. Commissioner of the Police, so that should the discrepancy affect the Department's consideration in the matter, no time may be lost in having the explanation.

I have also transmitted direct to the Agent for the reserve on which the alleged manslaughter is reported to have occurred copies of the communications, so that should the Department need his report, there may be no evitable delay in its being procured.

Your obedient servant,

D Laird

Indian Commissioner.

Secretary,
Dept. of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

322528

(Copy)

24/9

Winnipeg, 20th March, 1908.

Sir,-

Re Chekeesoo, alleged manslaughter

I have your note of the 17th instant, and would say that you misconceive my idea in calling your attention to the discrepancy as to time in the communication which you forwarded. I was quite aware that the time which one report showed to have elapsed since the occurrence would not prevent prosecution, but it seemed to me that such a discrepancy as was shown deserved attention in the consideration of the matter.

I have to-day received a letter from Mr. Agent MacArthur whom I asked for a report in the matter. He states that he never had a report on the subject from either Dr. Hall or Mr. Adams, who was in charge of the Reserve as Farmer. The date of the occurrence is given by him as "some years ago". Some time after the occurrence he heard of it from Mrs. Godfrey, but the impression made upon him was that the act of Chekeesoo was not a factor in the death of the woman, and although he admits that his impression may have been wrong, the fact that neither Dr. Hall or Mr. Adams referred to the case is, in his opinion, sufficient to have justified him in allowing it to pass. He is decidedly of opinion that if Dr. Hall considered that Chekeesoo was guilty he would have at once reported the

J. H. McIllree, Esq.,
Assistant Commissioner R.N.W.M.Police,
Regina, Sask.

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

322528

the matter.

The Agent further sets forth that the woman was married to Albert McKay, a non-Treaty Halfbreed, and that upon her marriage with him she commuted her annuity, ceasing thereby to be an Indian. That alone, it seems to me, would be sufficient ground for the Department refusing to incur expense in connection with any prosec--ution of Chekoosoo.

Yours truly,

(Sgd) D. Laird,

Indian Commissioner.

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

322528

(Copy)

INDIAN AGENT'S OFFICE,

Duck Lake, 18th March, 1908.

No.124.

Sir,-

Referring to your letter of 16th March 1908, No.24/9, I have to inform you that the alleged criminal charge against Chekoosoo, was never reported to me either by Dr. Hall or Farmer Adams, it occurred some years ago, the woman was the wife of Albert McKay, a Halfbreed not in Treaty, his wife before marriage was a Treaty woman but commuted on marriage. I heard of the matter some time after the occurrence from Mrs. Godfrey, but the impression I then got was that the case was hopeless from the beginning, that is, that the woman had been so long in fruitless labour that nature was exhausted, that the operation that Chekoosoo performed -horrible as it was- was not a factor in the death. It is, however, quite possible that I may have formed a wrong impression, but as neither Dr. Hall or Farmer Adams had in any way referred to the matter either by letter or in conversation, it did not occur to me to take any action in the case.

While on this subject I may refer to the case of a death by drowning on the John Smith's reserve on 7th December last, and which I find I failed to mention in my report for that month. A number of Indian children returning from school were playing along the river at a place that was only partially frozen over; a little boy 8 years of age fell in and was drowned. Upon my visit to the

The Hon. David Laird,

Indian Commissioner,

Winnipeg, Man.

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

322528

the reserve I made careful enquiry into the case and found that it was a case of accident. The children were playing together on the ice, went too near the edge, and one fell in. Well, I have no doubt that he got a push from some of the other boys, not with the intention of putting him in the water, but just in play as boys have always done and will do; there was no malice or intention of malice, just childish foolhardiness. One error was made in not notifying the Coroner; to do this did not occur to Farmer Campbell, and before I heard of the accident the boy was buried, but the facts are as now stated.

Returning to Chekoosoo, I am not aware of his ever having left the reserve, of course I know he is the Indian Medicine Man, and while I do not know that he still practices, anyone acquainted with Indians knows that such men are always consulted, and as a rule consulted first, and I know of no action that either the Department or myself could take that would prevent them so doing. In the Indian character there is rooted as deep as life a certain belief in the Medicine Man that only time, coupled with education, will eradicate.

I have the honor to be,

Sir,

Your obedient servant,

(Sgd) J. MACARTHUR,

Indian Agent.

P.S.- In justice to Dr. Hall, I must say that it is my belief that if he had considered that the operation that Chekoosoo performed tended in any way to the death of the woman, he would have at once reported the matter to the proper authorities.

(Sgd) J. MacArthur,
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Office of the 322355

Indian Commissioner

for the Northwest Provinces and Territories.

DEPARTMENT OF INDIAN AFFAIRS
MAR 24 1908

In your reply refer to
No. 24/9
and date of this letter and address
Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Winnipeg, 20th March, 1908.

322528

Sir,- Re Chekoosoo -alleged manslaughter

I would refer to my letter of the 17th instant, and send for your information a copy of a report which I have to-day received from Mr. Agent MacArthur in this matter, together with a copy of a letter which I have addressed to the Assistant Commissioner of the Royal North West Mounted Police on the subject.

Your obedient servant,

D Laird

Indian Commissioner.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

322,399

Ottawa, 26th. March, 1908

Sir:-

24/9 I have the honour to acknowledge the receipt of your communications of 17th and 20th. instant and their respective inclosures, all relating to alleged manslaughter by an Indian Doctor, named Chekoosoo, and in reply to inform you that under all the ciruumstances disclosed, and particularly in view of the fact referred to by you in your letter of 20th. ultimo to the Assistant Commissioner of the Royal North West Mounted Police viz; that the woman concerned had by marriage ceased to be an Indian within the meaning of the Act, the Department fails to find anything to justify any expenditure by it in connection with the prosecution of Chekoosoo.

If Chekoosoo has returned to his Reserve, he should be cautioned that in the event of any attempt on his part to practice medicine or surgery coming to the knowledge of the Department he will be prosecuted.

I have the honour to be,

Sir,

Your obedient servant

J. D. McLean

Secretary

Hon. David Laird,

Indian Commissioner

Winnipeg

Man.

e.c. Lab

Indian Affairs. (RG 10, Volume 7468, File 19107-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19107-3 DORMANT DORMANT

DORMANT FILE NO. 19107-3 DORMANT

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CARLETON

MURDER

ISAAC MICHAEL

CROSS REFERENCE

EX D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19107-3

Department of Indian Affairs

19.....

CARLETON

MURDER

ISAAC MICHAEL

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Copy)

292538

DEPARTMENT OF INDIAN AFFAIRS
MAY 25 1906

FORWARDED FOR THE INFORMATION OF THE DEPARTMENT
WINNIPEG MAY 23 1906
D Laird
INDIAN COMMISSIONER.

Office of the

INSPECTOR OF INDIAN AGENCIES,

NORTH SASKATCHEWAN INSPECTORATE

Prince Albert, Sask., May 17th, 1906.

Sir,-

I regret to have to inform you of the death of an Indian named Isaac Tawepesim (alias Michel) under circumstances of a more than suspicious character.

Isaac belonged to William Charles' Band but for the past eight years had been living on the reserve of that band situated near Sturgeon Lake, namely, 106A. He is the Indian referred to in paragraph 58 of my report on the Carlton Agency dated January 12th, 1904, as making considerable gain by keeping a stopping-place but being addicted to the use of liquor and obtaining it rather freely.

For the past three or four weeks this man, along with about twenty others of this reserve and Sturgeon Lake, worked at river-driving for the lumber companies. About the 9th or 10th of May Cowan & Company's drive was completed and the drivers were paid off in town. After camping for a day or two on the north side of the river here, where several Halfbreeds of a low character live and where the Indians often camp, this man got into a fight with others, some at least were Indians from Sturgeon Lake. On the evening of the 14th I was informed by Mr. Patrick Anderson, formerly farmer at Sturgeon Lake, that Isaac was seriously hurt. In the morning I went across to see him but found that he had died during the night. I called the attention of the Coroner, Dr. Spence, to the matter, and he directed the R.N.W.M.P. to investigate and report to him. An inquest was held yesterday evening, and the verdict of the jury is one on which a charge of manslaughter, or possibly even of murder, may be based. The head and neck were terribly bruised, and a post-mortem examination which was made preparatory to the inquest showed the skull to be fractured.

Although nothing definite was revealed at the inquest as to the probably guilty person yet it is certain that an Indian of Sturgeon Lake named Jumbo will be arrested, as there is a strong suspicion of his being the chief offender.

Very little also came out in the evidence as regards the use of liquor, since the condition of the body furnished the main evidence necessary for the purposes of the inquest. From my knowledge of these Indians, however, and particularly of Isaac himself, I have little doubt that they were under the influence of liquor. When Mr. Anderson was on duty

The Indian Commissioner,

Winnipeg.

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

292538

Dept. Letter
No. 289980
Date 10/Nov/06

duty as farmer he watched his Indians rather well, and they were in consequence more careful as to their conduct. Since the first of the month, there being no farmer on duty, they appear to have felt less restraint.

I have written the foregoing in view of the distance of the Agent from here, and the fact that it may be some days before he is in possession of the particulars.

I have the honor to be,

Sir,

Your obedient servant,

(Sgd) W. J. Chisholm,

Inspector of Indian Agencies.

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

292,538

D.X.H.

Ottawa, 31st May, 1906.

Sir:-

I have the honour to acknowledge the receipt of copy of a letter addressed to you by Mr. Inspector Chisholm on 17th. and transmitted by you on 23rd. instant, reporting the circumstances attending the death of an Indian named Isaac Tawepesin, a member of the William Charles' Band, and in reply to inform you that the whole case occasions much regret.

The Department infers from the report that those concerned will be duly prosecuted by the Crown, and has only to suggest that care be taken to probe and follow up the matter of supplying the Indians with intoxicants, evidently involved in the case.

I have the honour to be,

Sir,

Your obedient servant,

Frank Pedley

Deputy Superintendent General of Indian Affairs.

Hon. David Laird,

Indian Commissioner,

Winnipeg,

Man.

J.D.

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

252538

INDIAN AGENT'S OFFICE,

297496 Carlton Agency

August 15th 1906

IN YOUR REPLY REFER TO
No. 108
ALSO
TO DATE OF THIS LETTER

Ref.: Your Letter ..... 190.. No. .....

Sir,

I have the honor to enclose herewith voucher No. 3597 being an account of Mr. H. E. Ross Advocate of Prince Albert for the defence of the Indian "Jumbo", known to us as "O-saw-is-ko-ko-ne-ass" tkt No. 52 of the Sturgeon Lake band, upon his trial for the murder of Isaac Itawepesim No.16 of Wm. Charles' Band during a drunken spree at Prince Albert.

The facts are as follows;- The Indian "Jumbo was charged with striking two blows on the eye of the Indian named, which were claimed to have occasioned his death; whereas a post-mortem examination revealed a blow administered on the side of the head by some person unknown which was sufficient to cause death, and as Itawepesim did not die for seven days after the row between him and the accused, it was considered probable that Jumbo was not the guilty person. Upon hearing Mr. Ross' defence the jury brought in a verdict of "not guilty".

Send Justice

Considering that Jumbo is a ward of the government, has been acquitted, has suffered eleven weeks imprisonment, and has no money, I would recommend the payment of the account, which is very moderate and includes disbursements. I should say that Jumbo has hitherto borne a very good character, and without liquor would not have been involved in this trouble, he has a nice start in cattle, and a portion of this account could be returned to the Department this fall if necessary from the sale of beef without seriously depleting his herd.

The Secretary,
Department of Indian Affairs
Ottawa

I have the honor to remain,
Sir,
Your obedient servant,
Geo Mortlock
Indian Agent

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

292538

Hx'd.

Ottawa, 28th August, 1906.

Sir,-

I have the honour to enclose herewith for taxation an account amounting to $100.00 from Mr. H. E. Ross for professional services rendered in connection with the case of The King vs. Weeso-cooquina-yaso (Jumbo). The following is a report made by the Agent in the matter:- "The facts are as follows- "The Indian 'Jumbo' was charged with striking two blows on "the eye of the Indian named, which were claimed to have "occasioned his death; whereas a post-mortem examination revealed "a blow administered on the side of the head by some person "unknown which was sufficient to cause death, and as Itawepesim "did not die for seven days after the row between him and the accused, it was considered probable that Jumbo was not the "guilty person. Upon hearing Mr. Ross' defence the jury "brought in a verdicy of 'not guilty'."

Your obedient servant,

STEWART

Secretary.

The Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

82L

297496 297625 Carlton Agency

THE DEPARTMENT OF INDIAN AFFAIRS

IN ACCOUNT WITH

H.E.Ross.

Vote No [illegible]

Treaty No. 6

3597

1906

King vs Weeso-cooquina-yaso (Jumbo).

July 31 To defending the above Indian on charge of murdering Isaac Michael. cross-examining 13 witnesses and paying witness fees for three witnesses called for the defence $6.00.My fee for same including disbursements $100.00

Dated at Prince Albert .Aug.3rd 1906.

Certified correct, services rendered, charges fair and just

[illegible]

Indian Agent

I hereby Certify that I have disbursed this account and taken the same as the sum of $75.00

[illegible]

Min. of Justice

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

821

297496 297625 Carlton Agency

THE DEPARTMENT OF INDIAN AFFAIRS

IN ACCOUNT WITH

H.E.Ross.

Treaty No. 6

Vote no [illegible]

1906

July 31 To defending the above Indian on charge of murdering Isaac Michael. cross-examining 13 witnesses and paying witness fees for three witnesses called for the defence $6.00. My fee for same including disbursements $100.00

King vs Weeso-cooquina-yaso (Jumbo).

Dated at Prince Albert .Aug.3rd 1906.

Certified correct, services rendered, charges fair and just

[illegible]

Indian Agent

Aug. 29 1906

I hereby Certify that I have examined this account and believe the same as the sum of $75.00

[illegible]

Dy. Min. of Justice.

3592

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

297625

F.G.

292538

Ottawa, 29th August, 1906.

ACCOUNTANTS BRANCH AUG 30 1906

A. - 3.

Encl.

Sir:-

I have the honour to acknowledge your letter of the 28th instant, No 292538, enclosing an account for $100. from Mr H. E. Ross, and beg to return the account certified at $75.00.

I have the honour to be,

S i r,

Your obedient servant,

E. L. Newcombe

D. M. J.

Pay 9c 166 & recall

821

Ck sent Sept. 1/21

The Secretary,

Department of Indian Affairs,

O T T A W A.

Indian Affairs. (RG 10, Volume 7468, File 19107-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19107-4 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

CARLTON
MURDER
RENE MAURESETTE BY HER HALF½BREED HUSBAND
ABRAHAM

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

FILE NO. 19107-4 DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19107-4

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

CARLTON

MURDER

RENE MAURESETTE BY HER HALF-BREED HUSBAND ABRAHAM.

R. 8849

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Montreal Herald 20/10/38

Regina Leader-Post 19/10/38

Body of Indian Found Near Corpse of His Wife

Prince Alberta, Sask., Oct. 20—(CP) — Body of Abraham Mauresette, 30, sought by Royal Canadian Mounted Police in connection with the death of his wife last Monday, was found Tuesday night about 1½ miles from the place Mrs. Mauresette's body was discovered on Sandy Lake Indian Reserve, 50 miles west of here.

The back of Mrs. Mauresette's head was crushed and her body left outside her home on the reserve. She was 24-years-old.

A borrowed rifle was found near the body of Mauresette. An inquest will be held into both deaths.

Young Indi[illegible] Beaten by Murderer

Rena Mauresette, 24, Indian, was beaten to death on a reserve near Prince Albert and Mounted Police on Tuesday sought her husband, Abraham, 30, for questioning.

The murder occurred on the Sandy Lake reserve, 50 miles west of Prince Albert, and R.C.M.P. patrols on Tuesday scoured the bleak region for some trace of the husband, who was reputedly seen with his wife shortly before her body was found on Monday afternoon, the head beaten into pulp. A club was found near the body.

In a broadcast from Regina, police described the husband as a French half-breed about five and a half feet tall. He has black hair, sallow complexion and is supposed to be wearing overall pants with a blue shirt and black sweater with white bands around the waist, an old grey cap and black oxford shoes.

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dr. Albert
Herald 18/10/38

Indian Woman Murdered

ROYAL Canadian Mounted Police today sought Abraham Mauresette, French half-breed, for questioning following the murder Monday afternoon of his 24-year-old Indian wife, Rema Mauresette, on the Sandy Lake Indian Reserve, some 50 miles west of here.

With the back of her head pounded to a pulp, the body of Mrs. Mauresette was found outside their home and the discovery reported to the police.

Find Murder Weapon

A description of Mauresette, a French half-breed, has been circulated.

The club that was used to beat the woman to death was found at or near the scene of the murder.

The wife of the school teacher on the reserve, whose name was not immediately available, reported that the body had been seen and police were sent to investigate.

The hour of the murder has not been fixed but it is said to have been some time yesterday afternoon.

Thus far in the investigation, the police are unable to put their finger on a motive for the woman's murder. It was not known here this morning whether the couple have any children.

The Sandy Lake Reserve is located west of Canwood and north of Hawkeye.

The following description of Mauresette was given: Age 28 to 30; height 5 feet 6 inches; weight about 150 pounds; black hair, sallow complexion.

He was wearing blue overall pants and a blue shirt, a black sweater with three white rings around the waist and each arm, an old gray cap and black oxfords.

The body has been removed to Shellbrook for a post mortem and inquest. Coroner Trenholm will conduct the inquest.

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19107-4

Regina Leader-Post 29/10/38

Indian Hunted For Killing Wife Is Found Dead

Police search for Abraham Mauresette, half-breed, who reputedly murdered his Indian wife Rena, 24, ended Tuesday when the man's body was found in a cellar of a house on the Sandy Lake reserve, west of Prince Albert.

Mounted Police headquarters in Regina reported that Mauresette, 30 years of age, called upon the occupant of the house, borrowed a gun then shot himself in the basement.

Rena Mauresette was beaten to death on the reserve Monday afternoon.

Children in Family

An inquest over both bodies was conducted Wednesday at Shellbrook, where Dr. Frances McGill, Regina, provincial pathologist, conducted post-mortem examinations.

After his wife's murder, Mauresette took one of their children to the church mission. There are two or three children in the family.

Then he borrowed a rifle and disappeared. The Mounted police brought "Chief," a police dog, from Wakaw to assist in trailing the man. The German shepherd dog successfully followed Mauresette's trail back and forth until dark when the search with the dog was suspended.

An Indian came upon the dead man's body in a house situated on the reserve less than two miles from his own house.

Department of Mines & Resources
Indian Affairs Branch.
OCT 27 1938
CROS

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Form 264B

ROYAL CANADIAN MOUNTED POLICE 1000-38

PRINCE ALBERT SUB DIV. 38PA

Shellbrook DETACHMENT

REPORT ON CONCLUSION OF CASE

Abraham Mauresette Residence Sandy Lake Indian Reserve Sask.

Murder Date of Offence 17-10-38

Act Murder (263) C.C.C.

Sandy Lake Indian Reserve. Sask.

L/Cpl. J.T.Wilson before W.Trenholm J.P.

Sask. on 18th Oct. 1938

Trial Nil { Guilty / Not Guilty } By indictment

of -

of

Nil

Counsel - Defence Counsel -

None called of

of

CHARGE WITHDRAWN - Defendant having committed Suicide.

Disposition of fine

Exhibits (Nature and Disposition) Nil

Costs. Serving Summons $ - Arrest $ - Attending Court $ -

Received by Justice fees $

Mileage Miles @ per mile $ Total Costs $

Total expenses of case

Mileage collected $ Disposition of Mileage

Moiety $ Disposition of Moiety

Appeal

Finger prints and photo forwarded Headquarters

Previous convictions No record at this detachment.

Name of complainant - L/Cpl. J.T.Wilson

Remarks

WITHDRAWN

EXPENSES shown on P. 93

Period 14th-31st Oct 1938

17-10-38. On this date a telephone message was rece detachment from Mr Matthewson, who is employed as Clerk office of the Indian Agent at Leask, to the effect the received a report from Mrs Goodman, (who is the wife of School teacher on the Sandy Lake Reserve) named Rema Mauresette, an Indian, had been found

Investigated by L/Cpl. J.T.Wilson and C.I.B. Prince Alb

Forwarded O.C. Sub. Div. Prince Albert Forwarded O.C. Division Forw

J.T.Wilson L/Cpl. I/c Detachment

Reg. No. 4933

Date 24-10-38

I/c Sub. District

Date D

Copy to Deputy Minister General

COPY TO DEPT. OF INDIAN AFFAIRS, REGINA

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Frank Abraham MAURESETTE - Murder (263)
Sandy Lake Indian Reserve. Sask.

near her home on the Indian Reserve. No other details were available at this time. The Officer Commanding Prince Albert Sub Division was immediately advised by telephone. Coroner W.Trenholm was notified and accompanied the writer in Police Car Code 2422 from Shellbrook to the Sandy Lake Indian Reserve when further details were obtained from Mrs Goodman. The patrol continued with Coroner Trenholm and D/Cst Woodhouse and Cst Kerr when the body was viewed where it lay, photograhs of the scene being obtained by Cst Kerr. The body lay on its face, the back of the head appearing to have been beaten in sufficiently to fracture the skull, and a portion of the scalp torn. A heavy club some 18 inches long lay beside the body, which was marked with blood at one end appeared to have been the weapon used in committing the crime.

2. Mrs Wapekwas and Mrs John Jimmok, who were the first to discover the body were questioned, and when it was learned that the husband of the deceased, Frank Abraham MAURESETTE had been left with his wife when the aforementioned witnesses had left to go into the woods to gather moss. As Frank Mauresette had been seen leaving the scene ofthe crime around the time when it was committed, and had left his four year old son with a neighbour, and not having returned, it was presumed that this man had committed the murder. It was also learned by questioning the small boy that his father had struck his mother and had knocked her down.

3. The Coroner ordered the removal of the body to Shellbrook as an inquest was necessary. D/Cst Woodhouse and Cst Kerr continued to make inquires with a view to apprehending Frank Mauresette, while the writer returned to Shellbrook with the Coroner, and making arrangements at Mont Nebo to have the body conveyed in a truck to Shellbrook.

4. On arrival at Shellbrook, the O.C.Prince Albert was advised by telephone as to the details of the case, and a description of Frank Mauresette given.
As soon as the the telephone exchanges were open at 8 a.m. the following morning (18th Oct) the Mistawasis Indian Reserve, the Muskeg Indian Reserve were advised to be on the look out for Mauresette and descriptions furnished. Cst Guthrie of Blaine Lake Detachment and Cst Sexsmith of Big River were also notified. As it was reported that Mauresette had relatives near Matis, Cst Sexsmith was instructed to make inquires in that district as it was possible that Mauresette might have gone there. Cst Buchanan was also advised at the Spiritwood detachment with a view to checking any trains which might pass through and obtaining any information as to the movements of the wanted man. The Town Police at Lensk were also notified.

5. Information and complaint was also laid by the wrtiter before W.Trenholm J.P. charging that Frank Abraham Mauresette of Sandy Lake Indian Reserve on the 17th day of October 1938 at Sandy Lake Indian Reserve did murder Rema Mauresette contrary to Sec 263 of the Criminal Code of Canada. Warrent to Apprehend was issued.

6. On receiving instructions from the Coroner to summon a Jury, the following Jurymen were summoned;-

A.F.Agnew	Jas. Bryant
L.Moffat	Wm Inkster
John Bibby	Jas, Warren

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Frank Abraham MAURESETTE - Murder (263)
Sandy Lake Indian Reserve. Sask.

All of the aforementioned jurymen were residents of Shellbrook.

18-10-38

7. On this date the writer attended the inquest; the jurymen having been sworn, viewed the body of Roma Nauresette and adjourned until an autopsy could be made.

8. In the p.m. of this date D/Sergt. DesRosiers arrived from Prince Albert accompanied by D/Sergt. Gerrie and S/Cst Laird with Police Dog "Chief" and who continued with the investigation

19-10-38

9. On this date D/Cst Gerrie reported that Frank Mauresette had committed suicide by shooting himself with a .22 rifle, the body having been found in the cellar of the house of George Bird on the Sandy Lake Indian Reserve. On the same date the body of this man was brought into Shellbrook, the Coroner having viewed same and ordered the removal. Acting on instructions received from the Coroner, a jury was summoned to attend the inquest of Frank Mauresette, and which were the same jurymen with the exception of Douglas George, L.Moffat being out of town at Big River.

10. After being sworn, the jury viewed the body and the inquest adjourned until an autopsy could be made. D/Sergt DesRosiers took charge of the inquest in both instances and who is rendering a detailed report regarding same. The autopsies were performed by Dr Frances McGill, Provincial Pathologist.

20-10-38.

11. On instructions received from D/Sergt. DesRosiers the Indian Witnesses were conveyed by the writer per Police Car Code 2422 from Shellbrook to Sandy Lake Reserve.

24-10-38

12. On this date the Information and complaint laid against Frank Abraham Mauresette was withdrawn in open court before W.Tronholm J.P. at the request of the writer.

WITHDRAWN.

EXPENSES SHOWN ON F (93)
Period 16-31st Oct 1938

J.T.Wilson L/Cpl.
Reg. No. 4933
I/C of Detachment.

TO O.I.C. "F" DIVISION, REGINA
FORWARDED.
INSPR
COMD'G PRINCE ALBERT S/DIVISION.

OCT 27 1938

COPY TO DETACHMENT.

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 36R

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"G"	Prince Albert	Sub-Division, C.I.B.
Province		Date
Sask.		October 20th, 1938

File References

Re: Frank Abraham MAURESETTE - Murder (265) C.C.C.
Sandy Lake Indian Reserve, Saskatchewan.

Headquarters

Sub-Division

36PA 480-4

Detachment

P. C. R.

A. R. V. No.

Diary Date set for

19.10.38

1. In reference to the above, whilst at Wakaw, this morning, on other matters, the O.C. Prince Albert Sub-Div. phone me to the effect that Mrs MAURESETTE had been murdered on the Sandy Lake Indian Reserve, on the early part of the after-noon of the 17th. inst. and that her husband was the most likely suspect as he had not been seen since the offence was committed.

2. On instructions received I picked up S/Cpl Laird and Police dog (Chief), and proceeded to Prince Albert per Pol-Car Code No. 1608.

3. On my arrival at this city I reported to the Officer Commanding for further details. At about 10.15 o'clock this A.M. accompanied by S/Insp. COURTOIS, D/Cpl Gerrie, Constable Gates and S/Cpl Laird with the Police Dog, I proceeded to Shellbrook per Pol-Car Code No. 1608. L/Cpl Wilson, in charge Shellbrook Detachment was consulted as to the investigation to date and the body of Mrs Rosa MAURESETTE was viewed.

4. The only visible marks of violence were scalp wounds on the top and back of the head. Both were large in size and the one at the back of the head was ragged and larger than the other. These cuts left the skull exposed. There was very little blood on the body. Both hands of this deceased appeared to be bruised and swollen. Neither the body or cloths appeared to have gone through much of a scuffle.

5. From Shellbrook, Constables Gates and Gerrie took Police Car Code No. 24RR, on charge Shellbrook Detachment and proceeded on to Montreal Lake. I followed in the Police Car Code No. 1608, as accompanied by Inspector Courtois and S/Cpl Laird with his dog. At Montreal Lake we contacted D/Cpl Woodhouse and Const Kerr, and the investigation was again gone into.

6. We all proceeded to the scene of the crime, in the Sandy Lake Indian Reserve. On our arrival I learnt that Frank Abraham MAURESETTE had a shack some two miles South west which had not been occupied for some few months. I immediately detailed Constable Gerrie, Gates and Kerr to this shack with instructions to search same and the surrounding bush. These men returned within a reasonable time and informed me that there were no signs of any one having been at or near the place for some time.

7. I next questioned Louise (Mrs James) NAPEKEAS, mother of the deceased, Rosa MAURESETTE, through Rev. S. FRASER, as interpreter, and for some time she would merely state that she had left her home at about 11 o'clock on the morning of the 17th Oct. and returned at about 3 o'clock, coming into the yard at the same time as Mrs John J JIMCOCK who had come from a different direction. On entering the yard she saw

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:Frank Abraham MAURESETTE - Murder (263) C.C.C.
Sandy Lake Indian Reserve,Saskatchewan.

CONTINUED FROM PAGE NO.1.

On entering the yard she saw her daughter stretched out on the ground with a scaly wound at the back of the head and in blood. She was lying on her stomach with her face over a stick of wood.She was dead. She removed the piece of wood from under her face and set it on her neck. She notified Russel ISBESTER of her daughters death and requested that he notify the authorities.

8. Mrs WAPEKWAS added that her daughter REMA married Frank MAURESETTE about 9 years ago and have three children living by them,ages 2 to 6 years. My daughter is a treaty Indian and MAURESETTE is a French halfbreed. They do not belong on this reserve, but live with us off and on. The MAURESETTE did considerable quarreling,he was jealous of his wife and accused her of having to do with other men. About 4 weeks ago while they were visiting at MAURESETTE'S home in the Mattes District Mauresette whipped his wife because he thought she was running out with other men. On the 13th Oct.1938 while they were at our home here,they again quarreled over similar matters. At 11 oclock on the A.M. of the 17th Oct.Rema stood a short distance from the house washing clothes and her husband sat on the wood close by. they appeared to be quarreling over something. Rema told him he was lazy and did not provide for the home. When I left the house at 11 oclock the MAURESETTE'S were outside as described and their two younger children were in the house.The eldest child age 6 years had gone to school. When I returned home at about 3 oclock,both Frank MAURESETTE and Albert MAURESETTE age 4 years were gone. Albert was the eldest of the two children left at home.

9. Albert although only 4 years of age,is exceedingly bright and when questioned through the interpreter,stated; "Dady had a stick in his hand,he hit mama here."(Pointing to the side of his head with his fist.) "Mama had a stick in her hand and she hit dady here."(Pointing to the outside of the left knee.) "Mama fell to the ground,Dady fell on the ground." He took my hand and we walked fast,fast to the Mission,he put me in Uncles wagon,and uncle took me home. Dady went away."

10. We were unable to get any clothes worn by MAURESETTE from the WAPEKWAS home. We were told that all the clothes owned by him were on his back. Later they mentioned that he had left a pair of pants near a tent. We found the pants which we handed to S/Cst Laird for the purpose of having the police dog get a scent of MAURESETTE,for tracking purposes.

11. Having been informed that Lloyd Starblanket had got a sweater coat fromMauresette on the 17th inst. I detailed D/Cst Woodhouse to get possession of the sweater,should there be blood on it and for the purpose of assisting Cst Laird and the dog in tracking the culprit down. Inspector Courtois went along with Cst Woodhouse.

12. Accompanied by Constable Gerrie,Const Gates and S/Cst. Laird,and Rev FRASER as interpreter,I went to the home of one Marian REBEIE,one mile north from the mission. Mrs REBEIE was interviewed and stated that at about 5 oclock on the after-noon of the 17th.inst she saw Frank MAURESETTE walk pass her home carrying a rifle in his hands. He was travelling fast and going in a southerly direction,towards the Mission. MAURESETTE she sid were no coat or sweater at the time.he was wearing a blue shirt and pants.

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:Frank Abraham MAURESETTE - Murder (263) C.C.C.
Sandy Lake Indian Reserve, Saskatchewan.

CONTINUED FROM PAGE NO.2

BLUE SHIRT AND PANTS.

13. There is a trail running north and south pass the RENNIE home and this was the trail which she pointed to ,as the place she saw MAURESETTE go pass with a gun in his hand.

14. It was at this point that S/Cpt Laird,Constables Gerrie and Gates,started with the Police Dog (Chief)to try and follow MAURESETTE'S foot tracks.

15. While at the RENNIE home one Soloman Starblanket,came there and handed me a sweater which he stated was given to his son Lloyd,by MAURESETTE,on the P.M. of the 17th.inst.

16. For the purpose of trying to get further particulars in connection with MAURESETTE getting possession of the rifle etc.,I went to the STARBLANKET home accompanied by Rev.FRASER and Soloman Starblanket. We located Lloyd Starblanket,a youth of 17 years and he stated that"At about 2.30 oclock on the after-noon of the 17th Oct. Frank Abraham MAURESETTE came to his home and first mentioned that he had cramps in his stomach. He next said "I shot a number of ducks on the lake yesterday,which I was unable to get, they have since drifted to shore,if you come with me I will give you half of them. I said I would come along and he suggested that I take my rifle along. I took my 22 cal.rifle and two shells, 22 short and started out with him. He further said that he had walked out with his friend Laurence WAPEKWAS but left him in the bush behind. When we got about a half mile north of my home I asked where his friend was and he replied that he may have gone around the lake. He next asked to see my rifle and I handed it over to him.He kept it, later he asked to see one of my shells and I gave him one. He looked at it and put it in his pant pockets. We kept on walking and MAURESETTE took his sweater off and handed it to me,saying"I have had this sweater for over one year,you take it and see if you can't keep it for a long time." Again they walked on in a northerly direction and before they got to a bridge at the end of the lake,MAURESETTE pointed the rifle to his forehead and again at his temple,and asked "I wonder how they do to kill themselves." I replied that I did not know. A few yards further MAURESETTE requested me to walk to home of one Soloman MASUSKAPEWS for tobacco. I said I would go and started to walk there a distance of about one mile. As I got about a quarter of a mile away,I looked back and saw MAURESETTE walking south,apparently towards the mission. I did not see MAURESETTE again.I knew he had my rifle but thought he would return it sometime later. MAURESETTE acted different then usual,he appeared to be nervous o over something. My mother came to MASUSKAPEWS in a buggy and I went home with her. It was dark when I went home,I believe I was at this place for about 3 hours. MASUSKAPEWS was not at home when I went there but he arrived shortly before I came away. We did not go around the lake looking for ducks as suggested by MAURESETTE when he first came to my home at about 2.30 P.M. My father took the sweater from me that MAURESETTE gave me on the 17th.Oct.

17. I next interviewed Johnny BENJAMIN who stated that at abo about 2 oclock on the after-noon of the 17th Oct,1938 He saw Frank Abraham MAURESETTE put his son Albert in Lawrence BENJAMIN'S waggon which stood at the front of the Mission.

18. I omitted to mention that I had Lloyd STARBLANKET show me the place he last saw and left Frank MAURESETTE on the 17th Oct. and while at this place Inspector Courtois came along and to-gether with the assistance of other men we searched the bush in this vicinity should he MAURESETTE hav committed suicide.The time was getting on and we decided to let this matter rest until the following morning when the whole of the ground could be covered with the

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re;Frank Abraham MAURESETTE - Murder (263) C.C.C.
Sandy Lake Indian Reserve,Saskatchewan.

CONTINUED FROM PAGE NO.3

COULD BE COVERED WITH THE assistance of the Police Dog,Chief.

19. Several other enquiries were made on this reserve for the purpose of obtaining some further information as to Frank MAURESETTE'S wherabouts, but received no information that would assist us further.

20. Constable WOODHOUSE had informed me that he had gone to Mattes and there interviewed George MAURESETTE,father of the suspect and several others in the district all with a view of locating the man but no one had seen him at or near there for about 3 weeks. This Constable arrived on the scene of the cri e on the evening of the 17th.inst.and will submit his report as to his findings.

21. From the information received I was of the opinion MAURESETTE had comitted suicide and would likely be found on the following day. It was also my intentions to have the bush searched within a radius of about 3 miles of his home.

22. This P.M. I hired one Shum AHENAKEW,Indian,as a guide and interpreter, This man was with me from about 3 oclock to 7 oclock in the evening. It got quite dark on this reserve and did not think much could be accomplished by all stayed up for the night. There was no place on the reserve where we could get a meal and the nearest point being Monte Hebe,we all went there for dinner After dinner I detailed Constables Gates and Gerrie to patrol in the visinity of the scene of the crime throughout the night should some information be received as to his whereabouts or should he return to the WAPEKWAS home during the night.

23. There were only three beds available in the Monte Hebe Hotel and no others to be had in this hamlet. Constables Kerr and Woodhouse had had very little sleep on the night previous and it was deemed advisable to get back on the reserve with the dog while the frost was still on the ground,it was agreed to get back there at 6 oclock the following morning. The facts that there were notsufficient beds for five of us,it was decided that Inspector Courtois and Const Kerr would return to Prince Albert and return on the following day. Constables Laird,Woodhouse and I occupied the three available beds here,retiring at about 10 P.M.

24. At about 10.10 this P.M. Constable GATES came to the hotel and informed us that Frank MAURESETTE had been found in the cellar of George Bird's residence,by George Bird. He had a bullet hole in the left temple and dead. The rifle had been found setting between his legs.

25. On receipt of the above I instructed the Constable to look the Bird premises etc. and would be out in the morning. Both Constables were instructed to proceed to Shellbrook and whilst there,to notify the Coroner and request that he come out with them to view the body etc.

19.10.36

26. This A.M. accompanied by Constable Woodhouse and S/Cst. Laird,I proceeded to the Sandy Lake Reserve per Pol-Car Code No. 1608,On our arrival at the BIRD home Mr WOODMAN,local school teacher,handed me a 22 cal.single shot rifle bearing No.109950, Make-Zella Mehlis,and stated that at about 8.30 oclock on the night previous,George Bird and others reported to him that he BIRD had found a man in his cellar when he got home at about 8 oclock this evening. Accompanied by others he went to the Bird home and found the trap door into the cellar opened.He looked into the cellar and there saw Frank Abraham MAURESETTE lying on his back,he appeared to be sleeping and had the rifle between

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re;Frank Abraham MAURESETTE - Murder (263)
Sandy Lake Indian Reserve, Saskatchewan.

CONTINUED FROM PAGE NO.4.

AND HAD THE RIFLE BETWEEN his legs. In the Coroner's presence namely W.TRENHOLM,Mr Goodman placed the rifle in the same position he had taken it,this was verified by others. Mr Goodman when further questioned about the removing of the rifle on the night previous,stated that when they first arrived at the Bird home no one knew whether or not the man was dead or alive,as MAURESETTE'S face was not visible. All they could see was part of the body and the rifle setting between his legs. The rifle was removed for safety sake and then he made sure that he was d dead. On close examination he noticed the bullet hole in the left temple and a little blood on the face. He kept the rifle in his presence from the time it was removed from the position it was found in.

27. The BIRD house is a frame building,1½ stories and faces west. There is also another door on the south side which leads into the kitchen. The trap door leading into the cellar set on the floor in the front room. The cellar as at about the centre of this room and slightly north. The opening is about 20 inches square. The cellar measured 4 feet east and west by 5 ft north and south.It is boarded all around. The cellar was filled with potatoes to within 26 to 27 inches of the floor. The deceased was on his back with head to the north and face towards the west. The left hand was flexed and to the side close to the body.the right hand was to his side and towards the knee. Right leg flexed and ~~under~~ crossed with left leg. Eyes open. Dressed in blue shirt,blue bibbed overalls and stocking feet. There were potat - oes in the cellar and to within 26 or 27 inches of the floor. The body was on the potatoes. There was no furniture of any description on the ground floor of this house.

28. I went upstairs and there saw two bedsteds and springs. On the floor between one of the beds and the south wall there was an old mattress folded in two,it set east and west along the south wall. On the east end of said mattress there was a pillow indicating that a person had been sleeping on this matt- ress,using the top half for covering. At the head of the matt- ress I found MAURESETTE'S cap and at the foot were his shoes. All indicated that he had occupied the mattress for some time at least. Near the foot of the bed there was a 8 pound paper sack containg crushed and pressed cherries,a piece of which was found on the mattress. Near the north wall near the stairs there was a gallon jar containing approximately one quart of ~~W~~ine urine.

29. I next interviewed George BIRD who stated that he left his home on the Sandy Lake Indian Reserve,with his family,on the 10th.Oct.1938 and went to Muskeg Reserve to visit relatives. Before leaving the house he bolted the front door and nailed the back door from the inside. On the 18th Oct.1938,he returned to his home with his family,he thought it was about 8 oclock P.M. He went to the back door and found that it had been tampered with,it was not in the same position as when he left it on the 10th. He entered the house,lit a lamp and went to the front of the house where he opened the door for his family. He next notic- ed the trap door open and on looking into the cellar he saw the knees of a man and out of the house he went. He took his family to Chief AHENAKAN'S home and returned to the Mission where he notified Mr GOODMAN,the school teacher. GOODMAN and others went to his home but he kept to the GOODMAN car which was stopped a short distance from his home. He could not say who the man was as he did not return to the house until after the body had been removed by the police.

30. At the Coroner's request the body was removed from this cellar and taken to ~~Fi~~dale Shellbrook for an autopsy and Inquest.

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:Frank Abraham MAURESETTE - Murder (263)
Sandy Lake Indian Reserve,Saskatchewan.

CONTINUED FROM PAGE NO.5

FOR AN AUTOPSY AND INQUEST,per Pol-Car Code No. 2422by Const's Gerrie and Gates. I detailed Constable Woodhouse to get the witnesses together and take them to Shellbrook where they were required at the Inquest. I returned to Shellbrook with the Chief whom we were using as interpreter,in Coroner TRENHOLM'S car.

31. An autopsy was performed on both bodies,i.e. that of Rema and Frank MAURESETTE,by Dr Frances McGill,Provincial Pathologist,of Regina. Details of the Doctors findings will be submitted by Constable Woodhouse. I was present and assisted with the autopsy and Constable Woodhouse took notes.

32. At 4.30 oclock this after-noon Court was duly opened before Coroner W.TRENHOLM. I called the following witnesses in each of the cases. Chief Allen Ellis AHENAKAW acted as interpreter. Dr.Frances McGill,Louise WAPEKWAS,Albert MAURESETTE, Lloyd Starblanket,Mariam REBBIE,George Bird,Constable Woodhouse and myself. The evidence given by each of these witnesses was along the lines of the statements given to me when interviewed.

33. The following is a list of the Jurymen in the Frank MAURESETTE case. A.F.AGNEW,Foreman. John BIBBY,J.WARREN,J. BRYANT,Wm.INKSTER and Douglas George. The depositions in this case was completed at 8.30 P.M. They retired long enough to write out their verdict and were back again. The Verdict is as follows;

"We the Jury find that Frank Abraham MAURESETTE came to his death on Tuesday Oct.18th,1938 in the cellar of George Bird's residence on the Sandy Lake Indian Reserve,in the Prov., of Sask. From a bullet of a 22 Rifle passing through the base of the Brain from the left side of the head. It is our firm belief that he took his own life in this manner."

34. At 8.45 the inquest on the body of Rema MAURESETTE was resumed and at 12.15 oclock this A.M. the jury retired to consider their verdict and again they were back within ten minutes. Their findings are as follows;

"We the Jury find that Rema MAURESETTE came to her death on Monday October the 17th.A.D.1938,between the hours of 11 oclock A.M. and 2 oclock P.M. at the home of James WAPEKWAS on the Sandy Lake Reserve in the Province of Saskatchewan from Hemorrhage over the surface of the brain and at the base,caused by blows from a heavy stick wielded by the hands of Frank Abraham MAURESETTE."Signed A.F.AGNEW,Foreman. J.WARREN. John BIBBY. J.BRYANT. Wm INKSTER. and G.L.MOFFET.

35. AS the MAURESETTE'S were destitute and on relief,I phoned Roy SAGE,Secretary of the Shell Lake Municipality,informing him of their deaths etc. and requested that they make arrangements for the burial. This he said would be arranged and at about 10 oclock this evening the bodies were handed over to William Henry WAGNER,who had come to Shellbrook with an order from Mr SAGE,requesting that the bodies be handed over to him.

36. The shoes,cap and sweater,property of the deceased Frank MAURESETTE were handed over to Mrs James WAPEKWAS and the Rifle handed over to the owned Lloyd Starblanket. Forms 246 will be completed by L/Cpl Wilson and forwarded in due course.

37. After the Inquest I requested L/Cpl Wilson to take the witnesses back to the Sandy Lake Reserve,per Pol-Car. Constable Woodhouse and I returned to Prince Albert,arriving at 2 oclock on the A.M. of the 20th.Oct.

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:Frank Abraham MAURESETTE - Murder (265)
Sandy Lake Indian Reserve, Saskatchewan.

CONTINUED FROM PAGE NO.6

38. From information received it would appear that Roma MAURESETTE did considerable roaming around with other men which was the source of most of the trouble between them. They quarreled over this matter on several occasions, particularly of late. MAURESETTE was known to the writer as a quiet sort and easy going. The woman was not know to me but from information received it would appear she had a very bad temper and did as she well pleased. It seems that these people were quarreling when Mrs WAPEKWAS left the house at 11 oclock on the A.M. of the 17th. This lady states that she thought the quarrel was over MAURESETTE not providing for the home etc., but I feel satisfied that Roma's actions were at the bottom of it all, and in a fit of temper both picked up sticks and went for each other, MAURESETTE getting in the first and most heaviest blow, which were fatal. He must have struck his wife several blows on the head and her hands got bruised while protecting herself. There was only one outstanding mark of violence on MAURESETTE'S body, i.e. besides the bullet wound, and that appeared to be a bite on the right arm.

39. For further particulars regarding the investigation of this case please refer to report submitted by D/Cst Woodhouse, of even date.

EXPENSES SEE F 93 FOR THE PERIOD OCT 16/31-1938

D/Sgt.

The H.C.O. I'C RCMP SHEILBROOK. E.J.DesRosiers. Regt.No.10451.
Forwarded for your information I/C Prince Albert Sub-Div.CIB. with Cst. Woodhouse's report of even date. Please let me have your report as early as possible.

(F.W.Schutz) Inspr.
Commanding Prince Albert S'Div.
22-10-38 FWS'MS.

The Officer I'C CIB RCMP "F" DIV. EGINA.
1. Forwarded for your information together with Cst. Woodhouse's report of the 20th. inst and memorandum referred to in para. 32 of Cst. Woodhouse's report. I understand that Police Dog "Chief" did good work in tracking Mauresette but on account of darkness and dense bush country had to discontinue on night of the 18th. before Mauresette was located.
2. This appears to be a clear case of Murder and Suicide.
3. L/Cpl. Wilson, Cst. Gerrie and S/Cst Laird's reports will be submitted in due course.
4. There appears to be no object in keeping wood club described in Exhibit Report, CIB No. 120 attached, and unless otherwise instructed it will be destroyed on 30-11-38.

(F.W.Schutz) Inspr.
Commanding Prince Albert S'Div.

22-10-38 FWS'M .

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19107-4

ROYAL CANADIAN MOUNTED POLICE
CRIMINAL INVESTIGATION BRANCH

01960

OUR FILE NO. B 636-13-G-11

OTTAWA, November 8, 1938.

YOUR FILE NO.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

EX'D.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Mines & Resources
Indian Affairs Branch
NOV 10 1938
RECORDS

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19107-4

01960

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE NO. B 636-13-G-11

OTTAWA, November 8, 1938.

YOUR FILE NO.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

EX'D.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Mines & Resources
Indian Affairs Branch
NOV 10 1938

Indian Affairs. (RG 10, Volume 7468, File 19107-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19108-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

CROOKED LAKE
MURDER OF MRS SPOWGAN BY TWO HALFBREEDS

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

DORMANT FILE NO. 19108-2 DORMANT

DORMANT

R. 5755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. ~~[illegible]~~ 19108-2

Department of Indian Affairs.

June 1914

1908

Crooked Lake

Murder of Mrs Spowgan by two half-breeds.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

DEPARTMENT OF INDIAN AFFAIRS
JUN 22 1914

INDIAN AGENT'S OFFICE,

IN YOUR REPLY REFER TO
No. 29
ALSO
TO DATE OF THIS LETTER.

Crooked Lake Agency,
Broadview, Sask.,
June 18th, 1914.

~~164718~~

Sir,-

I regret having to make the following report to the Department in connection with the death of an Indian woman, wife of Spowgan, No. 108 Ochapowace Band.

This woman's death, which occured on the 23rd ultimo, was reported in a casual manner by two Indians of the same band a few days after burial to Instructor Hillhouse, who, not having heard of the woman previously being sick, made enquiries as to the nature of her sickness and cause of death. He was informed that the woman had been sick about a month and had died from loss of blood which flowed from the womb at the period of menstruation. Instructor Hillhouse duly reported the matter to me. Immediately after his report confusing information concerning the woman's death reached the office. Constable Taylor of the R.N.W.M.P., was consulted in the matter and with him, I interviewed Spowgan who gave as all thought a most straightforward account of his wife's sickness and which he stated resulted in her death. The Indians, however, especially a few belonging to Cowessess Band, still persisted in talking among themselves of the woman not having died a natural death, and I was then determined to get at the bottom of the whole affair. Consequently on Monday 8th inst myself, Mr. Boyer, Instructor Hillhouse and Constable Taylor, accompanied by the interpreter, began a thorough investigation and getting those Indians, who had been talking about

the

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

the woman not having died a natural death, together, managed after considerable trouble to get hold of a little information which gave a slight clue towards foul play. From this our energies to sift the matter to the bottom were renewed with vigour, but difficulties were experienced at almost every turn as the Indians, most likely to know anything of the affair, had evidently decided to withhold giving information against anyone of an incriminating nature. However, as our investigation proceeded it was learned that foul play of a most atrocious character had been enacted and when the Indians concerned in connection with the woman's death had all been rounded up and brought to the Instructor's place on Ochapowace reserve no trouble was experienced in obtaining statements which pointed to the death having resulted from maltreatment.

The Department employees before mentioned, also the constable, were out on the reserves in parties and taking devious routes during the whole of the night of the 8th as one of the principal Indians named in connection with the woman's death could not be located, and it was feared that he, learning of the investigation, was in hiding and most likely to attempt to evade arrest by absconding. This Indian, Gabriel Belanger, was not located until about II a.m., on the morning of the 9th.

From the statements of the Indians the following details are gathered:- On Friday May 22nd last Indians, Spowgan and wife, No. I08; Little Assinaboine, No. I00; Gabriel Belanger, No. II7; Jim Assinaboine, No. I45; John Nohnohokimah, No. I48; Roderick Henry, son of No. I28 and Robert Bear, pupil No. 76 of the Round Lake Boarding School; all belonging to the

Ochapowace

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ochapowace Band, left the reserve at different times (but not all separately) during the forenoon for the town of Whitewood. In Whitewood the Indians named, with the exception of Roderick Henry and Robert Bear, met in with three non-treaty half breeds, Bernard Peltier, Abraham Peltier and Joe Desfarlais. Bernard Peltier it appears solicited money from the Indians for the special purpose of procuring liquor, and being successful in his solicitations the liquor was purchased. Gabriel Belanger, Jim Assinabaine and John Nohnohokimah also procured liquor at least from two other separate and distinct sources, and all of the Indians before mentioned, except Robert Bear, drank liquor quietly in the town. The three half-breeds left the town during the afternoon, their destination apparently being some point on the Ochapowace reserve. The Indians left the town about 5 p.m., following closely to each other and while on the trail, before getting to the reserve, apparently having several bottles of liquor, they frequently stopped for the purpose of drinking. At one of these halting stages I regret to say Robert Bear who is but 13 years of age and a pupil of the Round Lake School was offered and accepted a drink of intoxicating liquor. In crossing a creek within the boundaries of the Ochapowace reserve but only a short distance from the east line, the waggon, in which Spewgan and his wife also Little Assinaboine were riding in, sunk deeply in the mud and the occupants being so parlyzed drunk and Gabriel Belanger, Jim Assinaboine and John Nohnohokimah who closely followed being intoxicated as well, further progress towards their homes was stopped for a while, especially so as just then the three half-breeds, who were

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

were returning to Whitewood after having been to a point on the reserve, came up. Here more drinking took plaue and after the three half-breeds had gone on their way Gabriel Belanger and Jim Assinaboine commenced to quarrel and fight. Spowgan and his wife also Little Assinaboine were so intoxicated that they were totally helpless, but, in some manner , Little Assinabione got out of the waggon and was left by the others when they were ready to proceed lyinghelpless on the ground in which position and state he found himself at break of day 23rd. Spowgan and wife, Gabriel Belanger, Jim Assinaboine and John Nohnohok-imah then went on and when about half a mile from where Little Assinaboine was left they stopped apparently for the night. Roderick Henry and Robert Bear who had been away from them for a short time again came in contact with them and found Spowgan lying on the ground totally incapacitated by intoxication. His wife was lying a few yards away in a similar condition and both Gabriel Belanger and John Nohnohokimah after acting most indecently with the woman, with coarse and vulgar language invited Jim Assinaboine, Roderick Henry and Robert Bear to take their turn and do the same as they had done. To the credit of the three last mentioned Indians they refrained. Then, it is stated, Gabriel and John commenced the most revolting work which soon was to be the death of the woman. Stripping every bit of clothing off the prostrate woman one or both used their hands, besides a dry stick about one and a half inches in diameter and of a rough and knotty nature, on and in the vulva, and further one of the two punched the woman with clenched fist on that particular part of the body as well as

directly

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

directly on the stomach. The three witnessess state that blood began to flow freely from the vulva, in fact so freely that as the blows were struck blood actually splashed on the face of one of the witnessess. By this time it was getting dark and lighted matches were used to aid them in their atrociousness. Roderick Henry and Robert Bear became very frightened and both ~~acted~~ decided to get away from the horrible scene. Jim Assinaboine and John Nohnohokimah , shortly after Roderick and Robert, left also. Gabriel Belanger then lay down by the side of the maltreated and prostrate form of the woman and slept. Spowgan, the woman's husband, was totally ignorant of all that had been going on until his wife just at daybreak crawled over to him and asked him to get her water to drink and also to light a fire. Spowgan was very sick himself from the effects of intoxication, but he appears to have readily carried out the requests of his wife. As the morning advanced Spowgan's wife became very ill and she told Spowgan that those men, meaning Gabriel and John, had "killed her". She accused Gabriel of maltreatment but Gabriel replied to her that John was the person who had done it. The woman then asked Gabriel to go to the nearest house to get a horse and rig and to come back immediately for her. Gabriel left as Spowgan states with that intention but had not arrived back by mid-day. After Gabriel left Spowgan told his wife that he would inform on the men who had ill treated her and also tell everything he knew of the whole affair, but his wife who without a doubt knew she was dying implored him to say nothing about it to anyone. She was by now in a very weak condition and as Gabriel had not arrived back she asked Spowgan

to

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

to hurry away and get some kind of a conveyance to take her home, as she was dying but if he hurried she would be alive when he arrived back. Spowgan hesitated to leave her in her condition but he had no other choice if he was to get help. He left in haste and as soon as possible he arrived back to his wife along with Jim Assinaboine's wife in a conveyance, but his wife was rapidly sinking and soon after their arrival died.

Spowgan with the help he had obtained then placed the body in the conveyance and travelled on towards the settled parts of the reserve. Late in the afternoon the corpse was decently interred according to Pagan rites.

Gabriel Belanger in a short time after hearing of the woman's death tried to arrange with John Nohnohokimah and Jim Assinaboine to clear out of the district altogether. He strongly pressed them to accompany him saying that there would be trouble about the affair and as they had horses all could get safely over the line and into the United States. The other two Indians demurred and would not agree to leave. Shortly after this the confusing information spoken of at the commencement of my report began to spread and which resulted in the arrest of all the Indians connected with the crime. The whole matter was then place in the hands of other authorities, and on the I2th inst the body was exhumed and an autopsy held. I attach a copy of Dr.Craig's official post mortem report which on being perused will explain the maltreatment inflicted prior to death. The inquest was held on the I7th inst and the verdict by the jury

reads

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

reads as follows:- "Mrs.Spowgan met her death on the 23rd day of May 1914 late in the afternoon - death being caused by violence and maltreatment committed by Gabriel Belanger and John Nohnohokimah late in the evening of May 22nd 1914 on the Indian reserve".

The preliminary trial of the accused Indians will take place in due course.

Regarding the prosecution of the persons who supplied the liquor, I beg to say that the police authorities and myself are working on the cases and I trust the guilty parties will be brought to justice before many more days have passed. The three non-treaty halfbreeds referred to left for the United States on the evening of the 22nd ultimo, but their early capture and punishment is desired.

Your obedient servant,

E. Taylor

Indian Agent.

The Secretary.,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY.

Re exhumation of the body of Mrs.Spowgan, June 12th 1914, 3.50 p.m. Dr.G.H.Craig, post mortem official, and A?Boyer and T.Collins, assistants. Cons.Taylor, secretary.

I, G.H.Craig, exhumed the body and was personally present from the time the body of Mrs.Spowgan was exhumed until the beginning of the post mortem examination. I personally conducted the post morte examination, and had Mr.Arthur Boyer and Mr.Thos Collins as assistants. Body in normal state of decay, but extremely well preserved considering weather conditions. Had been decently interred according to pagan rites, and was raised by six assistants without bruises or maltreatment of any description. From what I can learn from remains, the woman was about 40 years of age. Multipara; Genetalia and the tissues surrounding the Genetalia were badly decomposed. Head naturally decomposed although perfectly presenting evidences of injury. Left eye sunken. Right eye and tissues over the malar eminence badly ecchymosed, likewise over the supra-orbital arch. Left eye destroyed either through decomposition or injury. Front teeth perfect; evidences of back molars having been removed. Left side of forehead, on the ear, under the ear and under the jaw, badly ecchymosed showing positive signs of blows. Congestion of blood vessels underneath epidermia. Chin badly ecchymosed. Neck would show that two strands of a rope had been around neck and had been tightly drawn; also an ecchymosis as if a bruise had been made by a knott in the rope. None of the bones in skull and anterior aspect have been broken. Collar bone intact. Articulations in left and right shoulders complete, with signs of ecchymosis on upper arm in both instances. Back of thorax in a normal state of decomposition. Third rib on right hand side fractured about an inch and a half from the sternum. Fourth rib on right hand side evidences of injury - not complete fracture. Liver normal. Kidney normal on both sides. Spleen normal. Stomach normal - no signs of distension. Stomach empty. Evidences of faecal vomiting. Intestines empty - very anaemic. Large intestines practically empty. Ulterus - normal in appearance - broad ligaments on right side partly destroyed. Tissues torn. Body put in the lithodomy position. Perinacum destroyed and rectum entrance and vagina entrance were combined without division. Anus and entrance thus made by whatever means was filled with grass and hair. Passage large enough to admit of two doubled fists - perinaeum being completely destroyed. Lips of vulvae majorae badly decomposed - ecchymosed with signs of severe injuries from blows. Articulations between os pubis on one side and os pubis on other side complete. Cervix lacerated in every direction - practically is no cervix. The os uteri likewise lacerated. In fact there was no cervix. On everting the os uteri it was covered with hair and grass. Lower extremities exhibited severe contusions ecchymosis and evidence of bruising before she died. Uterus, rectum, sigmoid flexure and large intestine completely involved in one and with the exception of the dome of the uterus are indivisible and inseparable. Body exhibits evidences of maltreatment and strangulation. Death has been the result of haemorrhage, shock, and collapse.

Signed. Geo.H.Craig.M.D.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

463816.

Ottawa, June 26th., 1914.

Sir,-

I beg to acknowledge the receipt of your letter of the 18th. instant, reporting the circumstances of the death of Mrs. Spowgan, an Indian woman of the Ochapowace band. It is presumed that the persons who caused the death of this woman are being prosecuted by the Provincial authorities, in whose hands the case should be placed. The Department is glad to note that you are taking steps to severely punsih the persons who supplied the liquor.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

E. Taylor, Esq.,
Indian Agent,
Broadview, Sask.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

T. D. FORM 1 G

CANADIAN PACIFIC R'Y CO.'S TELEGRAPH

NIGHT LETTERGRAM

The Canadian Pacific R'y Co.'s Telegraph transmits and delivers this night lettergram subject to the terms and conditions printed on the back of this blank.

JAS. KENT, Manager Telegraphs

See back

RECEIVED AT

464716

(WHERE ANY REPLY SHOULD BE SENT)

146. RA. My. M. 29.collect. NL...11.11 pm.

Whitewood, Sask., July 14th-14.

111393

OK P.G.A.

Duncan C. Scott,

Supt. Indian Affairs,

Ottawa.

Would recommend department engage council to defend nauateweekemow and boulanger of crookedlake reserve charged with murder and that H. W. MacDonald of Broadview be engaged for that purpose.

A. B. Gillis.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816.

Ottawa, July 15th., 1914.

Sir,-

Ex'd.

I beg to enclose herewith file No. 463816 dealing with the murder of Mrs. Spowgan, an Indian woman of the Ochapowace Band, Saskatchewan, by Gabriel Boulanger and John Nohnohokimah.

I beg to request that you will advise the Department whether, under the circumstances of the case, you would recommend the appointment of a lawyer to defend these Indians, and if so, that you will be kind enough to submit the name of the lawyer you would recommend for the work.

Your obedient servant,

Asst. Deputy and Secretary.

The Deputy Minister of Justice,

OTTAWA.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ENC. W.S.E. 405076

Ottawa July 17th, 1914.

Please address reply to
Deputy Minister of Justice

B-28.

Sir,-

Referring to your letter of the 15th instant, I have the honour to state that the Minister of Justice has approved the appointment of Mr. H.W. MacDonald of Broadview, to defend the Indians charged with the murder of Mrs. Spowgan.

Papers returned.

I have the honour to be,
Sir,
Your obedient servant,

W. Stuart Edwards
Asst. D. M. J.

J.D. McLean, Esq.,
Asst. Deputy Minister & Secretary,
Department of Indian Affairs,
Ottawa.

Mr. Edwards 7/8th
Justice phoned on 18th
not to instruct the Agent
to employ MacDonald as
until he advised as
further in the matter
W.S.E.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

W.S.E.

DEPARTMENT OF INDIAN AFFAIRS
AUG 7 1914

Ottawa, August 6th, 1914.

PLEASE ADDRESS
THE DEPUTY MINISTER
OF JUSTICE
OTTAWA.

400033

Immediate
Mr. Bryant
Mr. MacDonald

B-28.

Sir,-

Referring to my recent letter to your Department authorizing the employment of Mr. H.Y. MacDonald to defend Indians charged with murder at Broadview, Sask., I am directed to ask you to employ Mr. Jas. F. Bryant, Barrister, Regina, Sask., in this connection instead of Mr. MacDonald.

I have the honour to be,

Sir,

Your obedient servant,

W. Stuart Edwards

Asst. D. M. J.

The Asst. Deputy Minister & Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(1S-4-10-6332)

T.D. FORM 2 G

CANADIAN PACIFIC R'Y CO.'S TELEGRAPH

NIGHT LETTERGRAM

The Canadian Pacific R'y Co.'s Telegraph transmits and delivers this night lettergram subject to the terms and conditions printed on the back of this blank.

JAS. KENT, Manager Telegraphs

Sent No.	Sent By	Received By	Time Sent	Time Filed	Check

Send the following night lettergram, without repeating, subject to the terms and conditions printed on the back hereof, which are hereby agreed to.

E TAYLOR, Esq.
Indian Agent,
Broadview, Sask.

Reference your telegram fourteenth ultimo. May employ James F. Bryant, Barrister, of Regina, Sask. for defence of Indians charged with murder.

J. D. McLean.

Chg. Dept. of Ind. Aff.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

405868

CANADIAN PACIFIC R'Y CO.'S TELEGRAPH

NIGHT LETTERGRAM

The Canadian Pacific R'y Co.'s Telegraph transmits and delivers this night lettergram subject to the terms and conditions printed on the back of this blank.

JAS. KENT, Manager Telegraphs

235 Ra B 46 Collect NL 330P

Broadview Sask Aug 10/14

RECEIVED AT

(WHERE ANY REPLY SHOULD BE SENT)

468323

The Secy Indian Affairs,

Ottawa

Reference your telegram 7th inst re employing lawyer indefence of indians charged with murder no telegram despatched by me 14th ultimo as stated or any other date on this subject under these circumstances consider it advisable to have your instructions confirmed.

E Taylor

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(18-4-10-6332).

T.D. FORM 2 G

CANADIAN PACIFIC R'Y CO.'S TELEGRAPH

NIGHT LETTERGRAM

The Canadian Pacific R'y Co.'s Telegraph transmits and delivers this night lettergram subject to the terms and conditions printed on the back of this blank.

JAS. KENT, Manager Telegraphs

SENT NO.	SENT BY	RECEIVED BY	TIME SENT	TIME FILED	CHECK

Send the following night lettergram, without repeating, subject to the terms and conditions printed on the back hereof, which are hereby agreed to.

Copy

E. Taylor Esq.
Indian Agent
Broadview, Sask.

11th. August, 1914.

Reference your lettergram ~~xxxxxxx~~ tenth. Department's telegram of seventh confirmed. May employ James F. Bryant of Regina to defend Indians charged with murder of Mrs. Spowgan.

J. D. McLean

Chg. Dept. I. A.

D.I.A.

asw

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Department of Indian Affairs.

Ottawa, 19

Records
2 file

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor
Copy

WHYTE & BROWN
BARRISTERS, SOLICITORS,
NOTARIES PUBLIC
A. MACDONALD WHYTE. HAROLD C. M. BROWN, B. A.

MOOSOMIN, SASK., Sept 17th 1914.

DEPARTMENT OF INDIAN AFFAIRS
SEP 21 1914

Superindendant of Indian Affairs,
Government Buildings,
Ottawa, Ont.

468321

Sir:- RE KING VS BELANGER & NOHNOHIKIMAH

We were some weeks ago asked by Belanger to appear at his trial and conduct the defence of his case so far as he was concrened. These two above named defendants are Indians of the Ochawawaca tribe on the reserve near Broadview, Saskatchewan, and are charged with the murder of a squaw. Mr. Bryant of the firm of Bryant & Wheat, Barristers, Regina advised us that he had been retained by the Department of Indian Affairs to appear for the two men as counsel, but some time prior to our being advised as to this effect, Mr.Belanger one of the above named, requested us to act as counsel on his behalf and paid us a retainer so to do. We have seen Mr. Bryant respecting this case, and have intimated to him that we were of the opinion that a more satisfactory trial could be given to both of the accused if they had separate counsel. We have seen him again to-day ~~but~~ and he now appears to agree with us in this point, and he has obtained by reason of his acting on behalf of the Government a interpreter in this case and intimated to us that he did not think the interpreter should be called upon to remder his services in favour of Belanger without being paid by

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Belanger or us on his behalf. Belanger has very little money and in fact we understand the small amount which we received from him was owing to the help of some of his tribesman, and therefore we do not feel that we can go to the expense of paying the interpreter or other Government officials. We might say that we do not presume it is the intention of the Department that one of the accused should receive a preference to the other, and we would therefore be obliged if you would advise the agent of the Reserve to give us every assistance possible in way of an interpreter or other official.

Thanking you in anticipation,

We are,

Your obedient servants,

Wright & Brown

B*XM.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463,816.

Ottawa, September 21st, 1914.

Sirs,-

I beg to acknowledge your letter of the 17th instant, with reference to the cases of The King vs Belanger and Nohnohikimah. It is noted that previous to your being notified by Mr. Bryant that he was acting for the accused on behalf of the Department you had been retained by Mr. Belanger; that you have seen Mr. Bryant who agrees with you that the accused should have separate Counsel, and you ask that the Indian Agent be instructed to give you every assistance possible in the way of an interpreter or other official.

In reply I beg to say that no communication has been received with respect to this situation from Mr. Bryant, who has been instructed on behalf of the Department and it is not considered advisable to direct the Agent as you suggest.

Your obedient servant,

Sgd. J. D. McLean

Asst. Deputy and Secretary.

Messrs. Whyte & Brown,
Barristers &c.,
Moosomin, Sask.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

WHYTE & BROWN
BARRISTERS, SOLICITORS,
NOTARIES PUBLIC
A. MACDONALD WHYTE. HAROLD C. M. BROWN. B. A.

MOOSOMIN, SASK., Sept 26th, 1914.

468384

Assisting Deputy & Secretary,
Department of Indian Affairs,
Ottawa, Ont.

Sir:- RE REX VS BELANGER 463-816.

We have the honour to acknowledge receipt of your letter of the 21st instant and we note that you will not give any assistance to Belanger whatever as he has not seen fit to accept the services of the counsel retained by the Department. We might say that we were retained by Belangers tribe of Indians and his father prior to your retaining Mr. Bryant and we were unable to see eye to eye with Mr. Bryant in connection with the case as the interests of his client were opposed to those of ours, but we think we are right in stating that he himself agreed with us that these two Indians required separate counsel.

We are however very much surprised at the attitude that your Department has taken, as we would imagine Belanger equally with Nohnohomima is under your control, both being Indians in your reserve, and we must say we are some what disappointed at the narrow stand taken but doubtless we shall be able to arrange for an interpreter ourselves. We regret that we have caused you any trouble in connection with the matter but have hitherto considered that the Department of Indian affairs held their warrant from the people of this Dominion

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

for the protection of the Indians generally. We shall keep in view in the future tthat in cases such as this we need not look to your Department for any assistance and will endeavour to discover the reason of such a Department in the administration.

Your obedient servant.

W Clyde Brown

W*CM.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

Ottawa, 2nd October, 1914.

Gentlemen,

I beg to acknowledge the receipt of your letter of the 26th ultimo, in further reference to the case of Rex vs. Belanger, the contents of which have been noted.

In reply I beg to say that the Department is rather surprised at the tone of your letter. It is thought that the Department has discharged its duty to these Indians in having provided them with counsel for their defence. As stated in Departmental letter to you of the 21st ultimo, it was not considered advisable to give any direction as suggested by you, in the absence of any communication from Mr. Bryant who has been retained for these cases, lest some misunderstanding should arise, and it is thought that upon further reflection you will concur in the view that the Department took in this matter.

Put on file

However, the substance of your communications is being conveyed to Mr. Bryant for any suggestions that he may have to offer.

DCL

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

Messrs. Whyte & Brown,
Solicitors, etc.,
Moosomin,
Sask.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

Ottawa, 2nd October, 1914.

Sir,

I beg to enclose herein a copy of communications received from Messrs. Whyte & Brown, barristers of Moosomin, Sask., with respect to the case of Rex vs. Belanger together with Departmental replies thereto. These copies speak for themselves. The Department would be glad to know whether you have any suggestions to make with respect to this matter.

Enc.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

Fwd
ASW

Jas. F. Bryant, Esq.,
Barrister,
Regina,
Sask.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

TY ▲ FILM ●●

469555

463816

noted
Law Clerk

BRYANT & WHEAT

Barristers, Solicitors, &c.

J. F. BRYANT, M.A., LL.B. F. G. WHEAT

212-3-4 McCALLUM AND HILL BLOCK

REGINA, SASK.

CANADA

October Ninth,
Nineteen Fourteen.

DEPARTMENT OF INDIAN AFFAIRS
OCT 13 1914

H.X.D.

J.D.McLean, Esq.,
Asst.Deputy and Secy.,
Department of Indian Affairs,
Ottawa, Ontario.

Dear Sir,

Your File No.463816.
Re Rex vs Nohnohokimah.

I beg to acknowledge receipt of your letter of October 2nd enclosing copies of letters from Messrs. Whyte & Brown with reference to the above matter. In reply beg to state that the position which Mr.Whyte has taken in the matter is, in the opinion of the writer, altogether unreasonable.

We had no objection whatever to Mr.Whyte appearing for Belanger, the only difficulty being that while Belanger and Nohnohokimah were apparently both implicated in the matter, Belanger endeavoured to frame up a story on Nohnohokimah and put the blame for the whole matter on him.

The writer did not refuse to let Mr.Whyte have the use of the Indian Interpreter. Prior to the Trial the writer went from Regina to Moosomin to interview the accused. He had a little over two hours between trains to go out to the gaol and ascertain as much information as possible with reference to the matter. In order that the conversation might be carried out, the writer paid out of his own pocket the Railway fare of Harry, the Indian Interpreter, at the Crooked Lake Agency and also paid for his meals on the train and at the hotel.

As it would take practically two hours to interview the accused, and as Harry wanted to go back on

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

BRYANT & WHEAT

J.D.McLean,----------2-

on the train the writer told Mr.Whyte that he would require his services himself and that if Whyte wished the Interpreter, he could have him at any time by paying his expenses.

His remarks, therefore, to the Department are without any point and are not worth further notice.

Yours truly,

BRYANT & WHEAT,

Per, J.F.B.

JFB/JDB.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

469843

463816

WHYTE & BROWN
BARRISTERS, SOLICITORS,
NOTARIES PUBLIC
A. M[illegible]LD WHYTE. HAROLD C. M. BROWN, B. A.

DEPARTMENT OF INDIAN
OCT 17 1914

MOOSOMIN, SASK., Oct 14th, 1914.

The Assisting Deputy & Secretary,
Department of Indian Affairs,
Ottawa, Ont.

Sir:- RE REX VS BELANGER 463816.

We have the honour to acknowledge receipt of your letter of the 2nd instant but owing to being engaged in the sittings of the Supreme Court we were unable to acknowledge it sooner.

We beg to report that the case against Nohnokima was tried first at which Mr. Bryant appeared for the defence and did his best to put all the blame on to our client. The trial lasted two days and we attended and made notes of all the evidence and obtained the protection of the Court when Belanger was giving his evidence, the result of the trial being that Mr. Bryant's client was guilty of man-slaughter, and Belangers case ought to have come up yesterday (Tuesday) for trial in the ordinary course of the court list. However he pleaded guilty to man-slaughter and we had the interpreter with us when we explained the whole matter to Belanger and he elected to plead guilty of man slaughter. Yesterday he came up when his plea was accepted and the Judge sentenced him to fifteen years in the Prince Albert penitentiary. After wards Nohnokima was given the same

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

sentence.

We note what you state in your letter of the 2nd instant as to this matter and while we appreciate what you state yet what made us write you in the tone in which we did was that we had been retained personally by Belanger and his father for his defence and your Department had retained Mr. Bryant right over our heads without making any inquiry as to whether he had ~~been~~ retained as counsel or not and from the tone of your first letter, we felt that your Department was endeavouring to give more assistance to Nohnokima than to our client, and as the matter has ended up in a satisfactory way to all parties we trust that the matter will now rest. We think however that before your Department should formerly retain any special counsel in a case of this sort it would be only showing a common courtesy to inquire as to whether any counsel had been previously retained by any person.

Yours truly,

W Lyle Robson

W*CM.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

Ottawa, 21st October, 1914.

Gentlemen,

I beg to acknowledge the receipt of your letter of the 14th instant, with respect to the case of Rex vs. Belanger and note the disposition that was made of this case and of the case of Rex vs. Nohnohokimah and observations with respect to the conduct of the suit.

Your obedient servant,

Assistant Secretary.

asw.

Messrs. Whyte & Brown,
Solicitors,
Moosomin,
Sask.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463,816

Ottawa, 21st October, 1914.

Sir,-

I beg to enclose for taxation Mr. James F. Bryant's account for defending Indians charged with murder at Broadview, Sask.

Your obedient servant,

S. STEWART

For Asst. Deputy & Secretary.

The Deputy Minister of Justice,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Regina, Sask. 14 th. October, 1914.

47019

M The Department of Indian Affairs,

Ottawa, Quebec.

In account with James F. Bryant of

Bryant & Wheat

Barristers, Solicitors &c.

212-3-4 McCallum & Hill Block

18 September, 1914.	To attending Moosomin to investigate charge and obtain evidence	$50.00
	Paid return ticket	6.95
	Paid hotel expenses and railway fare and return from Broadview of Harry Cameron the interpreter & self.	8.55
8 October, 1914.	To attending Moosomin at trial for 3½ days	250.00
	Paid Hotel Expenses and meals on train	8.15
	Paid return railway fare and parlor car	8.35
		332.00

This is my bill for the defence of Nohnohokimah an Indian on the charge of murder.

Jas. F. Bryant

3720

Rec'd Oct 27th

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Regina, Sask. 14 th. October, 1914.

To the Department of Indian Affairs,

Ottawa, Quebec.

In account with James F. Bryant of

Bryant & Wheat

Barristers, Solicitors &c.

212-3-4 McCallum & Hill Block

18 September, 1914.	To attending Moosomin to investigate charge and obtain evidence	$50.00
	Paid return ticket	6.95
	Paid hotel expenses and railway fare and return from Broadview of Harry Cameron the interpreter & self	8.55
8 October, 1914.	To attending Moosomin at trial for 3½ days	250.00
	Paid Hotel Expenses and meals on train	8.15
	Paid return railway fare and parlor car	8.55
		332.00

This is my bill for the defence of Nohnohekimah an Indian on the charge of murder.

Jas. F. Bryant.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816; 10197

460085

BRYANT & WHEAT

Barristers, Solicitors, &c.

J. F. BRYANT, M.A., LL.B. F. G. WHEAT

212-3-4 McCALLUM AND HILL BLOCK

REGINA, SASK.
CANADA

October 15, 1914.

DEPARTMENT OF INDIAN AFFAIRS
OCT 19 1914

ACCOUNTANTS
OCT 21 1914
BRANCH

Act

J. D. McLean, Esq.,
Asst. Depy. & Secy.
Dept. Indian Affairs,
Ottawa, Ontario.

Dear Sir:- re REX vs NOHNOHOKIMAH: Your File 463816.

We beg to advise you that the writer attended on the trial of the above accused at Moosomin last week. The trial itself lasted two days. The writer left Regina the day previous to get in Moosomin in time to interview the witnesses, and half of the day following the trial was occupied in getting home again.

After a very exciting trial, the accused was found guilty of manslaughter. I had hoped that he would have been discharged, as the Crown did not prove that any injury caused by him resulted in the death; and the medical testimony was to the effect that the wounds which actually caused the death were inflicted by Belanger. However, the case was of such a revolting nature that the Judge stated to the Jury that it was, in his opinion, the most revolting case in the annals of Canadian crime. The jury, therefore, had no sympathy for the accused and they brought in a verdict of manslaughter, and he was sentenced to fifteen years imprisonment in the Prince Albert Jail.

I am enclosing herewith my account in triplicate. I visited the accused on the 18th September, prior to the trial at Moosomin, with the Indian Agent and an Interpreter, and went into the evidence fully on that date. I paid out of my own pocket the railway fare and for the meals on the train and at the hotel for the Indian Interpreter from the Crooked Lake Reserve. It is possible that there will be an additional fee of $5.00 to pay to medicam men for expert evidence on the wounds; the bill has not been rendered yet, but if it should be it will be forwarded to you.

We will be pleased to receive a cheque for the amount of our account at your convenience.

Yours truly,

BRYANT & WHEAT.

JFB/MTC Per J.F.B.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

W.S.E. 463816

ENC.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Ottawa, October 23rd, 1914.

A-3. 410197

Sir,-

Referring to your letter of the 21st instant, (463,816), I beg to return herewith the account of Mr. Jas. F. Bryant, Barrister, Regina, Sask., for professional services in the case of Rex Vs. Nohnohokimah, certified at $332.00.

I have the honour to be,
Sir,
Your obedient servant,

W. Stuart Edwards

Asst. D. M. J.

J.D. McLean, Esq.,
Asst. Deputy Minister & Secretary,
Department of ~~Railways & Canals,~~ Indian Affairs
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Vote

Regina, Sask. October 14th, 1914. 191

M The Department of Indian Affairs,

Ottawa, Quebec.

CROOKED LAKE AGENCY

410419

In Account with James F. Bryant, of

Bryant & Wheat

Barristers, Solicitors &c.

212-3-4 McCallum & Hill Block

18 September, 1914,	To attending Moosomin to investigate and obtain evidence,	$50.00
	Paid return ticket,	6.95
	Paid Hotel expenses and Railway fare and return from Broadview of Harry Cameron the interpreter and self,	8.55
8 October, 1914,	To attending Moosomin at trial for 3½ days.	250.00
	Paid Hotel expenses and meals on train,	8.15
	Paid return railway fare and parlor car,	8.35
		$332.00

This is my Bill for the defence of Nohnohokimah an Indian on the charge of Murder.

Certified correct, service rendered charges fair and just.

E. Taylor
Indian Agent.

1986

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Vose

Regina, Sask. October 14th, 1914. 191

M. The Department of Indian Affairs,

Ottawa, Quebec,

CROOKED LAKE AGENCY
47041

In Account with James F.Bryant, of

Bryant & Wheat

Barristers, Solicitors &c.

212-3-4 McCallum & Hill Block

18 September,1914,	To attending Moosomin to investigate and obtain evidence,.....	$50.00
	Paid return ticket,.....	6.95 ✓
	Paid Hotel expenses and Railway fare and return from Broadview of Harry Cameron the interpreter and self,.....	8.55 ✓
8 October,1914,	To attending Moosomin at trial for 3½ days.	250.00
	Paid Hotel expenses and meals on train,....	8.15
	Paid return railway fare and parlor car,...	8.35
		$332.00

This is my Bill for the defence of Nohnoholimah an Indian on the charge of Murder.

Certified correct, service rendered charges fair and just.

1986

E. Taylor
Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

INDIAN AGENT'S OFFICE,

DEPARTMENT OF INDIAN AFFAIRS
OCT 23 1914

Crooked Lake Agency,
Broadview, Sask.,
October 23rd, 1914.

IN YOUR REPLY REFER TO
No. 20
ALSO
TO DATE OF THIS LETTER.

ACCOUNTANT'S BRANCH
OCT

410449

Sir,—

463816
June 26/14.

Referring to your telegrams of August 7th and 11th, last, instructing me to employ James F. Bryant, Solicitor of Regina, to defend Indians, Gabriel Belanger and John Nohnohokimah, who were awaiting trial on a charge of murder, I beg to say that I laid the matter before Mr.Bryant who immediately began preparations for their defence. Mr.Bryant, however, only acted in the defence of Nohnohokimah, owing to the Agent of the Attorney General advising him on the 4th of September that Mr.A Mc,Donald. Whyte, Solicitor of Moosomin, had been retained to defend Belanger, and that the Agent of the Attorney General was advised by him that the circumstances of the cases were such that one Solicitor would not be able to act for both parties. On a visit being made by Mr.Bryant to the gaol he learned definitely that Mr.Whyte had been retained to defend Belanger, and he, therefore, could only act in the defence of Nohnohokimah. Both Indians were found guilty of manslaughter, and were sentenced to terms of imprisonment of 15 years each in the Prince Albert Penitentiary. A voucher, No. 1986, amounting to $332.00 in favour of Mr.Bryant for professional services and expenses is herewith enclosed.

Mr. Bryant's fee $332.00 has already been paid by Deputy Minister — He defended Nohnohokimah

Regarding

The secretary.,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Regarding the defence of Belanger, I beg to say that this Indian's father, Pierre Belanger, headman, No. 69 Ochapowace Band, quite unknown to me arranged with Mr.A Mc,Donald White, of the firm of Whyte and Brown, Solicitors of Moosomin, to defend his son, and agreed to pay $100.00 for such services - the money being paid in two instalments of $50.00 each by the Reverend.Father Beys of Cowessess Mission. I may say that on learning of Belanger's defence having been arranged for I was a little surprised, having told the father of the accused Indian after the preliminary trial that I would report to the Department on the matter regarding the defence of his son and explain their financial circumstances. This report was ready and was just on the point of being forwarded when I received the Department's telegram of August 7th instructing me to engage Mr.Bryant for the defence of the two Indians. Knowing Belanger's poor circumstances so well, I felt uneasy regarding the sources from which payment was being made, fearing that he would dispose of his few head of cattle to provide the money. However, as previously stated, the Reverend.Father Beys rendered all the assistance necessary in this respect, which I only learned on receipt of the enclosed application for a refund of the amount paid to the lawyers.

Although this is an irregularity, I would strongly recommend the voucher which I herewith enclose to be paid by the Department, as Belanger's father and mother in their grief and anxiety quite naturally laid their unfortunate position before their spiritual adviser and sought his assistance,

which

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

which I am sure would have been hard to refuse. The Reverend gentleman should undoubtedly have communicated with me before taking steps in this direction, but this I think can be overlooked in this case.

I am informed by Mr. Boyer, who was summoned to attend Court as a witness for the Crown on these cases, that satisfactory professional services were rendered by Messrs. Whyte and Brown in their defence of Belanger, and, as the fee charged is reasonable, also that both Indian families should be treated alike, no doubt the Department will refund the amount to the Reverend gentleman.

Your obedient servant,

E. Taylor

Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Resolved
463816

File sent to Justice Dept.

Ottawa, 29th October, 1914.

Sir,

I beg to enclose herein file No.463816 containing a letter from E.Taylor, Esq.,Indian Agent of Broadview, Sask., dated the 23rd instant, which speaks for itself, also enclosing the voucher for $100.00 as referred to in the said letter. The Department would be glad to know whether it would be proper to pay this account.

For your information I may state that on your instructions Mr. J.F.Bryant, Barrister of Regina, Sask., was instructed to defend two Indians by the names of Belanger and Nohnohokimah charged with murder. It appears that Belanger had previously engaged Messrs. Whyte and Brown of Moosomin for his defence. Mr. Bryant has rendered his account for the defence of the Indian Nohnohokimah, which has been paid.

ENC.

Your obedient servant,

D.A.Sewell

For Asst. Deputy and Secretary.

The Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

W.S.E.

ENC.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Ottawa, November 2nd, 1914.

ACCOUNTANT'S BRANCH NOV 3 1914

470746

A-3.

Sir,-

Referring to your letter of the 29th instant, (463,816), with reference to an application for a refund of a fee paid to Messrs. Whyte & Brown for the defence of an Indian named Belanger charged with murder, I have the honour to state that as this Department authorized the employment of Mr. Bryant in this connection and the Indian instead of accepting Mr. Bryant's services preferred to employ counsel on his own behalf, I do not see upon what ground the application for a refund can be granted.

Papers returned.

I have the honour to be,
Sir,
Your obedient servant,

W. Stuart Edwards

Asst. D. M. J.

Return to me W a fan

The Asst. Deputy Minister & Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

Ottawa, 3rd. November, 1914.

EXD.

Sir:-

Referring to previous correspondence, I beg to say that the Department of Justice was communicated with in regard to the application for a refund of a fee paid Messrs. Whyte & Brown for the defence of an Indian named Belanger charged with murder. A reply has been received in which it is stated that as the Department of Justice authorized the employment of Mr. Bryant in this connection, and as the Indian instead of accepting Mr. Bryant's services preferred to employ council on his own behalf, there does not appear to be any ground on which the application for a refund paid to Messrs. Whyte & Brown can be granted. Under the circumstances I return the voucher, No. 1987, for $ 100.00 which you submitted in favour of the Rev. J. B. Beys, together with the receipts etc. submitted in connection therewith. You should explain the matter to the persons interested.

Your obedient servant,

For Asst. Deputy and Secretary.

E. Taylor, Esq.,
Indian Agent,
Broadview, Sask.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

INDIAN AGENT'S OFFICE,

Crooked Lake Agency,
Broadview, Sask.,
December 8th, 1914.

DEPARTMENT OF INDIAN AFFAIRS
DEC 15 1914

ACCOUNTANTS BRANCH
DEC 10 1914

473356

IN YOUR REPLY REFER TO
No. 1761/29
ALSO
TO DATE OF THIS LETTER.

463816.

Sir,-

I beg to acknowledge receipt of your letter of the 3rd ultimo, informing me that there does not appear to be any ground on which the application for a refund of the fee, paid to Messrs. Whyte and Brown for the defence of an Indian, named Gabriel Belanger, can be paid.

The contents of your letter are noted, but, as I have been studying the matter from every point of view, I beg to be permitted to report further thereon before communicating the view which the Department have taken to the persons interested, in the hope that a way may be found whereby the Indian's father and mother can be relieved of their indebtedness to the Reverend gentleman, who, I am sure, responded to their numerous calls for assistance in total ignorance of afterwards being a party to refer to the matter at all, especially as regards a refund.

After the arrest of the two Indians, the parents and practically all the Indian population on these reserves were very unsettled, and among themselves discussed in their usual manner the unfortunate affair over and over again. Going to the towns, the fathers of the two accused would relate, as often as not by them being first approached on the subject, their

grief

The Secretary.,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

grief and anxiety, until, with first one and then another's advice, the situation seemed hopeless to deal with in a businesslike manner. Before the preliminary hearing, contrary to my advice, Nohnohokimah's father, through the advice of either Indians or persons not connected with the Department, (most probably the latter) engaged a Solicitor to defend his son, when one, especially in a case of this kind and on the evidence which I knew would be produced, was not advisable, particularly so from the standpoint of the average Indian's financial status, and also that it gave as I was under the impression it would, Belanger's parents grounds for thinking Nohnohokimah's son was being well looked after to the disadvantage of his own son. Both the parents of the two accused appeared to be very desirous of having Solicitors services engaged without a moments delay, notwithstanding the advice which was given to them by myself regarding how they should conduct themselves, which, I may say, was, in effect, that they should settle themselves down on the reserves to which they belonged and follow up their work day by day, rather than waste their time travelling here and there seeking advice, or at any rate it being given to them by persons who did not have the Indians best interest at heart.

From time to time their sons, while in custody awaiting trial, wrote letters to them, and one, Nohnohokimah, at least on one occasion, wrote to the Solicitor who appeared for him at the preliminary hearing. These letters proved to be another source of causing uneasiness, and it appears that in some way, undoubtedly through information more or less of a gossiping nature, (but none the less however serious to the Indian) Belanger's father came to the conclusion that Nohnohokimah's case had been well arranged

for

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

for, and that all the blame for the woman's death would be placed on his son. The engagement of a Solicitor at the preliminary hearing on behalf of Nohnohokimah, especially as the Indians thought the same Solicitor would appear again at the assizes, was, in my opinion, another reason for Belanger's parents deciding that their son's case was being neglected, and I may say when once the thoughts passed through their minds of Nohnohokimah's son's case being arranged for, having heard that Nohnohokimah would be a witness against his son, they are just the type of Indians who would sacrifice everything they possessed in order to offset any disadvantage they thought their son was under.

About the middle of July the parents of Belanger visited Moosomin where their son was in custody, and being successful in an endeavour to interview him it lead as I have reasons to think to ways and means being discussed regarding the engagement of a Solicitor. Just how the Solicitors who did eventually defend Belanger came to be engaged I do not know, but it safe to assume that the Indians interested must have interviewed them and asked for services to be rendered. On learning the conditions, particularly regarding the fee under which the defence would be taken, the Indians next object would be to obtain the necessary money. Shortly after this Father Beys would be interviewed, resulting in the undoubted numerous pleadings for financial assistance being given. All this occurred before the receipt of the Department's telegram which gave instructions to engage Mr.Bryant, Solicitor of Regina, by which time arrangements for the defence of Belanger had been made, and a sum of money paid over on account of such defence being taken up.

If

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

If the Department abide by their present decision, Belanger's father will I know, either sooner or later, pay his indebtedness, but after carefully considering his every ways and means to pay this amount, I am almost sure that he will wish to sell at least two head of cattle out of his small holding. This would not be satisfactory to me, as I do not wish any animals to be sold or otherwise disposed of than absolutely necessary. I would also like to say that Belanger's aged parents are Indians of exceptionally good character, and while they are not any too progressive, still, at the same time, the example they have tried to set among the Indians has been noticed with great satisfaction by Department employees and missionary gentlemen all along.

I am strongly of the opinion that if they are not assisted over their present difficulty that they will take it in a very hard manner and, by what might be termed losing heart, in one way and then another allow their stock and goods to dwindle down to a point which I, as their agent, would greatly regret. I am indeed sorry to refer to this matter again, but I can assure the Department that if a way can be found to meet the recommendation as outlined in my letter of October 23rd that great satisfaction, not only to the Indians interested but to myself in my work in connection with the reserves, will result.

Your obedient servant,

E. Taylor

Indian Agent.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

OAK SAFETY ▲ FILM ●●

463,816

Ottawa, Dec. 16, 1914.

A.3

Sir,-

Referring to your letter of the 2nd instant relative to an application for a refund of a fee paid to Messrs. Whyte and Brown for the defence of an Indian named Belanger charged with murder, I beg to say that on the 3rd ultimo, Mr. Taylor, Indian Agent at Broadview was advised of the opinion which you expressed in this matter, and he was requested to explain the same to the persons interested. Enclosed herewith, is copy of a letter of the 8th instant received in reply from Mr. Taylor. In view of the circumstances set forth, I have the honour to request that you will kindly re-consider the application for a refund of the fee in question.

Your obedient servant,

Asst. Deputy and Secretary.

Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

W.S.E.

463816

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Ottawa, January 4th, 1915.

474196

A-3.

Sir,-

Referring to your letter of the 16th ulto., (453,816), in connection with an application for a refund of a fee paid to Messrs. White & Brown for the defence of an Indian named Belanger charged with murder, I have the honour by direction to state that your Department may if it is so disposed indemnify the person who advanced this fee quite independently of this Department. Such a proceeding would not require our certificate or approval.

I have the honour to be,

Sir,

Your obedient servant,

W. Stewart Edwards

Asst. D. M. J.

Pay ~~ask you to refund the money a Write be paid~~

J.D. McLean, Esq.,
Asst. Deputy Minister & Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

463816

Ottawa, 8th January, 1915.

Sir:-

Referring to your letter of the 8th instant and previous correspondence, relative to the application for a refund of the fee paid Messrs Whyte & Brown for the defense of an Indian named Belanger who was charged with murder; I beg to say that if you again forward to the Department voucher No. 1987 for $100.00 in favour of the Rev. J.B.Beys who advanced the fee to Messrs. Whyte & Brown, payment to that amount will be made in his favour by the Department. You should give the matter your prompt attention. I may add that the Department proposes taking the action indicated with a view to relieving Belanger's parents from the necessity of making re-payment to Father Beys.

Your obedient servant,

J. D. McLean

J. D. McLean,
Asst. Deputy and Secretary.

E.Taylor Esq.,
Indian Agent,
Broadview, Sask.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

470419

Marieval , Cowessess Boarding School,

October 18th 1914.

Mr. E. Taylor, Indian Agent.

Dear Sir:-

Enclosed you will find two receipts, showing the fees paid by me to the lawyers acting in the defense of Gabriel Belanger.

This amount had to be refunded to me by Pierre Belanger. Now you know the circumstances of the man, and that he would surely not be able to pay it without sacrificing the very necessities of life. Still he will pay, being very honest. But I would ask you to send these receipts attached to a voucher in my favor, to the Departement. I feel sure the Departement would refund the fees, as poor Pierre Belanger engaged this lawyer, not knowing that one would be given by the Departement, and in his anxiety to do all in his power to save his son ; and I would not like him to be fined so heavily.

Trusting you will excuse me for this new trouble I am giving you,

I remain

yours truly,

J B Seyp
for
principal

1751/29

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

4704

Vote No. 11

Crooked Lake Agency

Department of Indian Affairs

To Rev. J.B.Beys, O.M.I.,
Principal,
Cowessess Boarding School,
Marcival, P.O., via Grayson,
Sask.

DATE. 1914.		SERVICE.	AMOUNT.
Aug	8	To. paid on account of defence of Gabriel Belanger.....	50.00
		" " balance " " " " "	50.00
		Above amount ($100.00) paid to Messrs. Whyte and Brown, Solicitors, Moosomin, Sask, for the defence of Gabriel Belanger, an Indian, on the charge of murder.	
		5650	
		Sent Jan. 22nd	
		One hundred dollars, 00/100. TOTAL,	$100.00

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed, and that the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

E. Taylor
Agent.

1987.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

463816

LETTER No. I795/29

DEPARTMENT OF INDIAN AFFAIRS
JAN 18 1915

Office of the Crooked Lake Indian Agency,

Broadview, Sask.,
January I3th, 1915.

Sir,

I have the honour to inclose herewith Vouchers

Nos. I987, amounting to $ I00.00

for Fee paid in defence of Gabriel Belanger.

This Expenditure was authorized by Departmental

Letter No. 463816 dated January 8th, I915.

I have the honour to be,
Sir,
Your obedient servant,

E. Taylor
Indian Agent.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7468)

File			
19105-2	1	BATTLEFORD AGENCY - MURDER OF SOLOMON MEDICINE CHILD AND HIS DAUGHTER ISABELLE BY EDWIN JACKSON	1940-1947
19105-3	1	BATTLEFORD AGENCY - MURDER OF GABRIEL SYLVESTER BY JEAN MARIE MONTGRAND	1943
19106-2	1	BIRTLE AGENCY - MURDER OF AN INDIAN NAMED JOHN ASSINEWASIS	1907
19106-3	1	BIRTLE AGENCY - MURDER OF MRS. MARIA NORGUAY BY HER HUSBAND HARRY NORGUAY (NEWSPAPER CLIPPING)	1935
19106-4	1	BIRTLE AGENCY - MURDER OF MRS. MARY JANE BONE BY HER HUSBAND RODERICK BONE	1940
19107-2	1	CARLTON AGENCY - ALLEGED MANSLAUGHTER BY AN INDIAN DOCTOR NAMED CHECKOOSOO - INDIAN WOMAN, SOUTH FORT-À-LA-CORNE RESERVE	1908
19107-3	1	CARLTON AGENCY - MURDER OF ISAAC MICHAEL BY AN INDIAN NAMED JUMBO	1906
19107-4	1	CARLTON AGENCY - MURDER OF REMA MAURESETTE BY HER HUSBAND FRANK ABRAHAR MAURESETTE	1938
19108-2	1	CROOKED LAKE AGENCY - MURDER OF MRS. SPOWGAN BY TWO HALFBREEDS, GABRIEL BELANGER AND JOHN NOHNOHOKIMAH	1914-1915
19108-3	1	CROOKED LAKE AGENCY - CHARGE OF MURDER AGAINST INDIAN NAMED BULWAR	1905

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DORMANT

FILE NO. 19108-3

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROOKED LAKES
MURDER
TRIAL OF BULWAR

CROSS REFERENCE

EX'D
M

DORMANT FILE NO. 19108-3

DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

1

No. 19108-3

Department of Indian Affairs

19.....

CROOKED LAKES

MURDER

TRIAL OF BULWAR.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

274665

Canadian Pacific Railway Company's Telegraph

T. D. FORM 18

TERMS AND CONDITIONS

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message. This is an unrepeated message, and is delivered by request of the sender under these conditions.

J. WILSON, Supt., Vancouver, B.C.
R. S. JENKINS, Gen. Supt., Winnipeg, Man.
A. W. BARBER, Supt., Toronto, Ont.
JNO. F. RICHARDSON, Supt., Montreal, Que.
P. W. SNIDER, Supt., St. John, N.B.
JAS. KENT, Manager Telegraphs, Montreal.

Transcribe

Secy

2672

A. 21A. Ra. No. 7. 6.28-p.m..

24. Collect. Winnipeg. Man. May 9.

Sec'y.. Dep't Indian Affairs.

OTTAWA.

Indian will probably be tried for murder at Whitewood N. W. T.. on the sixteenth instant. What lawyer shall I employ for defence.

D. Laird.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Whitland
Brantford
Brownson
Cockburn

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS CANADA

Ottawa, 11th May, 1905.

Memorandum:

Mr. Pedley,-

With reference to Commissioner Laird's telegram of 9th instant, asking as to the name of the lawyer who should be employed for the defence of an Indian who will probably be tried for murder at Whitewood on the 16th instant, I beg to state that enquiry was made at the Department of Justice yesterday as to the name of a lawyer. They said that their lawyer at Whitewood was engaged for the prosecution, and they would endeavour to find out as soon as possible, and let us know, the name of a lawyer who might be employed for the defence. If you consider a lawyer should be employed. The Commissioner permitted on with no details

I think Crawford should be engaged

D. M. Leake
Secretary.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F.G.

274779

Ottawa May 11th.1905 190

A 4

Dear Sir,

In reply to your verbal inquiry with respect to the lawyer who might be retained by your Department to defend an Indian charged with murder, who is to be tried at Whitewood, N.W.T., on the 16th.instant, I beg to state that you may retain ~~[illegible]~~, Moosomin.

E. A. McLorg,

I am,

Yours truly,

E. Newcombe.

D.M.J.

S. Stewart, Esq.,

Asst. Secy.

Dept. Indian Affairs.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

The Great North Western Telegraph Co.

OF CANADA

FORM 2.

It is agreed between the sender of the following message and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its [redacted] or errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.
To prevent errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.
Corrections in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent. for any distance not exceeding 1000 miles, and two per cent. for any greater distance.
This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.
No employee of the Company shall vary the foregoing.

H. P. DWIGHT, President.

HEAD OFFICE: TORONTO.

I. McMICHAEL, Vice-President and General Manager.

DIRECT CONNECTION WITH WESTERN UNION TEL. CO. CABLE SERVICE TO ALL THE WORLD.

CUSTOMERS' TYPE-WRITER BLANK.	SENT NO.	SENT BY.	REC'D BY.	TIME SENT.	TIME FILED.	CHECK.

Send the following message, subject to the above terms, which are hereby agreed to.

Ottawa, 11th May, 1905.

Indian Commissioner,
Winnipeg, Man.

May employ E. A. McLorg Moosomin
to defend Indian charged with murder Whitewood.

J. D. McLean

(Charge Indian Dept.)

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

274,665

Ottawa, 11th May, 1905.

Sir,-

I beg to inform you that the following telegram was this day sent you in reply to yours of 9th instant,-

" May employ E. A. McLorg Moosomin to defend Indian charged with murder Whitewood."

In this connection I am to point out that it would be advisable hereafter to endeavour to inform the Department at an earlier date as to employment of counsel and also to furnish some particulars of the case to be defended

I have the honour to be
Your obedient servant,

Secretary

Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

374665

Office of the

Indian Commissioner

for Manitoba and the Northwest Territories,

In your reply refer to
No. 59/4
and date of this letter and address
Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Winnipeg, 10 May 1905.

274778

DEPARTMENT OF INDIAN AFFAIRS MAY 1905

Sir,

In connection with my telegram to you of yesterday, which I now beg to confirm:- "Indian will probably be tried for murder at Whitewood, N. W. T., on the sixteenth instant. What lawyer shall I employ for defence ?" I received a letter on the 8th. instant from Mr. Millar, Agent at Crooked Lake, reporting that an Indian named Bulwer, No.9I, Kakewistahaw's Reserve, committed an assault on Mrs. Osowastim, No.85 Ochapowaces' Reserve, on the 4th. instant. Dr. Bird was called in to attend to the patient and at the preliminary investigation held the Doctor stated that the wound was a serious one and may endanger the woman's life. The accused was committed for trial and taken to Moosomin jail. I received a letter yesterday from Mr. Millar stating that the woman had died. I wired you for authority to engage counsel for the defence, as Mr. Millar states no doubt the Crown Prosecuter will change the charge against the accused to that of murder. Coroner Allingham was to hold an inquest on the 9th. instant. The trial will probably take place at the regular sittingof the Supreme Court at Whitewood on the I6th. instant.

Yours truly,

D Laird

Indian Commissioner.

Secretary,
Dept. Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Office of the 274665 275147

Indian Commissioner

for Manitoba and the Northwest Territories,

Winnipeg, 17th May 1905.

In your reply refer to
No. 59/4
and date of this letter and address
Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Partly

H.X.d

DEPARTMENT OF INDIAN AFFAIRS. MAY 20 1905 RECEIVED

Sir,-

274,665

Referring to the concluding paragraph of your letter of the 11th instant confirming your telegram authorizing the employment of E. A. McLorg, of Moosomin, to defend Indian charged with murder, I beg to refer you to my letter of the 10th instant reporting the particulars of the murder case, and to say you will observe that time would not admit of communicating with you in the matter by mail as the Assizes opened at Whitewood on the 16th instant and the trial would come off at once.

Your obedient servant,

D Laird

Indian Commissioner.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Office of the

#74 665

Indian Commissioner

for Manitoba and the Northwest Territories,

In your reply refer to
No. 59/4
and date of this letter and address
Hon. David Laird,
Indian Commissioner,
Winnipeg, Man.

Winnipeg, 25th May 1905.

275504

Sir,-

274,665

Referring to your letter of the 11th instant, I beg to inform you that the Indian Bulwer, of Whitewood, who was charged with murder, has been convicted of manslaughter and sentenced to twelve years.

Your obedient servant,

Asst. Indian Commissioner.

The Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

274665

275924

DEPT. OF IND. AFFS. JUN 6 1905

Letter No. 733

Office of the CROOKED-LAKE Indian Agency,

2nd June, 1905.

ACCOUNTANTS BRANCH JUN 6 1905

SIR:—

I have the honour to enclose herewith Vouchers

Nos. 733, amounting to $ 106.95

for Counsel fee defending Bulwar.

This expenditure was authorized by Indian Commissioner's

Letter No. 59/4 dated 12th May, 1905.

I have the honour to be,

Sir,

Your obedient servant,

Indian Agent.

The Secretary,

Department of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

374665

Ex'd.

Ottawa ,7th March, 1905.

Sir,

I have the honour to enclose herewith for taxation an account amounting to $106.95 in favour of E.A.C. McLorg, for professional services rendered this Department.

Your obedient servant.

J. D. McLEAN

Secretary.

The Deputy Minister of Justice,

Ottawa.

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Moosomin, N.W.T.

May 31st 1905.

276279 275924

Vol 11

M[redacted]dian Department

IN ACCOUNT WITH **E. A. C. McLORG,**

BARRISTER, ETC.

PUBLIC ADMINISTRATOR AND OFFICIAL GUARDIAN J. D. E. A

1905.

CROOKED LAKE AGENCY.

May	13	Fee attg. Mr. Millar, taking instructions, for defence of Bulwar.		
		Attending Clerk's office to bespeak copy of depositions, and paid his fees thereon		
	15 16 & 17	Attending at Whitewood on trial of accused when found guilty of manslaughter and sentenced to 12 years imprisonment	100	00
		Paid expenses at Whitewood	6	95
			$ 106	95

This is my bill
E A C McLorg

Certified correct. Charge fair & just.
W. Millar
Indian Agent

733

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY ▲ FILM ●●

F.C.

274665

276279

DEPT. OF INDIAN AFFAIRS
JUN 13 1905

Ex'd.

Ottawa. June 12th.1905 190

A. 3.

Sir,-

I have the honour to acknowledge the receipt of your letter of the 7th.instant, No.274665, and beg to return Mr. McLorg's account certified at $206.95

Enc.

I am,

Your obedient servant,

D.M.J.

The Secretary,

Dept.of Indian Affairs.

Dec 8/19 Jeune

6117

RECOMMENDED FOR PAYMENT
APPROVED, 200 Accountant.
D. S. G. of I. A.

ACCOUNTANTS
JUN 13 1905
BRANCH

Indian Affairs. (RG 10, Volume 7468, File 19108-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. DORMANT 19108-4 DORMANT

DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

CROSS REFERENCE

CROOKED LAKES ATTEMPTED MURDER

OLIVER PEEPETCH

EXC
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
	PA	8.10.58		Edmt	Reg	5	15-10-58

DORMANT FILE NO. 19108-4 DORMANT

SECOND SERIES

PUBLIC RECORDS ARCHIVES

219022

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE No. ..... VOL. .....

DEPARTMENT OF INDIAN AFFAIRS

FROM

TO

CENTRAL REGISTRY	REFERRED TO	DATE REC'D	INITIALS	CENTRAL REGISTRY	REFERRED TO	DATE REC'D	INITIALS

FILE No. 19108-4 VOL. .....

GROCKED LAKES

ATTEMPTED MURDER

OLIVER PEEPETCH

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

W.D.NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

1946 FEB 14 PM 8 46

RAA613 58/56 3 EX NL

REGINA SASK 14

DEPT OF INDIAN AFFAIRS

OTTAWA ONT 1055

Department of Mines and Resources
Indian Affairs Branch
FEB 15 1946
REGISTERED

RE OLIVER PEEPETCH THIS MAN IS CHARGED WITH ATTEMPTED MURDER AND REQUESTS THAT I DEFEND HIM STOP HE IS A TREATY INDIAN AND HAS NO MONEY PLEASE ADVISE ME WHETHER OR NOT YOU ARE PREPARED TO RETAIN COUNCIL FOR HIM STOP SHOULD HAVE THE INFORMATION IMMEDIATE AS HIS PRELIMINARY HEARING IS NEXT TUESDAY

W J MARS 409 KERR BLDG

No. 148 Sakimay Band (Oliver Peepetch)

To

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. Young

The name of Chief Peepeetch appears on the Sakimay Band Paylist (Crooked Lake Agy) under No 148.

This is likely the same Indian or one belonging to that family

WM

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL TELEGRAPHS

W. M. ARMSTRONG, GENERAL MANAGER
TORONTO

CLASS OF SERVICE DESIRED	
FULL RATE MESSAGE	
DAY LETTER	
NIGHT MESSAGE	
NIGHT LETTER	
EVENING & SUNDAY	

PLACE X OPPOSITE SERVICE DESIRED

CHECK	RECEIVERS NO.	TIME FILED	CHARGE TO DEPT. OR ADDRESS

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Ottawa, Feb.15/46.

W.J.Mars, Esq., 409 Kerr Building, Regina, Saskatchewan.

THIS DEPARTMENT DOES NOT PROVIDE FOR DEFENCE FOR INDIANS EXCEPT WHEN CHARGED WITH MURDER IN WHICH EVENT COUNSEL IS NOMINATED BY DEPARTMENT OF JUSTICE.

R.A.Hoey.
Director, Indian Affairs.

Charge Indian Affairs,
Mines and Resources.

TRZM

RM 6102

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. Stephens Mrs Young

Can you any report
on police file please
No record of any

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-4

Ottawa, February 16, 1946.

W.J.D.Kerley, Esq., Indian Agent, Broadview, Saskatchewan.

A telegram was received from W.J.Mars, 409 Kerr Building, Regina, with regard to the case of Oliver Peepetch, charged with attempted murder.

We do not appear to have any record of this case, and I should be obliged if you would report on the matter. According to the pay-list, Oliver Peepetch is a member of the Sakimay Band, No. 148.

Mr.Mars was desirous of acting as counsel for the defence of this Indian, but as you are aware, the department does not employ counsel unless the charge is one of murder.

Director.

FRZM

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poo
Cop

19108-4

Copy

Regina Leader Post
Feb. 13/46

Indian charged

—After shooting

YORKTON, Feb. 13 (Staff Special)—Oliver Peepeech has been charged with the attempted murder of his brother Vincent.

Vincent was shot at his home on the Little Bone Indian reserve 15 miles south of Yorkton on Saturday.

Vincent was wounded in the face and chest by pellets from a shotgun. He was admitted to a Yorkton hospital Sunday and his condition Tuesday night was reported as good.

Oliver was arrested by Royal Canadian Mounted Police at his home shortly after the shooting. He was charged before Robert Border, J.P., in police court Tuesday and was remanded until Feb. 20.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-4

Copy

I.A.D.

Winnipeg Free Press-Tribune

Feb. 13 /46

Little Bone Indian Held In Shooting

YORKTON, Feb. 13 (Special)—Oliver Peepeech of the Little Bone Indian reserve, 15 miles south of Yorkton is being held by Royal Canadian Mounted Police in connection with the shooting of his brother, Vincent, Saturday night.

Vincent was admitte . to a Yorkton hospital shortly after midnight Saturday and his condition Tuesday morning was reported good. He suffered gunshot wounds in the face and chest.

Both men are young Indians of the reserve. It is understood the shooting was the outcome of an argument at Vincent's home. Oliver is said to have left the house and returned later with a shot gun.

Several other Indians were present at the time of the shooting. Oliver was arrested by the police at his own home. Police investigations are continuing.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION FILE No.

DIVISION "F" SUB-DIVISION Yorkton DETACHMENT Yorkton

PROVINCE Sask. DATE Febry. 11th/46

FILE REFS.

RE: Oliver PEEPEECH (T.I.) Attempted Murder (264-CCC)
Little Bone Indian Reserve, Saskatchewan. (YORKTON DETACHMENT CASE)

HEADQUARTERS

SUB-DIVISION

DETACHMENT

P.C.R.

1st.

A. R. V. No.

DIARY DATE

SET FOR

9-2-46

1. In reference to the above please be advised that at about 11 p.m. this date, a complaint was received from Jack PELLETIER, half-breed who sometimes resides on the Little Bone Ind. Res., to the effect that an Indian named Vincent PEEPEECH had been shot in his home on the Reserve about 10 p.m. that same evening and that it was suspected that his brother, Oliver PEEPEECH was responsible. Pelletier had received the complaint from another party with instructions to notify the Police at once, he was however, unable to indicate whether this Indian had been killed or only wounded, but it was thought that he had been killed. It was suspected that a shot gun had been used and it was alleged that the person responsible was still in the bush near the PEEPEECH house.

2. The writer instructed Const's Fitzgerald and Spinney to proceed at once to the scene of the shooting and if the Indian was dead, to place a guard on the body and the scene of the shooting pending the arrival of the Coroner and further Police assistance and that if the man was only wounded, steps should be taken to render First Aid and remove him to medical attention as soon as possible.

3. Meanwhile, the writer contacted the O.C. Sub-Division and in due course thereafter, proceeded with S/Sergt. Brotherton, C.J.Houston (Coroner and Doctor) Const. Stevenson with P.S.D. "Dark" per Pol.car Code # 3818 south along No. 9 highway to the Little Bone Indian Reserve. Near the home of one Alex Peepeech, we met Const'ls Fitzgerald and Spinney, returning to Yorkton with Vincent Peepeech in the back seat of the car. Const. Fitzgerald informed us that he had found Vincent at the home of his brother Alex Peepeech, to which point he had apparently walked after the shooting. Peepeech was conscious and appeared to be in possession of all his faculties. Cursory examination was made of PEEPEECH'S injuries by Dr. Houston and he ordered him taken at once to the hospital. Peepeech had apparently been hit in the face and neck by a number of shot gun pellets. It was impossible of course at this time for Doctor Houston to give any definite opinion, but he did remark that he did not consider that he was seriously injured.

4. Const. Fitzgerald returned to Yorkton with the injured man and Dr. Houston via Pol.car Code # 8297, where Peepeech was admitted to the hospital, thereafter, Const. Fitzgerald returned to the Reserve where he contacted us in due course and assisted with the investigation. (con. page 2)

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

THE INVESTIGATION. Const. Spinney returned to the Little Bone Indian Reserve with S/Sergt. Bretherton, Const. Stevenson and the writer assisting generally in this investigation.

5. Patrol first called at the home of Alex Peepeech, brother of Subject, where we made preliminary enquiries through various Indians that had gathered, as to the circumstances surrounding this affair. We learned briefly, that Oliver Peepeech, Alex Peepeech, Vincent Peepeech and Mrs. Joe Kinistino had returned to the Indian Reserve from Yorkton about 8-30 p.m. After making a short stop at the home of Alex Peepeech, they continued on to the home of Vincent Peepeech where they sat around talking and eating supper. There was a suggestion that all the men had been drinking. After some little time, Mrs. Alex Peepeech arrived on the scene and her arrival appears to have started the trouble. Mrs. Alex Peepeech recently left her husband and went to live with her mother at Lebret Sask., but apparently decided to return this evening unknown to Alex. First of all she struck her husband and then proceeded to quarrel with Oliver Peepeech and Mrs. Joe Kinistino accusing them of having improper relations together over a period of years. Oliver Peepeech and Mrs. Kinistino are brother and sister. The argument became very hot and it is alleged that Mrs. Alex Peepeech hit Mrs. Joe Kinistino, whereupon, Oliver Peepeech took sides with Mrs. Kinistino and was going to strike Mrs. Alex Peepeech when Vincent Peepeech stopped him and told him there would be no fighting in his house. It was indicated that Oliver was very angry and shortly thereafter left the house. Some time later, Mrs. Alex Peepeech had occasion to look out the window which faces south and she claims that she saw Oliver coming up the trail, then he came quite close to the house and as he neared the window, a shot rang out and Vincent fell to the floor badly wounded about the face. Mrs. Alex claimed that she was actually looking out of the window when the shot came and Vincent had come up and was standing alongside her. They were all satisfied that Oliver Peepeech was responsible. Very shortly after the shot, Mrs. Vincent Peepeech ran to Alex Peepeech's where Alex was sleeping on the bed. She awoke him and told him what had happened and asked him to send for a Doctor and the Police. He was successful in contacting a passing car and sending in word via Jack Pelletier.

6. After obtaining the above particulars, we continued via hired team to the home of Vincent Peepeech. There was no one present on our arrival. The door had been fastened on the outside by wire. The Peepeech house is a small, one room shack, very low with mud roof. It has one door which faces east, a four pane large window facing south and another one pane small window facing west. The interior was typically Indian, there was a box stove in the center of the shack, a table in the S.E. corner, two beds one in the S.W. and one in the N.W. corner of the room. There is a cupboard affair in the N.E. corner. We noted a number of large and small splashes of blood on the floor of the shack (wooden) (con. on page 3)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

SHACK and the pane of glass in the top left hand corner of the window on the south side of the shack was broken. A piece of the window casing on the inside was also blown away and the general direction indicated that the charge had entered the window on an angle. A large number of small particles of glass were noted on the inside. After making these observations, we fastened the door carefully and proceeded about the Reserve in an attempt to locate the above named.

7. - Unfortunately, it was snowing and blowing very heavily and all tracks were almost immediately obscured. We had however, received information from Alex Peepeech that Oliver spent most of his time at the home of Joe Kinistino and it was considered likely, that he might be located at that point.

8. Patrol continued over the hired team to the Indian home of Joe Kinistino who met us outside of the house. He informed us that Oliver was asleep on the floor in the house and we entered at once. We found him asleep as indicated and he was arrested without difficulty. He appeared to be very tired and somewhat under the influence of liquor, but not to any extent. A search of his person revealed nothing of interest. He was given the usual warning and made emphatic denial of guilty knowledge herewith.

9. A search was conducted at once of the Kinistino house and premises, with the result that we found a single barrel 12 ga. shot gun in poor shape on top of the sod roof. It was apparent that the gun had very recently been thrown there. It had apparently been thrown with such force that the muzzle had been driven into the sod roof and the end of the muzzle was partly full of snow and sod. Although there was a very heavy snow falling, the gun was not even partially covered with snow. It was taken into the house and shown to PEEPEECH and he did admit that it was his gun but could not or would not offer any explanation as to how it got on top of the roof.

10. Further search was made with the result that in the house we also located nine 12 ga. no. 4 shot, Dominion Cermak shells. The gun and shells were taken for further investigation.

11. In the closed in rig outside of the house, we found an empty 26 oz. bottle of wine and a 2 oz. bottle of Lemon extract (empty) these were also taken as possible exhibits.

12. Joe Kinistino was present during this investigation and in due course the following statement was obtained from him:-

BEGINS:/ My name is Joe Kinistino, I am a Treaty Indian living on the Little Bone Indian Res. I am a married man with six children. I am married to a half sister of Oliver Peepeech's This afternoon my wife went to Yorkton with her brothers Alex, Vincent and Oliver. They were driving my team. Shortly before 10 p.m. Oliver Peepeech came to my place, he usually lives here with us when he is not working. (Con on page 3)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

8 HE IS NOT WORKING. I was alone here with my two small children. When he first came he started to argue about groceries, he seemed a little tight. He grabbed me and hit me across the back of the head with a baby bottle. I nearly fall down. He chase me around the house and tell me he was going to kill me. I was scared and ran away. Then he left the house and went in an easterly direction towards Vincent's shack and then pretty soon he come back with my team and leave them standing by the door. Then he went walking towards his shack which is about 200 yards from my place, then I see him coming back carrying his single barrel shot gun. I forgot to say that when he came the first time he asked where Clara (my wife) was. I told him she was not back from Yorkton yet. Then I see Oliver going along the trail in the direction of Vincent's place with the shot gun and then a short while, maybe 15 minutes, I hear a shot, I think I hear more than one shot. I wait for a little while maybe half an hour, I can't tell and I see Oliver coming up the trail from the direction of Vincent's he came into the house carrying the shot gun. He did not seem mad this time, all that he said was that he had been to Vincent's. I did not ask him what he was doing with the shot gun. I was too scared. I know Oliver pretty good and when he is a little drunk and mad he is very rough. After he was here a little while he went outside and I hear something hit the roof on top of the house, then he come in and lay down on the floor and go to sleep. There he stayed until the Police find him.

Tonight when Oliver come into house he go to basket and get some shot gun shells, I don't know how many. The basket was hanging in the house. He usually keeps his gun in his own shack. I did not ask him why he wanted the shot gun shells. I am certain that the gun the Police found on top of the roof is Oliver's gun and I know he threw it there before he came in and lay down. I don't know how many shells were in this basket before Oliver take some.

I know that Oliver has been messing around with my wife. She is half sister to him. I am sure that some of my children are not actually mine but belong to him. I caught him once, in the fall of 1945 in bed having intercourse with my wife. I do know that Oliver was very jealous over Clara and perhaps he thought that Vincent was hanging around with her tonight.

Witness. His
J.T.Persons Sgd. X.
N.Bretherton. Mark.

---

13. In due course, patrol returned to the home of Alex Peepeech, where Mrs. Vincent Peepeech was located and the following statement obtained;-

I am Mrs. Vincent Peepeech, I am the wife of Vincent Peepeech we are Treaty Indians living on the Little Bone I.R. Sask.

Last night Febry. 9th. 1946, I was at my home on the reserve when my husband, Alex Peepeech, Oliver Peepeech and Mrs. Joe Kinistino came along from Yorkton. We all sat around talking. Then Mrs. Alex Peepeech came along. She was unexpected and had just come from Lebret, Sask. She came in kind of mad and took

(cont. on page 5)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

AND TOOK a swing at her husband Alex PEEPEECH. Then she started in to argue with Mrs. Joe Ministino, accusing her of running around with her own brother, Oliver Peepeech. Things got pretty hot and Mrs. Peepeech was going to strike Mrs. Ministino, when Oliver jumped up and was going to strike her. So my husband got up and grabbed Oliver and told them that there would be no fighting in our house, so that stopped it for a few minutes and then very soon Oliver got up and went outside. He seemed to be away for quite a little while and then we saw him come along and take Mrs. Ministino's team and he drove them away.

We sat around for half an hour or so and during this time Alex Peepeech and his wife also left but in a short while Mrs. Peepeech returned alone to get her hat which she had forgotten. This must have been around 10 p.m. When we were all in the house. Mrs. Alex Peepeech said she heard something and she looked out the south window and said she saw Oliver coming up the trail. We did not pay much attention. She was kind of looking out the window and my husband was standing by the table close to her rolling a cigarrette. I was also standing nearby when all of a sudden I heard a shot and Vincent fell down on the floor with blood all over his face. I thought he was dead and in a few minutes I ran out of the house and ran to Alex Peepeech's to get him to send for the Police. I did not see anyone around. I found Alex asleep on the bed and I shook him and he woke up, I tell him that someone shot Vincent and to send for a Doctor and the Police.

I also receive a few pellets in the face and neck from the same shot that wounded Vincent. I only heard one shot. When I left the house I left Mrs Joe Ministino in the house and when I went back she was still there. She left after that with her two kids. I have not seen her since. I did not see Oliver at all at the time of the shooting.

I don't know why Oliver would want to shoot Vincent I do know that he is very jealous of Clara, there are some bad stories going around about them.

Before Oliver left our house after the argument, he asked Mrs. Ministino where his .22 rifle was, she told him it was at their place. He did not say why he wanted it. I figure he was away about 30 minutes before the shot came. It is less than a mile from our place to Joe Ministino's. Oliver seemed very mad and was also arguing with Mrs. Joe. He seemed to want her to go home, but for some reason she would not go. After Oliver left, Mrs. Ministino said that she had hidden the bolt from the .22 rifle, but she did not say why she had hidden it. She did seem kind of scared of Oliver. I thought when Oliver first came to our place that he was kind of tight, but after he had lunch and was arguing I thought he sobered up o.k.

Sgd. Mrs. Vincent Peepeech.

---

14. The following statement was also obtained from Mrs. Alex Peepeech.

My name is Dola (Mrs Alex) Peepeech. I am a Treaty Indian

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

TREATY INDIAN, living on the Little Bone In. Res. Last night (9-2-45) I was over at the home of Vicent Peepeech, about a quarter of a mile from our place. I have just returned from visiting at Lebret, Sask. Besides myself there was my husband, Mr. & Mrs. Vincent Peepeech, Oliver Peepeech and Mrs. Joe Kinistino besides some small kiddies. We were all sitting around talking. I got to arguing with Mrs. Joe Kinistino, about her carrying on with her own brother Oliver. Oliver got mad at me. I was going to hit Mrs. Joe because makes me mad, so then Oliver was going to hit me and Vincent grabbed him and stopped him. He seemed pretty mad when Vincent took my part. Shortly after I left and I believe that Oliver left ahead of me. I left with my husband Alex. Some little time later I returned to Vincent's place to get my hat that I had forgotten. Alex was asleep on the bed at home. When I returned to Vincent's Oliver was gone already but Mrs. Joe was still there. I went in sat down and was talking. I thought I heard something outside and I looked out through the south window. Vincent also came to the window AND asked me what I was looking at. I saw Oliver coming up the trail. He was wearing a long airforce coat and cap. As he came nearer to the window I see that he seemed to be carrying something under neath his coat, his hands seemed to be hanging close to his side holding something. I did not see a gun and was not expecting such a thing. Then Oliver came nearer and when he was only about 4-6 yards away I heard a shot which actually came through the window I was looking out. Vincent was standing just beside me and he fell to the floor with lots of blood coming from his face. I think he is dead. We were all very scared and did not know what to do. Finally Mrs. Vincent went out and ran to my place to tell Alex to get Doctor and Police. The rest of us stayed right in the house and then Mrs Vincent came back and she told Mrs. Joe Kinistino that she was responsible and told her to get out of the house, so she went with her two kids and I did not see her again.

I am sure that it was Oliver that I saw coming up the trail towards Vincent's shack. It is true that it was kind of dark but there was good light from the stars and the snow. It was not very dark. I have known Vincent very and Oliver nearly all my life.

her
Sgd. X.
mark.

Witness. J.P.Parsons
H.Brotherton.

---

15. The following statement was obtained from Alex Peepeech;-

I am a Treaty Indian living on the Little Bone In.Res. Sask. Vincent and Oliver Peepeech are my brothers. Mrs. Joe Kinistino is our half sister.

Yesterday I was in Yorkton. I left there about 5 p.m. it was still light. Vincent, Oliver and Mrs. Joe Kinistino were also with me as well as two children. We stopped at my place on the Res. where I made a fire and then I continued on to Vincent's place for supper. (con. on page 7)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FOR SUPPER. My wife was not home, I thought she was still visiting at Lebret. We had all been drinking a little but none of us were tight. We had been at Vincent's place about 15 minutes when my wife came in. She had come to Yorkton on the bus and then had taken a taxi home. She seemed kind of mad at me and hit me a slap but I did not care. We sat around talking and she got arguing with Mrs. Joe Kinistino. She got after her for running around with Oliver. My wife got pretty mad at Mrs. Joe and was going to hit her. Then Oliver got up and was going to hit my wife, in fact he did hit her across the head with his fist. Then Vincent jumped up and grabbed Oliver and told him that there would be no fighting in his house so it ended there. Oliver then left the house and shortly after my wife and I went home. I was kind of tired and lay down and went right to sleep on the bed but apparently my wife decided to go back to Vincent's place for her hat. I did not know this until later.

The next thing I knew, Mrs. Vincent was shaking me and telling me that Vincent had been shot and to get the Doctor and the Police. I could not believe it so went to Vincent's and found him wounded, lying on the floor but talking.

I know that there has been lots of talk by the Res. about Mrs. Joe Kinistino and my brother Oliver. About two years ago I told Oliver to stay away from her because there might be trouble but he said there would be no trouble.

As soon as I got to Vincent's place and see Vincent, I see a car coming down the highway, so I ran out to catch it. It so happened that it was a taxi bringing my some-in-law Jack Pelletier and his wife home from town so I told them about it and they went right back to Yorkton and told the Police.

his
Sgd. X.
mark.

---

16. While these investigations were proceeding, Const. Fitzgerald had returned to the Reserve with our photographer Const. McKittrick as well as Const. Bruce. On instructions from S/Sgt. Bretherton, Const. McKittrick took certain pictures of the interior of the house where the shooting had occurred whilst Const. Fitzgerald and Bruce continued about the Reserve in an attempt to locate Mrs. Joe Kinistino as she had not been seen since she left the Peepeech house and we were apprehensive for her safety, however, information was received that she had been at the Indian home of Walter Shingoose until after the arrest of Peepeech so therefore we know that she was safe. It was thought that after leaving Shingoose's she had gone to her home. Const. Fitzgerald was instructed to locate and interview her, whilst S/Sgt. Bretherton, Const. Spinney, Const. Stevenson with Police dog "Dark" returned to Yorkton with the prisoner - the writer also returned on this patrol arriving in Yorkton about 5 a.m. at which time the O.C. Sub-Div'n was immediately contacted and advised of

(Con. on page 8)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

ADVISED of proceedings up to that time.

17. Const.Fitzgerald located Mrs. Joe Kinistino the same early a.m. and obtained the following statement:-

My name is Clara (Mrs Joe) Kinistino. I am a Treaty Indian. I was at Vincent Peepeech's place last evening 9-2-46. Oliver Peepeech and Alex Peepeech were there as well as Vincent and his wife. Oliver accused me of stealing some stuff (drinks) from him. I did not see him drink anything but I thought by the way he was talking that he had been drinking. He also had an argument with Vincent and accused him of stealing his drinks. They did not hit each other but there was a hot argument. At first Mrs. Alex Peepeech was not there but she came in after. When she first came in she struck me across the face with her hand. She accused me of running around with Oliver, who is my half brother. Oliver jumped up and was going to fight her, but Vincent grabbed him and stopped him. Oliver seemed kind of mad and kind of drunk. All the men had been drinking. I am not sure who left first but anyway, Oliver went as also did Mr. & Mrs. Alex Peepeech. A short while after he came and take my team. Then after a short while Mrs. Alex came back to get her hat and she stayed there talking. She was still in the house when the shot came. I did not see who fired it.

During the evening Oliver asked me where his .22 rifle was, I told him that it was at home. I did not tell him that I had taken the bolt out of it. I did this to prevent my young son from playing around with it whilst I was away.

I did not want to go home from Vincent's with Oliver because he seemed kind of mad at me and I was afraid that he might beat me up on the trail.

After Mrs. Vincent come back from Alex's place - this was after Vincent was wounded - I left there with my two kids and I went to Mrs. Walter Shingoose's place. I stayed there until late and then returned to my own place. I was afraid to go home sooner. I thought that the person who fired the shot might wait for me at my place. I don't know who fired it. I know it came through the south window and hit Vincent in the face.

I know that Oliver owns a single barrel shot gun he used to keep it at his house. He does not stay much at his own shack but lives mostly with us when he is not working. I swear that I have never had improper doings with Oliver. He often makes trouble for us when he comes home drunk. He gets very rough and wants to fight. One time he tried to burn the house down. He has a very bad temper. The time he tried to burn the house down he broke every window in the house.

Sgd. Mrs. Joe Kinistino.

10-2-46

18. P.M. of this date, the writer patrolled to the Yorkton General Hospital, where Vicent Peepeech was inter

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

WAS INTERVIEWED. He was found to be in good condition, quite cheer-ful and the Doctor reported very good chance for complete recovery, barring unforeseen developments. Doctor Houston stated that according to X-ray examination, he had twelve pellets imbedded in his face and neck, one apparently in his eye. Doctor Houston was requested to save any pellets which might be removed for examination as to size of shot.

19. The following statement was obtained from PERFRECH:/

Yesterday afternoon I was in Yorkton. I returned home about 7 p.m. My brothers, Alex and Oliver were with me as well as Mrs. Joe Kinistino. We were driving Joe Kinistino's team and rig. Oliver had been drinking and was kind of tight. On arrival at my place on the Res. we had lunch and were sitting around talking when Mrs. Alex Pelpeech came along. She had come from Lebret and we were not expecting her. After she came she started to argue with Oliver and Mrs. Joe Kinistino. She told them they were always running together and causing lots of talk because they were brother and sister (half brother) She told Oliver it was a disgrace for a man to run around with his own sister. Then Mrs. Alex was going to hit Mrs. Joe and Oliver jumped in and was going to hit Mrs. Alex. I grabbed him and told them to stop as I did not want any fighting in my house. Then Mrs. Alex left. I believe she left ahead of Oliver and Alex went with her. Oliver would not eat, just sat around looking mad, then he left the house and we thought he had gone home. My wife told Mrs. Joe to go with him but she would not, she said she was afraid that Oliver would beat her up on the trail. About 20-30 minutes later, Oliver came back and took Mrs. Joe's team which was tied up outside, he did not even come into the house this time, we again tried to persuade Mrs. Joe to go home with Oliver and the team but she would not, said she was afraid. After a short while, Mrs. Alex came back and into the house again and she again got after Mrs. Joe for running around all summer and fall with Oliver. Mrs. Joe hardly said a word in reply.

Some little time later, I guess it would be between 9-30 and 10 p.m. by this time, Mrs. Alex said she heard something and she went to look out the south window. I asked her what she was looking at and I also went to the same window to look out. I see a man coming up the trail towards the house, he was wearing long coat and cap, look like Oliver. I thought he was coming into the house and did not pay a great deal of attention. I was standing by the window rolling a cigarette. Then this man walked close to the window and I heard a shot, I was hit in the face and I fell to the floor. I was bleeding pretty bad.

.I am pretty sure that it was Oliver that shot me, he was very mad and kind of drunk. I don't think though that he intended shooting me, I believe he intended shooting Mrs. Alex because of the argument.

I know that Oliver used to own a single barrel shot gun that was in poor shape and that he fixed it up (Con. on page10)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FIXED IT UP by having a clamp put around the breech I know too that there has been lots of talk about Oliver and Mrs. Joe Ministino on the Reserve.

Sgd. V.Peepeech.

---

20. This same a.m. (10-2-46) Const.Stevenson and Const.Bruce, with Police dog "Dark" returned to the scene of the shooting per Pol.car Code # 8297, where they made careful search along the trail which would probably be taken by Peepeech after the shooting, in the hope of locating the discharged 12 ga. cartridge case and although they spent all the a.m. from daylight until noon, their search was in vain. This failure of course can be explained mainly by the fact that there was a heavy fall of snow during and after the shooting and there is no doubt but that it would be completely covered by the drifting snow.

21. Const.McIntrick also accompanied this patrol and took additional outside photographs of the scene of the shooting and took necessary measurements to enable him to draw a plan of the house and vicinity.

22. Same date, S/Sergt.Brotherton and the writer questioned this Indian at some great length regarding this offence but with negative result. He refused to make any statement whatsoever, except a blank denial of the affair. We questioned him with and without the aid of an interpreter with the same result. It seems apparent that he does not intend to make any admission and it would appear that we can expect very little help from this angle.

23. During our interrogation it occurred to us that there might be some bruising of the muscle caused by the recoil of the gun. With this in mind we examined the muscle over the shoulder blade where the butt of the gun would ordinarily rest. There did appear to be some slight bruise evident, we therefore, contacted Dr.Houston and at our request he came to detachment and examined PEEPEECH. He agreed after examination that there was some bruising but stated that it appeared to be in the skin and not under it, for this reason he indicated that he would not care to express an opinion as to whether it might have been caused by the recoil of a shot gun.

24. A.M. of the 11th.Inst., Const.Fitzgerald and the writer patrolled per Pol.car Code # 2818 to the Little Bone Indian Res., and then per hired team to the home of Joe Ministino, where his son Lawrence was interviewed and the following statement obtained:-

My name is Lawrence Ministino. I am a Treaty Indian 16 years of age. I live with my mother and father on the Little Bone Indian Res. I know Oliver Peepeech, he is my Uncle. Today I have been shown a shot gun which I know (con on page 11)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

WHICH I KNOW belongs to Oliver PEEPEECH. I was with him when he bought it last fall. It is a 12 ga. shot gun, single barrel. Oliver bought it from a fellow in the Saltcoats district.

I know the gun quite well, I have used it several times myself. It has a metal band around the breech because it is broken a bit and this band has to be slipped ahead of the breech to open it, that is to load the gun or unload it.

My father is Joe Kinistino. I was not at home on Saturday night Febry. 9th. I arrived home about 3 a.m. Sunday morning, Febry. 10th. 1946

Sgd. L.J.Kinistino.

---

25. Lawrence Kinistino was questioned at some length as to whether he had noticed any improper relations between Oliver Peepeech and his mother, but with negative result.

26. Mrs. Kinistino was again questioned by the writer but without any information of value resulting.

27. Other enquiries were made in and about the Res., but we were unable to obtain any additional information. We noted that it was common knowledge amongst the Indians that Oliver Peepeech and Mrs. Joe Kinistino were much too friendly and that it was suspected that their relations were improper, but there was no definite information available in this regard.

28. Careful search was made of the shack owned by Peepeech and again search was made along the trail which would have likely been followed by him after the shooting, but we were unable to find the empty cartridge case. In view of the heavy fall of snow, there would appear to be very little hope of success in this regard until the snow disappears.

29. After re-checking some of our previous information, patrol returned to detachment at 2 p.m.

30. S/Sgt.Bretherton, Const.Spinney and the writer noted at the time the shot gun was found that there was a strong odor of powder from the barrel and it was evident that it had recently been fired.

31. Oliver Peepeech is 40 years of age and his brother Vincent about 42 years. Oliver is single and spends most of his time at the home of Joe Kinistino. At the time of writing this report, Vincent is making satisfactory progress and as indicated previously, Doctor Houston is satisfied that unless there are some unforeseen developments, should make complete recovery within a couple of weeks. Should any pellets be removed, Dr.Houston will hand them to the writer personally, so that if necessary, they can be taken to Regina for examination as to size of shot by our ballistics expert

(continue it)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EXPERT: Mrs. V.Peepeech, who also received a few pellets by the discharge of the same gun, has now been attended by Dr.Houston and he reports that her wounds are very superficial and she is in no danger.

32. The shack occupied by Alex Peepeech is located quite close to No. 9 highway on the Res. Vincent Peepeech's house is about a quarter of a mile west from Alex's and Joe Kinistino's is about 3/4 mile N.W. again whilst the shack sometimes occupied by Oliver is about 200 yards south from Kinistino's. It was in this shack that he usually kept his shot gun and in the early a.m. of the 10th.Inst., when S/Sgt.Bretherton and the writer were at this shack, we noted fairly fresh drifted tracks leading into and out of this shack.

33. The following facts are noted briefly:-

a. Considerable argument in Vincent Peepeech's shack on the evning in question between Mrs. Alex Peepeech Oliver Peepeech and Mrs. Joe Kinistino, regarding the conduct of Oliver Peepeech and Mrs. Joe Kinistino. The argument very nearly culminated in a free-for-all it was stopped however by Vincent.

b. Some evidence of all the men drinking. Oliver being under the influence and quite angry. Known to be bad tempered and troublesome when drinking

c. Oliver left the Peepeech shack, was away some little time, then returned and drove away Mrs. Kinistino's team.

d. Was absent for half an hour or thereabouts and was seen approaching Vincent Peepeech's shack by Mrs.Alex Peepeech. She is definite that it was Oliver. She was watching his approach through the south window. When Oliver came quite close a shot rang out and Vincent Peepeech, who had been standing by the side and slightly behind Mrs. Alex was shot in the face. Spread of the shot would indicate that the firearm was fired at close range. Mrs.Alex states that she did not actually see the gun but noted that Oliver's hands appeared to be holding something close to his side.

e. Joe Kinistino states that Oliver first came to his place in a bad temper about 10 p.m. Started argument, hit him across the back of the head and threatened to kill him. Kinistino is a small inoffensive Indian well liked by everyone. Oliver then left walking towards Vincent's shack. Shortly after returned with the team. Left the team by Kinistino's door and then walked over in the direction of his own shack, returned carrying a gun. Continued on towards Vincent's shack and after a lapse of time Joe Kinistino heard a shot. After another lapse, Oliver came back from Vincent's direction, carrying a shot gun. Said he had been to Vincent's place. Did not now appear angry. Fetched the gun into the house and then took it outside. Kinistino from the inside, heard something hit the roof on the outside. Gun found on top of roof by Police. (see page 13)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KINISTINO also states that Peepeech took some shot gun shells from the house earlier in the evening.

f. There is evidence available to prove that Oliver owns this shot gun.

g. Indications that the gun had recently been thrown on the roof and recently fired.

h. Peepeech made enquiry at the home of Vincent early in the evening, about the time of the argument as to where his .22 rifle was.

34. There is no question but that Oliver Peepeech is the responsible party in this instance. It will be noted however, that our case will hinge to a large extent on the evidence of Mrs. Alex Peepeech and Mr. Joe Kinistino, with some supporting evidence as to argument etc., from the other Indians concerned. The writer is rather inclined to believe that Peepeech intended shooting Mrs. Alex Peepeech, as she appears to have started the argument orginally. She is a very large agressive type of Indian woman and rather loud in her manner. It is evident that she took Oliver Peepeech and Mrs. Joe Kinistino severely to task regarding their conduct together and it is very probable that Oliver became very angry. There seems however, to be no doubt but that Oliver is much too friendly with Mrs. Joe Kinistino his half sister and it seems that Joe Kinistino is not the type to take any kind of agressive action against such behaviour.

35. It is felt that Oliver Peepeech, Vincent Peepeech and Alex Peepeech had been drinking this evening. Vincent and Alex do make a half admission, but Oliver states definitely that he had not been drinking. There is no suggestion that either of them were intoxicated to any degree, but it seems likely that Oliver was perhaps more under the influence than the others.

36. It will be noted that most of the observations made by the witnesses concerned took place after dark and in this connection it might be stated that although it was storming this night, there were periods when it was very clear. The stars were shinning and the moon was partly risen. Visibility at times was quite good.

37. Photographs and a sketch or plan of the house and vicinity are being prepared by Const. McKittrick.

38. On the 11th. inst. pursuant to instructions received from the O.C. Sub-Division, Information and Complaint was laid by Const. Fitzgerald against Peepeech for attempted murder under Sec. 264. He was arraigned same p.m. before local J.P. and remanded in custody until 20-2-46 2 p.m. F.264 have been submitted in this regard. Peepeech will be escorted to Regina on 18-2-46 Information and Complaint duly waived together with warrant of remand will accompany this prisoner as it is likely that a further Remand will be required. (Con. on page 14)

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

39. Dr.Houston has just informed me that he has recovered five pellets from the face of PEEPEECH. These pellets were handed over to the writer and are shown on the attached F.246.

40. The writer fails to see how that any useful purpose would be served by having the firearm examined. There is no doubt but that it was recently fired and an examination for finger-prints would not prove any material point because there is no doubt but that it is Peepeech's gun and that his finger-prints would be found on it.

41. It might be of some value to be in position to prove that the pellets removed were the same size shot as those in the Canuck shells found in Kinistino's house, from where apparently, Peepeech obtained his shells, with this in mind, the five pellts will be handed over to the escort who will escort Peepeech to Regina, with instructions that the pellets be handed over to our Crime Detection lab. in Regina for examination as to size.

42. In view of all the circumstances of the case, it is requested that authority be obtained for the services of the Agent of the Attorney General to appear and conduct the case for the Crown in this instance.

43. Dr.Houston has promised to advise us at once should there be any change in the condition of Vincent Peepeech, also to advise us if and when he is likely to be discharged.

44. Extra copies are attached. F.246 also attached.

CARRIED FORWARD: EXPENSES-SHEET ON F.93 (Febry. 1-15th)

RD : 10-3-46

10851
(J.T.PARSONS) Sergt.
I-c Yorkton Detachment

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CJ

Re: Oliver PEEPEECH (T.I.) Attempted Murder
(264-ccc) Little Bone Indian Res., Sask.

46Y28-102

The O.C. "F" Div., RCMP,
REGINA, Saskatchewan.

1. Forwarded for your information. Forms 264, together with copies of Forms 246 attached.

2. It will be noted that the above named has appeared in court on a charge of attempted murder, and has been remanded in custody until 2.00 p.m. February 20th, 1946.

3. It is requested that authority be obtained for the services of the Agent of the AttorneyGeneral to appear and conduct the case for the Crown, and that the services of a stenographer be authorised to take down the evidence.

4. As it is not likely that this case will be proceeded with on February 20th, it is requested that a further adjournment until March 1st, 1946, be obtained at Regina.

5. The prisoner is being escorted by S/Cst. Brace, who has been instructed to hand the exhibits over to Sgt. Mason Rooke of "Depot" Division.

6. This will also confirm my telephone conversation with Supt. Mortimer in the p.m. of Sunday, February 10th, wherein I reported that we were holding the above named in connection with an fatal shooting of his brother Vincent Peepeech.

7. Extra copies attached for the information of Regina S/Division andDepartments concerned.

(W.J. Monaghan) S/Insp.
Commanding Yorkton S/Division.

S/C
12-2-46.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 264

(YORKTON DETACHMENT CASE)

ROYAL CANADIAN MOUNTED POLICE

REPORT ON FIRST HEARING

11-2-46

Division "F" Div. Fyle No. ..... Detachment Yorkton

Defendant Oliver PAPPEACH Residence Little Bone Indian Reserve, Sask.

Alias None known Occupation Treaty Indian

Nationality and Colour Treaty Indian. Red.

Status in Country Canadian born.

Offence and Section of Act Attempted Murder (264) (c) CCC.

Date and Place of Offence On or about 9th February, 1946. Little Bone Indian Reserve, Sask.

Authority for Search --

Arrest or Summons. Date 10-2-46 (Arrested)

Date and Place of Hearing 11-2-46 Yorkton, Sask.

Heard by O.E.Brunsell, J.P. of Yorkton, Sask.

Prosecutor or ~~Prosecutor~~ Sgt.J.B.Fitzgerald, RCMP. Defence Counsel Nil

Witnesses None called.

Finger Prints ~~and Photo~~ forwarded to Headquarters 11-2-46

Result of Hearing Remanded in custody until Feb. 20th, 1946. 2 p.m.

Bail Nil

1. Bondsmen CHARGE: with a certain loaded arm, to wit: a 12 gauge single barrel shotgun, shoot at Vincent PAPPEACH with intent to murder the said Vincent PAPPEACH, contrary to Section (264) (c) of the Criminal Code of Canada.

2. Remarks 11-2-46 With reference to the above and to separate report Forms 237, submitted even date and caption as above by Sergt. Persons which please read in conjunction with this report for full particulars herein.

3. In p.m. this date pursuant to instructions received from the N.C.O. I/C Yorkton detachment the writer laid the charge as shown. The accused was arraigned and remanded in custody to be escorted to Regina in the near future. Information and Complaint was duly waived. It is respectfully requested that the accused be further remanded at Regina, Sask. on Feb. 20th, should this matter not be proceeded with before that date. Information and Complaint will be forwarded to Regina Town Station by escort. Extra copies attached for the information of the O.C. Regina Sub-Division also the N.C.O. I/C Regina Town Station and Dept. concerned.

Submitted by

EXPENSES NIL

CARRIED FORWARD

Fwd'd O.C. 12-2-46 Sub-Div. Fwd'd O.C. J.B.Fitzgerald, Reg.No.12470, Sgt. Division Fwd'd to Commissioner

J.T.Persons, Reg.No.10851. S-Inspr.

In Charge Detachment In Charge Sub-Division. Commanding Division

Date 11-2-46 Date Date

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(C.I.B.)
"F" Division

46R 636-2 REGINA, Feb. 18, 1946.

MEMORANDUM:

The O.C., R.C.M.P., REGINA S/DIV.

Re: Oliver PEEPEECH (I.I.) - Attempted Murder
(R64-CCC) - Little Bone Indian Reserve,
Sask.

1. The cautionally noted prisoner was escorted to Regina recently by a member of Yorkton Sub-Division, he having been remanded in custody until the 20th inst. It is understood the Information and Complaint was left at Regina Town Station and the Officer Commanding Yorkton Sub-Division has advised this office that a further adjournment will be required until 2 P.M., March 1st, 1946, at Yorkton, when, unless instructed to the contrary, arrangements should be made for Peepeech to be escorted to Yorkton by a member of your sub-division.

The O.C., R.C.M.P., YORKTON S/Div.

S. Mortimer, Supt.
In Charge C.I.B.

Forwarded in duplicate for your information, which has reference to your minute of the 18th inst. It is understood from telephonic conversation with Sgt. Mason-Rooke of the Crime Detection Laboratory that one of the shells found in Joe Kinistino's residence was not taken to the Laboratory for comparison purposes and Sgt. Mason-Rooke is of the opinion it might be of some assistance to have one of the shells, and with this in mind one should be brought in by a member of your sub-division at an early date. Sgt. Mason-Rooke also informed that only one of the five pellets taken to the Laboratory is round and suitable for comparison purposes. It is understood that a No. 4 shot Dominion Canuck shell would be loaded from anything to 140 to 170 pellets and it would therefore seem that some further pellets should be available at the scene of the offence. The residence of Vincent Peepeech, where the offence occurred, was apparently searched on two different occasions but no particular mention is made in the report as to whether pellets were located or whether any attempt was made to recover the wadding etc. from the fired shell.

2. All witnesses seemed to agree that the accused was wearing a long overcoat at the time he was alleged to have fired the shot and Joe Kinistino mentions that Peepeech took shells from his premises and it is natural to assume that if he did so they would be carried in his overcoat pocket. There is no mention made in the report as to whether Peepeech was wearing an overcoat at the time of his arrest and if so whether it was searched for shells, but it is assumed that this was attended to.

3. While Dr. Houston was taken to the scene of the offence as coroner there is no mention made that any urgent report was sent to the Interior Economy Branch, Regina, regarding his conveyance and it is therefore thought possible that as it was not necessary

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Oliver PEMPEECH (T.I.) - Attempted Murder
(264-CCC) - Little Bone Indian Reserve, Sask.

for Dr. Houston to officiate as a coroner he will not be putting any account in to the Department and therefore nothing was mentioned regarding his transportation. If such is the case it will, of course be quite satisfactory; in this connection I would refer you to Page One of "F" Division Instruction Book COR.

Regina
15-2-46.

W. Mortimer, Supt.
In Charge C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(C.I.B.)
"F" Division

46R 636-2 REGINA, Feb. 15, 1946.

The Deputy Attorney General,
Regina, Sask.

Sir:

Re: Oliver PEEPEECH (T.I.) - Attempted Murder
(264-CCC) - Little Bone Indian Reserve, Sask.

1. I have the honour to forward herewith copy of Yorkton Detachment report dated Feb. 11, 1946, with forwarding minute of the O.C. Yorkton Sub-Division appended thereto, together with a copy of memorandum of even date to the O.C. Regina Sub-Division from this office, with forwarding minute to the O.C. Yorkton Sub-Division attached. Also attached is a copy of Form 264 submitted by Yorkton Detachment under the date of February 11th last. It will be noted from the report that one Vincent Peepeech, a Treaty Indian, was severely wounded by shotgun pellets at his residence on the Little Bone Indian Reserve around 10 P.M. on the night of the 9th inst.

2. From investigation conducted by this Force there would appear to be no doubt but that the shot was fired through the window from outside the shack and that it was fired by the captionally noted. On the same night a shotgun was fired on the roof of a shack occupied by one Joe Kinistino, which is the property of the accused and which evidently had only been on the roof for a short space of time when it was found by a member of this Force

3. Peepeech was found in Kinstino's shack and apprehended and it will be noted from the statement of Kinistino that the accused earlier in the evening obtained some shotgun shells there.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Oliver PEEPEECH (T.I.) - Attempted Murder
(264-CCC) - Little Bone Indian Reserve, Sask.

4. An Information under Section 264C of the Criminal Code was laid by a member of this Force and Peepeech appeared before O. W. Brunsell Esq., Justice of the Peace, on the 11th inst. when he was remanded in custody until February 20th next, but it is anticipated a further remand will be requested at that time until March 1st, 1946.

5. In view of the nature of this case it is requested that the services of your Agent for the Yorkton Judicial District, W. B. O'Regan Esq. be authorised to advise what proceedings should be taken against Peepeech and to conduct the prosecution, also that the services of a stenographer be authorised to take down the evidence and transcribe same if so directed by your agent. Your views regarding the services requested by telephone would be appreciated.

I have the honour to be,
Sir,
Your obedient servant,

The Inspector of Indian Agencies,
Indian Affairs Branch,
Regina, Sask.

W. Mortimer, Supt.
In Charge C.I.B.

Forwarded with copy of report referred to, Form 264B and memorandum from this office.

Regina
15-2-46.

W. Mortimer, Supt.
In Charge C.I.B.

The Commissioner, R.C.M.P., OTTAWA, Ont.

Forwarded in triplicate with copies of correspondence referred to.

Regina
15-2-46.

W. Mortimer, Supt.
In Charge C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

19108-4

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 46 B 636-7-G 2

OTTAWA, February 22, 1946.
CANADA

Re: Oliver PEEPEECH, Attempted Murder,
Little Bone Ind. Res., Sask.

Notes

Forwarded herewith is a copy of our complete file to date in the above regard. Further reports, as received, will be forwarded to you accordingly.

C. E. Rivett-Carnac, Supt.,
Assistant Director,
Criminal Investigation.

The Director,
Indian Affairs Branch,
Dept. of Mines & Resources,
OTTAWA, Ont.

Encs.

Department of Mines & Resources
Indian Affairs Branch
FEB 25 1946
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108 4

OFFICE OF THE INDIAN AGENT

CANADA
DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE L 1

Crooked Lake Agency,
Broadview, Sask.,
Feb. 22nd, 1946.

Indian Affairs Branch, Dept. of Mines & Resources,
Ottawa.

Re File 19108-4, Feb. 16th, 1946.

Oliver Peepeetch No.148 Sakimay Band was arrested by the R.C.M.P. and charged with attempted murder shortly after he had shot his brother, Vincent Peepeetch No. 149 Sakimay Band, in the face and chest with a shotgun. The shooting followed an argument between the brothers and occurred on Saturday evening February 9th. Both these Indians reside on Little Bone Reserve near Yorkton.

Vincent was taken to the hospital, his present condition is good and he will likely recover.

No definite date has been set for the trial as yet but the R.C.MP. have promised to let me know when it will take place.

Placed on 17019-4

Department of Mines & Resources
Indian Affairs Branch
FEB 26 1946
REGISTERED

W.J.D.Kerley

W.J.D.Kerley, Indian Agent.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(C.I.B.)
"F" Division

46R 636-2 REGINA, March 12, 1946.

MEMORANDUM:

The O.C., R.C.M.P., YORKTON S/Div.

Re: Oliver PEEPEECH (T.I.) - Attempted Murder-
(B64) CCC - Little Bone Indian Reserve, Sask.

1. Further to the above, kindly be advised that arrangements have been made with Sgt. Mason-Rooke of the Crime Detection Laboratory wherein a Dominion Meteor shotgun shell will be forwarded to your office in order that when the opportunity occurs a test shot may be fired from the 12 gauge shotgun held as an exhibit in this case in order that the shell may be compared with the exhibit held in connection with the Zurawell murder. Kindly arrange for this to be given necessary attention and report submitted in due course on the Zurawell file.

The O.C. "Depot" Div., R.C.M.P.,
Regina, Sask.

Forwarded for your information, which has reference to telephonic communication of S/Sgt. Hinton with Sgt. Mason-Rooke wherein it was requested that a Dominion Meteor shotgun shell be forwarded to Yorkton for the purpose referred to in the foregoing.

Regina
12-3-46.

W. Mortimer, Supt.
In Charge C.I.B.

W. Mortimer, Supt.
In Charge C.I.B.

The Commissioner, R.C.M.P.,
OTTAWA, Ont.

Forwarded in duplicate for your information.

Regina
12-3-46.

W. Mortimer, Supt.
In Charge C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION FILE No. 46Y 22-102

DIVISION: "Y"
SUB-DIVISION: Yorkton
DETACHMENT: Yorkton
PROVINCE: Sask.
DATE: March 5th/46

FILE REFS.

RE: Oliver PEEPEECH (P.I) Attempted Murder. (264-000)
Little Bone Indian Res. Sask. (Yorkton Detachment Case)

HEADQUARTERS

SUB-DIVISION: 46Y 22-102

DETACHMENT: 1-1215

P.C.R.: Y.264 11-3-46 Inst. 24-3-46

A. R. V. No.

DIARY DATE

SET FOR: 1-10-46 Inst-46

1-3-46

1. In reference to the above and further to previous reports herein, please be advised that at 10 a.m. of this date, the above named Accused was arraigned at Yorkton, Sask., before Police Magistrate Potter, for Preliminary Hearing. W.O'Hagan Esq. Barrister etc. of Yorkton, Agent of the Attorney General appeared on behalf of the Crown, whilst W.R.Parsons Esq. Barrister etc. of Yorkton appeared for the Accused. T.Crooks, Court Steno took down the evidence in shorthand.

2. Evidence for the prosecution was given by the following witnesses:- C.J.Houston M.D. of Yorkton, Alex Peepeech, Mrs.Alex Peepeech, Vincent Peepeech, Mrs. Vincent Peepeech, Joe Ministino, Mrs. Joe Ministino, Lawrence Ministino, all Treaty Indians from the Little Bone Ind. Res., and S/Sergt.Brotherton, Sergt.J.E.Parsons, Const.McKitterick and Const.Fitzgerald. Sergt.Mason-Rodde of our Crime Detection Laboratory also gave evidence touching the shot gun pellets which were examined by him. Walter Shingoose, Treaty Indian of the Little Bone Ind. Res. was present and acted as interpreter.

3. No evidence was offered by the Defence. At the conclusion "His Worship" committed the Accused to stand trial at the next court of competent jurisdiction to be holden at Yorkton, Sask., which will commence on Sept. 24th. next. PEEPEECH was ordered held in custody at Regina Jail pending his trial. Application for release of the Accused on bail, made by his Counsel, was rejected by the Court.

4. Evidence submitted was along the lines indicated in previous reports, additionally however, under cross examination, Alex Peepeech stated that he and his brother Oliver had been drinking beer in one of the Yorkton beer parlours in the p.m. prior to the shooting on the Res. He indicated that he thought it was the Yorkton Hotel Beer Parlour and did not know the name of the person who served them. This angle is being further investigated with the R.C.M.P. I/C Yorkton City Detachment. Report will follow in due course.

5. Attached hereto please find Witnesses Certificates and Pay List, covering the witnesses and Interpreter called and used at this Hearing. Extra copies of report attached.

SUBMITTED FOR TRIAL:

(J.F.PARSONS) Sergt
for Yorkton Detach.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Oliver PEKPENCH (T.I.) Attempted Murder
(264 CCC) Little Bone Indian Res., Sask.

46R 636-2
46Y22-102

The N.C.O. in Charge,
YORKTON C.I.B.

1. Forwarded for your information.

(W.J. Monaghan) S/Insp.
Commanding Yorkton S/Division.

S/C
6-3-46.

Mr. W.B. O'Regan, A.A.G.,
YORKTON, Saskatchewan.

1. Forwarded for your information.

(W.J. Monaghan) S/Insp.
Commanding Yorkton S/Division.

S/C
6-3-46.

The O.C. "F" Div., RCMP,
REGINA, Saskatchewan.

1. Forwarded for your information. Triplicate copies of Witness Pay List, together with duplicate copies of Certificate of Witnesses shown on Witness Pay List, are attached hereto.

2. This subject was committed for trial at the next sittings of the Court of King's Bench to be held at Yorkton, Sask., on September 24th, 1946.

(W.J. Monaghan) S/Insp.
Commanding Yorkton S/Division.

S/C
6-3-46.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Oliver PEEPEECH (T.I.) - Attempted Murder
(264) CCC - Little Bone Indian Res., Sask.

The Inspector,
Indian Affairs Branch,
Regina, Sask.

Forwarded for your information. It will be noted that the captionally named was committed for trial when he appeared before Police Magistrate Potter at Yorkton on March 1st last. The next sittings of the Court of King's Bench in the Yorkton Judicial District is set for September 24, 1946.

Regina
12-3-46.

W. Mortimer, Supt.
In Charge C.I.B.

The Commissioner, R.C.M.P., OTTAWA, Ont.

Forwarded in triplicate for your information. It will be noted that the next sitting of the Court of King's Bench at Yorkton is on September 24th next.

Regina
12-3-46.

W. Mortimer, Supt.
In Charge C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION FILE No.

DIVISION "F" SUB-DIVISION Yorkton DETACHMENT Yorkton

PROVINCE Sask. DATE Febry. 26th/46

FILE REFS.

RE: Oliver PEEPEECH (T.I.) Attempted Murder. (264)
Little Bone Indian Res. Sask.
YORKTON DETACHMENT CASE:

HEADQUARTERS

SUB-DIVISION 46Y 22-102

DETACHMENT 1-1213

P.C.R. 19-2-46.

A. R. V. No.

1. In reference to the above and further to previous reports herein, please be advised that the question of the Preliminary Hearing in this matter was discussed with the Agent of the Attorney General at Yorkton, with the result that he indicated that he was prepared to go ahead with this matter on Friday March 1st/46, if this date was suitable for all other parties. List of the witnesses required was obtained from Mr. O'Regan.

2. The writer then contacted Magistrate Potter, Sergt. Mason-Rooke of our Crime Detection Laboratory & Dr. J.C. Houston M.D. of Yorkton and ascertained that this date was suitable for them.

3. A.M. of the 25th inst., the writer waited on Robert Border Esq. J.P. of Yorkton and obtained Summons's to Witness for service on the following:- Dr.J.C. Houston M.D. (Yorkton) Mrs. Alex Peepeech, Alex Peepeech, Vincent Peepeech, Mrs. Vincent Peepeech, Joe Kinistino, Mrs. Joe Kinistino and Lawrence Kinistino all of the Little Bone Indian Res. Sask. Mr. O'Regan also requests that the following members of the force be present, S/Sergt. N. Bretherton, Sergt. Mason-Rooke, Const. Fitzgerald, Const. McKittrick and the writer. Summons's mentioned are returnable at the Courthouse, Yorkton, Sask., at 10 A.M. on Friday, March 1st/46.

4. 1.30 p.m. of the same date (25-2-46) the writer patrolled per Pol. car Code # 3818 to the Little Bone Ind. Res. and then per hired team about the Reserve, where service of Summons's was effected on the residents of the Reserve mentioned in para. 3. On returning to Yorkton, Dr. Houston was served with a true copy of Summons to Witness. Whilst on the Indian Res. arrangements were made with Walter Shingoose, whereby he would appear at this Hearing and act as interpreter.

5. Sergt. Mason-Rooke stated that he would arrive at Yorkton on Friday, March 1st. Mr. O'Regan has made necessary arrangements regarding a stenographer. The N.C.O. I/C Regina Town Station has been contacted and will have PEEPEECH at Yorkton late p.m. of 28-2-46. Extra copies of report attached, including one for the N.C.O. i/c City Detachment.

DIARY DATE

SET FOR

CARRIED FORWARD: EXPENSES SHOWN ON F.93 (Febyr. 16-28th)

10851
(J.T. PARSONS) Sergt.
I-c Yorkton Detachment.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

46R 636-2
46Y22-102

Re: Oliver PEEPEECH (T.I.) Attempted Murder (264)
Little Bone Indian Res. Sask.
'YORKTON DETACHMENT CASE'

The O.C. "F" Division,
R.C.M.P., REGINA.

1. Forwarded for your information and in reference to Regina Town Station report of the 20-2-46.

2. Kindly note that the Preliminary Hearing will be held at Yorkton Sask., on March 1st, 1946; at 10:00 A.M. and not 2.00 p.m. as shown in forwarding minute of the O.C. Regina S/Div. dated the 21-2-46. Sgt. Mason-Rooke of the Crime Detection Laboratory will be required as a witness.

(W. J. Monaghan) S/Insp.
Commanding Yorkton S/Div.

S/B
26-2-46

The O.C., "Depot" Div., R.C.M.P., Regina, Sask.

Forwarded for your information, which has reference to telephonic communication of S/Sgt. Hinton with Sgt. Mason-Rooke of the Crime Detection Laboratory wherein the latter was advised that this case would be heard at Yorkton on March 1st next at 10 A.M. and that he would be required to attend.

Regina
28-2-46.

W. Mortimer, Supt.
In Charge C.I.B.

The O.C., R.C.M.P., REGINA S/Div.

Forwarded in duplicate, which has reference to telephonic communication of S/Sgt. Hinton with Cst. Wight of your office on the 27th inst. wherein advice was given that the cautionally noted should be escorted to Yorkton in time for him to appear in court at 10 A.M. on March 1st next.

Regina
28-2-46.

W. Mortimer, Supt.
In Charge C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-4

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 40 B 636-7-G 2. OTTAWA. Feb. 28, 1946.

YOUR FILE No.

TO: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

Department of Mines & Resources
Indian Affairs Branch
MAR 5 1946
REGISTERED

Report dated Yorkton, Sask., 19-2-46,
forwarded for your information., re: Oliver PEEPEECH, Little Bone Indian Reservation, Sask.

Enc.

~~for~~ Director, Criminal Investigation.
per

ATL/AL

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

P. 237

DIVISION FILE No. 46R 636-2

DIVISION "F" | SUB-DIVISION Yorkton | DETACHMENT Yorkton

PROVINCE Sask. | DATE Febry. 19th/46

FILE REFS. RE: Oliver PEEPEECH (T.I) Attempted Murder (264-CCC)
Little Bone Indian Reserve, Sask.
'YORKTON DETACHMENT CASE'

HEADQUARTERS

SUB-DIVISION

46R 229102

DETACHMENT

P.C.R.

11-2-46

R. V. No.

DIARY DATE

SET FOR

1. In reference to the above and further to previous reports submitted, particularly forwarding Minute by the Supt. I/c of C.I.B. Regina, Sask., dated the 15th. Inst., and yours of the 18th. Inst., please be advised that at the time of making the original investigation and also again on the 11th. Inst., careful search was made both inside and outside of the Peepeech shack in the hope of finding the waddings from the fired shell but with negative result. It might be stated that our only real hope lay in the possibility that one of the felt wads may have been carried into the house, because if it had dropped outside of the house, there was very little hope of finding the wads due to a heavy wind and snow storm. There was also no trace of the overshot wad.

2. A.M. of even date, Const's Fitzgerald and McKittrick accompanied the writer per Pol.car Code #3818 for the purpose of making further investigation herein, at the scene of the offence on the Little Bone Indian Res. On arrival at the home of Alex Peepeech, patrol was extended per hired team to the home of Vincent Peepeech, where we again made careful search, particularly inside of the house for either of the shot gun waddings mentioned but with negative result. From the window frame and inside of the door, which is on an angle from the window through which the shot gun charge entered, we extracted 27 shot gun pellets which will be taken to the Laboratory at an early date. It might be stated that no one has lived in Vincent Peepeech's shack since the shooting incident.

3. Const's Fitzgerald and McKittrick made certain measurements of distances which enter into this case and the following information is submitted:-

a. Distance from Alex Peepeech's shack to Vincent Peepeech's shack - 568 paces, following regular trail.

b. Distance from Vincent's shack to Oliver Peepeech's shack (where gun kept) 3850 ft. following regular trail.

c. Distance from Oliver's shack to shack of Joe Kinistino 1261 ft.

d. Distance from Joe Kinistino's shack directly along trail to Vincent's shack, 3169 ft.

4. Both houses occupied by Alex and Vincent Peepeech are located a short distance north from Hi 9 highway.

Con. page 2.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

TRANSFERRED TO DEPT. OF INDIAN AFFAIRS, REGINA

Sir,

Forwarded for your information.

W. MORTIMER SUPT
Officer in Charge C.I.B. "F" Div.

REGINA, SASK. FEB 23 1946

DATE

The Commissioner, R. C. M. Police, Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 9 Highway. Alex Peepeech's house is located on the NE.¼ Sec. 35-23-4w2nd. Vincent Peepeech's shack on the NW. ¼ of the same section, whilst Oliver Peepeech's shack and Joe Kinistino's is on the NE.¼ Sec. 34-23-4w2nd, all of course on the Little Bone Indian Res.

4. In reference to para 2 of Minute referred to in para one herein. Please be advised that when Peepeech was arrested he was wearing a long overcoat (Air Force issue) and a cap. He was searched at once but he was not in possession of any shot gun shells. While Peepeech was held in custody he asked us to give the over-coat to Joe Kinistino, as he did not want to wear it to Regina. In view of the fact that this overcoat enters into his identification by both Vincent and Mrs. Alex Peepeech, the garment is being held as a possible exhibit and is shown on the attached F.246.

5. In reference to para 3 of comments by the Supt. I/c of C.I.B. Regina, please be advised that it was made clear to Dr.Houston, that we were uncertain whether a man had been killed or only wounded, but he stated that he was quite prepared to go along with the patrol and render what assistance he could. He will not be submitting any account to the Department as a Coroner.

6. Vincent Peepeech was discharged from the Yorkton hospital today and Dr.Houston informs me that he is completely out of danger and should be completely recovered within a few days. It appears that there are still a few pellets imbedded in the fleshy part of his face. Peepeech was located after his discharge and again questioned regarding this affair. He was unable to add to his first statement except to reiterate that he is satisfied that Oliver is responsible.

7. It might be stated that the possibility that Alex might be responsible was not overlooked as it will be remembered that he was away from the shack at the time, however, Mrs. Vincent left almost immediately after the shot was fired and found Alex in his own shack in a sound sleep. Alex has no shot gun, in fact, the shot gun owned by Oliver is the only such weapon owned by the Indians on this Res. We are satisfied that Alex could not have committed this offence and that Oliver is the guilty party.

8. Photographs and plans of the scene of the shooting are being prepared by Const.McKittrick. The exhibits mentioned in para 2, together with one 12 ga. Dom. Canuck no. 4 shot, shot gun shell will be taken to Regina at an early date. Extra copies as well as F.246 are attached.

CARRIED FORWARD: EXPENSES-SHOWN ON F.93

10851
(J.T.PARSONS) Sergt.
I-c Yorkton Detachment

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Oliver PEEPEECH (T.I.) - Attempted Murder
264 CCC - Little Bone Indian Res., Sask.

46R 636-2
46Y22-102

The O.C. "F" Div., RCMP,
REGINA, Saskatchewan.

1. Forwarded for your information, and in reference to forwarding minute of the 15th instant. Forms 246 No. 762 attached.

2. The exhibits referred to in para. 2 hereof, together with one of the 12 guage shot gun shells found at Joe Kinistino's residence have been taken to the Crime Detection Laboratory on even date by Cst. McKittrick while on escort duty to Regina.

3. It will be observed that Dr. C.J. Houston is not submitting an account to the Department.

4. Vincent Peepeech (T.I.) has now been discharged from the Yorkton General Hospital, and is now considered to be out of danger.

5. This file has been referred to W.B. O'Regan, Agent of the Attorney-General, and further reports will be forwarded when his instructions have been received.

(W.J. Monaghan) S/Insp.
Commanding Yorkton S/Division.

S/C
20-2-46.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE
Crime Detection Laboratory

463L-58 Regina, February 16, 1946.

LABORATORY REPORT

Re: Oliver PETPEECH (T.I.) Attempted Murder (264)
Little Bone Indian Res. Sask. (Yorkton Det. Case).

1. The following exhibit was received from Cst. Brace, Yorkton Detachment, on 13-2-46:

463L-58A Five shot gun pellets.

2. Four of the five distorted pellets in exhibit A are consistent with those of No. 4 American Standard shot size. The fifth is merely a fragment and could have broken from a pellet of No. 3 shot up to the largest size.

Mason-Rooke S/Sgt.
(R. Mason-Rooke) 10913

The N.C.O. i/c., R.C.M.P., YORKTON DETACHMENT.

1. Forwarded for your information. Copies to O.C., Yorkton S/Division and Officer i/c., C.I.B.

Regina,
16-2-46.

S/Sgt.
(J. I. Mallow) 12072
i/c Crime Detection Laboratory

The O.C., R.C.M.P., YORKTON.

1. Forwarded for your information.

Regina,
16-2-46.

S/Sgt.
(J. I. Mallow) 12072
i/c Crime Detection Laboratory

The Officer i/c., C.I.B., "F" Div., Regina.

1. Forwarded for your information.

Regina,
16-2-46.

S/Sgt.
(J. I. Mallow) 12072
i/c Crime Detection Laboratory

Sirs,
The Commissioner, R. C. M. Police, Ottawa
Forwarded for your information.

W. MORTIMER SUPT
Officer in Charge C. I. B. "F" Div.
REGINA, SASK.
FEB 21 1946
DATE

CORRESPONDENCE TO BE ADDRESSED TO DEPUTY MINISTER OF INDIAN AFFAIRS, REGINA

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY:HJ

ROYAL CANADIAN MOUNTED POLICE
Crime Detection Laboratory

46SL-58 Regina, March 5, 1946.

LABORATORY REPORT

Re: Oliver PEEPEECH (T.I.) Attempted Murder
Little Bone Indian Res. Sask. (Yorkton
Detachment Case).

1. The following exhibits were received from Cst. J.D. McKittrick, Yorkton Detachment, on 21-2-46:

46SL-58B Twenty seven shot gun pellets
46SL-58C One 12 ga. shot gun shell, Dom. Canuck No. 4 shot.

2. Nineteen of the twenty seven pellets in exhibit B are consistent with No. 4 American Standard shot size. The eight remainder are all smaller than No. 5, some being as small as No. 7 shot size. These eight are only fragments of pellets.

3. The above information was given in evidence at the preliminary hearing of this case at Yorkton on Mar. 1st, 1946.

46R 636-2 A/Sgt.
46Y22-102 (A. Mason-Rooke) 10913

The N.C.O. i/c., R.C.M.P., YORKTON DETACHMENT.

1. Forwarded for your information. Copies to O.C., Yorkton S/Division and Officer i/c., C.I.B.

Regina, S/Sgt.
5-3-46. (J.I. Mallow) 12072
O.C., R.C.M.P., YORKTON i/c Crime Detection Laboratory

1. Forwarded for your information.

Regina, S/Sgt.
5-3-46. (J.I. Mallow) 12072
The Officer i/c., C.I.B., i/c Crime Detection Laboratory
"F" Div., Regina.

1. Forwarded for your information.

Regina, S/Sgt.
5-3-46. (J. I. Mallow) 12072
i/c Crime Detection Laboratory

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19108-4

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 46 B 636-7-C 2 OTTAWA, March 19, 1946.

YOUR FILE No.

To: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

Two Reports dated Yorkton, Feb. 26th and March 5th, 1946, forwarded for your information, together with memo from "F" Division, dated March 12, and Crime Detection Laboratory report dated Regina, March 5th, 1946, re Oliver PEEPEECH, Little Bone Ind. Res., Sask., Attempted Murder.

Enc.
GAV/HJ

~~for~~ Director of Criminal Investigation.
per

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-4

2 March 1946

Indian will face trial

Regina Leader Post

YORKTON, March 2 (Staff Special).—Accused of shooting his brother, Vincent, following a wild family quarrel in his one-room mud shack on the Little Bone Indian reserve, Oliver Peepeech was committed at a preliminary hearing Friday to face trial at the next sitting of the Court of King's Bench here on a charge of shooting with attempt to murder.

The story of the shooting was unfolded as 12 witnesses took the stand before Magistrate S. H. Potter.

The shooting occurred on the night of Feb. 9 on the Indian reserve, 16 miles south of Yorkton. Vincent, while at his home was shot in the chest and face by pellets from a shotgun. One of the pellets is still lodged in Vincent's left eyeball, testified Dr. C. J. Houston, Yorkton, who attended the patient when brought to the hospital by R.C.M.P., the night of the shooting. Vincent was discharged from hospital about a week later.

Vincent testified that he, Oliver and another brother, Alex, had been in Yorkton the afternoon of the shooting and had been drinking beer in a Yorkton beer parlor. Alex testified they had also bought liquor from a soldier on the street.

Accompanied by Mrs. Joe Kinistino, Vincent said they had driven to his home about 6 o'clock that evening. He said Oliver had a bottle of wine and they all had a few drinks on the way home.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108 4

Shooting Suspect To Stand Trial

YORKTON, Sask., March 4—(Special)—A story which began with Indians drinking liquor, followed by a family quarrel and ending with the wounding of Vincent Peepeech, was unfolded by 12 witnesses at the preliminary hearing here Friday of Oliver Peepeech, brother of Vincent, charged with shooting with attempt to murder.

Magistrate S. H. Potter, of Melville, ordered Oliver to be tried at the next sitting of the court of king's bench in Yorkton.

The shooting occurred the night of Feb. 9 on the little Bone Indian reservation, 16 miles south of Yorkton. Vincent, while at his home, was shot in the chest and face by pellets from a shotgun. One of the pellets is still lodged in his left eye ball, testified Dr. C. J. Houston.

Winnipeg Free Press
4 March 1943

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

ROYAL CANADIAN MOUNTED POLICE F. 257

DIVISION FILE No. 46R 636-2

DIVISION "F" | SUB-DIVISION Yorkton | DETACHMENT Yorkton

PROVINCE Saskatchewan | DATE 19.3-46

COPY

FILE REFS. RE: Oliver PEEPEECH - Attempted Murder (264) C.C.C.
Little Bone Indian Reserve, Sask.,
(YORKTON DETACHMENT CASE)

43

HEADQUARTERS

SUB-DIVISION

46Y 22-102

DETACHMENT

P.C.R.

R.V.

DIARY DATE

SET FOR

18.3.46

1. This date, while accompanying Cst. Spinney, who was on other Police Duties in the Little Bone Indian Reserve Dist., per Pol/Car Code No. 8297, the Writer called at the home of Vincent PEEPEECH in order to take further measurements of the house, as a point had been raised at the Preliminary Hearing concerning the height of the window thru which the shot had allegedly been fired. The Write and Cst. Spinney checked this point and found the following measurements:

(a) 14" from ground to sill.
(b) 48" from sill to top of window frame.
(c) 14" from top of frame to roof.

measurements taken inside the same with the exception of (a) it being 12" from the floor to the sill.

CARRIED FORWARD:
EXPENSES: nil.

14452, J.D.McKittrick, Cst.,
Yorkton Detachment.

Sent to Deputy Attorney General

J.B.F. Cst.
For Sgt. A.O.L.

Mr. W.B.O'Regan,
Agent of the Attorney-General,
YORKTON, Saskatchewan.

1. Forwarded for your information.

(W.J.Monaghan) S/Insp.
Commanding Yorkton Sub-Division.

S/B
26-3-46

The O.C., "F" Div.,
R.C.M.P. REGINA.

1. Forwarded for your information.

(W.J.Monaghan) S/Insp.
Commanding Yorkton Sub/Division.

S/B
26-3-46

Sir,
Forwarded for your information.
W. J. MORTIMER SUPT
Officer in Charge C.I.B. "F" Div.
REGINA, SASK. MAR 30 1946
DATE

The Commissioner, R.C.M. Police, Ottawa

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-4

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE NO. 46 B 636-7-G 2. OTTAWA. Apr. 2, 1946.

YOUR FILE NO.

TO: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

Department of Mines & Resources
Indian Affairs Branch
APR 5 1946
REGISTERED

Report dated Yorkton, Sask., 19-3-46,
forwarded for your information., re: Oliver PEEPEECH, Little Bone Indian Reserve, Sask.

for Director, Criminal Investigation.
per

ATL/AL Enc.

Indian Affairs. (RG 10, Volume 7469, File 19108-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19108-5 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

CROOKED LAKE MURDER
RE DEATH OF INFANT JACK NAHBEXIE
- CHAS NAHBEXIE FATHER

EX'D
M

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					
12/5/17		9.5.57					9.5.57

DORMANT FILE NO. 19108-5 DORMANT

SECOND SERIES

PUBLIC RECORDS

219022

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19108-5

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

CROOKED LAKE

MURDER

RE DEATH OF INFANT JACK NAHBEXIE

- CHAS NAHBEXIE FATHER

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C.I.B.
"F" DIVISION

47R 637-2-82 Regina, Sask., March 12, 1947

The Commissioner, R.C.M.P. OTTAWA, Ont.

Forwarded in duplicate for your information.

The Deputy Attorney-General
REGINA, Saskatchewan

Regina:
12-3-47

W. Mortimer, Supt.
In Charge, C.I.B.

Sir:

Re: Jack NAH BEXIE - (Infant - aged 1 yr & 2 mos)
Indian - Sudden Death - White Bear Indian Reserve
Carlyle, Sask. (CARLYLE DETACHMENT CASE)

1. I have the honor to attach hereto copy of Carlyle Detachment report dated March 4 covering investigation into the death of the captionally named infant.

2. The report discloses that Charles Nah Bexie, father of the child failed to obtain medical aid and it is possible that an offence under 244 of the Criminal Code has therefore been committed.

3. Dr. G. Boyd, Coroner and Indian doctor investigated and came to the conclusion that the child had died as a result of double pneumonia; however he ordered an inquest. A Jury was impanelled, the body viewed and the inquest adjourned Sine Die. The body was then conveyed to Regina where a post mortem was conducted by Dr. Frances McGill and although her report has not yet been received it would appear that she confirmed Dr. Boyd's original findings. It would also seem that she is convinced that had treatment been given in time in the form of penicillin which was available at the Indian Reserve the child would have recovered from his illness.

4. Further report may be expected in due course.

I have the honor to be,
Sir,
Your obedient servant,

W. Mortimer, Supt.
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

C-237

DIVISION FILE No. 47R

DIVISION "J" | SUB-DIVISION WEYBURN | DETACHMENT CARLYLE

PROVINCE Saskatchewan | DATE March 4th,1947

FILE REFS.

RE: Jack NAH BEXIE - (Infant - aged 1 yr & 2 months) Indian.
Sudden Death - White Bear Indian Reserve, Carlyle, Sask.
(CARLYLE DETACHMENT CASE)

HEADQUARTERS

SUB-DIVISION 47W 2-22

DETACHMENT 47C-1-432

P.C.R. 1st

A. R. V. No.

DIARY DATE

SET FOR

20-3-47

27-2-47

1. With reference to the above, on this date information was received at this detachment from Mrs. J.R. Morrison, wife of J.R.Morrison, Farm Instructor, of the White Bear Indian Reserve, to the effect that the Agency had been advised by the Nah Bexie family, that the infant sonsof Charles NAH BEXIE, Jack had died suddenly. Mrs Morrison had notified Dr. G. Boyd, Coroner and Indian Doctor. Dr. Boyd advised Mrs. Morrison to advised this detachment.

2. Having received this information, I immediately contacted Dr. Boyd M.D., of Carlyle, he advised that there was an epidemic prevailing on the Reserve of pneumonia, that he was treating 49 cases, and he felt that this was also a case of pneumonia, but same had been unreported to the proper officials. This being the first death. Dr. Boyd stated, that in his capacity of Coroner, he would conduct an investigation.

3. The writer accompanied Dr. Boyd per hired livery to the White Bear Indian Reserve to the home of Charles Nah Bexie - Dr. Boyd was of the opinion after having completed his examination and investigation that the child had died as a result of double pneumonia, and that there was the possibility medical attention been received, the child would have lived.

4. The writer was advised by Charles NAH BEXIE, father of the deceased child, that he was following the Indian way of doctoring, that he knew there were a large number of cases of pneumonia being treated on the Indian Reserve, and that none of them had yet died. He further stated that he had been at the Agency on the monday morning February 24th, 1947, and when he returned from there, he found that his child was sick, but he did not return to the Agency and report it, and he did not ask anyone else to report it. He further stated that his daughter, Margaret had been attending school in the proximity of the Agency on the Monday, Tuesday and Wednesday, and that he had not told her to report either to the Mission or the Agency that their child was ill.

5. There were no marks of violence visible on the body of the infant.

6. The following statement was taken from Charles Nah Bexie in the presence of his wife, who vouched to the truth of same.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE, ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DIVISION FILE No. RE Jack MAH BEXIE -(Infant - 1 yr & 2 months) Indian - Sudden Death - White Bear Indian Reserve, Carlyle, Sask. (CARLYLE ESTABLISHMENT CASE) PAGE 2 C-237 CONTINUATION

STATEMENT OF CHARLES MAH BEXIE.

White Bear Indian Reserve,
Carlyle, Sask.
27-2-47.

I, Charles Mah Bexie, a Treaty Indian, living on the White Bear Indian Reserve, near Carlyle, Sask, state, I am 48 years of age, married to Mary Philip Longthunder, my wife is 34 years of age. I am the father of three living children, and about half a dozen died. We had a doctor to all of them, except this one.

I went to school to grade 4. My wife also went to school to grade 4.

Last monday afternoon my son Jack took sick. He was aged one year. He had a high fever, he was coughing, breathing fast, and he quit eating yesterday - Wednesday. He died this morning at about a quarter to nine, he took cramps three times before he died.

Margaret, my daughter, aged 14 years, goes to school, she went to school Last Monday, Tuesday and Wednesday. I didnt tell Margaret to go to the Agency and tell them that the baby was sick. I didnt tell anyone to go down to the Agency and tell them that my baby was sick.

My wife did tell her father John Philip LONGTHUNDER that her baby was sick, he is here every day. My wife also told my dad that the baby was sick, she went over yesterday and told him at 5.45 P.M.

I know there is a lot of sickness on the Reserve.

I didnt go the Agency and report it, because I cannot get along with Mrs. Morrison.

I was at the Agency on Monday Morning, but the baby wasnt sick then. I live 2½ miles from the Agency. I didnt go to the Mission and report that the baby was sick.

I follow the Indian way of Doctoring, my father Dick Mah Bexie is an Indian Doctor, and he gave me medicine to give to my baby, and we have been giving him this medicine but it wasnt any good, we also gave castoria.

The Age of my second child is 6 years of age, and the boy Wilbert is 4 years of age.

I livea bout half a mile from my Father Dick Mah Bexie. Archie Archachak lives about 800 yards from me. Archie and I cannot get along, so I didnt go near the place. Old Joyce lives about 300 yards from Archie's place, but I didnt go over to him either and ask for help. I get along alright with him.

I have a team of horses and a sleigh. I have harness for the horses.

When my baby died, I sent Pat Mah Bexie over to the Agency and report to Mr. Morrison. Pat was here when the baby died.

'unsigned'

?. Mrs. J.R. Morrison, at the present time is acting in the capacity of a Nurse, due to the fact that no resident nurse is available on the Reserve. But it is not a hard and fast rule on the Reserve, that the Indians go directly to her

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

THE THE INDIANS GO DIRECTLY TO HER, in a great many cases, in view of the fact, that in the past the resident Nurse residedat the Mission, which is in the proximity of the Agency,reported all sickness to the Mission, they still follow that procedure, and Mrs. Cameron in charge of the Mission then advises Mrs. Morrison. So when Jack Nah Bexie was taken ill, it was not necessary for Charles NAH BEXIE to go di ectly to Mrs. Morrison, he could have gone to the mission, or he could have sent some-one else. His daughter aged 14 years could have conveyed the information. His excuse of not being able to get along with Mrs. Morrison, which we know is true, does not justify this same actions, I submit, in this matter.

8. Charles Nah Bexie is a law unto himself, and he will not do what is required of him, in a great many cases. It is for this reason that he and Mrs. Morrison do not get along. Mrs. Morrison has tried to instill into him the necessity of doing certain things. He refuses to take cognizance of the good intentions of Mrs. Morrison. Further he is an inveterate liar, and Mrs. Morrison is aware of this, and of course, in view of his attitude towards her, treats him as one.

9. When the services of the Doctor are required on the Indian Reserve, the Indians advise either the Mission or the Agency, and the matter is taken care of. Dr. Boyd always visits the Indian Reserve on Friday of every week, regardless of whether his services are required or not, in most cases they are, but in the matter of an emergency, as in this case, it is usual to notify, as I have already pointed out,the Mission or the Agency. Neither was done in this case.

10. From the facts obtained, it was quite evident that the matter was one of gross neglect. In view of this it was decided that an Inquest would be held, and a post mortem performed. I took possession of the body, and conveyed same to Carlyle. It being impossible to obtain a jury on the Indian Reserve, and it being further impossible under the prevailing road conditions to transport a jury to the Reserve. The body was identified by Charles Nah Bexie to me, and the patrol returned to Carlyle.

28-2-47.

11. On this date the writer notified the O.C., Weyburn Sub/Division of the facts herein, by telephone.

12. The following jury was empanelled this date - S.E. Ramsay, G. Humphries, D.A.McDonald, D. Forsyth, H. Robertson and R.A. Brown, all resident in the town of Carlyle. The Inquest was opened at 2 P.M., the body was viewed, and the Inquest adjourned Sine Die. The Coroner Dr. Boyd, M.D., of Carlyle presided.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

DIVISION FILE No. RE Jack NAH BEXIE -(Infant - 1 yr & 2 months) Indian - Sudden Death - White Bear Indian Reserve, Carlyle, Sask. (CARLYLE DETACHMENT CASE) PAGE 4 CONTINUATION

12. The writer left this date per C.P.Ry. enroute to Regina, Sask, conveying the body of the deceased child. Arrangements previously having been made with the C.I.B., Office, Regina, Sask. Patrol remained in Regina overnight.

1-3-47.

13. On this date, a post mortem was conducted by Dr. F. McGill, at the Crime Detection Laboratory, Regina, Sask. Report of same is being awaited. But I may add here, Dr. McGill, advised that so far, without the analysis of the contents of the stomach, it would appear quite evident that the death was due to double pneumonia, and the Dr. was convinced that had treatment been given in time, in the form of penicillin, it would have recovered, penicillin was available on the reserve at the time.

3-3-47.

14. On this date with further reference to the above, the writer left Regina, Sask, per C.P.Ry, returning to Carlyle with the body of the deceased.

4-3-47.

15. On this date, with further reference to the above, the body was returned to the home of Charles Nah Bexie, patrol having been made per hired livery.

16. Further investigation carried out this date, revealed no information whatever, that any effort was made by Charles Nah Bexie, to obtain medical assistance for his child, which no doubt contributed to the childs death.

17. The matter of the date of Inquest will be set as soon as the report has been received from Dr. F. McGill, and as soon as it is ascertained when the Doctor will be available to attend as a witness.

18. Further report will be submitted to meet diary date 20-3-47.

STILL UNDER INVESTIGATION. REFERENCE SHOWN ON P. 23:

To. O. C. Weyburn, Sask.,
Sir: Forwarded: Dept. Vital Statistics requirements have been met in this matter. Food Ration Book has also been surrendered.

Cpl.,
The O. C. "F" Div.,
R. C. M. P. REGINA
G.H.CAVILL - 10767
i-c Carlyle Detachment.

1. Forwarded. Please refer to memorandum of the O.C. Weyburn Sub-Division dated 28-2-47 in connection with the above sudden death.
2. Extra copies submitted for information of the Department of Indian Affairs.

STILL UNDER INVESTIGATION
DD 28-3-47
8-3-47 JVS/T

Sgt. for Insp. AOD
Comd'g. Weyburn Sub-Div.
(J. V. Stinson)

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Jack NAH BEXIE - (Infant - aged 1 yr & 2 mos.)
Indian - Sudden Death - White Bear Indian Reserve,
Carlyle, Sask. (CARLYLE DETACHMENT CASE)

The Inspector of Indian Agencies, Indian Affairs Branch,
Dept. Mines & Resources, REGINA, Sask.

Forwarded for your information.

Regina:
12-3-47

W. Mortimer, Supt.
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

1-108

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

MAR 20 1947
REGISTERED

IN REPLY PLEASE QUOTE

FILE No. 47 D 1074-3-2-G 4

OTTAWA, March 19, 1947 1

CANADA

Re: Jack NAH BEXIE - Death -
White Bear Ind. Res., Carlyle, Sask.

P.A.

Attached is a copy of Carlyle Detachment report dated the 4th instant, covering investigation made into the death of the above named Indian child of the White Bear Indian Reserve, Sask.

2. Dr. G. Boyd, Coroner, was of the opinion that Jack Nah Bexie died as a result of double pneumonia, but an inquest was ordered. A post mortem was performed on the body by Dr. Frances McGill of Regina, Sask. and her report and one on the results of the inquest, will be forwarded in due course.

C. Porter d/mep.
for Director,
Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines & Resources,
O T T A W A, Ontario.

Encl.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C
O
P
Y
47SL 88

ROYAL CANADIAN MOUNTED POLICE
Crime Detection Laboratory

Regina, Saskatchewan
March 18, 1947

AUTOPSY REPORT

Re: Jack NAHBEXIE - Sudden Death - White Bear Indian Reserve, Carlyle, Sask.

On March 1st, 1947, I made a post-mortem examination of the body of the above named deceased at the R.C.M.P. Crime Detection Laboratory, Regina, Sask.

The body was brought to the Laboratory by Cpl. C.H.Cavill, R.C.M.P., Carlyle Detachment, who identified the body to me as that of Jack Nahbexie.

The body was that of a fairly well nourished male Indian child weighing twenty-one pounds and measuring thirty and a quarter inches in length.

The reputed age of this child was one year and two months which was quite consistent with the size and development.

The body was very dirty and lice were present on the head and many ova of lice were adherent to the under surfaces of the hair on the back portion of the head.

Present on the body and limbs were several circular sores each about a quarter of an inch in diameter. Each sore was covered with a scab or crust. There was one of these sores on the right buttock and one on the left buttock, one on the outer side of the right heel and one on the front of the right leg just below the knee.

There was a large ruptured blister on the left heel.

The lips were bluish and showed sordes and slight peeling which suggested that a high temperature or fever had been present previous to death.

There were six teeth present in each jaw, four incisors, and two molars, one on each side.

No foreign body or obstruction was found in the mouth or throat.

Internal Examination

Thymus Gland---Nothing abnormal found.

Heart----------Nothing abnormal found.

Right Lung-----The whole lung showed many subserous petechial haemorrhages.

The posterior third of the upper lobe was dark red in colour and consolidated to almost the consistency of liver. Pieces removed from this portion of the lung sank readily in water.

The greater portion of the middle lobe was consolidated and dark red in colour and pieces removed sank readily in water.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Jack NAHBEXIE - Sudden Death - White Bear Indian Reserve, Carlyle, Sask.

Right Lung (Cont'd)-----The lower lobe was dark red in colour and consolidated except for a narrow strip along the anterior border.

Microscopic examination showed the presence of many pus cells and numerous pneumococci.

Left Lung------The greater part of the upper lobe was dark red in colour and had the consistency of liver and sections removed sank readily in water.

The lower lobe, except for the lower portion of the lobe was consolidated, dark red in colour and pieces removed sank readily in water.

Microscopic examination showed many pneumococci.

Trachea------- Nothing abnormal found.

Abdomen---------All the organs of the abdomen were examined. Nothing abnormal was found and nothing found that would account for death.

There were two large holes through the wall of the stomach caused by post-mortem digestion.

A piece of liver and the stomach and contents were removed and given to S/Sgt. J.I, Mallow for toxicological examination.

S/Sgt. Mallow's report is attached hereto.

Kidneys---------The kidneys showed foetal lobulation. Nothing abnormal was found.

Pelvis---------Nothing abnormal was found. Both testicles were in the scrotum.

Cause of Death - Double Lobar Pneumonia.

Frances G. McGill (Sgd.) M.D.
(Frances G. McGill)

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

H.Q. File No.....

Lab. File No. 47SL-88

Your Ref. No.....

Enclosures.....

Pages.....

Crime Detection Laboratory

"Depot" Division
Regina, Sask.
March 18, 1947

LABORATORY REPORT

Section Toxicology

For

Reference Jack NAHBEXIE - Sudden Death
White Bear Indian Reserve, Carlyle, Sask.

Copies to

Submitted by Approved by

1. The following exhibits were received from Dr. Frances G. McGill on 1-3-47:

47SL-88B Stomach and contents
47SL-88C Liver.

2. Chemical and toxicologic examination of the above exhibits yielded the following results:

47SL-88B - Chemical analysis was conducted for presence of metallic and organic poisons. No poisons were found.

47SL-88C - Spectrographic analysis of the portion of liver was negative for presence of heavy metals.

S/Sgt.
(J.I. Mallow) 12072

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA.

1-108

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 47 D 1074-3-2-G 4

OTTAWA, March 26, 1947
CANADA

Re: Jack NAH BEXIE - Death -
White Bear Ind. Res., Carlyle, Sask.

With reference to our letter of March 19 in the above regard, attached are copies of Autopsy and Laboratory reports dated March 18, 1947. It will be observed that the cause of death is given as Double Lobar Pneumonia.

Department of Mines & Resources
Indian Affairs Branch
MAR 27 1947
REGISTERED

E Porter d/Insp.
for Director,
Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O T T A W A, Ontario.

JSN.

Indian Affairs. (RG 10, Volume 7469, Eile 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

C-237

DIVISION FILE No. 47R 637-2-32

DIVISION "F" SUB-DIVISION WEYBURN DETACHMENT CARLYLE

PROVINCE Saskatchewan DATE March 29th,1947.

FILE REFS.

RE: Jack NAH BEXIE (Infant - aged 1 yr & 2 months) Indian
Sudden Death - White Bear Indian Reserve, Carlyle, Sask.
(CARLYLE DETACHMENT CASE)

HEADQUARTERS

SUB-DIVISION 47W 2-22

DETACHMENT 47C-1-483

P.C.R. 19-3-47

A. R. V. No.

DIARY DATE

SET FOR 20-4-47

1. With further reference to the above, and to previous reports submitted, to date no date has been set for the inquest herein, it is expected that same will be set on Monday next, by the Coroner, and the necessary documents will be served and the matter disposed of, and reports submitted accordingly. Diary date set at 20-4-47.

STILL UNDER INVESTIGATION. EXPENSES NIL.

To.O. C. Weyburn, Sask.,
Sir: Forwarded:

29-3-47.

Corpl.,
C.H.CAVILL - 10767
i-c Carlyle Detachment.

The O. C. "F" Div.,
R. C. M. P. REGINA
1. Forwarded for your information. Extra copies submitted for information of the Department of Indian Affairs.
STILL UNDER INVESTIGATION
DD 25-4-47
31-3-47
JVS/T

Insp.
Comd'g. Weyburn Sub-Div.
(H. C. Nichols)

COPY TO DEPT. OF INDIAN AFFAIRS, REGINA

The Commissioner, R. C. M. Police, Ottawa
Sir:
Forwarded for your information.

W. MORTIMER SUPT
Officer in Charge C. I. B. "F" Div.
REGINA, SASK.
DATE APR 3 1947

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

1-108

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 47 D 1074-3-2 G 4 OTTAWA, April 10, 1947.

YOUR FILE No.

Department of Mines & Resources
Indian Affairs Branch
APR 11 1947
REGISTERED

TO: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

PA

Report dated Carlyle, 29-3-47,
forwarded for your information, re: Jack Nah Bexie, White Bear Ind. Res. Carlyle, Sask., being further to ours of the 26thultimo.

Enc.

Director, Criminal Investigation.
per

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

C-257

DIVISION FILE No. 47W-637-2-82

DIVISION "F" | SUB-DIVISION WEYBURN | DETACHMENT CARLYLE

PROVINCE Saskatchewan | DATE April 19th, 1947

FILE REFS. | RE: Jack NAH BEXIE (Infant - aged 1 yr & 2 months) Indian - Sudden Death - White Bear Indian Reserve, Carlyle, Sask. (CARLYLE DETACHMENT CASE)

HEADQUARTERS

SUB-DIVISION 47W 2-22

DETACHMENT 47C-1-483

P.C.R. 29-3-47

A. R. V. NO.

DIARY DATE

SET FOR.....

15-4-47

1. With further reference to the above, and to previous reports submitted, the date of Inquest was set at the 18th inst by the Coroner Geo. Boyd M.D., of Carlyle, Sask, and issued summons accordingly, handing same to this detachment for service.

2. Patrol was made this date per hired livery to the White Bear Indian Reserve, and Summons to Witness was served upon Mrs Charlie Nah Bexie, Charles Nah Bexie and J.R. Morrison, Farm Instructor, same being returnable at the R.C.M.P., Detachment at 2.30 P.M., 18-4-47.

3. Summons to Juror was also issued, and served this date upon the following Jurors - R.A. Brown, S.E. Ramsey, D.A.McDonald, H. Robertson, G.Humpheries and D.N. Forsyth, all of Carlyle, Saskatchewan.

4. Patrol left Carlyle at 10.30 A.M., returning at 7.30 P.M., same date.

18-4-47

5. At 2.30 P.M., this date the Inquest convened at time and place specified above. First witness called being Mrs. Charlie NAH BEXIE - she testified that she was the mother of Jack NAH BEXIE - aged 1 yr and 1 month according to the witness. That her child was taken ill on February 24th,1947, and died on February 27th,1947, that no medical assistance had been called, and no medical attention was given. She stated that as her child was so sick she did not know what to do. That she resided on the White Bear Indian Reserve, near Carlyle,Sask, with her husband Charles NAH BEXIE, that her husband did not take any steps to notify a Doctor, Nurse nor the Farm Instructor, J.R. Morrison, of the Reserve, that her child was sick. That they lived about 2 miles from the Agency, that they have a team of horses and a sleigh. She testified that she has lost 6 other children through death, but on each occasion she had called in a doctor. She further testified that she was aware that there was a lot of sickness on the Indian Reserve at that time, and that she knew that Mrs. Morrison, wife of J.R.Morrdson was assisting the Doctor in treating the sick ones. She testified that her daughter Margaret aged 14 years attended school on the day that her child was taken sick, and also attended school the following day, and that the school is situated very close to the Agency, and that she did not tell her daughter to report to the Agency that her child was sick.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DIVISION FILE NO. RE Jack NAH BEXIE (Infant - aged 1 yr & 2 Months) Indian - Sudden Death - White Bear Indian Reserve, Carlyle, Sask. (CARLYLE DETACHMENT CASE) C-237 CONTINUATION

6. J.R.Morrison, was next called to the stand, he testified that he was the Farm Instructor of the White Bear Indian Reserve, further, that he was Local Registrar for Vital Statistics - that he had received no report from either Charlie NAH BEXIE or any of his family that the baby boy Jack had taken ill, that they were at that time treating some 45 cases of pneumonia, in addition to another 50 cases of sickness ranging from bad colds to severe cases of influenza. He further stated that during the short time that Jack NAH BEXIE was ill, Charlie NAH BEXIE called at the Agency, but he did not at any time notify him nor Mrs Morrison of his childs condition. Records of the Regist ation of death were produced, and returned to him at the close of the proceedings.

7. The writer then took the stand and testified, of having been notified of the death, of the investigation made collaborating with the Coroner, of the instruction for Inquest, and the body being identified by Charlie NAH BEXIE and the patrol to Regina, on February 28th last, after the body had been viewed by a jury empanelled on that date, 28-4-47. Of attending an autopsy on March 1st last, same having been performed by Dr. Francis McGill, and returning to the Indian Reserve with the body of Jack NAH BEXIE, returning it to its parents on March 4th last. That the autopsy was performed upon the same body that had been viewed by the Jury on February 28th last.

8. The Coroner stated that he did not consider it necessary to call either Dr. McGill nor S/Sg. Mallow, that he would read their reports into the records. Dr. F. McGill's report was then read as instructed, followed by S/Sgt. Mallowe.

8. The cause of death, as stated by Dr. Francis McGill - Double Lobar Pneumonia.

9. CharlieNAH BEXIE was then asked if he wished to say anything, that he did not need to, but anything he did say, would be under oath, and written down.

10. He advised the Coroner that he would testify.

11. He stated that hewas the father of Jack NAH BEXIE, that he had been married 20 years, and got along very well with his wife, that he was proud of his four living children, and that he had now lost seven children through death. He stated that he had gone to the Agency on the Monday morning February 24th last, and when he returned he found his boy was sick, he did not return to the Agency, and he did not notify anyone that his child was sick. He now knew that he had been wrong, and hewas very sorry, he stated that he had always in the past called in a doctor, and that as his wife had told him to stay in and watch the baby while it was sick, he didnt go out and notify anyone. Then he stated that the following Wednesday he went to the bush and cut wood. That he could have telephoned himself to a Doctor, as there were telephones

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DIVISION FILE No. RE Jack MAH BEXIE (Infant - aged 1 yr & 2 months) Indian - Sudden Death - White Bear Indian Reserve, Carlyle, Sask. (CARLYLE DETACHMENT CASE) 3

C-257 CONTINUATION

AS THERE WERE TELEPHONES available to him. He stated that he knew that there was a lot of sickness on the Indian Reserve at that time, and that Mrs. Morrison was assisting the Dr. He stated that he didnt get along with Mrs. Morrison. He added that in the past while there was a resident nurse on the Reserve, she would call periodically on them whether there was sickness or not, but that this was not being done now.

12. The jury were then charged, retired, and the following verdict was brought in by the foreman - R.A. Brown -

> We, the Jury, find that Jack MAH BEXIE came to his death on February 27th,1947, on the White Bear Indian Reserve, at Carlyle, Saskatchewan, as a result of Double Lobar Pneumonia. We find that the father Charles MAH BEXIE the father was guilty of neglect in that he failed to take any steps to obtain medical assistance for his child.
>
> Sgd' R.A.Brown.
> S.E.Ramsey.
> D.A.McDonald.
> D.H.Forsyth.
> H.Robertson
> G.Humpheries.

13. Further reports submitted under appropriate heading.

CONCLUDED HERE. EXPENSES SHOWN ON FORM 93.

To.O.C. Weyburn, Sask.,
Sir: Forwarded:

Corpl.,
J.H.CAVILL - 19767
i-c Carlyle Detachment.

19-4-37.
The O. C. "F" Div.,
R. C. M. P. REGINA
1. Forwarded. Extra copies submitted for information of the Department of Indian Affairs.
2. Please note paragraphs 12 and 13 of the report.
CONCLUDED HERE

Insp.
Comd'g. Weyburn Sub-Div.
(H. G. Nichols)

21-4-47
JVS/T

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C. I.B.
"F" DIVISION

47R 637-2-82 Regina, Sask., April 23, 1947

The Deputy Attorney-General
REGINA, Saskatchewan

Dear Sir:

Re: Jack NAH BEXIE (Infant - aged 1 yr & 2 mos.) Indian - Sudden Death - White Bear Indian Reserve - Carlyle, Sask.

1. Further to my letter of the 12th ultimo attached hereto is a copy of Carlyle Detachment report dated April 19, 1947 covering the results of the inqest. The findings of the Coroner's Jury is included in para. 12. It will be noted in particular that the Coroner's Jury found that the father of the deceased was guilty of neglect in that he failed to take any steps to obtain medical assistance for his child. It would seem in view of his findings that the file should be referred to Mr. D.J. Mitchell, Agent of the Attorney-General for the Judicial District of Arcola so that he may decide whether or not the facts warrant the entering of a prosecution. If you concur would you kindly authorize the step to be taken.

Yours truly,

W. Mortimer, Supt.
In Charge, C I.B.

Inspector of Indian Agencies
Indian Affairs Branch, Dept.
Mines & Resources, REGINA, Sask.

Forwarded for your information.

Regina: W. Mortimer, Supt.
24-4-47 In Charge, C.I.B.

The Commissioner,
R.C.M.P. OTTAWA, Ont.

Forwarded in duplicate for your information.

Regina: W. Mortimer, Supt.
24-4-47 In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

1-108

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA.

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

EX'D.

IN REPLY PLEASE QUOTE

FILE No. 47 D 1074-3-2 G 4

OTTAWA, April 30, 1947.
CANADA

Copy 2.5.47

Re: Jack Nah Bexie,
White Bear Ind. Res. Carlyle, Sask.

Further to ours of the 10th instant in the above regard, attached is a copy of Carlyle Detachment report dated April 19th covering the results of the inquest held into the death of the above named Jack Nah Bexie. It will be noted that the Coroner's Jury found the father of deceased guilty of neglect in that he failed to take any steps to obtain medical assistance for his child.

Department of Mines & Resources
Indian Affairs Branch.
MAY 1 1947
REGISTERED

for Director,
Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines & Resources,
OTTAWA, Ont.

Enc.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-5

CAMPBELL & CAMPBELL

Barristers, Solicitors, Notaries.

E. J. CAMPBELL, K.C. W. G. E. CAMPBELL, LL.B.

ARCOLA, SASK.
CANADA

Reply 23 5 47

May 21st, 1947.

Department of Mines & Resources
Indian Affairs Branch
MAY 23 1947
REGISTERED

The Department of Indian Affairs,
Ottawa, Canada.

Dear Sirs:

Re: Charles Nahbexie - Treaty Indian, White Bear Indian Reserve, Carlyle, Sask.

Pursuant to long distance telephone call from the R. C. M. P. to-day the writer attended Carlyle at the request of the above named Charles Nahbexie. This Indian has been charged with manslaughter for that he did on the 27th day of February, 1947 at White Bear Indian Reserve being under a legal duty to provide Jack Nahbexie an infant, with the necessities of life by reason of his unlawful act in omitting, without excuse to perform such duty, unlawfully cause the death of the said Jack Nahbexie thereby committing manslaughter contrary to section 268 of the Criminal Code of Canada. He has requested the writer to defend him.

He comes up for preliminary hearing Friday, May 30th.

I do not feel free to undertake this case unless under instructions from you and would appreciate it if you would be good enough to advise me before the date of the preliminary hearing.

Yours very truly,
W. G. E. Campbell.

Per: W G E Campbell

WGEC/pa
Air-Mail.

Indian Affairs, (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-5 (Secy.)

FILED.

AIRMAIL

Ottawa, May 23, 1947.

Dear Sir:

This will acknowledge your letter of May 21 re Charles Nahbexie, Treaty Indian, White Bear Indian Reserve, Carlyle, Saskatchewan.

In reply I have to advise you that the Department provides counsel for Indians accused of murder only and therefore we cannot assume the responsibility of costs for defence counsel in this case.

Yours truly,

Eric Deland

Director

W.G.E. Campbell, Esq.,
Barrister, Solicitor, Etc.,
Arcola, Sask.

TRLM/ITH

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F" Division

Weyburn Sub-Division,
Weyburn, Sask.,
May 19th, 1947.

47R 637-2-22

47W 2-22

The N.C.O. In Charge,
R. C. M. Police,
CARLYLE Detmt.

Re: Jack NAH BEXIE (Infant aged 1 year & 2 months)
Indian - Sudden Death - White Bear Indian Reserve -
Carlyle, Saskatchewan.
(CARLYLE DETACHMENT CASE)

1. With reference to the above, and to memo of the O.C., C.I.B., Regina, dated 30-4-47.

2. On this date the following letter was received from D. J. Mitchell, Esq., Agent of the Attorney General, Judicial District of Arcola, Weyburn, Sask., dated 19-5-47:

"Inspector Commanding,
R.C.M.P.,
Weyburn Sub-Division,
Weyburn, Sask.

May 19, 1947.

Dear Sir:

Re: Rex vs Charles Nah Bexie - Manslaughter.

I have now had an opportunity of perusing the file with regard to the death of Jack Na Bexie, an infant aged one year and two months.

I am of the opinion that the failure of the father to provide necessaries when under an obligation to do so namely medical treatment was the cause of the death of the son and by such neglect without lawful excuse - the father is guilty of manslaughter.

I would recommend that a charge in the following form be laid: "did being under a legal duty to provide Jack Nah Bexie, an infant, with the necessaries of life, by reason of his unlawful act in omitting, without lawful excuse, to perform such duty, unlawfully cause the death of the said Jack Nah Bexie, thereby committing manslaughter, contrary to Section 263 of the Criminal Code of Canada."

I have interviewed Mr. Martin this morning and he is willing to hear this case at Carlyle on May 30th. and I would suggest that Corporal Cavill lay the information, get summonses to witnesses issued and served and have the information waived for hearing before Mr. Martin on the 30th of May."

Yours truly,

(Sgd) D. J. Mitchell. "

3. Have the necessary charge laid as outlined above before a local Justice of the Peace and Warrant to Apprehend issued and executed, place and date of trial being set for Carlyle, Sask., on Friday, May 30th, 1947, at 11:00 a.m. Kindly make arrangements for trial, serving Summons to Witnesses and have Information and Complaint waived to Police Magistrate J. C. Martin.

Cont'd. on Page 2.....

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Jack NAR BEXIS (Infant aged 1 year & 2 months)
Indian - Sudden Death - White Bear Indian Reserve -
Carlyle, Saskatchewan
(CARLYLE DETACHMENT CASE)

4. Note that Dr. Frances McGill will be required as a witness and should be served forthwith.

STILL UNDER INVESTIGATION
DD 6-6-47

Insp.
Comd'g. Weyburn Sub-Div.
(H. G. Nichols)

JVS/T

D. J. Mitchell, Esq.,
Agent of the Attorney General,
Judicial District of Arcola,
WEYBURN, Sask.
Sir:

Copy for your information. Receipt of your letter dated 19-5-47 is herewith acknowledged.

Insp.
Comd'g. Weyburn Sub-Div.
(H. G. Nichols)

19-5-47
JVS/T

The O. C. "F" Div.,
R. C. M. P. REGINA
Sir:

Forwarded. Attached find original letter of D. J. Mitchell, Esq., dated 19-5-47.

2. Please have the Department authorize the services of a stenographer to take down and transcribe the depositions in the above case, Police Magistrate J. C. Martin, K.C., having requested same as the evidence is deemed to be lengthy and of a contradictory nature.

3. Extra copies submitted for information of the Department of Indian Affairs.

STILL UNDER INVESTIGATION
DD 11-6-47

Insp.
Comd'g. Weyburn Sub-Div.
(H. G. Nichols)

19-5-47
JVS/T

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C.I.B.
"D" DIVISION

47R 637-2-S2

Regina, Sask., May 20, 1947

C 12 N-47
CB 345 A

The Deputy Attorney-General
Regina, Saskatchewan

Dear Sir:

Re: Jack NAH BEXIE (Infant - aged 1 yr & 2 mos)
Indian - Sudden Death - White Bear Indian
Reserve - Carlyle, Sask. (CARLYLE DET. CASE)

1. Under date of April 28 last you kindly authorized the services of Mr. D.J. Mitchell, Agent of the Attorney-General Weyburn. I now attach hereto copy of Weyburn memorandum dated May 19, which quotes a letter received from Mr. Mitchell recommending that prosecution be laid and the arrangements have been made for the case to be heard at Carlyle May 30.

2. As Police Magistrate J.C. Martin, K.C. requests the services of a stenographer to take down and if necessary transcribe the evidence given, it would be appreciated if you would authorize the services of a stenographer for this purpose.

Yours truly,

W. Mortimer, Supt.
In Charge, C.I.B.

The Inspector of Indian Agencies
Dept. Mines & Resources, REGINA, Sk.

Forwarded for your information with copy of Weyburn Sub-Division Memorandum dated May 19.

Regina, 20-5-47
W. Mortimer, Supt.
In Charge, C.I.B.

The Commissioner,
R.C.M.P. OTTAWA, Ont.

Forwarded in duplicate for your information.

Regina, 20-5-47
W. Mortimer, Supt.
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-5

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER.
R. C. M. POLICE.
OTTAWA

IN REPLY PLEASE QUOTE

FILE No. 47 B 636-12-G 1

Noted

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

EXD.

OTTAWA, May 29, 1947.
CANADA

Re: Charles NAH BEXIE - White Bear Ind. Res. (Carlyle), Sask.

With reference to our letter of April 30 re: Jack Nah Bexie - White Bear Indian Reserve - Carlyle, Saskatchewan, attached is a copy of correspondence dated Regina, May 20, 1947, from which it will be observed that prosecution proceedings under Section 268 of the Criminal Code of Canada are being entered against Charles Nah Bexie, the case to be heard at Carlyle, Saskatchewan, on May 30, 1947.

2. A report covering the outcome of this case may be anticipated in due course.

Department of Mines and Indian Affairs Branch
MAY 30 1947
REGISTERED

E. Poole d/Insp
for Director,
Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O T T A W A.

Encl.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

47R ~~637/2-82~~
636/3-1

FORM 264

(CAR[illegible]E ET.CASE)
p.c. first.

ROYAL CANADIAN MOUNTED POLICE

REPORT ON FIRST HEARING Weyburn sub-division.
47W-2-22

Division "F" Div. Fyle No. 47R 637-2-82 Detachment Carlyle 47C-1-483

Defendant Charles NAH BEXIE, Treaty Indian Residence White Bear Indian Reserve, Carlyle, Sask.

Alias Nil. Occupation Treaty Indian.

Nationality and Colour Cree indian - dark brown.

Status in Country Canadian born.

Offence and Section of Act Manslaughter (262) C.C.C.

Date and Place of Offence February 27th 1947, White Bear Indian Res., Carlyle, Sask.

Authority for Search --

Arrest or Summons. Date ARREST - 21-5-47

Date and Place of Hearing 21-5-47, Carlyle, Sask.

Heard by G.W.Phenix J.P. of Carlyle, Sask.

Prosecutor or Pros's Counsel Cst. E.J.J.Mahoney.RCMP. Defence Counsel W.G.E.Campbell,Barr., Arcola, Sask.

Witnesses Nil.

Finger Prints and Photo forwarded to Headquarters NO PLEA TAKEN. fingerprints not taken to date.

Result of Hearing Accused released on bail in the amount of $100.00 with one surety of a like amount, that he appear for trial at 11.a.m.30-5-47, Carlyle, Sk. Bond in writing & signed.

Bail Court adjourned to 11.a.m. 30-5-47, Carlyle, Sask.

Bondsmen H.E.McKellar, D.D.S., Carlyle, Sask.

21-5-47.

Remarks

1. This report has reference to file re; Jack NAH BEXIE (Infant aged 1 year & 2 months) Treaty Indian - sudden death - White Bear Indian Reserve, Carlyle, Sask., file numbers as noted above, also to memorandum under same caption of the O.C.Weyburn sub-division dated 19-5-47.

2. patrol made in the p.m. this date to the white Bear Indian Reserve, Carlyle, Sask, per police auto, and Charles NAH BEXIE apprehended under warrant issued as a result of Information & Complaint laid in a.m. thisdate by the writer before G.W.Phenix J.P., Carlyle, Sask. Wording of charge as follows;

Submitted by Cst. E.J.J.Mahoney.Cont'd page two.

Fwd'd O.C. Sub-Div. Fwd'd O.C. Division Fwd'd to Commissioner

In Charge Detachment In Charge Sub-Division. Commanding Division

Date Date Date

Copy to Deputy Attorney General
COPY TO DEPT. OF INDIAN AFFAIRS, REGINA
MAY 29 1947

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

CONTINUED FROM PAGE ONE.

3. CHARGE:"did being under a legal duty to provide Jack Nah Bexie, an infant, with the necessaries of life, by reason of his unlawful act in omitting, wihtout lawful excuse, to perform such duty, unlawfully cause the death of the said Jack Nah Bexie, thereby committing manslaughter, contrary to section 268 of the Criminal Code of Canada."

4. The prisoner was transported from the Indian Reserve to Carlyle, Sask. where he appeared before G.W.Phenix J.P. at 4.p.m. Accused represented by counsel as shown. Court opened, charge read to accused who stated that he understood same and no plea was taken. Application for bail was made by defense counsel and same was granted as shown on page one of this report. Court adjourned to 11.a.m. 30-5-47, R.C.M.P. barracks, Carlyle, Sask. Information waived and summonses to wintesses issued.

5. Summonses to witnesses, each in duplicate, for Frances G.McGill, M.D., Regina, Sask., and S/Sgt.J.I.Mallow, R.C.M.P. Regina, Sask., are being attached to one copy of this report and forwarded direct to the N.C.O. i-c Regina Town Station, Regina, for service. Dr.McGill performed the post-mortem examination of the body of Jack NAH BEXIE, son of the captionally named and victim in this case, and S/Sgt.Mallow made the chemical and toxicologic examination of the stomach and contents and the liver of the aforementioned body. One copy of report is also being forwarded direct to the O.C., Regina Sub-division.

6. The following witnesses for the prosecution will be served by this detachment during the coming week to appear at Carlyle on 30-5-47 for the Preliminary hearings J.R.Morrison, farm instructor, Carlyle, Mrs. J.R.Morrison who was acting as nurse on the Reserve in February 1947 and who lives north of Carlyle, George W.Boyd, M.D.,Carlyle,Coroner in this case and Physician for the White Bear Indian Reserve, Miss Cameron White Bear Indian Reserve, Carlyle, Sask. who is in charge of the Mission on the reserve, Mary(Mrs.Charles)NAH BEXIE, treaty Indian, W.B.I.R.& Margaret, age 14 yrs, treaty Indian, W.B.I.R.

/NAH BEXIE

7. A further report will be submitted in thisregard to meet the undermentioned diary date.

STILL UNDER INVESTIGATION.

EXPENSES(PCMO)D.D.7-6-47

Cst. for
(EJJ.Mahoney) 15954 CPL.i-c ACD.
Carlyle detachment.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

47W 2-22

Re: Charles NAH BEXIE (Treaty Indian) - Manslaughter (268) C.C.C. - White Bear Indian Reserve - Carlyle, Saskatchewan
(CARLYLE DETACHMENT CASE)

The O. C. "F" Div.,
R. C. M. P. REGINA

1. Forwarded. This has reference to my minute appended to memo to Carlyle Detachment dated May 19th, 1947.

2. Note paragraph 5, Summons to Witness for service on Dr. Frances McGill and S/Sgt. J. I. Mallow of Regina, have been forwarded direct to the N.C.O. i/c Regina Town Station by Carlyle Detachment, same being returnable at Carlyle on Friday, May 30th, 1947, at 11:00 A.M. Should these witnesses not be available on that date, please advise a date.

STILL UNDER INVESTIGATION

DD 12-6-47
26-5-47
CHC/T

Insp.
Comd'g. Weyburn Sub-Div.
(H. C. Nichols)

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-5

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 47 B 636-12 G 1

OTTAWA. June 4, 1947.

YOUR FILE No.

TO: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

Department of Mines & Resources
Indian Affairs Branch.
JUN 6 1947
REGISTERED

P.A.

Report dated Weyburn, 26-5-47,
forwarded for your information. re: Charles Nah Bexie, White Bear I.R. Carlyle, Sask.

Enc.

Director, Criminal Investigation.
per

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

F. 237

DIVISION FILE No. 47R 673-2-22

DIVISION F | SUB-DIVISION REGINA | DETACHMENT CARLYLE

PROVINCE Saskatchewan | DATE May 31st.1947.

FILE REFS. Re: Charles MAH BEKIE (Treaty Indian) - Manslaughter (268) C.C.C.
White Bear Indian Reserve, Carlyle, Sask.
(CARLYLE DETACHMENT CASE)

HEADQUARTERS

SUB-DIVISION 47R 3-22

DETACHMENT 470-1-435

P.C.R.

A. R. V. No.

DIARY DATE

SET FOR

30-5-47.

1. Adverting to the above, on this date, acting on the instructions of the O.C. W.S.B., the writer patrolled per police auto Code No 8534 from Weyburn to Carlyle conveying Police Magistrate J.C. Martin and Court Stenographer, to attend Preliminary Hearing in the above matter. Patrol left Weyburn at 9 A.M. arriving Carlyle 11 A.M., same date.

2. The Police Magistrate and Court Stenographer were only conveyed the one way. The patrol remaining in Carlyle until the evening of June 1st.1947.

3. Urgent report forwarded direct to I.E.B., Regina. Copies attached.

STILL UNDER INVESTIGATION.

EXPENSES SHOWN ON FORM 23.

To O. C. Weyburn, Sask.,
Sir: Forwarded:

Cpl.,
J.H.CAVILL - 10767
i-c Carlyle Detachment.

O.C. "F" DIVISION, REGINA.
FORWARDED.

INSPR.
COMMANDING WEYBURN S/DIVISION.

S. U. I.
JUN 2 - 1947

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"Y" Division,
(C.I.B)

47R 636-3-1.

Regina, Saskatchewan.
June 5, 1947.

The Deputy Attorney General,
REGINA, Saskatchewan.

Dear Sir:

Re: Charles Nah BEXIE (Treaty Indian) - Manslaughter (S. 268 C.C) White Bear Indian Reserve - Carlyle, Saskatchewan.

1. Attached hereto are copies of two reports dated Carlyle, May 31, 1947, from which you will note that the captionally named subject appeared before Police Magistrate J.E. Martin, at Carlyle, Saskatchewan and was remanded for trial to the next competent court of criminal jurisdiction to be holden in the judicial district of Arcola, being released on his own recognizance in the amount of $300.00, with two surities of $150.00 each.

2. The Agent of the Attorney General, Mr. D.J. Mitchell, has already been retained to act for the Crown, and no doubt the preferring of the necessary indictment will be attended to by him upon your instructions.

Yours truly,

W. Mortimer, Supt.,
In Charge, C.I.B.

Inspector of Indian Agencies,
Indian Affairs Branch,
Dept. of Mines & Resources,
REGINA, Saskatchewan.

1. Forwarded.
2. Attached hereto are copies of two reports dated Carlyle, May 31, 1947.

W. Mortimer, Supt.,
In Charge, C.I.B.

REGINA, Sask.
5-6-47.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM C284B
1936M-4-44(4)

P.C.R. 24-11-47 H. Q. FILE NO. DIV. FILE NO. ~~47R-636-3-1~~ ~~47R-673-2-62~~

ROYAL CANADIAN MOUNTED POLICE
(CARLYLE DETACHMENT CASE)

DATE 4-12-47

SUB-DIVISION Regina S. DIV. REF. RS 47 W2-22

DETACHMENT Carlyle DET. REF. 47C-1-483 A.R.V. NO.

DEFENDANT (A) Charles NAH BEXIE (Treaty Indian) ADDRESS W.B.I.R., Carlyle, Sask.

OCCUPATION Labourer STATUS IN CANADA (B) Canadian born

NATIONALITY Canadian-Assiniboine RACE Indian DATE OF BIRTH 1902

PLACE & DATE OF OFFENCE During February 1947 (Death ensuing

OFFENCE (C) Failing to Provide Necessaries of Life (C.C.C.) (242)

INFORMATION (D) Cst.E.J.J.Mahoney, 21-5-47, G.W. PHENIX, J.P., Carlyle, Sask.

DATE OF ARREST OR SUMMONS Arrest 21-5-47 PLACE & DATE OF TRIAL Arcola, Sask. 2 & 3-12-47

MAGISTRATE OR JUDGE (E) Mr.Chief Justice J.T. Brown. & Jury METHOD OF TRIAL (F) Indictment Pt.XIV PLEA "NOT GUILTY"

PROSECUTOR OR PROS'G COUNSEL D.J.Mitchell A.A.G. DEFENCE COUNSEL W.G.E.Campbell, Barrister

DISPOSITION OF CHARGE OR SENTENCE IMPOSED AND DATE Accused aquitted. 3-12-47. No Costs allowed.

FINE PAID OR GAOL TERM TAKEN

COSTS

POLICE:	IMPOSED	COLLECTED
SERVING SUMMONS	$	
ARREST	$	
ATTENDING COURT	$	
WITNESS FEES (POLICE)	$	
MILEAGE MILES @	$	
TOTAL	$	

COSTS OTHER THAN POLICE		
MAGISTRATE'S FEES	$	
WITNESSES	$	
	$	
TOTAL COSTS	$	

AUTHORITY FOR SEARCH

COMPLAINANT R.C.M.P. Carlyle

FINGERPRINTS TO H. Q. Not taken, not in custody. (DATE)

PHOTOGRAPH TO H.Q. " " " " (DATE)

LAST PREVIOUS CONVICTION (QUOTE F.P.S. NUMBER, IF KNOWN) None known here.

WITNESSES:- PROSECUTION

Mary (Mrs.C.) Nah Bexie
Margaret Nah Bexie.
S/Sgt.J.I. Mallow
Sgt.GH.Cavill
Mrs.Margaret Morrison.
John R. Morrison.
Jessie Elizabeth Cameron.
Dr. Geo. Boyd
Dr. Frances McGill

DEFENCE

Charles NAH BEXIE

REMARKS (G) (P.T.O.)

DIARY DATE INVESTIGATED BY R.C.M.P. Carlyle, Sask.

FW'D ON 4-12-47 (DATE) TO O.C.S./-DIV FW'D ON (DATE) TO O.C. DIV. FW'D (DATE)

I/C DETACHMENT I/C SUB-DIVISION DIVISION

NOTE:- SEE REVERSE SIDE OF SHEET RE (A), (B), (C), (D), (E), (F), AND (G).

PATENTED - MOORE BUSINESS FORMS LTD.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(CARLYLE DETACHMENT CASE)

2-12-47

1. Further to the above, this date I patrolled per Fol. car Code 2829 to Arcola attending Kings Bench Court. Another case was first heard and disposed of and the above case was commenced at 3.00 p.m. C.S.T. this date. The previous charge of Manslaughter was reduced and the following charge proceeded with:-

Charles Nah Bexie stands charged by Donald James Mitchell, Agent within the Judicial District of Arcola in the Province of Saskatchewan of the Honourable, the Attorney General of the said Province, by and with the consent of the said, the Honourable, the Attorney General.

For that he, the said Charles Nah Bexie did, in the month of February, 1947, being under a legal duty to provide Jack Nah Bexie, an infant, with the necessaries of life by reason of his unlawful act in omitting, without lawful excuse, to perform such duty, unlawfully cause the death of the said Jack Nah Bexie, contrary to section 242 of the Criminal Code of Canada.

Dated at Arcola, Sask. this 2nd. day of December, A.D. 1947.

2. A twelve man jury was formed after the accused pleading not guilty to the charge. Prosecuting attorney then made his address to the Court outlining the case and the first witness, Mary (Mrs.C.) Nah Bexie called to the stand and sworn and with the aid of an interpreter, gave evidence. Her evidence being similar to that in the preliminary hearing with the exception of the fact that she now stated that on Monday when the child was taken ill, she sent one Eliza Whitebear to the Mission to report the matter to Jessie Elizabeth Cameron there and that Eliza Whitebear brought back tablets from Miss Cameron with instructions that same were to be dissolved in water and given every four hours, and that these were given according to instructions. It was also brought out that this witness had had twelve children during her marriage to the accused and that all but three had died, seven dying when infants. The witnessed was also questioned at length by the presiding Chief Justice when it was brought out that this family lived, ate, cooked, slept, washed and the mother gave birth to all her children in a one room cabin in the reserve. The Justice considered that this was a disgraceful condition and that this family should have been given proper facillities and supervision provided to see that their living conditions were kept at a cleaner and more sanitary condition. He also stated that if the mentioned Eliza Whitebear were present to corroborate Mrs. Nah Bexies statement, he could see little use in proceeding with the case. It was reported by W.G.E. Campbell, barr. for the defence that Eliza Whitebear had left the Reserve and was now living in the vicinity of Prince Albert, Sask. and he had not known this in time for her to be called as a witness.

(P.T.O.)

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(CARLYLE DETACHMENT CASE)

3. Jessie Elizabeth Cameron was next called and gave evidence that she kept a personal record of all Indians calling at the Mission reporting sickness and receiving medicine and that there was no mention in her book of any of the Nah Bexie family calling and receiving medicine for the deceased infant. When questioned as to Eliza Whitebear call and receiving medicine, she looked in her book and stated that she had no record of this woman calling or receiving any medicine on the dates asked, Feb. 24, 25, 26 or 27, 1947, the time from when the baby was taken sick and died. She further stated that she never issued any medicine, except possibly asperin, castor oil, salts, or medicine of this nature. She stated that she issued no medicine requiring instructions as to taking unless under direct orders from the doctor. Under cross examination, however, she admitted that her record was a personal one and that it was possible that she would omit putting everything she issued down and finally admitted that it was possible that Eliza Whitebear had called and received tablets of some kind and that she had failed to record same.

4. At this point the Chief Justice remarked that he could see little use in proceeding with this case as he was of the opinion that Mrs. Nah Bexie had sent Eliza Whitebear to the Mission to report the illness of the baby and had received tablets of some kind, which she believed was the proper medicine for the child. He further stated that as far as he could see, the accused should not be in the prisoners box, but the white man in general should as the proper facilities were not at hand for the use of the Indians. He continued that the Indian was the original inhabitant of this country and when the white man came and took over the country, the Indians were segregated to certain portions of land, and possibly not the best portions and that it was up to the white man to see that he was properly looked after. At this point he suggested to the counsel for the prosecution that he close his case and that he would instruct the jury to bring in a verdict of not guilty. However, Mr. Mitchell stated that he wished to call the balance of his witnesses and continue with the case and the Chief Justice then remarked that he could not stop him. This was stated in the presence of the Jury. The time being five p.m. then, Court was adjourned until 10.00 a.m. of December 3rd. 1947.

40

3-12-47

5. Court was re-opened this 10.00 a.m. C.S.T. and the next witness called was Mrs. Margaret Morrison. In her evidence she stated that Dr. Geo. Boyd of Carlyle, Sask. came to the Mission on the Reserve every Wednesday afternoon and at any other time when necessary. She stated that up until Sept. 1946 there had been a registered nurse residing on this Reserve but after that time, the department had been unable to obtain the services of such a nurse. In view of this, Mrs. Morrison, while not a registered nurse, had had a good many years experience and had done some studying and she acted as such under the direction of the Doctor. She stated that in cases of sickness, it was usual for the matter to be reported to her or the Mission

(P.T.O.)

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

OR THE MISSION.....
when she would be notified and would visit the sick person and if found seriously ill, she would call the doctor, who if the case warranted same, would immediately visit the patient or if not would instruct Mrs. Morrison what steps to take. She brought out the fact that during the month of February, 1947, an epedemic of influenza and pneumonia had struck this Reserve causing 104 patients to be taken ill. Of these 56 were definately diagnosed as pneumonia and four possible pneumonia. During this epidemic there were three deaths, one being the infant son of the accused and the other two were premature babies, weighing not more than four pounds. Drugs given for pneumonia were sulpha drugs and penicillin and results in using these drugs was found to be entirely satisfactory. She further stated that during this epidemic she made 234 house calls among the various Indians on the Reserve. She stated definately that she had not been notified of the illness of Jack Neh Bexie. Evidence was also given that while a good number of Indians have their babies on the Reserve, most of them are attended by Mrs. Morrison, and they have the opportunity of going to either a hospital or nursing home. Of the past 25 babies born on the Reserve, 10 were born at the homes of the parents with Mrs. Morrison in attendance, two were born without anybody in attendance other than family or other Indians. The balance were born in a hospital or nursing home.

6. John R. Morrison, farm instructor at the White Bear Indian Reserve on being called, corroberated his wife's testimony and also gave evidence that he had not been notified of the illness of the deceased child.

7. Dr. George Boyd of Carlyle was called and gave evidence that he visited the Reserve every Wednesday afternoon and was available for any emergency and would visit the sick persons on the Reserve in this event. He also testified that in cases of pneumonia sulpha drags and penicillen were given with very good results. He stated on across examination that he could not state definately whether or not the baby would have recovered if he had been called, but that it would have had a good chance to do so. In his evidence he also stated that he had not been called to either attend or prescribe for this baby.

8. Dr. Frances McGill on being called gave evidence as to performing the post-mortem and the cause of death. She also stated that if given the proper medical care and drugs, the child would likely have recovered, but admitted on cross examination that she could not definately state that it would have.

9. S/Sgt. Mellow gave evidence to the effect that no poisons were found either in the stomach or liver of the deceased child.

10. Sgt. Cavill gave evidence of being called to the Reserve to investigate the death of the child, of his taking possession of the body, handing same over to Dr. Frances McGill at Regina and later returning the body to it's home.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

11. An attempt was made to bring out Sgt. Cavill's conversation with the accused at the time of the original investigation, wherein he made certain admissions, but without result, as the accused had not been warned. Counsel for the prosecution attempted to show that the Sgt. was merely making an investigation and he was quite in order in asking Charles NAH BEXIE any questions relative to the death of the child, but the Chief Justice ruled that in his opinion the Sgt. had a suspicion in his own mind that a charge may later be laid against this man and ruled that this conversation not be given.

12. Margaret Nah Bexie, aged 14 years, was called and sworn. She gave evidence that she was going to school every day during the time that the baby was ill and that the school was 150 yeards from the Mission and at no time was she asked by either of her parents to notify the Mission of the illness of the child. She stated, however, that her mother had told Eliza Whitebear and that Eliza Whitebear had gone to the Mission on the Monday and brought back some tablets for the sick baby. This concluded the evidence for the prosecution.

13. At this point, Counsel for the defence made a request that the Justice instruct the Jury to retire and bring in a verdict of Not Guilty, but this he refused to do, stating that the case must go to the Jury and to produce any evidence for the defence.

14. The accused was called to the stand and he too stated that Eliza Whitebear had come to his home on the Monday the baby was taken ill and he had overheard his wife ask her to report this to the Mission and that Eliza Whitebear had brought back three boxes of tablets with instructions on each that one tablet was to be dissolved in water and given to the sick baby every four hours. Two of these boxes were for Eliza's children and the other was for Jack Nah Bexie. He stated that they had a clock and these tablets were given as directed every four hours during Monday night, Tuesday and Tuesday night, Wednesday and up to midnight Wednesday night when the child was unable to take any more. The child then had convulsions and died in Thursday, February 27th. 1947. He stated that as he knew the Mission had been notified, he was of the opinion that everything necessary was done and that Mrs. Cameron at the Mission had taken the proper steps of notifying anyone further. He admitted that he had not asked his daughter to report to the Mission when she went to school that the baby had become worse instead of better.

15. Dr. Frances McGill and S/Sgt. Mallow were recalled to the stand in rebuttal. Dr. McGill testifying that if tablets were given as stated by the accused, they would have shown up in S/Sgt. Mallow's tests of the liver and stomach. S/Sgt. Mallow testified that no such residue was in either the stomach or the liver.

(P.T.O.)

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(CARLYLE DETACHMENT CASE)

16. In his address to the Jury, the defence solicitor asked for a verdict of Not Guilty drawing the attention of the Jurky to the evidence of both Dr. Boyd and Dr. McGill as to their stating that they could not state definately whether or not the child would have died even though medical attention had been called. He stated that it was apparent that the accused was of the opinion that the right thing had been done when Eliza Whitebear had been sent to the Mission and medicine had been sent which was given faithfully as directed.

17. Counsel for the prosecution stated that it was quite apparent that the accused himself had made no attempt to procure medical attention for the sick child. Even though it was possible that Eliza Whitebear had been sent to the Mission on the Monday, and this was not certain as Eliza Whitebear had not been called to corroborate this, the fact that the child had become worse on the Tuesday and the daughter Margaret attending school so close to the Mission and still no word was sent by her to the Mission disclosing the fact that the baby had become worse, and the same on the following day. He stated that it was plain that medical aid was definately procureble and that it was quite evident that the accused did unlawfully fail to make any attempt to procure this aid.

18. The Chief Justice advises the Jury as to points of law that it was for them to siftout the true evidence and it was for them to decide as to what witnesses were telling the truth. He pointed out that the Indian was different from the white man and that he relied on the the white man to do these things for him. He pointed out that the situation on the Reserve was vastly different than the situation in the town. There was not telephone in the homes and no doctor living nearby. He also pointed out the shortness of the illness of the child and that it would be a different thing if the illness had dragged out for weeks and no effort made to procure medical attention. He also stated that in his opinion that if medical attention had been called on the Tuesday or even on the Wednesday, he was of the opinion that the child would have lived. He again stated that he was of the opinion more should be done in taking care of the Indians, though he was certain that those on the Reserve doing this work were doing everything in their power and he praised Mrs. Morrison for the work she is doing and for the time she had given to the Indians.

19. The Jury retired for half an hour and then returned with a verdict of Not Guilty. The Justice stated that he concurred in their verdict. He addressed the accused and told him that in future in cases of sickness, he must see to it that medical attention is called as it was quite apparent the it was available. He also told the accused that it was his opinion that if the doctor had been called or even Mrs. Morrison had been notified, the baby would have lived. The prisoner was then discharged as equitted.

(R.S.Cl.)

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

20. Kings Bench Court being then concluded the Court was closed and the writer returned to Carlyle. Extra copies of this report attached for the information of points concerned.

CONCLUDED HERE. EXPENSES: F. 95 Dec. 1/15th. 1947.

Cpl.
(S.F.Cunnington) 11917.
I/C Carlyle Detachment.

To O.C. Regina S/D.
4-12-47.

O. C. "F" Division, Regina.
Forwarded for your information

Supt.
Commanding Regina Sub - Division.

DEC 8 1947

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

IN REPLY PLEASE QUOTE

FILE No. 47 B 636-12-G 1

19108-5

EXD.

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OTTAWA, June 13, 1947.
CANADA

Re: Charles Nah Bexie,
White Bear I.R. Carlyle, Sask.

With reference to correspondence forwarded to you on the 4th instant, attached are copies of two reports dated Carlyle, Sask., May 31, 1947, in the above regard. It will be noted that Charles Nah Bexie appeared before Police Magistrate J.E. Martin at Carlyle, Sask., and was remanded for trial to the next competent court of criminal jurisdiction in the judicial district of Arcola, Sask., probably in December, 1947.

for Director,
Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Department of Mines & Resources
Indian Affairs Branch
JUN 17 1947
REGISTERED

Enc.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

F-257

DIVISION FILE No. [illegible]

DIVISION [illegible] SUB-DIVISION [illegible] DETACHMENT [illegible]

PROVINCE Saskatchewan DATE May 31st 1947.

FILE REFS. RE: Charles Pah Sexis(Treaty Indian) - manslaughter(NED)JOG - White Bear Indian reserve, Qu'Appelle, Saskatchewan. (CANADIAN DETACHMENT CASE)

HEADQUARTERS

SUB-DIVISION [illegible]

DETACHMENT [illegible]

P.C.R. Qu'Appelle 24-5-47.

A. R. V. No.

DIARY DATE

SET FOR

R.C.M.P.

1. Adverting to the above and marginally noted P.C.R. preliminary hearing opened at 11.15 a.m. this date at Qu'Appelle, Sask. re the above case, when the accused Charles PAH SEXIS appeared before J.C.Martin police magistrate of Weyburn. Accused represented by W.G.R.Campbell, barr. of Regina, Sask. Mr.H.Mahall, Agent of the Attorney General of Weyburn, appeared for the Crown. Court stenographer transcribed evidence.

2. The charge of manslaughter as outlined in previous report, was read to the accused, he stated that he understood same and no plea was taken.

3. Mary(nee.Charles)Pah Pexis.Treaty Indian of White Bear Indian reserve, Qu'Appelle, and wife of the accused was called as first witness for the Crown. She advised the court that she did not know the nature of an oath, therefore she was not sworn. Defence counsel objected to her being allowed to give evidence as she was the wife of the accused. The magistrate allowed her to give evidence as section 244 of the criminal code was included in section4 sub-section(2) of the Canada Evidence Act. Mrs. Pah Pexis gave an unsworn statement to the court.

4. This witness stated that she was the wife of the accused and the mother of Jack Pah Pexis, deceased. She has three children; Margaret 14 yrs., Audrey 7 yrs., and Wilbert 5 yrs. Her deceased son Jack was born in January 1946, and died on February 27th 1947. Jack had been sick four days, she didn't notify the mission on the reserve, the doctor(Mr.Boyd) or any doctor, or Mr. & Mrs. J.H. Morrison on the reserve. She then stated that her husband Charlie notified Mrs.J.R.Cameron in charge of the mission on the reserve but she doesn't know when this took place. She stated that she gave Jack patents medicine when he first got sick and only the once. She stated that Indian medicine was given on the other three days that Jack lived. She knew there was a lot of sickness on the reserve. She didn't know that Mrs.Morrison, the farm instructor's wife and Mr.Boyd of Qu'Appelle were looking after the sick. She stated that she didn't know how she would get a doctor, then she admitted that she had a doctor last summer when there was sickness. She was cross-examined by the defence counsel as to the degree of sickness of Jack on the four days prior to his death.

5. Margaret Pah Pexis, treaty Indian, daughter of the accused was called. She didn't know the nature of an oath, therefore gave an unsworn statement to the court.

CONTINUED PAGE TWO.

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

PARAGRAPH FIVE CONTINUED FROM PAGE ONE. Margaret stated that she was going to school in January 1947 on the White Bear Indian Reserve, Carlyle, Sask. Jack got sick on Monday and she went to school on Monday, Tuesday, Wednesday and her father Charles Sah Bexie and her mother did not tell her to tell the mission, the farm instructor or his wife that Jack was sick. She didn't tell anybody and she wasn't asked to tell anybody. No cross-examination.

6. Cpl. C.H.Cavill was then called and testified under oath concerning his investigation of this sudden death and the transporting of the deceased to Regina for the autopsy. No cross-examination.

7. Frances C.Megill,M.D., of Regina was then called and testified under oath that she had received Jack Sah Bexie from Cpl. Cavill in February and she performed an autopsy on the body. Her reports were read into court. Cause of death double lobar pneumonia. She stated that penicillin and sulfa drugs were considered as the drugs used in treating cases of pneumonia. She was cross-examined as to the chances of recovery even when penicillin etc are used.

8. S/Sgt.J.I.Mellow of Regina, Sask. testified next under oath that he had examined the stomach and liver of body of Jack Sah Bexie for poisons and he found none. No cross-examination.

9. Mrs.J.R.Morrison of the White Bear Indian Reserve, Carlyle was called next and testified under oath that she treated 104 cases of sickness during three weeks in February, on the Reserve, and 60 of these were pneumonia. She is not a registered nurse. She stated there was an epidemic of pneumonia, influenza during these three weeks. The Indians reported any sickness to her and she reported immediately to Dr.Boyd of Carlyle by telephone. She treated these cases during this epidemic on the reserve with penicillin and sulfa drugs, on the doctor's instructions. She stated that Jack Sah Bexie being sick was not reported to her and she did not know he was sick. She stated under cross-examination that the doctor(Boyd) was at thereserve on 28-24-2-47 and another time on the 24th of Feb. treating Indians. The epidemic started on 16-2-47.

10. J.H.Morrison,farm instructor White Bear Indian Reserve, Carlyle testified next under oath, that neither Charles, Mary or Margaret Sah Bexie reported Jack's sickness to him. He stated that he contacted Dr.Boyd when sickness was reported to him on the reserve. Under cross-examination he said two babies died during winter from 30-1-47 to after epidemic. One died on30-1-47, being one month old and it weighed only four pounds. It had never weighed more. The other died when it was fifteen days old and it was under four pounds and had never weighed more.

CONTINUED PAGE THREE.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CONT'D FROM PAGE TWO.

11. Mrs. Jessie McCameron testified next under oath that she is the field matron living at the mission on the reserve. She dispenses drugs amongst as a welfare worker. She stated that she works with Mrs. Morrison and that Jack's sickness had never been reported to her. She had a record of days events during February with her and no report about Jack Mah Hexie had been given her. Under cross-examination she stated that she didn't give pills to Charles Mah Hexie for Jack.

12. Dr. George W. Boyd, M.D., Carlyle, Sask. testified next under oath. He is the medical doctor for the White Bear Indian Reserve, appointed by the Indian department. He held a clinic one day a week on the reserve, this being Wednesday. There was an epidemic of pneumonia and influenza, during February 1947. He prescribed and in some cases administered penicillin and sulfa drugs. Both drugs were available. Mrs. Morrison administered drugs as mentioned under his instructions. Stated there were two fatalities and they were the ones mentioned by J.R. Morrison. Both babies were underweight and never weighed more than four pounds. He stated further that he had good success with the drugs he used during this epidemic. The chances of recovery were very good if these drugs were used. No one reported to him that Jack Mah Hexie was sick. Some of the Indians reported directly to him when there was sickness and others reported through Mrs. McCameron, Mr. Morrison or Mrs. Morrison or other means. The doctor said under cross-examination that there were better chances of recovery with treatment. He wouldn't say, that because they (Indians) were not treated they would die.

13. This concluded the case for the crown. The accused was warned by the magistrate in accordance with section 684-2 of the code. The accused stated through his counsel that he had no statement to make to the court and he had no witnesses to call.

14. The magistrate then remanded Charles MAH HEXIE to stand trial at the next superior court of criminal jurisdiction to be holden in the judicial district of Arcola, Arcola, Sask. He released the accused on his own recognizance in the sum of $300.00, with two sureties of $150.00 each. The sureties are Pat Mah Hexie and Percy Mah Hexie, treaty Indians of the White Bear Indian Reserve, Carlyle, Sask. and brothers of the accused. The recognizance was dictated by the magistrate to the court and taken down by the court stenographer, and explained to the accused and his sureties. The accused and his sureties stated that they were satisfied and content. Court closed.

15. At this time it is known that the next court of Kings Bench for this judicial district, in Arcola, Sask. is sitting in December 1947, in view of this the diary date is being set for 30-12-47.

STILL UNDER INVESTIGATION.

EXPENSES DUE: 31-3-47

CONTINUED PAGE FOUR.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DIVISION FILE No. RE Charles KIM BELIN (Treaty Indian) - Wenslaughter (208) 000 - White Bear Indian Reserve, Carlyle, Sask. (CARLYLE DETACHMENT CASE) PAGE C-237 CONTINUATION

4

CONTINUED FROM PAGE THREE.

STILL UNDER INVESTIGATION.
D.D. 10-12-47.

Cst. for
(RJJ.McHoney) 13954. Cpl. I/C A.C.D.
Carlyle detachment.

31-5-47.

D. J. Mitchell, Esq.,
Agent of the Attorney General,
Weyburn, Sask.
Sir:

Copy for your information.

Insp.
Comd'g. Weyburn Sub-Div.
(H. G. Nichols)

2-6-47
CHG/T

The O. C. "F" Div.,
R. C. M. P. REGINA

1. Forwarded for your information. Note paragraph 13 and 14 herein.

2. Extra copies attached for the information of the Departments concerned.

STILL UNDER INVESTIGATION
DD 10-12-47

Insp.
Comd'g. Weyburn Sub-Div.
(H. G. Nichols)

2-6-47
CHG/T

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19108-5

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE NO. 47 B 636-12-G 1

OTTAWA, 27 December, 1947.

YOUR FILE NO.

TO: The Director, Indian Affairs Branch,
Department of Mines and Resources, OTTAWA.

Department of Mines & Resources
Indian Affairs Branch,
DEC 29 1947
REGISTERED

EX'D.
M

Copy
31/12/47

Report dated Carlyle, Sask. 4-12-47 on Form 264B, forwarded for your information, re Charles NAH BEXIE - Manslaughter, White Bear I.R. (Carlyle) Sask., being further to our letter dated June 13, 1947.

Encl.

Officer i/c Criminal Investigation Branch,
per

Indian Affairs. (RG 10, Volume 7469, File 19108-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILM

FILE NO. 19110-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

EDMONTON

CROSS REFERENCE

CHARGE OF MANSLAUGHTER AGAINST JOHN BULL

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EX'D M	

DORMANT FILE NO. 19110-2 DORMANT

DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. ~~[illegible]~~ 19110-2

19110-

Department of Indian Affairs.

Nov. 1913

Edmonton

Charge of Manslaughter against John Bull.

Poor Copy

Indian Affairs, (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

448479

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(18-4-16-6332) (Copy) 427022-10 T.D. FORM 2 G

CANADIAN PACIFIC R'Y CO.'S TELEGRAPH

NIGHT LETTERGRAM

The Canadian Pacific R'y Co.'s Telegraph transmits and delivers this night lettergram subject to the terms and conditions printed on the back of this blank.

JAS. KENT, Manager Telegraphs

Sent No.	Sent By	Received By	Time Sent	Time Filed	Check

Send the following night lettergram, without repeating, subject to the terms and conditions printed on the back hereof, which are hereby agreed to.

a35 ra sy 45 collect. night letter, 2 ex. via Edmonton,

Wabamum, Alta. June 24-13.

Sec'y Dep't Indian Affairs,

Ottawa.

Convicted white man to day on four counts for supplying liquor counsel for defence gave notice of appeal at sitting Supreme Court in ten days also case of death by burning likely to be serious case. Please wire authority for counsel both instances.

G. H. Race,

Indian Agent.

6a

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Copy)

427022-10

T. D. FORM 2 B.

Canadian Pacific Railway Company's Telegraph

READ THE NOTICE AND AGREEMENT ON THE BACK

B. S. JENKINS, Gen. Supt., Winnipeg, Man.
J. FLETCHER, Supt., Vancouver, B.C.
J. McMILLAN, Supt., Calgary, Alta.
R. N. YOUNG, Supt., Moose Jaw, Sask.
J. TAIT, Supt., Winnipeg, Man.
W. J. CAMP, Elect. Engr., Montreal, Que.
F. T. JENNINGS, Supt., North Bay, Ont.
W. MARSHALL, Supt., Toronto, Ont.
JNO. F. RICHARDSON, Supt., Montreal, Que.
F. J. MAHON, Supt., St. John, N.B.

JAS. KENT,
Manager Telegraphs, Montreal.

Sent No.	Sent by	Rec'd by	Time Sent	Time Filed	Check

Send the following Message, subject to the terms printed on the back hereof, which are hereby agreed to:

Ottawa, June 25th 1913.

G.H.Race,
Indian Agent,
Wabamum, Alta.
via Edmonton.

Reference ~~in~~ your telegram twenty-fourth instant, wire where sitting of Supreme Court is to be held in appeal cases referred to.

J.D. McLean.

(Charge D.I.A.)

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

427022-10

T. W. No. 1.

The Great North Western Telegraph Company of Canada.

CABLE SERVICE TO ALL THE WORLD.

TERMS AND CONDITIONS.

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message.
This is an unrepeated message, and is delivered by request of the sender under these conditions.

Z. A. LASH, President. HEAD OFFICE: TORONTO. GEO. D. PERRY, General Manager.

TELEGRAMS & NIGHT LETTERS accepted by telephone at any hour. Call No. 4500

182..N..U.....30.Collect.. 2 Ex ans via Wpg.

Edmonton Alta June 26th.

The Secy Dept Indian Affairs,

Ottawa Ontario:---

440228

Was told next sitting district court ten days time now find it held eleven september no hurry for this but want authority for council in other cases.

Race,
Indian Agent.

4.50Pm.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DEPARTMENT OF JUSTICE

MEMORANDUM.

Indian cases at Edmonton

You may retain Mr. Hector Landry of Edmonton

[illegible]

[illegible]

July 8/13

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

THE GREAT NORTH WESTERN TELEGRAPH

OF CANADA.

It is agreed between the sender of the following message and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any delay in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of [illegible] for errors in cypher or obscure messages, or for errors from illegible writing beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case, it shall not be liable for damages beyond fi[illegible] the amount received for sending and repeating.

Correctness in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent. for any distance not exceeding 1000 miles, and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. This Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

H. P. DWIGHT, President and General Manager.

READ THE NOTICE AND AGREEMENT AT THE TOP.

PLEASE WRITE PLAINLY

SENT NO.	SENT BY.	REC'D BY.	TIME SENT.	TIME FILED.	CHECK.

Send the following message, subject to the above Terms, which are hereby agreed to.

July 7th., 1913. 190

To G. H. Race

GIVE SUFFICIENT ADDRESS

Indian Agent

Wabamum, Alta, via Edmonton.

Reference your telegrams June 24 and 26 Mayxxx retain

Hector Landry of Edmonton in cases referred to.

J. D. McLean.

Charge Indian Affairs

Direct Connection with ATLANTIC CABLES and WESTERN UNION TELEGRAPH CO.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

427022-10

Ottawa, July 8, 1913.

HXD.

Sir,

With reference to your letter of the 25th ultimo, your telegrams of the 24th and 26th, in which you request authority to employ counsel in certain cases, I beg to say that in your telegram of the 26th ultimo you did not inform the Department where the sitting of the Supreme Court is to be held in the appealed cases referred to. The Department will be glad to know the date and place of sitting of the court; also exactly what cases will be then heard, in which you have requested the assistance of counsel.

Your obedient servant,

Asst. Deputy and Secretary.

Geo. H. Race, Esq.,
Indian Agent,
Edmonton, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

427022-10.

Indian Agent's Office,
Alta.,
Edmonton Agency, June 25, 1913

Sir,-

x x x x x

In regard to the case of burning it is said in the settlement that at the time the whisky was bought of Miller two bottles were taken to the camp and that John Bull and his wife were both drunk. Subsequently it leaked out that Mrs. Bull had been very badly burned about the legs and body from the effects of which she died after three weeks suffering. It is also reported that John Bull asked the Methodist Minister twice to send for the doctor but no doctor saw her as the Minister did not send. Believing that there was good cause for suspicion of foul play somewhere I took the matter up with the police and with the Coroner of the Wabamum district and if after further enquiry (which is now being made) it transpires that there is ground for suspicion I have given instructions for the disinterment of the body that an enquiry made be made into the cause of the woman's death and how it came about. Hence the reason for my asking for authority for counsel in matter should counsel be needed.

I trust my action is approved.

Your obedient servant,
Geo. H. Race,
Indian Agent.

The Secretary
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

427022-10.

Indian Agent's Office,
Edmonton Agency, Alta., June 30, 1913.

Sir,-

X X X X

On Friday last I was again at Paul's reserve when an inquest was being held on the body of Mrs. John Bull who died from the effects of burning during a drunken row. It is believed that the liquor used by the Bulls was procured from the same party Miller.

Your obedient servant,

Geo. H. Race,

Indian Agent.

The secretary

Department of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Copy)

427022-10. Department of Indian Affairs,

Ottawa, July 8, 1913.

Sir,-

With reference to your letter of the 25th ultimo, your telegrams of the 24th and 26th, in which you request authority to employ Counsel in certain cases, I beg to say that in your telegram of the 26th ultimo you did not inform the Department where the sitting of the Supreme Court is to be held in the appealed cases referred to. The Department will be glad to know the date and place of sitting of the court; also exactly what cases will be then heard, in which you have requested the assistance of counsel.

Your obedient servant,

J. D. McLean,

Asst. Deputy and Secretary.

Geo. H. Race, Esq.,

Indian Agent,

Edmonton, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

W.S.E.

Enc.

Ottawa October 27th, 1913

DEPARTMENT OF INDIAN AFFAIRS NOV 6 1913

Please address reply to
Deputy Minister of Justice

448479

A--10.

Rex Vs. John Bull.

Sir:-

I have the honour to enclose for your information, copy of a report dated the 23rd instant, from our Agent at Edmonton, Mr. Hector L. Landry, who defended the accused under instructions from your Department.

I have the honour to be,
Sir,
Your obedient servant,

W. Stuart Edwards

Secretary.

The Assistant Deputy Minister & Secretary,
Department of Indian Affairs,
OTTAWA.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(COPY)

EDMONTON, ALBERTA,

23rd Oct. 1913.

The Deputy Minister of Justice,

OTTAWA.

448479

Dear Sir,-

re John Bull.

I beg to inform you that the trial of John Bull for manslaughter was made out in the Supreme Court here yesterday, and at the request of the Indian Agent - who was instructed, I understand, to employ me - I defended him. The verdict of the jury was that the prisoner was not guilty of manslaughter, but was guilty of not having provided the necessary medical assistance, thereby lessening the chance of Mrs. Bull's life. I personally believe that the charge of the judge to the jury, and also his interpretation of the law, were absolutely incorrect. However, as I felt sure that the prisoner would be let down on a suspended sentence I did not ask for a Crown case reserved. It appears that a good many of the Indians do not call in the doctor as often as they should when they themselves or some of their family are ill, and it was more to teach them a lesson than anything else that the verdict was rendered.

The more serious charge having been dismissed, I believe that I took the right course in not asking for a Crown case reserved.

Yours very truly,

(Sgd.) H.L.LANDRY.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

LANDRY & LANDRY
BARRISTERS, ADVOCATES
NOTARIES, ETC.
HECTOR LANDRY J. C. LANDRY
EDMONTON, ALTA.

DEPARTMENT OF INDIAN AFFAIRS
NOV 6 1913

27th Oct. 1913.

The Secretary,
Department of Indian Affairs,
OTTAWA

448479

Dear Sir,

re John Bull.

On Wednesday of last week, I defended Mr. John Bull for the Indian Department on a case of manslaughter. I succeeded in getting a verdict of "Not guilty", but he was found guilty of negligence and is now awaiting sentence. I believe that he will be let go on a suspended sentence.

Yours truly,

LANDRY & LANDRY.

per

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

448479

Ottawa, 20th November, 1913.

Sirs,

I beg to acknowledge the receipt of your favour of the 27th ultimo, stating that you had defended Mr. John Bull for the Indian Department on a case of manslaughter. A copy of your letter of the 23rd ultimo addressed to the Deputy Minister of Justice in which it is stated that you conducted this defence on the instructions of the Indian Agent, has been forwarded to this Department.

In reply I beg to say that there does not appear to be anything else on file with respect to this matter and the Department would be glad to have you give the name of the Indian Agent who instructed you.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

Messrs. Landry & Landry,
Advocates, &c.,
Edmonton,
Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

LANDRY & LANDRY
BARRISTERS, ADVOCATES
NOTARIES, ETC.
HECTOR L. [redacted] J. C. LANDRY
P. O. BOX 760
EDMONTON, ALTA.

448479

Law Agents

Nov. 27th, 1918.

DEPARTMENT OF INDIAN AFFAIRS
DEC 1 1918

The Secretary,
Dept. of Indian Affairs,
OTTAWA.

RECEIVED
DEC 1 1918
DEPARTMENT OF INDIAN AFFAIRS

450013

Dear Sir,

In reply to your favor of November 20th, ref. No 448479, I beg to state that I was instructed by Mr. Race to defend this breed. The breed, John Bull, was found not guilty of manslaughter, but guilty of negligence in not having procured a doctor, thereby endangering the life of the deceased. I first intended to appeal from this decision, but after mature deliberation on the case - and owing to the sentence being only for three months - I decided that the sentence would be up before the appeal could be heard.

It appears from what I could learn from those in charge of a couple of the Agencies, that the Indians as a rule are very negligent about getting a doctor when there is sickness in the family. It appears that they think a lesson should be taught these people, so that loss of life would be lessened.

We will forward you our bill of the 1st of the month.

Yours truly,

H. L. Landry

13

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Ottawa, 5th January, 1914.

Sir,

The Department sometime ago received a letter from Messrs. Landry & Landry, barristers of Edmonton, stating that they had defended Mr. John Bull for the Indian Department on a case of manslaughter and succeeded in getting a verdict of not guilty but that he was found guilty of negligence. Mr. H.L.Landry subsequently advised the Department that he had been instructed by you to defend this man. The Department does not appear to have any communication from you with respect to the employment of a lawyer in this case. Would you kindly state whether you were instructed by the Department to employ Messrs. Landry & Landry, and if so kindly refer to the number of the file relating to this matter.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

G.H.Race, Esq.,
Indian Agent,
Edmonton,
Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

448-479

LANDRY & LANDRY

BARRISTERS, ADVOCATES
NOTARIES, ETC.

HECTOR L. LANDRY — J. C. LANDRY

P. O. BOX 760

EDMONTON, ALTA.

LA

8th Jany., 1914.

453042

ACCOUNTANTS JAN 15 1914 BRANCH

The Secretary,
Department of Indian Affairs,
Ottawa, Ont.

Dear Sir:-

We beg to enclose herewith our bill, in triplicate, for having defended John Bull in a criminal case of manslaughter.

Yours truly,

Encs.

ACCOUNTANTS JAN 15 1914 BRANCH

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

PHONE 4723

P. O. DRAWER 760

LANDRY & LANDRY

BARRISTERS, SOLICITORS & NOTARIES

EDMONTON, Jany. 8th, 1914

STATEMENT OF ACCOUNT OF:

Secy. Dept. of Indian Affairs

1913			
Nov.	11	To fees re defending John Bull for manslaughter	$ 250

Per Mole

453042

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

PHONE 4723

P. O. DRAWER 760

LANDRY & LANDRY

BARRISTERS, SOLICITORS & NOTARIES

EDMONTON, Jany. 8th, 1914

STATEMENT OF ACCOUNT OF:

Secy. Dept. of Indian Affairs

1913			
Nov.	11	To fees re defending John Bull for manslaughter	$ 250

453042

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

PHONE 4723

P. O. DRAWER 760

LANDRY & LANDRY

BARRISTERS, SOLICITORS & NOTARIES

EDMONTON, Juny. 8th, 191 4

STATEMENT OF ACCOUNT OF:

Secy. Dept. of Indian Affairs

1913			
Nov.	11	To fees re defending John Bull for manslaughter	$ 250

453042

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ref. letter No.448479

5th. [redacted] n. 1914.

INDIAN AGENT'S OFFICE,

Edmonton Agency
JAN 12 1914
ALBERTA

191

IN YOUR REPLY REFER TO
No.
AND DATE OF THIS LETTER.

Sir,—

453452

In reply to above letter a telegram from ottawa bearing date of 8th. July gave authority for the employment of counsel in the cases of ~~Millerx~~ Martin Maier and Jno. Bull.

Your obedient servant,

Indian Agent.

The Secretary
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Sam Clark

See letter & Tel. attached

G.A.M.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

448479

F.T.D.

Ottawa, 28th January, 1914.

Sirs,

I beg to acknowledge the receipt of your letter of the 8th instant, enclosing your bill as follows:-

"To fees re defending John Bull for manslaughter, $250.00."

In reply I beg to say that all such accounts are taxable by the Department of Justice and that Department requests that you give the particulars of your bill as in ordinary cases for taxation.

Your obedient servant,

Asst. Deputy and Secretary.

Messrs. Landry & Landry,
Solicitors,
Edmonton,
Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

PHONE 4723

P. O. DRAWER 760

LANDRY & LANDRY

BARRISTERS, SOLICITORS & NOTARIES

455846

EDMONTON, Feby. 6th, 1914

STATEMENT OF ACCOUNT OF:

Dept. of Indian Affairs

To fees re defending John Bull for manslaughter	$ 250

6083-200 00

Sent Feb 27/15

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

448479

W.S.E.

Ehc.

Ottawa February 23rd, 1914.

Please address reply to
Deputy Minister of Justice

A-3.

450048

Sir,-

I have the honour to enclose herewith an account which I have received from Messrs. Landry & Landry, Barristers, Edmonton, Alberta, for services in conducting the defence of John Bull for manslaughter, certified at the sum of $200.00.

I have the honour to be,

Sir,

Your obedient servant,

W. Stuart Chu[illegible]

Secretary.

The Asst. Deputy Minister & Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469 File 19110-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19110-3 DORMANT DORMANT

DORMANT FILE NO. 19110-3 DORMANT

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

EDMONTON MURDER
ALEXANDERS INDIANS CHARGED WITH MURDER OF HALFBREED

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EX'D M	

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469 File 19110-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19110-3.

Department of Indian Affairs

19.....

EDMONTON

MURDER

ALEXANDER'S IND'S. CHARGED WITH MURDER OF HALFBREED.

Indian Affairs. (RG 10, Volume 7469 File 19110-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

T. D. FORM 1 B

Canadian Pacific Railway Company's Telegraph

TERMS AND CONDITIONS

All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and conditions have been agreed to by the sender of the following message. This is an unrepeated message, and is delivered by request of the sender under these conditions.

B. S. JENKINS, Gen. Supt., Winnipeg, Man.
J. FLETCHER, Supt., Vancouver, B.C.
J. McMILLAN, Supt., Calgary, Alta.
J. TAIT, Supt. Winnipeg, Man.
[illegible]UNG, Supt., Moosejaw, Sask.
F. T. JENNINGS, Supt., North Bay, Ont.
W. MARSHALL, Supt., Toronto, Ont.
JNO. F. RICHARDSON, Supt., Montreal, Que.
F. J. MAHON, Supt., St. John, N.B.

JAS. KENT,
Manager Telegraphs, Montreal.

DEPARTMENT OF INDIAN AFFAIRS
APR 8 1911

a-224Ra gg Cw 1.5 Collect

Edmonton Alb Apl 5th-11

384681

Indian Dep't Sec'y

OTTAWA-:

Two indians of Alexander and arrested for murder shall council be employed to defend.

Verreau

415P

Indian Affairs (RG 10, Volume 7469 File 19110-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

T. D. FORM 2

Canadian Pacific Railway Company's Telegraph

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS

It is agreed between the sender of the following message and this Company that the said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cypher or obscure messages or for errors from illegible writing, beyond the amount received for sending same. To guard against errors the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Correctness in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz:—One per cent. for any distance not exceeding 1,000 miles and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender, and without liability therefor. This Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices: if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as Agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages unless the same be claimed in writing, within sixty days after receipt of telegram for transmission. No employee of the Company shall vary the foregoing.

B. S. JENKINS, Gen. Supt., Winnipeg, Man.
J. FLETCHER, Supt., Vancouver, B.C.
J. McMILLAN, Supt., Calgary, Alta.
J. TAIT, Supt. Winnipeg, Man.
R. N. YOUNG, Supt., Moosejaw, Sask.
F. T. JENNINGS, Supt., North Bay, Ont.
W. MARSHALL, Supt., Toronto, Ont.
JNO. F. RICHARDSON, Supt., Montreal, Que.
F. J. MAHON, Supt., St. John, N.B.

JAS. KENT,
Manager Telegraphs, Montreal.

SENT NO.	SENT BY	REC'D BY	TIME SENT	TIME FILED	CHECK

Send the following Message, subject to the above terms, which are hereby agreed to:

To Urbain Verreau, Esq., Ottawa, April 6, 191 0.

Indian Agent,

Edmonton, Alta. 384681

Alexander Indians should provide own defence at preliminary hearing. Department writing.

J. D. McLean.

Charge D.I.A.

READ THE NOTICE AND AGREEMENT AT THE TOP

Last ass.

Indian Affairs. (RG 10, Volume 7469 File 191110-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

384681

Ottawa, April 6, 1911.

Sir,-

I beg to acknowledge your telegram of the 5th inst as follows,- "Two Indians of Alexander are arrested for murder shall counsel be employed to defend." and to confirm our telegram in reply as follows:"Alexander Indians should provide own defence at preliminary hearing. Department writing."

The Department gathered from your telegram that these Indians had not yet been taken before the magistrate on their preliminary hearing and it was thought that they could provide for their own defence at the hearing before the magistrate. They will in all probability be committed for trial and as soon as the date and place of trial are determined, kindly advise the Department stating at the same time whether these Indians have means of their own to engage counsel for their defence. If they have, they should do so themselves.

Your obedient servant,

Asst. Deputy and Secretary.

Urbain Verreau, Esq.,
Indian Agent,
Edmonton, Alta.

Indian Affairs. (RG 10, Volume 7469 File 19110-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Copy

EXTRACT.
ORIGINAL ON

Original on 111,775/10

384681

DEPARTMENT OF INDIAN AFFAIRS
APR 27 1911

Edmonton Agency.

Alberta Inspectorate.

Ref. 111,775/10 B.

Red Deer. April 22, 1911.

ACCOUNTANT BRANCH
MAY 3 1911

388334

Sir,

* * * * *

Recently a half-breed was found dead near the reserve and a couple of Alexander's Indians were arrested and charged with the murder of the half-breed . Apparently sufficient evidence could not be secured to commit the Indians for the trial and they were liberated. The Hotels at Riviere qui Barre will be short of one middleman to distribute liquorto the Indians through the death of the half-breed referred to,and I am not prepared to say whether this late trouble will scare the Indians from using as much liquor in the futgre as in the past. If they would abandon the use of liquor they would soon be in a position to secure outfits for themselves.

Yours obediently.

Sgd J.A. Markle.

Insp.

The Secretary,

Department of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 7469 File 19110-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19110-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19110-4 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

EDMONTON

MURDER

ALEXIS RAIN

CROSS REFERENCE

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EXD M	

DORMANT FILE NO. 19110-4 DORMANT

DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19110-4, Pt 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19110-4

Department of Indian Affairs

19.....

EDMONTON

MURDER

ALEXIS RAIN

Indian Affairs. (RG 10, Volume 7469, File 19110-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

274260

Copy.

Paul's Reserve,
W. W. Lake,
April 17th 1905

To James Gibbons Esq.,
Indian Agent,

Dear Sir,

In reply to yours of the 11th re Alexis Rain's death. That along in October last year a party consisting of Joe Cree, Isaac Sharphead, Josie Susan, W. Bearhead, Jacob Didymus, Alexis Rain, Mistah John and his grown up son and their families started out on a hunting trip by way of Pigeon Lake and Buck Lake and on towards the foot-hills of the Rockies and that I heard of no sickness among them till 14th January Jacob Didymus came home and reported that Alexis Rain had died between Buck Lake and the foot-hills. I asked him what was the matter and he said his head split open, that was his expression of it. I then took it for granted that there might be foul play in connection with it on account of hearing that the Indians had been getting liquor there, and they probably had a row in camp. And then about the first week in March O. Salteaux came home and came to the house and told me that he believed Alexis Rain was murdered and that as soon as Mrs. Rain would come home he was going to ask her straight who killed Alexis Rain, but the family has never come home yet which looks suspicious and Joe Cree's family has never come home yet either. Joe has been here 3 times since, making flying visits alone, he arrouses my suspicion. Onesimus Salteaux told us that the Stoneys got whiskey at Buck Lake and that he stopped his son from going with that crowd. As all the Indians are away just now I can't get any more news.

Yours truly,
(Sgd.) A. E. Pattison.

Indian Affairs. (RG 10, Volume 7469, File 19110-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

274260

Copy of Indian Agent's letter to Farmer Pattison.

April 11th 1905

A. E. Pattison Esq.,
Newassin, Alta.

Dear Sir,

I am obliged for the trouble taken by yourself and Mr. Blewett in the investigation into the circumstances of the death of Alexis Rain of Paul's Band.

The report, however, does not state that any suspicion of foul play is entertained by any one, and gives no better reason for holding an inquest than to satisfy the curiosity of David Bird.

You will see that on that ground I cannot reasonably set afoot an expensive proceeding and for that reason I will be glad if you will send me a report of the case as you know it viz.- the date the party left the reserve, the persons composing it, the date of death and duration of illness, the story told by the survivors regarding it on their return and any rumors in circulation since then calculated to arouse or allay suspicion.

Yours truly,
(Sgd.) Jas. Gibbons,
Indian Agent/

Indian Affairs. (RG 10, Volume 7469, File 19110-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

274260

Copy of Mr. Blewett's Report.

Edmonton, Alta. Mar. 30 1905.

To whom it may concern

I W.G.Blewett at the request of A. E. Pattison of Paul's Reserve did question David Bird a Councillor of Paul's Band about the death of Alexis Rain of Paul's and. After questioning him on matters in general I led up to the death of Alexis Rain. Place of burial, parties present &c. Finally David Bird expressed his desire to have a doctor see the body of Alexis Rain if possible as he thought it strange that Rain died so suddenly, that is with such a short illness.

(Sgd) W. G. Blewett,
School Teacher
Paul's Reserve.

Indian Affairs. (RG 10, Volume 7469, File 19110-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

MAY 1 1905

INDIAN AGENT'S OFFICE,

EDMONTON AGENCY.

IN YOUR REPLY REFER TO
No. 127
ALSO
TO DATE OF THIS LETTER

274260

April 22nd 1905 190

Ref.: Your Letter 190 No.

Good Copy

Sir,

I have the honor to enclose herewith correspondence relative to the death of Alexis Bain, an Indian, of Paul's Band in this Agency.

The matter was brought to my notice by the Report dated March 30th which is signed by Mr. Blewett. This report appeared to me to be too vague to call for the procedure it suggested. Mr. Pattison's letter of the 17th instant gives it a more definite and more serious aspect and appears to warrant some official action. I shall be glad to have your directions in regard to further proceedings, should you consider any necessary. Would it be better to hand the inquiry over to the R.N.W.M.Police or to notify the Coroner?

I have the honor to be,

Sir,

Your obedient servant,

Jas Gibbons
Indian Agent.

The Secretary,
Dept. of Indian Affairs,
Ottawa, Ont.

Indian Affairs. (R[illegible], Volume 7469, File 19110-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

274,260

Ex'd

Ottawa, 2nd May, 1905.

Sir :-

127. With reference to your letter of the 22nd ult., relating to the death under suspicious circumstances of Alexis Bain, an Indian of Paul's Band, I have to say that it is considered that you should report this matter in the first instance to the coroner for such action thereon as he may consider necessary, and, if you consider the result of his action to warrant it, you may later on inform the Mounted Police of the circumstances of the case.

Your obedient servant,

J. D. McLean

Secretary.

James Gibbons, Esq.,
Indian Agent,
Edmonton, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-4, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19110-5 DORMANT DORMANT

DORMANT

FILE NO. 19110-5

DORMANT

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

EDMONTON
MURDER
J.B. CARDINAL BY HIS WIFE

CROSS REFERENCE

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EX'D IN	
27/6/50	Pa	27.6.50	[illegible]	Secy	23087 Part on	Chas	26/6/50
11/8/24	Pa	3.8.50	[illegible]	Secy	9622 #9/18-11	Chas	3/8/50
12/5/18	Pa	9.5.57	[illegible]	Secy	Reg.	[illegible]	9.5.57

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19110-5

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES & RESOURCES

EDMONTON

MURDER

J.B. CARDINAL BY HIS WIFE.

Poor Copy

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Edmonton Bulletin 10/7/39

INDIAN DIES OF GUN WOUND: MURDER COUN

J. B. Cardinal, aged about Winterburn reserve Indian, died 3 p.m. Saturday in the General ho pital as result of a .22 rifle wou in the stomach and complicatio which set in.

His wife, alleged to have fire the shot at her home last Thursda will be charged with murde R.C.M.P. here said. They are co tinuing investigation. Mrs. Cardin at present is gravelly ill wi tuberculosis and is a patient at S Joseph's hospital.

An inquest into the death of Ca dinal was held at 11 p.m. Mond at Howard and McBride's funer chapel and adjourned to Tuesda July 24.

Port mortem examination of t body has been made and the rif alleged to have been used in t shooting, together with the bull removed from Cardinal's bod have been sent to Regina headqua ters of the R.C.M.P. for ballist examination.

Dr. E. A. Braithwaite, chief pr vincial coroner, is conducting th inquest. Jurymen are William Whitla, G. Gordon, W. C. Lum den, Shannon Seibert, George Ba nall and Robert Fletcher.

Funeral was held at Winterbur Monday afternoon from the Roma Catholic Indian mission, Rev. Fat er Gamache officiating. Howar and McBride had charge of a rangements.

Cardinal farmed on the reserv and was regarded as a hard worke and useful member of his com munity. Both he and his wife had families by previous marriages.

Ogdensburg Journal 10/7/39

Indian Woman To Face Count Killing Husband

J. B. Cardinal, Winterburn Reserve, Dies From Bullet Wound

WIFE IN HOSPITAL

Charge to Be Laid After Recovery From Tuberculosis

Charge of murder will be laid against Mrs. J. B. Cardinal, Winterburn Indian, whose husband, shot in the abdomen with a .22 buller, died in the General hospital about 3:00 p.m. Saturday, R.C.M.P. said Monday.

The woman, a tubercular patient in St. Joseph's hospital, will face the charge as soon as she is better, police said. She now is charged with attempted murder, this charge being laid before her husband died.

Inquest was opened at Howard & McBride's chapel Monday but was adjourned to July 25. Body was released by Dr. E. A. Braithwaite, coroner, for burial.

Police said that the .22 bullet and rifle had been sent to R.C.M.P. headquarters at Regina for expert examination.

Funeral service was being held at the Roman Catholic Indian mission at Winterburn Monday afternoon. Father Gamache was conducting the service.

The Indian was shot at his home on the reserve about 8:00 p.m. on Thursday. Police said the Indian told them his wife shot him, but she denied this, saying he shot himself.

Coroner's jury was comprised of William G. Whitla, G. Gordon W. C. Lumsden, Shannon Seibert, George Bagnall, Robert Fletcher.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Department of Mines & Resources
Indian Affairs Branch.
JUL 20 1939
REGISTERED

Radio received. July 18,1939.

To Secretary,Indian Affairs.

From Indian Agent Laight, Edmonton.

MRS. J.B.CARDINAL ENOCH BAND CHARGED WITH MURDERING HER FOR SHOOTING HER HUSBAND HAS REQUESTED COUNSEL BE ENGAGED TO DEFEND HER PLEASE ADVISE BY WIRE NAME OF LAWYER I SHOULD ENGAGE.

Phoned to P.E.Y.
by C.

Time 2.30 p.m.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

July 19,1939.

Attention Mr. Pearson.

Dear Sir:-

I have to refer to recent telephone conversations with this Branch regarding the case of Mrs. J.B.Cardinal, an Indian woman of the Enoch Band, Edmonton Indian Agency, Alberta, charged with the murder of her husband, and the request for counsel to defend her.

I should be obliged if you would confirm in writing the employment of Mr. C.E.Gariepy, Barrister, Edmonton, which was given by you on the assumption that the trial will take place in Edmonton.

Yours very truly,

TRM

T.R.L.MacInnes
Secretary.

The Deputy Minister,
Department of Justice,
Ottawa.

PEY

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form 6102B

CLASS OF SERVICE DESIRED	
FULL-RATE MESSAGE	
DAY LETTER	X
NIGHT MESSAGE	
NIGHT LETTER	

PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED. OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

July 19,1939.

G.C.Laight,
Indian Agent,
Edmonton,Alberta.

RE YOUR WIRE JULY EIGHTEENTH MRS J B CARDINAL CHARGED WITH MURDERING HER HUSBAND AUTHORITY GIVEN BY DEPARTMENT OF JUSTICE TO EMPLOY MR. C.E.GARIEPY BARRISTER EDMONTON TO DEFEND THIS WOMAN ON THE ASSUMPTION THAT THE TRIAL WILL TAKE PLACE IN EDMONTON STOP PLEASE FORWARD REPORT.

TRM

T.R.L.MacInnes.

C.M.R.
I.A.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

July 19,1939.

Dear Sir:-

I have to confirm telegram sent you this morning with regard to the case of Mrs. J.B.Cardinal as follows:-

"RE YOUR WIRE JULY 18th MRS J B CARDINAL CHARGED WITH MURDERING HER HUSBAND AUTHORITY GIVEN BY DEPARTMENT OF JUSTICE TO EMPLOY MR. C.E.GARIFFY BARRISTER EDMONTON TO DEFEND THIS WOMAN ON THE ASSUMPTION THAT THE TRIAL WILL TAKE PLACE IN EDMONTON STOP PLEASE FORWARD REPORT."

The department has no record of this case except newspaper clippings from the Edmonton papers.

Yours very truly,

T.R.L.MacInnes.
Secretary.

G.C.Laight, Esq.,
Indian Agent,
Edmonton, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

Form 6102B

CLASS OF SERVICE DESIRED	
FULL-RATE MESSAGE	
DAY LETTER	X
NIGHT MESSAGE	
NIGHT LETTER	

PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

Money Transferred by Telegraph

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

July 19,1939.

G.C.Laight,
Indian Agent,
Edmonton,Alberta.

RE YOUR WIRE JULY EIGHTEENTH MRS J B CARDINAL CHARGED WITH MURDERING HER HUSBAND AUTHORITY GIVEN BY DEPARTMENT OF JUSTICE TO EMPLOY MR. C.E.GARIEPY BARRISTER EDMONTON TO DEFEND THIS WOMAN ON THE ASSUMPTION THAT THE TRIAL WILL TAKE PLACE IN EDMONTON STOP PLEASE FORWARD REPORT.

T.R.L.MacInnes.

C.M.R.
I.A.

TRM

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CLASSES OF SERVICE

DAY MESSAGE
DAY LETTERS
NIGHT MESSAGES
NIGHT LETTERS

GOVERNMENT OF CANADA

19110-5

CONFIRMATION

CANADA

RADIOTELEGRAPH SERVICE

ADMINISTERED BY
DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

TELEGRAPH, CABLE AND RADIO CONNECTIONS TO ALL PARTS OF THE WORLD

ROYAL CANADIAN SIGNALS
JUL 18 1939
Ottawa Radio Station

9 VEL JD 31 BLUE EDMONTON JULY 18

Department of Mines & Resources
Indian Affairs Branch.
JUL 20 1939
REGISTERED

SECY INDIAN AFFAIRS
OTTAWA

MRS J.B.CARDINAL ENOCH BAND CHARGED WITH MURDER FOR SHOOTING HER HUSBAND HAS REQUESTED COUNSEL BE ENGAGED TO DEFEND HER PLEASE ADVISE BY WIRE NAME OF LAWYER I SHOULD ENGAGE

G.C.LAIGHT

1224 18 EL.

This message was handed over the telephone to 3013 by 70 from 1323

The Signal Service is responsible only for messages handed in to or delivered by hand from the Radio Station.

Director of Signals

N.D.—G. F. 4 (a)
2M—pads 100—10-38 (1022)
H.Q. 82-20-5

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE III.

Winterburn, Alta.
July 8th, 1939.

-Copy-

Dear Sir:-

I beg to report that at II.20 P.M. Thursday July 6th, 1939. I was called out of bed by Adam Papin a member of the Enoch Band who reported to me that he had found J.B.Cardinal, No. ~~221~~/75 Enoch Band lying on the road near Papin's home and that Cardinal had been shot in the abdomen, upon questioning Papin he informed me that Cardinal had told him that his wife had shot him as he was entering his house, accompanied by Constable F. Cummings of the Royal Canadian Mounted Police who was on duty with me paying Treaty I at once went over to Cardinal's house, we found Cardinal at the home of Charles Papin where he had been carried, upon examination by Constable Cummings it was found that he had been shot in the abdomen, I at once took Cardinal into the General Hospital in Edmonton arriving there at I2.50 A.M. I called Doctor Conroy, M.D. who went to the hospital and performed an operation on Cardinal at 3.A.M. I also Called the Royal Canadian Mounted Police and turned the case over to them.

Yesterday Doctor Conroy called me on the telephone and asked for six Indians to go in for a blood test as it would be necessary to give Cardinal a blood transfusion, six Indians from the Stony Plain Reserve went in and I am informed that Cardinal was given a transfusion yesterday. This morning I am informed by Doctor Conroy that Cardinal has very little pulse and that he holds out very little hope for his recovery.

After investigation by the Police Mrs Cardinal was charged with attempted murder, this woman is sick and was in bed when I went to her home Thursday night, last evening the Police sent out an ambulance and took Mrs Cardinal to St.Joseph's Hospital where she now is under Police guard.

There are eleven children in this family, Cardinal having married Mrs Joe Cowan who had six children when he married her and he had four of his own and a baby was born about two months ago. I have two of the children being taken care of by Mrs Joe Ward, two by Mrs Charles Papin and the others are at home under the care of their sister Rosie Cowan age I7 years, I have also arranged with Mrs Papin to assist Rosie as much as possible. These children are all under nurished and have very little clothing, I have arranged with Mrs Ward and Mrs Papin to let me know what clothing the children require and I will purchase what is necessary and pay for it out of the childrens Annuity money. Last night Mr Pugh sent down some food for the children and I would ask for authority to put these children on the ration list until such time as this case is cleared up. In the event of Cardinal dieing I would ask that all the children with the exception of Rosie and the baby be placed in the Youville Indian School.

I am Sir,
Your obedient servant,
G. C. Laight
G. C. Laight,
Indian Agent.

RECEIVED
JUL 10 1939
CALGARY

C. P. Schmidt, Esq,
Inspector of Indian Agencies,
Alberta Inspectorate,
Calgary, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE III.

Winterburn, Alta.
July 8th, 1939.

—Copy—

Dear Sir:-

Reference my letter No.III. of even date I beg to report that J.B.Cardinal No.~~221~~ 175 Enoch Band died in the Edmonton General Hospital at 4. P.M. this afternoon from the effects of being shot in the abdomen, together with Pneumonia which set in this morning.

A post-mortem is being held tomorrow morning and an inquest will be held in Edmonton on Monday July 10th, by Provincial Coroner Dr.E. A. Braithwaite, at which I have been asked to attend.

I am Sir,

Your obedient servant,

G. C. Laight

G. C. Laight,
Indian Agent.

C. P. Schmidt, Esq.,
Inspector of Indian Agencies,
Alberta Inspectorate,
Calgary, Alta.

RECEIVED
JUL 10 1939
CALGARY

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY

DEPT. OF MINES & RESOURCES - INDIAN AFFAIRS BRANCH

Office of Indian Agent,
Winterburn, Alta.,
July 10th, 1939.

111.

Dear Sir:

I beg to report that an inquest into the death of J. B. Cardinal No. 175 Enoch Band, was held in Edmonton this morning, the Jury were sworn in and the body identified and released for burial. The inquest was then postponed until Tuesday, July 25th, 1939.

Further to my letter of July 8th, File 111, I would ask that the nine children of the late J. B. Cardinal be placed in the Youville Indian Residential School at the earliest possible moment, due to the fact that it is very hard to get anyone to take proper care of the children.

I am, Sir,

Your obedient servant,

(sgd.) "G. C. LAIGHT,"

Indian Agent.

C. P. Schmidt, Esq.,
Inspector of Indian Agencies,
Alberta Inspectorate,
CALGARY, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

INSPECTOR OF INDIAN AGENCIES

CANADA
DEPARTMENT
OF
MINES AND RESOURCES

Department of Mines & Resources
Indian Affairs Branch
JUL 21 1939
REGISTERED

403-8

Calgary, July 18th, 1939.

Sir:

I beg to forward herewith, for the information of the Department, copies of letters received from Mr. G. C. Laight, Indian Agent, Edmonton Agency, his file No. 111, under dates July 8th (2 letters) and July 10th, respectively. These letters are self-explanatory, and deal with the shooting of Indian J. B. Cardinal, No. 175, Enoch Band.

The matter of placing the nine children in Youville Indian Residential School is being dealt with in a separate letter. (Ref. my No. 403-11A. R.C. of even date).

Your obedient servant,

C. Pant. Schmidt,
Inspector of Indian Agencies,
Alberta Inspectorate.

The Secretary,
Indian Affairs Branch,
Dept. of Mines & Resources,
O T T A W A.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Edm. Bulletin 17/7/39

19110-5

INDIAN WOMAN NOW CHARGED WITH MURDER

Charge of attempted murder was amended to a charge of murder which was read to Mrs. J. B. Cardinal, Winterburn Indian, before a magistrate, in her ward at St. Joseph's hospital, Monday.

Mrs. Cardinal is charged with the murder of her husband, who died a week ago in a city hospital from a wound in the stomach, allegedly inflicted by his wife with a .22 rifle. The first charge was laid before his death.

Mrs. Cardinal, ill with tuberculosis, is held under guard in hospital. She was remanded Monday for eight days.

Department of Mines & Resources
Indian Affairs Branch.
JUL 23 1939
REGISTERED

1. Welfare.

For the part dealing with relief and schools.

2. Mr Young -

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

EXD

MG.

Department of Mines & Resources
Indian Affairs Branch,
JUL 23 1939
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Note re Sett

OTTAWA 22nd July, 1939.

Sir,-

B.28.Mines & Resources
Alta.
Your file No. 19110-5.

Referring to your letter of July 19th and confirming telephone conversation I have the honour to state that the Minister of Justice has authorized the employment of Mr. C.E. Gariepy, Barrister, Edmonton, Alta. in connection with the defence of an Indian woman of the Enoch Band - Mrs. J.B. Cardinal, charged with the murder of her husband.

I have the honour to be,

Sir,

Your obedient servant,

E.Lestor

Acting Deputy Minister of Justice.

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 39K 6 36-18.

ROYAL CANADIAN MOUNTED POLICE

Division "K". | Sub-Division Edmonton. | Detachment Edm.(Detectives.)

Province Alberta. | Date July 11th 1939.

File References

SYNOPSIS.

Headquarters

Sub-Division

39-109-27

Detachment

P. C. R. First.

A. R. V. No.

Diary Date set for

Re: Mrs.Mary (J.B.) CARDINAL,(Treaty Indian,) Winterburn Dist.Alta. -MURDER,Sec.263 C.C.of C.

1. Between 10.00 and 10.30 p.m. of Thursday,July 6th 1939, one John Baptiste CARDINAL, a Treaty Indian of the Winterburn Indian Reserve, was shot in the abdomen with a .22 bullet fired from a rifle at his home in the Winterburn Indian Reserve.He was taken to the General Hospital,Edmonton,shortly after the shooting and was operated on by Dr.'s CONROY,Weibles and McDonald. The operation was performed in an attempt to locate the bullet and to arrest the hemorrhage caused by the wound.A number of blood transfusions were also given to CARDINAL in an attempt to save his life, but to no avail, as at approximately 3.00 p.m. of July 8th 1939, he died. Death, according to Dr.HALL, who performed the Autopsy on the body on the 9th, was caused by gun shot wounds in the abdomen and acute peritonitis.

2. Investigations were conducted into the circumstances surrounding the fatal shooting of J.B.CARDINAL by D/Cst.Ozarko and Cst.F.M.Cummings and information was received which indicated that Mrs. Mary CARDINAL, wife of the deceased, who was ill in bed with Tuberculosis, was responsible for the shooting. In this summary report it is intended to detail the facts which have been ~~[illegible]~~ gathered regarding this suspect and this matter not in the order in which the investigation yielded them but in the order in which they are alleged to have happened.

3. John Baptiste CARDINAL was 46 years of age and when he married the present Mrs.Mary CARDINAL, the former Mrs.Mary (Joe)COWAN, he was the father of four children.They were Richard,Andrew, Irene and Margaret CARDINAL, the oldest of which was Richard who is now 10 years old. Mrs.CARDINAL, by her former marriage, had six children at that time. They are, Rosie COWAN, who is now 16 yrs.Henry,14,James 12,Charles,6,Percy,3, and Zemmary, age 1 yr. On May 1st 1939 another child was born to Mrs.CARDINAL of which J.B.CARDINAL was the father.

4. After the marriage in May 1938 they all went to reside at CARDINAL's farm and approximately one month ago they moved to another house which was their residence at the time of the fatality. This house is a small storey and a half house which has two room in same.There is one room downstairs which was used as a general living,sitting and dining room for all and a bed room for the adults and baby.The room upstairs served as a bedroom for the children.

Cont.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.)CARDINAL,(Treaty Indian.)
Winterburn Dist.Alta. MURDER,Sec.263 CC.of C.

---

5. According to Rosie COWAN, step daughter of the deceased, affairs ran along fairly smoothly in the CARDINAL home until shortly after the arrival of the baby in May 1939. Mrs.CARDINAL resented the fact that her husband did not pay more attention to their baby than he did to Margaret CARDINAL, who was his daughter by a former marriage.She became embittered towards his children and from that time on she had many arguments with him over the treatment that her children and his children were getting.She was partial towards her own children and J.B. CARDINAL, the deceased,reprimanded her on a number of occasions because of that fact.

6. Having suffered from tuberculosis for some considerable length of time, it was not possible, due to her weakened condition, for her to recover fully from the confinement after the birth of her child.Since the child was born in May 1939 she has been in bed practically all the time. Due to her condition it was always necessary to have someone in attendance with her and the baby.

7. After the CARDINAL family moved from J.B.CARDINAL's farm to the residence that they resided in at the time of the ~~xxxxxxx~~ shooting, approximately one month ago, it was necessary for J.B.CARDINAL to make numerous trips to the farm for the purpose of looking after his stock, farm and equipment there. During his absence other Indian women from the reserve were in the habit of calling upon Mrs.CARDINAL and talking to her.

8. Among these callers was one Jacob BERNARD, an Indian who acted as a Medicine Man, from the Saddle Lake Indian Reserve.At the request of J.B.CARDINAL he came to the CARDINAL home for the purpose of treating Mrs.CARDINAL. He resided there part of the time and also resided at the home of one George MORAN.

9. On Sunday,July 2nd 1939, as there was no meat to eat at CARDINAL's ,BERNARD took CARDINAL's rifle after having obtained one shell for it from Mrs.CARDINAL, one from J.B. CARDINAL and two from G.MORAN's place. He also had one good shell for same and one"Whiz Bang" which had not fired in the chamber or another rifle that he had tried to shoot it out of. BERNARD tried to shoot some rabbits on Sunday but was unsuccessful. He had fired two of the shells that he had.He gave the other three good shells that he had left and the "Whiz Bang" to Mrs. Mary CARDINAL. There were two .22 longs and one .22 short in the three good shells that he gave her.

10. On Tuesday,July 4th 1939, while J.B.CARDINAL was away looking after the stock on his farm, some women called on Mrs.CARDINAL and told her that her husband was having "dates" with one Julia WARD, an Indian girl who was working at Maxin PAPIN's place.

11. Rosie COWAN states that upon the return of the deceased to the residence Mrs.CARDINAL accused him of carrying on with Julia WARD. As a result of that a strong argument ensued and Mrs.CARDINAL became very angry at the deceased.

12. Richard CARDINAL,10 year old son of the deceased, stated that on this date he heard Mrs.CARDINAL saying to the deceased that she was going to die and that he(J.B. ardinal) was figuring on having a good time but that he wouldn't because she was going to shoot him. Richard CARDINAL states that when

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mrs. Mary (J.B.) CARDINAL - (Treaty Indian).
Winterburn Dist. Alta. MURDER, Sec. 263 CC. of C.

12. (states that when) he heard his step mother say that he came closer to the window that he was standing near and he saw her on the bed with the .22 rifle in her hands and pointing it at his father. He states that he saw his father take the rifle away from her and put it upstairs. That evening the deceased took his own children away from that house and had them sleep at Charlie PAPIN's place.

13. On the 5th of July there were more arguements at the CARDINAL home between J.B. CARDINAL and Mrs. CARDINAL and one W.M. MORIN, an Indian Councillor on the Reserve, was called over to the house. When these arguments were in progress MORIN told the COWAN children to get out of the house as some trouble might arise from the arguments and the children might have to be witnesses in Court. MORIN stayed overnight at the house.

14. On July 6th 1939 there was more trouble and more arguments between Mrs. CARDINAL and her husband. In the afternoon the arguments became stronger and there was some fighting. Mrs. CARDINAL tore her husbands shirt sleeve and scratched his hands, etc. W. MORIN was present during the time that part of these arguments were taking place and he tried to stop both CARDINAL, the deceased, and his wife from any further trouble.

15. At approximately 8.00 p.m. W. MORIN and J.B. CARDINAL left the Cardinal residence. MORIN went to a meeting and the deceased went to the Lake close by. The COWAN children had been outside during the course of the arguments during the afternoon and as soon as Rosie COWAN saw her step father and W. MORIN leave the house, she went inside to see her mother. Mrs. CARDINAL asked her to go upstairs and get the rifle for her but Rosie refused to do so. Mrs. CARDINAL then threw two pieces of stick at her, a cup and a plate, and threatening her ordered her to go and get the rifle. Rosie then went upstairs and got the rifle and brought it down to her mother laying it at the feet of her bed. She was alarmed when she did this because of the fact that she knew that they had been arguing that day and because of the fact that MORIN had warned her not to pay any attention to what her mother told her to do as she was very angry. Rosie stated that she later went outside of the house to where the rest of the children were around a fire just north of the house.

16. At approximately 9.00 p.m. Rosie COWAN and her two brothers Henry and James were sitting around a fire outside of the house cooking "Bannick". They were there for about an hour when they heard a considerable amount of arguing going on inside between the deceased and their mother. Whilst they could not under stand what was being said they could identify the voices as being those of J.B. CARDINAL and his wife.

17. Whilst this arguing was going on ~~XXXXXXXXXX~~ Henry COWAN got up from the fire and walked over to the east window of the house and peered inside. He heard his mother and the deceased arguing and saw ~~xxx~~ the deceased sitting down by a cupboard which was along the west wall of the house. The bed on which his mother lay was along the east wall of the house and just north of the windows through which he was looking. When he heard the arguing he became quite alarmed and went back to the fire around which his sister and ~~xxxxx~~ brother, James, were sitting and started to cry saying that "something was going to happen". A few moments after he said this a scream was heard and Rosie COWAN states that it was the deceased that screamed.

She immediately ran around to the door of the house, which was

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs. Mary (J.B.) CARDINAL, (treaty Indian.)
Winterburn Dist. Alta. MURDER, Sec. 263 CC. of C.

17. (which was) on the north side of the house. There, just a short distance away from the step she saw the deceased in a half crouched position with one hand holding his stomach. He stated that he was going over to Charlie PAPIN's place and "squeel on the person that shot him." Rosie COWAN then states she started to go into the house and as she stood in the doorway her mother, Mrs. Mary CARDINAL, threw the .22 rifle on the floor and it landed a few feet away from the doorway. Rosie enquired as to what was wrong but received no answer. She then went outside going in the direction that the deceased had taken. Some distance away she noticed the deceased lying on the ground and she ran to Charlie PAPIN's residence and told Adam PAPIN that something was wrong over at their house and that her step father had been shot. Adam PAPIN and Jake ANDERSON, a friend of PAPIN's who resided with him, followed Rosie COWAN on the roadway towards the CARDINAL house where they found the deceased lying on his left side.

18. Adam PAPIN asked the deceased what the matter was and the deceased answered, "My wife shot me," Papin asked "Where did she hit you?" the deceased answered, "Im my stomach." The deceased also stated, "I'M sick and I'm going to die." He was then carried to Charlie PAPIN's house where he was left in the care of Charlie PAPIN and as he had requested that a doctor be notified Adam Papin and Jake Anderson left immediately for the Indian Agency.

19. While the deceased was being carried to PAPIN's house Rosie COWAN went back to her residence and there she again asked her mother what the matter was. Her mother stated that he had shot himself and she ordered Rosie to take the rifle and throw it beside him. This was done after Rosie had told her that he had gone to Pappin's place and had fallen down. Rosie took the rifle and threw it out a short distance north-west of the house. Her mother then asked her where she had put the rifle and upon being informed that it had been thrown away a short distance from the house she became very abuseive and ordered that Rosie take it and put it beside CARDINAL. Rosie then went outside again and picked the rifle up and carried it some distance down in the direction of the PAPIN home. There she threw it on the ground.

20. Upon her return to the house her mother told her that if she was questioned by anyone and the Police regarding the rifle that she should not mention that she had given the rifle to Mrs. CARDINAL. She threatened her that if she told this that she, Rosie, would be hung or sent to gaol for a long time. She also stated that if questioned to say that the deceased had gone upstairs and had got the rifle himself and had shot himself.

21. At Charlie PAPIN's residence where the deceased had been left by Adam PAPIN, upon being asked what was the matter by Charlie PAPIN, the deceased stated, "My wife shot me- My wife shot me. Honest, God, listen to me, she kill me."

22. At the Indian Agency Adam PAPIN told Mr. Laight, Indian Agent, about the shooting. It was approximately 11.20 p.m. when PAPIN arrived there. Mr. Laight, upon being notified, left immediately with his interpreter, W. O'Donnell and Cst. Cummings, who was at the Reserve in connection with Treaty Payment duties, for the PAPIN residence.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs. Mary (J.B.)CARDINAL,(Treaty Indian.)
Winterburn Dist.Alta. MURDER,Sec.263 CC.of C.

22. (for the Papin residence.) On arrival there Cst.Cummings examined the deceased noting that he was unconscious and that he had been shot in the abdomen just below the naval.Cst.Cummings felt his pulse and stated that he should be removed to the hospital immediately.He was put into Mr.Laight's car and taken into Edmonton to the General Hospital. Cst.Cummings remained at the scene of the crime guarding same and the occupants of the Cardinal home, amongst whom was the suspect Mrs.Mary CARDINAL. Cst.Cummings also obtained the services of Charlie PAPIN in keeping a watch over the Cardinal home. He was also able to find the death weapon, the .22 rifle, Savage make, and he kept same in his possession in such a manner as to preserve any evidence in the nature of fingerprints,etc, which might be on same.

23. Enroute to Edmonton the deceased made a statement to William O'Donnell in the Cree language telling him that the shirt that he had on him is all in rags because his wife tore that shirt all up fighting with him. He said that Billy Morin saw the fighting. He also said that he might die and that he was shot from "pretty close" up.

24. On the arrival at the General Hospital Mr. Laight communicated with S/Sgt.Bryant of the Edmonton Sub-Div. informing him of the shooting, etc.

25. At the Hospital whilst arrangements were being made by the authorities for the operation the deceased was given the Last Sacrament by a Catholic Priest. At about 1.35 a.m. he made a statement to Dr.CONROY in which he stated that it was his wife that shot him.He stated that he had been by the stove and that she had the gun by the side of her in the bed. He also stated that she had tried to shoot him about three or four days ago but that he had taken the gun away from her.The trouble, according to the information he gave Dr.Conroy, was over Rosie kicking his little girl.

26. D/Cst.Ozarko was detailed by S/Sgt.Bryant to conduct the necessary investigations into this matter and D/Cst.Ozarko left immediately for the scene of the shooting. Brief preliminary investigations were conducted at the scene and the suspect Mrs.CARDINAL was questioned. Her statement was to the effect that her husband had come into the house, had gone upstairs and had got the rifle and brought it downstairs and was working it when it went off. She stated that she did not know whether he had fired it deliberately or it had been fired accidentally. After making other enquiries at the scene, in view of the fact that Mrs.CARDINAL 's story suggested either suicide or Accidental death, D/Cst.Ozarko deemed it advisable to immediately return to Edmonton and obtain possession of the clothes of the deceased for the purpose of an examination for powder burns, etc. The rifle which had been recovered by Cst. Cummings and the cap of the deceased which had also been found on the roadway between the CARDINAL home and the PAPIN home, were taken possession of.Cst.Cummings was left as guard at the scene pending further arrangements.

27. At the General Hospital at 5.20 a.m. of July 7th 1939, D/Cst.Ozarko obtained from M.CHMARA, Orderly, one pair of overalls, one pair of overall pants and one shirt, which had been removed from the deceased prior to the time that he had been taken into the operating room. These articles had been placed by CHMARA in the Linen Room in the hospital after he

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

..e.
Mrs.Mary (J.B.) CARDINAL,(Treaty Indian.)
Winterburn Dist.Alta. MURDER,Sec.263 CC.of C.

27. (after he) had taken them of the deceased.

28. Whilst investigations were being conducted at the scene of the crime by D/Cst.Ozarko, as per arrangements made D/Cpl.Sandrock in the presence of Magistrate Sims and Dr.Conroy, obtained a Dying Declaration from the deceased, in the a.m. of the 7th instant. In this Declaration the deceased related that his wife shot him, etc.

29. On instructions received Mrs.Mary CARDINAL was charged with Attempted Murder by D/Cst.Ozarko in the p.m. of the 7th instant. She was arrested on a warrant issued by G.W.Fish,Esq.Justice of the Peace. At the time of her arrest she was "duly warned" through a Cree interpreter and she made a statement which was taken down in the Cree language by the interpreter,Adolphus GLADUE. Another interpreter present during this time was Louis WOLFE,Treaty Indian from Hobemma, Alta. In her statement Mrs.Cardinal stated that there were just the two of them, that is the deceased and herself in the house, that the deceased got the rifle himself and had shot himself.She also stated that she did not know that the .22 rifle was in the house.

30. As there were no facilities at the Prov.Gaol for this prisoner, who was suffering from T.B., Dr.CONROY ordered her removal to the St.Joseph's Hospital at which point she is kept under guard.

31. On the 8th instant Mrs.Mary CARDINAL was remanded in custody on the Attempted Murder charge until July 17th 1939 at 2.00 p.m. The remand was granted by Mag.Sims, Sgt. H.Allan attended Court in this connection.This charge will be ammended to one of Murder in the immediate future.

32. J.B.CARDINAL having died at the General Hospital Edmonton at approximately 3.00 p.m. of the 8th instant a Post Mortem Examination was performed by Dr.Morton HALL in the a.m. of the 9th instant. D/Cst.Ozarko and Cst.Cummings were in attendance.The examination lasted three and a half hours and it was necessary to use the "X" Ray" to locate the bullet in the deceased's body. Upon recovery of same Dr.Hall handed it over to D/Cst.Ozarko in the room where the examination was being conducted.

33. An inquest was ordered by Dr.Braithwaite,Prov. Cor oner , and the Coroner's Jury were summonsed to appear at 11.00 a.m. of July 10th at Howard and McBride's Funeral Home where,after they were sworn, Mr.Laight,Indian Agent, identified the body. The inquest was then adjourned until 2.00 p.m. of July 25th 1939.

34. Photographs have beentaken of the CARDINAL house in which the shooting took place also of the roadway between the Cardinal home and Charlie PAPIN's residence. Measurements have also been taken from which a plan is being prepared.This work is being done by Cst.Richards.

35. The investigation made indicates that at the time of the shooting the deceased, his wife and infant baby were the only occupants of the downstairs room of the house.Three of the small children, ages 6 to 1 yrs. were asleep in the upstairs room of the house. Mrs.CARDINAL had the .22 rifle in her possession, having received it from Rosie COWAN at app. 8.00 p.m. of July 6th 1939. She was laying on the bed which

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs. Mary (J.B.) CARDINAL,(Treaty Indian.)
Winterburn Dist. Alta. MURDER,Sec. 263 C.C. of C.

35. (the bed which) is located in the S.E.Corner of the house.The deceased, when last seen in the house, just a few moments prior to being shot, was seen by Henry COWAN sitting beside the cupboard which is located in the north-west corner of the house approximately 17 feet away from the head of the bed upon which Mrs. Cardinal was laying. The next occurrence was his scream being heard by Rosie COWAN and when she ran around to the door of the house she saw him in a half crouched position holding one hand over the regions of his stomach and heading towards Charlie PAPIN's home. Upon entering the door she saw her mother throw the .22 rifle from where she was in bed towards the door and it landed about two feet from the door.

36. The fatal bullet entered the deceased's body about an inch and a half below and an inch to the right of the Umbilicus or naval and traversed in a downward direction piercing the intestines and it lodged in the muscles in the buttock.The line of travel of the bullet would suggest either that,the deceased was standing, the rifle was fired from an angle of approximately 45 degrees or that he was in a crouched position when he was shot.

37. Investigations into this matter are being continued and a full detailed report will be submitted at a later date. In the meantime it is respectfully requested that authority be granted for the examination of the exhibits, namely the .22 rifle, the bullet recovered from the body of the deceased and the clothing of the deceased, by our Ballistics Expert at the Scientific Laboratory, Regina,Sask.

STILL UNDER INVESTIGATION.

(J.Gordon Ozarko) D/Cst.
Reg.#11961.

O. C. "K" Division

1. Forwarded. The exhibits in this case are being forwarded to Regina tonight the 12th instant, per Det.Cpt. Ozarko.
2. The present charge of attempted murder will be substituted by a charge of murder in due course.

Insp.
(G.W.Fish)
Commanding Edmonton Sub-Div.

Edm. 12-7-39
WHB/EP

COPY TO THE DEPUTY ATTORNEY GENERAL.
The Commissioner,
R. C. M. P.
OTTAWA, Ont.

Sir: Forwarded for your information. A full report embodying all statements taken and detailing all investigations made will be submitted in due course.

A charge of Murder has been preferred against Mrs. Cardinal and she will be remanded from time to time until she is in condition to appear for preliminary hearing.

The exhibits, rifle, bullet and clothing, have been submitted to the Scientific Laboratory for examination.

Edmonton, July 18th, 1939.
4 W.

D. L. McGibbon, Insp. for
Officer I/C C.I.B. A.O.L.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5 70051

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13 H 5. OTTAWA. July 27th, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch.
JUL 28 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

The Secretary
Indian Affairs Branch
Dept. of Mines & Resources
Ottawa, Ont

July 18th 1939

Mrs J. B. Cardinal, Enoch Band charged with murder for shooting her husband, has requested that Counsel be engaged to defend her. Please advise by wire name of Lawyer I should engage.

B. E. Laight
Indian Agent

Taken by S.N.
Phoned in at 8.50 A.M.

Indian Affairs, (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch.
JUL 28 1939
REGISTERED

PLEASE QUOTE
FILE III.

Winterburn, Alta.
July 24th, 1939.

Sir:-

Please find enclosed copy of Radiogram sent you on July 18th regarding Counsel for Mrs J. B. Cardinal, charged with murder.

I am Sir,

Your obedient servant,

G. C. Laight

G. C. Laight,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

July 29,1939.

Dear Sir:-

A report has been received from the Royal Canadian Mounted Police with regard to the case of Mrs. Mary Cardinal, charged with the murder of her husband.

It is stated in the report as follows:-

"During his absence (J.B.Cardinal, the husband) other Indian women from the reserve were in the habit of calling upon Mrs. Cardinal and talking to her.
Among these callers was one Jacob Bernard, an Indian who acted as a Medicine Man, from the Saddle Lake Indian Reserve. At the request of J.B.Cardinal he came to the Cardinal home for the purpose of treating Mrs. Cardinal. He resided there part of the time and also resided at the home of one George Moran."

Will you let me have a report with regard to this aspect of the situation.

Yours very truly,

T.R.L.MacInnes.
Secretary.

G.C.Laight, Esq.,
Indian Agent,
Winterburn, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch
AUG 12 1939
RECEIVED

Your File No. 19110-5
Dated July 29th, 1939.

Winterburn, Alta.
August 9th, 1939.

Sir:-

I beg to acknowledge receipt of Departmental letter No.19110-5 of the 29th ultimo in connection with the case of Mary Cardinal, in reply I beg to report that on June 1st, 1939 Jacob Bernard was living with his sister Mrs Fred Belcourt, at 142 nd, Street, Edmonton, when J. B. Cardinal went to Edmonton and asked him to come out and see Mrs Mary Cardinal, Bernard states that he did not want to go but Cardinal persuaded him to go, when he arrived at the Stony Plain Reserve he gave Mrs Mary Cardinal some Epsom Salts and a tea made from the leaves of a herb that grows in the muskegs and known as muskeg tea, he gave her this treatment three times, Bernard left Edmonton and returned to Good Fish Lake on June 9th, he again returned to Edmonton on June 18th, two or three days after he arrived in Edmonton, Cardinal again asked him to go to the Stony Plain Reserve and see Mary Cardinal and asked him to live with him, he stayed with the Cardinals until the evening of July 5th, when he again returned to Edmonton. Bernard claims that he is not a Medicine Man, but that his grand-father was a Medicine Man and now the Indians all think that he can cure them.

Bernard has also resided with George Morin a member of the Enoch Band but only when he has been working for Morin doing odd jobs or helping with the harvest. Berhard has been on and off the Stony Plain Reserve for nearly a year never staying on the reserve for any great length of time.

I am Sir,

Your obedient servant,

G. C. Laight

G. C. Laight,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EXTRACT
ORIGINAL ON
115-110

19110-5

file

AGENT'S REPORT ON EDMONTON AGENCY FOR JULY 1939.

x x x

J.B. Cardinal no. 175, Enoch Band was shot by his wife with a 22 rifle, he was taken to the General Hospital in Edmonton and died on July 8th, an inquest was held and Mrs. J.B. Cardinal was charged with murder.

x x x

G. C. Laight.
Indian Agent.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

October 13, 1939.

LXD.

Re charge of murder against
Mrs. Mary Cardinal - Enoch Band.

Dear Sir:

I have to refer to previous correspondence with regard to the case of Mrs. Mary Cardinal. Will you kindly let me have a further report in connection with this matter.

Yours very truly,

T. R. L. MacInnes,
Secretary.

G. C. Laight, Esq.,
Indian Agent,
Winterburn, Alberta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY

J.B.CARDINAL-(TreatyI Indian)-Winterburn, Alta .,
Murder of

7. I remained at the Cardinal home untill the arrival of Det.Cst.Ozarko at about 8¼5 A.M. , I then handed him over the cap & rifle as mentioned in para. 6 and assisted him further in the investigation as reported by him .

10-7-39

8. At 9 A.M. this date I accompanied by Cst. Richards patrolled to Winterburn district via. pte. car and photographs and measurements were taken at the scene of the crime to be later produced as evidence , we returned to Edmonton detachment at 4 P.M.

9. I further assisted D./Cst.Ozarko in this investigation and same is being reported on by him .

Mileage per pte. car 50 miles @ .7¢ ----------$3.50
(Authorized) No other means of transportation)

CONTINUING AT EDMONTON DETACHMENT

M. F. Cumming Cst.
(M.F.Cumming)Reg.No.11451

O. C. "K" DIVISION, EDMONTON.
Sir: FOR INFORMATION
Insp.
Commanding Edmonton Sub-Division.

JUL 21 1939

COPY TO THE DEPUTY ATTORNEY GENERAL.

COPY TO THE INSPECTOR OF INDIAN AGENCIES, Calgary.

The Commissioner,
R. C. M. P.
Ottawa, Ont.

Sir: Forwarded for your information.

Edmonton, July 31, 1939.

10 W.

R. E. MERCER - A/Supt.
In charge C. I. B.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39K 636-18

P. 237

Division File No.....

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	EDMONTON	EDMONTON

Province: ALBERTA

Date: 15-7-39

File References

Headquarters

Sub-Division

Detachment

P. C. R.

A. R. V. No.

Diary Date set for

Re: J.B.CARDINAL - (Treaty Indian) Winterburn, Alta. Murder of

1. On night of July 6th 1939 I was at the home of G.C.Laight , Indian Agent , Winterburn ,Alta . on duty paying treaty money , at about 11.30 P.M. that night two indians George Anderson & Adam Papin arrived at the Laight residence and informed me that the above named had been shot and that he was at the home of Charles Papin on the Winterburn reserve .

2. I endeavoured to contact the Edmonton detachment but owing to phone trouble I was unable to do so, In view of the emergency of the case I left with the Indian Agent and an Interperter for the Papin home, arriving there at 12.00 M.N.

3. On arrival at the Papin home I found the above named lying on the floor , He was in a doubled up position and unconscious , I examined him and found him to be suffering from a bullet wound in the lower abdomen , inview of the nature of the wound there was no assistance I could render the above named and I therefore instructed Mr.Laight to rush the injured man into Edmonton to the hospital, Mr.Laight left the Papin home with the above named at about 12.05 A.M. and arrived at General Hospital at about 1.00 A.M.

4. I went to the Cardinal home which is situated about 100 yrds. from the Papin place and arrived there at about 12.05 A.M. , I found Mrs. Cardinal lying in bed and Rosie Cowan age 16 yrs. was sitting in the room , she is a daughter of Mrs.Cardinal by previous marriage , at the foot of the bed Mrs.Cardinal was in I found the following children Henry Cowan age 14 yrs., James Cowan age 12 yrs., Charles Cowan 6 yrs., Percy Cowan 3yrs. and two infants age 1 yr & 1 mth.

5. In view of the nature of the case I did not take any action other than to remain in the house and prevent any conversation between Mrs.Cardinal and the other members of the family . Charles Papin a neighbour of the Cardinal's remained at the Cardinal home with me .

6. At about 3.00 A.M. I instructed Mr.Papin that he was to remain in the Cardinal home and I went out side to search the grounds for the gun as it was not to be found inside the house , searching on the road that runs from Cardinal House to Papin house I found a 22. cal. rifle Savage model, lying in the deep grass on this road, and a few feet closer to the Cardinal home I found a mans cap , I took these articles into the house and kept them in such a manner as to preserve any evidence that they might have .

CONTINUED ON PAGE 2

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

2C

39K 636-18. EDMONTON, Aug. 2, 1939.

The Deputy Attorney General,
EDMONTON, Alta.

Sir:

Re: J. B. CARDINAL - Winterburn, Alta.
Murder of.

1. In the above connection, I would like to draw to your attention that Mrs. Cardinal is at present confined in St. Joseph's Hospital and it is necessary to engage the services of matrons who have to stay with her constantly.

2. I am advised by Dr. Conroy that this woman will likely remain in the same condition for some time to come and as you will realize her detention in hospital for a lengthy period under these conditions will entail the incurring of considerable expense and it has occurred to me that possibly this expense could be curtailed by having her committed for trial when she could be confined in the gaol hospital at Fort Saskatchewan, thus obviating the necessity for the special employment of matrons and nurses.

3. The attending doctor advises that if necessary this woman could appear in Court on a stretcher, in the alternative, should it be decided to proceed with the preliminary hearing of this charge, court could be held on the hospital premises.

4. In view of this prisoner's health, the uncertainty of her recovery and the likelihood of the prolongation of her confinement to hospital, some early action in connection with the preliminary hearing of the charge of murder seems desirable.

5. Might I ask to be advised of your instructions in this matter.

4 W.

I have the honour to be,
Sir,
Your obedient servant,

R. E. MERCER - A/Supt.
In charge C. I. B.

The Commissioner,
R. C. M. P.
Ottawa, Ont.

Sir: Forwarded for your information.

Edmonton, Aug. 2, 1939.

R. E. Mercer.

R. E. MERCER - A/Supt.
In charge C. I. B.

4 W.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

30

- 2 -

39K 636-18 Edmonton, Alta., August 11, 1939.

2. Dr. Conroy does not think that this woman will ever be able to be on her feet to attend a preliminary hearing.

O.C."K" Division,
R. C. M. Police,
EDMONTON, Alberta.

Sir:

Re: J.B.Cardinal, Winterburn, Alta.
Murder of

1. With reference to the above subject and Sgt. Crouch's report of the 9th instant, yesterday I remanded this woman for a further eight days at St. Joseph's Hospital, South Edmonton, and whilst in the hospital, I took the opportunity to interview the Mother Superior, who is the Superintendent in charge, regarding the advisability of relieving our matrons at the hospital. She informed me that she had been thinking this matter over and would have no objection to us taking the matrons away and that they would endeavour to look after this prisoner, provided, if anything happens, they would be relieved of any responsibility. At present, in the hospital ward which she is now occupying, the window is barred.

2. After interviewing the Superintendent of the hospital, I saw Dr. Conroy, who informed me that this woman's condition is serious insofar as her health is concerned but that, with the care she is now receiving at the hospital, she may linger on for a considerable time. He is of the opinion that we could dispense with the services of our matrons and have the hospital look after her in the usual way. He further states that he does not think this woman would commit any rash act. In talking with him further, relative to the matrons' contracting T.B. by being constantly in the room with this prisoner, he stated that there is that possibility. This prisoner is under the impression that our evidence against her is not very strong and if we take the matrons away, it might convince her even more so that our evidence is slim, and under these circumstances, I think it might be in order to have our matrons relieved temporarily, as the cost is very high and it is liable to go on indefinitely.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

3. Dr. Conroy does not think that this woman will ever be able to be on her feet to attend a Preliminary Hearing.

R. E. Mercer.

REM:M

(R. E. MERCER) A/SUPT.
IN CHARGE C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY

Inq. 1606

Edmonton, Alberta,
August 4th, 1939.

Sir:

re J. B. Cardinal, Winterburn, Alta.
Murder of

Your file 39K 363-18

I have your letter of the 2nd instant.

I am sure you will agree that it would not be fair to the accused to have the preliminary hearing of a charge of murder conducted at the Hospital where she is now confined. On the other hand, I can see no reason why you should have a Matron constantly in attendance. Surely in her present feeble condition there is no danger of an attempt to escape from custody or an attempt at suicide.

I fully agree at the earliest possible date that she can attend at the Police Court the preliminary hearing should be held, and if there is a committal she can then have further medical and hospital attention, if necessary, at the Provincial Gaol.

Our Mr. McClung will return from his holidays on the 16th instant and I am asking that he shall then give the matter his personal attention.

I have the honour to be,
Sir,
Your obedient servant.

Deputy Attorney General

The Officer Commanding,
"K" Division, R.C.M.P.,
Edmonton, Alberta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 39K 636-18
39-109-27

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Edmonton S/D.	Edmonton.
Province	Alberta.	Date 9th August 1939.

File References

Re: J.B. CARDINAL - Winterburn, Alta.
MURDER OF.

Headquarters

Sub-Division

39-109-27

Detachment

P. C. R.
Memo D.A.G.
4-8-39

A. R. V. No.

Diary Date set for

9-8-39 Wednesday.

1. In compliance with instructions contained in memorandum from the Officer 1/C, C.I.Branch, under date of 8-8-39, I interviewed the Superintendent of the St. Joseph's Hospital, 107th St. and Whyte Ave., Edmonton, Alta., to ascertain if the Hospital would be prepared to look after Mrs. Cardinal, who is confined therein; also to ascertain if the health of the R.C.M.P. Matrons was being endangered in consequence of their close confinement with this prisoner.

2. Sister Mary CLOTILDA, the Superintendent in charge, informed me that the condition of Mrs. Cardinal, who is suffering with active T.B., is not such as to necessitate special care, although in view of the nature of the illness, special technique is employed. Further, that she is of the opinion that this woman, although very sick, is not so desperately ill as to render her incapable of injuring herself or others if she suddenly had a mind to, as she was quite capable, physically, of getting up from the bed. Her past experience with this woman, and other half-breeds, has shown that they cannot be trusted in the slightest. She is therefore not prepared, at present, to accept the responsibility of guarding this woman.

3. The R.C.M.P. Matrons do not attend to this woman, or come into contact with her in any way, and this was emphasised by Sister Clotilda. They are, however, confined in the same room with her, in consequence of their duty, and whether or not this would endanger their health she is not prepared to say, but promised to take the matter up with the T.B. Specialist as soon as possible and advise us of his opinion in the matter.

Sergt. #9511.
(E.R.Crouch) 1/C Edmonton Det.

AUG 9 - 1939

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39K 636-18

The Commissioner,
R. C. M. Police,
Ottawa, Ontario.

Sir:

Re: J.B.Cardinal, Winterburn, Alta.
Murder of

1. Forwarded for your information report of Edmonton Detachment, dated August 9th, together with copies of letter from the Deputy Attorney General, dated the 4th instant, and copies of A/Supt. Mercer's report, dated the 11th instant.

2. It will be noted it is not considered necessary to continue to employ two matrons to guard the accused and the O.C. Edmonton S/D. is being instructed to discontinue this arrangement. Close touch will be maintained with the hospital at all times. However it is not anticipated that this woman will make any attempt to escape or to do herself any harm.

Edmonton,
August 14, 1939,
4M

R. E. Mercer

(R. E. MERCER) A/SUPT.
IN CHARGE C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement of Dr.J.H.CONROY.

15-7-39.

Re.J.B.Cardinal.(Deceased.)

This man came to the General Hospital on or about 1.a.m.July 7th 1939.Upon examination we found what looked like a bullet wound in his abdomen close to the appendectular region. Blood was oosing from the wound. His abdomen was very hard and distended, probably from the result of internal hemorrhage and the beginning of Peritonitis.He was su ffering great pain and looked to be in agony.

He also had some scratches on the back of his right hand and arm.These scratches looked to be recent.

We had an X Ray taken of his abdomen and the X Ray revealed what looked like a bullet in the pelvis. This so called bullet apparently hit over his appendectular region and took a downward course to the pelvis where it lodged.

An operation was decided upon in order to stop the hemorrhage and repair any damage done to the bowels or other abdominal or pelvic organs. When the abdomen was opened there was a large quantity of blood in the abdominal cavity. This blood was aspirated from the abdomen and we discovered that there was considerable blood coming from what we thought was the right internal iliac vein. We packed as best we could in order to stop this hemorrhage and preceded to look for any damage in the bowels and we found two large holes in the caecum(Large bowel.). These holes were evidently the entrance and exit of what we thought was the bullet.These two large hiles in the caecum we repaired and sewed the patient up leaving a large drainage for the exit of any more hemorrhage which may take place in the abdomen.

The patient's condition during the operation was by no means encouraging but he withstood the operation and with the help of intravenous injections of Saline and Glucous and along with one blood transfusion he lived till about 3.00 p.m. July 8th.

I would say that his death was caused from the result of a so called bullet wound in his abdomen.

Sgd.J.H.Conroy, M.D.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement of G.C.Laight.Indian Agent.

July 9th 1939.

"On Thursday July 6th, at 11.20 p.m. Adam Papin reported to me that John Baptiste Cardinal had been shot, he stated thathe had been told by Roise Cowan,step daughter of John Baptiste Cardinal, that Cardinal was lying on the road and that he had gone and carried Cardinal to his father's house.(Charlie Papin's.). I at once left the Indian Agency by car accompanied by Cst. F.Cummings of the Royal Canadian Mounted Police. Upon arrival at Papin's house Cst.Cummings examined Cardinal who we found lying on the floor in Charlie Papin 's house. Cst.Cummings informed me that Cardinal should be taken to a hospital as soon as possible. I at once had Cardinal put into my car and accompanied by my Interpreter, illiam O'Donnell, and Adam Papin I left for the Edmonton General Hospital arriving there at 12.50 a.m. On our way into Edmonton John Bapiste Cardinal told O'Donell in Cree that his wife had shot him.Upon arrival in Edmonton I telephoned Dr.Conroy asking him to come to the General Hospital at once. I also telephoned Sgt. W.Bryant of the RCMP asking him to send out another Police man to the Indian Agency. I then returned to the Agency and waited there for the Police to arrive. At about 2.30 a.m. Det Cst.Ozarko arrived at the Agency .I at once showed him the way to Cardinal's home and after being there for a few moments I returned to the Agency turning the case over to Det.Cst. Ozarko. I arrived back at the Agency at 3.15 a.m.July 7th.

Sgd. G.C.Laight.Indian Agent.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement of Jacob Barnard. July 10th 1939.

"I am a Treaty Indian and I belong to the Whitefish Lake Reserve, James SEEC IM'S band, I have been away from the Reserve for the past two weeks.

Last June I met J.B.Cardinal in Edmonton and he asked me to come out and see what I coould do for his wife who was ill. I act as a Medicine Man sometime. I wnt to J.B .cardinal's place and treated his wife for awhile. About two weeks ago I left there to go back to Whitefish Lake. I stayed at home for awhile and then I came back and went back to J.B.Cardinal's place and stayed there for about a week.- and left there Wednesday night July 5th 1939 at about 8.00 p.m.During the time that I was there I tried to treat Mrs.Cardinal but she had T.B. and I coldn't do anything for her.About the end of June 1939 J.B.cardinal went to his farm and got his .22 rifle and brought it to his home.He hung it up upstairs.I asked him if he had some shells for it as there was no meat around and I wanted to go out and try and shoot a rabbit.. On Sunday,July 2nd 1939, I got one shell for his rifle from J.B.Cardinal, one from his wife and two from Mrs. George Moran.They were shorts. I also had an old Whiz Bang shell and one other shell myself. Out of the five good shells I fired two of them.The other three shells I gave back to Mrs,Cardinal . I also gave her the "Whiz Bang" shell. There were two longs and one short in the .22 (Three) that I gave to Mrs.Cardinal.- on July 2nd 1939.I donot know what she did with them after I gave them to her.

During the time that I was living at Cardinal's place I heard J.B.and his wife quarreling once.They were quarreling over the children. On Tuesday,July 4th 1939 there was a quarrel at J.B.Cardinal's place.I went into the house after the quarrel and Mrs.Cardinal told me that she was geting impatient to hold her temper, as I had told her to do, because of the way J.B. Cardinal was not getting along with her children,the Cowans. J.B.Cardinal after that quarrel took his own children over to Charlie Papin's plane.

I Left J.B.Cardinal's place on Wedn.night July 5th 1939. I have not been back there since. I am living with George Morin now and I am working for him.

I forgot to mention that J.B.Cardinal after I spoke to Mrs.Cardinal on Tuesday,July 4th 1939,showed me his hand with new scratches on it.

Sgd.Jacob Bernard.

J.G.Czarko. D/Cst.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(and went away with his team.) It was about 9.00 p.m. at this time. There was no lamp lit in the house at this time. I washed up the dishes and lit the lamp and then went outside to make Bannock nearthe fire. When I left the house downstairs there was just my mother and step father and the baby. charles, Percy and Zemmary were sleeping upstairs and Henry and James Cowna were outside.

I just finished one bannick and I hard a lot of scolding from the house. I knew that it was my mother and step father that were scolding and my mother was doing most of the scolding. Henry Cowangot up and went to the east window of the house and looked intoit. He came back and started to cry and said, They are scolding each other and something is going to happen." Just then I heard my step father, J.B.Cardinal scream and cry. It would be about 10.00 p.m. at this time. As soon as I heard the scream I ran around to the door of the house. I went to look in to the house from the door and I saw the .22 rifle fall near the door where it had been thrown by my mother. I saw her thrown it there from the bed. I asked her what was the matter and she did not answer. She was crying. I then went back out side and I noticed that my father was not there. I went around to see my bannick, turned it and then came back and ran towards Charlie Papin's place. On the road to Charlie Papin's place I saw my step father laying down. He told me to go to Charlie Papin' place and get Charlie Papin. I ran to Charlie Papin's place then and told Adam Papin that there was trouble next house and hat there was something wrong with my father. I ran back towards the place that my step father was laying on the road between our home and Charlie Papin's place an then Adam Papin and Jake Anderson came and carried my father away to Charlie Papin's house.

I went back to the house and my mother asked me where my step father was. I told her that he was lying on the road near Charlie Papin's place. She told me"take that rifle and go and put it where your dad is laying." So I took the rifle and threw it away near the door of the house. She asked me where did I thrown it and I told her that I had thrown it near the door. She scolded me then and told me to go and take the rifle where my step father was laying. I went outside and found it and took it in the direction where my step father had been laying. I threw it down there and then came back into the house.

When I came back into the house I asked her what was wrong and my mother told me, "Your dad shot himself." She also said, "Don't say anything about what happned here to any body." She also told me not to tell anyone that I had given her herrifle and that I had taken it and thrown it away down near where my step father had been laying, saying that if I did that I would go to gaol for a long time or be hung. She told me that if the Police came around and asked questions about it to say that my step father had shot himself. At this time Henry and James Cowan were upstairs in the house and were or bringing the blankets down because I had told them to bring them down as they would go to sleep downstairs.

Shortly after that the Police came to our place .

Wit.H.P.B.Pugh.
J.G.Ozarko, D/Cst.

Sgd.Rosie Cowan

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

STATEMENT OF ROSIE COWAN. July 18th 1939.

"I am 16 years of age. I was 16 on May 10th last. My mother is Mrs.Mary Cardinal and my step father was J.B.Cardinal, who is now dead.

My mother and step father got married a little over a year ago in Edmonton and then we moved over to J.B.Cardinal's house. My own father, Joe Cowan, died on Jan.11th 1938. There were six of us left.They are Henry,age 14,James12,Charles,5,Percy,3,Zemmary,1 yr.and myself.After my mother married J.B.Cardinal we went to live at his place.He had four children at his place.They are Richard,Andrew,Irene and Margret and there is also a baby,Leo, who is about two months old.

About a week after my mother got married to J.B.Cardinal she was talking to me one day when she was angry at my step father.She told me that he had told her that before he married her he had been going with Julia WARD, an Indian girl on the Reserve here.My mother also told me that my step father had gone to sleep with Julia WARD in the barn.My mother was quite jealous about Julia WARD and use to get angry with my step father about that She use to scold him but he always laughed at her when she did that.

There wasn't much trouble between my mother and step father until after my mother had her baby on May 1st 1939.The trouble then started because my step father did not may as much attention to the baby as he did to his own daughter Margaret.When my mother was ill he use to go out of the house saying that he was going to work on the farm and mother always thought that he was going out to see Julia WARD. My mother use to tell him that she thought that he was seeing Julia WARD but he use to deny it saying that he was not seeing her.

During the middle of June 1939,as my mother was still sick after she gave birth to her baby. one "Ten Spot" who's name was Jacob BERNARD, an Indian, came to our place to try and help my mother.He was treating her with herbs, etc.He did not stay at out place all the time but use to come on and off.

On Sunday,July XX2nd 1939,Jacob Bernard, got my step father's .22 rifle from my step father and he went out to shoot some rabbits.He did not kill any rabbits and when he came back to our place he left the .22 upstairs in the house. I donot know where he got the shells for the rifle.

On Tuesday,July 4th 1939, in the morning my step father went to see the meat man from Edmonton to buy somemeat from him. I went to the Lake to wash some diapers for the baby and when I came back at about 11.30 a.m. I saw my step father unhitching the horses from the wagon. I went into the house and I noticed that my mother was crying.I asked her what was wrong and she told me that she did not like my father going away from the house because every time he went away he went to see Julia WARD.She told me that some woman had been at the house that morning and had told her that he had been seeing Julia WARD.My step father went into the house and my mother started to scold him and she told him that he did not let the boys go and get the meat but went himself because he wanted to see Julia Ward. He told her that he was not seeing Julia Ward and they argued for some time over this. In the afternoon I went to the Agency to get the rations. I went about 1.00 p.m. and came back about 4.00 p.m. When I came back I noticed that my mother was still very mad at my step father. Richard Cardinal was the only bigger boy at the house when I went to get the rations as Henry and James Cowan were with me. I was not able to get the rations as there was no one around at the Agency. When I came back to the house with my two brothers, my step father told Richard Cardinal and his other children to go to Charlie Papin's place and stay there.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement of Rosie Cowan.

and stay there.They went there just leaving us the Cowan children, the baby and himself and my mother at the house.

The next day,On Wed.July 5th 1939,my step father took the .22 rifle and went to the farm in the afternoon at about 2.00 p.m. He stayed there until about 6.00 p.m. and when he came back my mother started scolding him again. My step father sent me away with a note for Billy Morin and I went away with Henry and James Cowan,my brothers. Billy Morin came back with us.When we got back I noticed that my step father and mother were talking to each other quite nicely.

On Thursda ,July 6th 1939,we had breakfast and after breakfast I noticed my mother and my step father were talking to each other quite nicely. After breakfast Billy Morin went to the sports ground and came back about dinner time.After he had dinner he went back to the Sports ground again. Mrs.Billy Smith and myself were outside after that washing clothes. The baby started to cry and my dad would not go into the house kk to loook after it and my mother got very angry with him about that.

Billy Morin came back to our place for supper and we atarted to eat supper xxx when my mother and step father started to scold each other. My mother started to get very angry with my dad and told him that he did not care for his own child but that he always wanted to go and see Julia Ward. He told her thathe could see her if he wanted to.

Billy Morin was out of the house getting his medicine at this time.When he came back and noticed my mother and step father arguing he told me to get out of the house. I did this.My brother Henry and myself stood near the window and we heard my mother and step father scolding one another. I saw my mother get up in bed and scratch my father's hand. My father was trying to hold her down in bed. Billy Morin was in the house and was trying to make them stop fighting. I saw this throught the wondow of the house. Billy Morin came outside to where we were around the fire and he told me not to go into the house because my mother and step father were fighti -ing and that if I did there might be some trouble and I would have to be a witness in Court.

Billy Morin left the house at about 7.30 or 8.00 p.m of July 6th 1939 and went to a meetin on the Lake.My step father came outside of the house for a few minutes after Billy Morin did and he walked away from the house. Mrs.Smith went away right after my dad went away and then I went into the house to see my mother. When I got into the house she told me to go upstairs and get the .22 rifle and bring it down to her. I did not want to go and get it and asked her what she wanted it for. She told me that I had to get it and she got mad at me and started to throw sticks, a plate and a cup at me. She told me thatshe was going to use the rifle- that she was going to kill Jacob Bernard, on ten spot to go and shoot some rabbits for her. I was afraid to go and get the rifle because I knew that something might happen and I knew that BILLY MORIN had told me that my mother and step father had been quarrelin but I was afraid of my mother so I went upstairs and got the .22 rifle. I brought i down and gave it to my mother. She put it on the bed near the foot of it.That as the bed that she slept on. I then went outside to get the water and I noticed that my dad was back already. My brother James was makin a fire outside of he house and Billy Morin came back from the meeting. Billy Morin asked me where his coat was and I told him that I thought that my step father took it inside. I followed Billy Morin into the house and I saw my step father sitting down beside the table. Billy Morin took his coat and asked my mother, who was in bed , how she was. She did not answer him. Billy Morin then left the house and went away.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(and went away with his team.) It was about 9.00 p.m. at this time. There was no lamp lit in the house at this time. I washed up the dishes and lit the lamp and then went outside to make Bannock nearthe fire. When I left the house downstairs there was just my mother and step father and the baby. charles, Percy and Zemmary were sleeping upstairs and Henry and James Cowna were outside.

I just finished one bannick and I hard a lot of scolding from the house. I knew that it was my mother and step father that were scolding and my mother was doing most of the scolding. Henry Cowan got up and went to the east window of the house and looked intoit. He came back and started to cry and said, They are scolding each other and something is going to happen." Just then I heard my step father, J.B.Cardinal scream and cry. It would be about 10.00 p.m. at this time. As soon as I heard the scream I ran around to the door of the house. I went to look in to the house from the door and I saw the .22 rifle fall near the door where it had been thrown by my mother. I saw her thrown it there from the bed. I asked her what was the matter and she did not answer. She was crying. I then went back out side and I noticed that my father was not there. I went around to see my bannick, turned it and then came back and ran towards Charlie Papin's place. On the road to Charlie Papin's place I saw my step father laying down. He told me to go to Charlie Papin' place and get Charlie Papin. I ran to Charlie Papin's place then and told Adam Papin that there was trouble next house and hat there was something wrong with my father. I ran back towards the place that my step father was laying on the road between our home and Charlie Papin's place an then Adam Papin and Jake Anderson came and carried my father away to Charlie Papin's house.

I went back to the house and my mother asked me where my step father was. I told her that he was lying on the road near Charlie Papin's place. She told me"take that rifle and go and put it where your dad is laying." So I took the rifle and threw it away near the door of the house. She asked me where did I thrown it and I told her that I had thrown it near the door. She scolded me then and told me to go and take the rifle where my step father was laying. I went outside and found it and took it in the direction where my step father had been laying. I threw it down there and then came back into the house.

When I came back into the house I asked her what was wrong and my mother told me, "Your dad shot himself." She also said, "Don't say anything about what happned here to any body." She also told me not to tell anyone that I had given her herrifle and that I had taken it and thrown it away down near where my step father had been laying, saying that if I did that I would go to gaol for a long time or be hung. She told me that if the Police came around and asked questions about it to say that my step father had shot himself. At this time Henry and James Cowan were upstairs in the house and were br bringing the blankets down because I had told them to bring them down as they would go to sleep downstairs.

Shortly after that the Police came to our place .

Wit.H.P.B.Pugh.
J.G.Ozarko, D/Cst.

Sgd.Rosie Cowan

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Autopsy Report on the body of J.B.Cardinal, July 9th 1939, at Howard and McBride's Parlours by instructions of Dr. E.A.Braithwaite, Coroner.

The body is that of a middle aged Indian. There is considerable decomposition particularly abdominal region. The back of both hands show recent superficial wounds particularly the back of the right hand. There has been a recent right abdominal incision below the umbilicus, it shows very slight healing and on opening there is purulent material in the wound. Near centre of wound on inner peritoneal surface there is a lacerated wound of peritoneun. In the upper left thoracic region there are three depressed healed scars which suggest old gun shot wounds in chest.

Organs of Thorax. -The left lung is bound down over it's entire other surface by dense adhesions and particularly to the region where the scars were found as described above. The right lung is free. Both lungs show marked diffuse oedema and some hyperaemia. Pericardium normal. The heart is normal in size muscle is soft otherwise normal, great vessels normal.

Organs of the abdomen. There is a moderate amount of free somewhat softened blood clot in left side of abdomenal cavity and some free purulent fluid, particularly in the pelvis. The coils of the small intestine are bound together by recent fibrino-purulent exudate. There has been a recent reparitive operation of lower end of coecum and on removal of stitches through and through bullet wound of coecum was found. The intestines large and small are otherwise normal. There is also a through and through bullet wound of the right common iliac vein. These wounds seem to have ben been successfully repaired. The investigations of the posterior wall of the pelvis in the region of the sacrum was made and lead bullet was found in the soft mesial gluteal tissues to the right and just above the distal end of coccyx. The spleen is somew at enlarged and softened. The liver is normal. The kidneys, adrenals and pancreas, normal. The stomach and duodenum, normal. bladder and prostrate, normal.

Anatomical Findings.

1. Gunshot wound of abdomen with perforating wound of coecum and right iliac vein.

2. Intra abdominal heamorrhage.

3. Acute suppurative peritonitis.

4. Acute pulmonary oedema.

5. Recent Laparotomy for repair of wound of coecum and right iliac vein.

Causes of death. Gunshot wound of abdomen with perforating wounds of coecum and right iliac vein with intra abdomenal hemmorage and acute supperative peritonitis.

Sgd. Morton Hall, M.D.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement of William O'Donnell.

July 10th 1939.

"I am, the Cree interpretter at the Indian A ency at Winterburn,Alta. At approximately 11.30 p.m. of July 6th 1 939 Adam Papin came to my home and told me that Mr.~aight, the Indian Agent, had sent him over there to tell me that he wanted me. While I was dressing Adam Papin told me that J. . Cardinal had been shot by his wife. He also told me that he was very sick.

Mr.laight,myself,Adam Papin and Cst.Cummings of the R.C.M.P. left immediately in Mr.Laight's car for Papin's home. When we got there we went into Charlie Papin's, that is Adam's father's house. We saw J.B. Cardinal lying on the floor. Cst.Cummings felt his pulse and said that he was a hospital case right away.Adam Papin and Jake Anderson and Cst.Cummings and myself and Mr. ~aight took J.B.Cardinal to the car and I held him in the back seat. Adam Papin rode in the front seat of the car wi with Mr.~aight.

Shortly after we left Papin's house, J.B. Cardinal told me that he was getting weaker and that at last his wife shot him.He also said he might die.He also said,"This shirt that you see on me is all in rags. ~~xxxxx~~ She tore this shirt all up like that fighting with me. You can ask Billy Morin-he seen it." I asked him if Billy Morin saw the shooting and he said,"No." that the shooting was shortly after he left. I asked him if she shott him from close and he said,"pretty close.". Later on he told me that he wanted to "throw up" and I let him do that on a blanket. He told me that he was getting weaker all the time.

We took him to the General ospital and left him there.Then we came back to the Agency .

On July 7th 1939 in the a.m. when Cst. Cummings was guarding the Cardinal home I asked Mrs. Card nal how her husband got shot and she said,"That he, J.B.Cardinal, her husband, had told her that Charlie Papin told him to look after only his own children.He was mad just before the shooting and went upstairs and got the gun and he came down and was pulling it back and forth and he said he didn't mind, that he could kill anybody or else he could kill himself.He was monkey--ing with the gun and the gun went off. He also hollered, "It hurts." He, having the gun in his hands, walked out of the house in a bent over position."

I have known the late J.B'Cardinal for the past ten years and he was considered to be one of the best Ind ans that we have here.

I have also known Mrs.Cardinal for about ten years. I knew her when she was married to the late Joe Cowan.. I remember one occasion about five years ago Joe Cowan came to my house with blood all over his face and a big cut on the side of his head. At that time Joe COWAN told me that she had hit him from behind on the head with a club. Joe Cowan told me that he was tough for being able to stand his wife as long as he could or else he would have been killed a long time ago.

Wit.J.G.Ozarko.D/Cst. Sgd.W.O'Donnell.

Indian Affairs. (RG 10, Volume 7469, File 191140-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement of Mrs.Billy SMITH. July 18th 1939.

"My husband Billy Smith and myself are none Treaty Indians living on the Winterburn Indian Reserve. I have known the late J.B.Cardinal all my life. I have known Mrs. Cardinal for about 16 or 17 years as she had married my brother Joe Cowan.

On Wed.July 5th 1939 I went over to J.B.Cardinal's home to see Mrs.Cardinal as I had heard that she was sick.I also wanted to see the Cowan children.While I was there J.B Cardinal was there. I spoke to Mrs.Cardinal briefly and she told me that she would pay 1.50 if I came back on Thursday and washed the clothes.

On Thursday,July 6th 1939, at about noon I went to J.B.Cardinal's house to wash clothes there. I was washing the clothes outside of the house near the place where the fire was I was alone practically all the time washing these clothes. Shortly after I started washing the clothes one of the Cowan children called me telling me that their mother wanted to see me. I went into the house and there I saw J.B.Cardinal holding his wifes wrists. When I came Mrs. Cardinal spoke to me and said,"You see this man- that's what it is he does to me". J.B.Cardinal said to me,"I've got to hold her as she wants to hit me all the time". I then went outside again and went back to washing clothes. Mrs.Cardinal seemed very angry when she spoke to me but I do not think that J.B.Cardinal was.

I saw Billy Morin there during the day. I continued washing clothes there until I got finished about 4.30 p.m. and t then I went to the ball or sports grounds. From there I got a ride and went home that evening with Johnny Ward.

Mrs. Cardinal did not, at any time, mention to me that J.B.Cardinal, her husband, had at any time been going around with Julia Ward. Mrs. Cardinal was never very friendly with me.

Mrs. Maggie Smith.

Interpreter,
W.O.Donnell.

D/Cst.Ozarko.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement of W.W.Morin, Page 2.

After I had my meal I sat there for alittle while and had a smoke and then I left again for the sports ground. It would be around about seven or possibly eight o'clock at this time. There was a meeting there about sports and I stayed around until it was over and then I went back towards J.B.Cardinal's home.- to see how Mrs.Cardinal and her husband were getting along.I went into the house for a minute or two and I saw Mrs.Cardinal laying on the bed. She was facing the wall.J.B.Cardinal was standing near the door of the house.Rosie was standing near the stove in the house.There was another child standing near the table but I donot know which one it was. There was no light on in the house at this time and it was just getting dark out. It would be around about 9.00 ot 9.30 p.m. atthis time. As everything seemed to be ~~quite~~ quiet I turned around and went out of the house and left for my own home.

I told Rosie Cowan ~~and~~ one of her brothers during the middle of July 6th 1939, the day that Mrs. Cardinal was quarreling so much with her husband, that they had better not pay any attention to what was going on because they might ~~xxxx~~ get into some trouble and have to be witnesses against their parents.I also told Rosie Cowan not to pay any attention to what her mother said to her because she was very angry at ~~xx~~J.B.Cardinal. I told her this because I feared that she might start fighting with J.B .Cardinal again.

Wit.J.G.Ozarko D/Cst. Sgd.W.Morin.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement of Richard CARDINAL.

July 8th 1939.

"I am 10 years old and my father's name is J.B.Cardinal. I lived with my father and his wife and family until four days ago when I moved over to live at Charlie Papin's place.

On Friday,June 30th 1939 my father brought me home from the school that I was going to at St.Albert.I went to,live at my father's place.

On Monday,July 3rd 1939, in the morning my father came into the house from the outside .My step mother,Mrs.Mary Cardinal, myself,Henry Cowan,Rosie Cowan,James Cowan Jean Cowan,Andrew and Irene Cardinal were in the house. My step mother was ill in bed and my father sat on the bed close to her.Jean Marie Cowan spit on Henry Cowan.My father said thatit was something new for the children to be spitting on each other. My mother grabbed a cup and threw it at my father.James Cowan took a rough pail and gave it to his mother. My dad had walked towards he door just bfore my step mother threw a cup at him. James Cowan ran outside and took a big stone an threw it at my father.My father ran away but he was hit on the back by this stone.My father then turned back and came towards the house and Rosie Cowan took a broom and hit my father. My father took the broom away fromher.Dad took his coat and s sweater and wanted to walk away but Rosie tried to stop him. My father and my own brothers and sisters, four of us,then walked away to Charlie Papin's place.We slept at Charlie Papin's place that night.

The next day,Tuesday,July 4th 1939 my father went home.Then he called the rest of us over and we went over. That same day around noon I was fixing a fire just east of the house and my father and step mother were inside of the house. I heard my step mother say to my father,"I'm sick and I'm going to die and you think that you are going to have a good time- you're not because I'm going to shoot you."My father was not saying a word before this by my step mother was mad.When I heard my ste step mother say this I came closer to the window, that is the eastxx window of the house, and I saw my stepmother on the bed with the .22 rifle in her hands pointing it towards my father. I saw my father trying to take the rifle away from her.He took it away from her and put it on the bench near the window.My dad told my step mother that she should not fight because she was suppose to be sick.That morning I had seen the .22 rifle under the bed where she slept.Later on after that trouble I believe my father took the rifle and put it away upstairs.My father went away to water the horses and whenhe came back he sent us,the Cardinal's, to Charlie Papin's place.

The next day I went back to the house with the rest of our family but my step mother chased us away.The next day I went to our home and I saw my father. I went into the house but my step mother chased me out saying,"Get out of here you bastard." I went back to Papin's.The next time I saw my father was that night after he got shot.He told me tha he might not see me again because he was going to die. He was taken away after that.

Obtained through. Sgd.Richard Cardinal.
W.O'Donnel .Interpreter.

J.B.Ozarko, D/Cst.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement of W.W.Morin. July 17th 1939.

""I am a treaty Indian living at the Winterburn Indian eserve. I am a councellor on it.

During the evening of July 5th 1939 Rosie Cowan came to my place bringing a note over from J.B. Cardinal, her step father. In the note there was a request for me to come over to the Cardinal home that night to help Cardinal nurse his wife, who was ill.

I went over that evening and helped Cardinal. I did not notice anything wrong that night at all.Upon my ar ival there I had asked Mrs.Cardinal how she felt and she tol me that she did not feel very well. Cardinal and myse f sat up most of the night nursin her.

Around about 2.30 a.m. of July 6th 1939 Cardinal and myself went to bed for a little while.I got up about 7.00 a.m.and had breakfast.Mrs.Cardinal seemed to feel a little better that morning.J.B.Cardinal an myself sat around there with Mrs.Cardinal and joked for a little while.She was saying that if she ever got better "that she would never have anything to do with him." They were both laughing. I told Mrs. Cardinal that it would do her good if she had a sun bath and she said yes.J.B.Cardinal got a chair for her and put it near the window which was near the bed. She got up out of bed with Cardinal's assistance and sat in the chair for about fifteen minutes or so. Then she went back to bed. J B. Cardinal fixed her up in bed, etc. I then went out to the Sports Ground for a walk.

I was away for about an hour or two and when I came back I noticed J.B.Cardinal's team hitched to a tree near the house. I gathered from that that he had been away some where with it. It would be approximately two o'clock in the afteernoon at this time. I went into Cardinal house and daw Mrs.Cardinal laying down in bed. J.B.Cardinal was trying to nurse the baby. I looked at Mrs.Cardinal and asked her how she was feeling as she was not looking very well.I noticed that J.B.Cardinal's sleeve was torn.I remembered that it had been all right before I left so I suspected that there had been so thing w rong. After I asked Mrs.Cardinal how she felt she spoke up and said,"I'll never feel good as long as my husband does not behave himself."She said that J.B.Cardinal had told her that he had just gone down to his f rm to look after his horses and hat she did not believe him as he had gone down there to flirt with Julia WARD. J.B.Cardinal denied this saying that he would not do such a thing, as she, Mrs.Cardinal, was sick in bed."rs. Cardinal got very angry after this and took a spittoon and threw it at her husband. I tried to stop her fighting with her husband by telling her that everything she heard was not true, as I did not think that he would do anything like that.The quarrel kept on for a.little while and she picked up her shoe from her bed and threw it at her husband. I donot remember whether she had hit him or not.She then took her other shoe and got up on the bed on her knees. While she was doing this J.B.C ardinal tried to hold her down asking her not to do that because she as only making herself sick doing so. She quarreled for a little while longer and then stopped. I told her very quietly that she should not believe any stories about her husband going around flirting with other women. I believe that most of the children were out of the house when this quarreling was going on . Rosie and one of the bigger boys were in the house,I believe but I told them to keep quite and not interfere with their mother and step father.I went out of the house and took a walk in the bush.A short while later I came bac and it was time for the evening mealwhich Rosie had ready. While I was having my meal I heard J.B.Cardinal whispering to his wife quietly.I could not h ear what was being said. I did not see the rifle in the house.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No.1.

Statement of Adam Papin.

Julyn 7th 1939.

"I am 26 years of age and live with my parents, Mr. and Mrs. Charles Papin, about 150 yards north-west of J.B. Cardinal 's house. I know J.B. Cardinal having known him all my life. I am a Treaty Indian, a Cree.

About 10.45 p.m. of July 6th 1939 while I was sitting in our home ~~fixing~~ having just finished fixing my sore toe, I heard a knock at the door. I said, " Come in" and nobody came in. There was another knock and I said come in again by no one came in. My partner Jake ANDERSON, who lives with me at the present time, and who was in the house, opened the door of the house. I noticed Rosie Cowan, age 16, was standing there with a little boy. I told her to come in but she called me to come out so I went out. She said to me, "There is something wrong next house with Baptiste Cardinal and he is awfully sick and is dying. She then walked away. Then I came into our house and put on my rubber boots and then Jake Anderson and myself walked out. I hollered to my dad and mother, who were in a tent sleeping, that there was something wrong next house, but apparently they did not hear me so my partner Jake Anderson went to the door and told them that there was something wrong next house. Jake Anderson and myself walked away towards the next house. When we got about hald way we saw Rosie Cowan standing on the middle of the road. I looked down and saw J.B. Cardinal lying there. He was lying on his left side lengthwise on the road, his head was facing my home and his feet were towards his house. His head was down towards his chest and he had his right hand in the regions of his stomach. I said to him, "What's the matter, Baptiste?" He answered to me, "My wife shot me." I said, " Where did she hit you?" He said, " In my stomach." He said, "I'm sick and I'm going to die." Then I asked Rosie where she was when he got shot and she told me that she was outside. Then Rosie walked away. Then Jake Anderson and me took J.B. Cardinal, picked him up and carried him to my home. On the way I asked him, "How did you get shot?" He said, "I got shot as I was going into the door of my house." I asked him, "How did she get the gun?" He said, "Maybe one of the boys gave it to her." He told me to get the doctor right away. Then as we were carrying him home I hollered for my folks to go and light the lamp. Then we laid him on the ground alongside of the tent near our house. I asked him again, "Who shot you" He said, "My wife" My mother and Jake Anderson were standing there at this time. I asked them if they heard what Cardinal had said and they answered that they did hear. Then Jake Anderson and myself carried him into the house and laid him on the floor. Then my dad and mother looked after him. Jake Anderson and myself left hurrying to the Indian Agency to notify Mr. Laight, the Agent. We got to the Agency about 11.25 p.m. and told Mr. Laight and then we came back with him, and Cst. Cummings of the R.C.M.P.. When we got back to ~~my~~ my place we noticed that he was unconscious and we picked him up and carried him to Mr. Laight's car. Mr. Laight, myself and Bill O'DONNELL took him to the General Hospital in Edmonton. We stayed there for awhile and then went back to the Indian Agency and waited for another Policeman.

I did not see any gun on the road where J.B. ~~Cardinal~~ Cardinal was laying when I went to see him.

Wit. J.G. Ozarko D/Cst. Sgd. A. Papin.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 246

8

ROYAL CANADIAN MOUNTED POLICE No.341.

EXHIBIT REPORT

RECEIPT AND CANCELLATION

Detachment File No. 39K 636-18.
District File No.
"Hdqrs" File No.

Detachment Edm.(DETECTIVES.)
Sub-District Edmonton.
District Alberta.
Date July 11th 1939.

RE: Mrs.Mary (JB)CARDINAL.(Treaty Indian.)Winterburn P.O. Dist.Alta.
MURDER, Sec.263 CC.

On July 7th (DATE) 193 9, I, Reg.No.11961, D/Cst.Ozarko J.G. (NAME OF FILE) (CONSTABLE'S NAME)

Came into possession of the following described goods, by:— having same turned over to me by Cst.F.M.Cummings at the residence of J.B.Cardinal.

(STATE BRIEFLY, AUTHORITY, ETC., WHETHER BY SEARCH WARRANT, ETC.)

No. OF PACKAGES	CAPACITY OR SIZE	DESCRIPTION OF CONTENTS (DETAILS TO BE GIVEN IN FULL)
1.---------		Savage model .22 calibre repeating stype,less magazine, with Octagon Barrel.Number visible on small of butt.73.79.(Containing an empty .22 calibre cartridge.)

Certified Correct.

(J.Gordon Ozarko) D/Cst. Reg.#11961.

CANCELLATION

The above described goods have been disposed of at (PLACE)

on 19 ..... by being:—

*DESTROYED IN THE PRESENCE OF—

*HANDED OVER TO— (NAME AND OCCUPATION)

*STRIKE OUT ONE NOT REQUIRED.

(STATE "DESTRUCTION" OR "RECEIPT") of same is hereby acknowledged.

REMARKS: (IF DESTROYED STATE HOW, ETC.)

(SIGNATURE OF RECIPIENT OR WITNESS)

CERTIFIED CORRECT.

(SIGNATURE OF N.C.O. OR CONST.)

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 346

ROYAL CANADIAN MOUNTED POLICE

No.340.

EXHIBIT REPORT

RECEIPT AND CANCELLATION

Detachment File No. 39K 636-18.
District File No.
"Hdqrs" File No.

Detachment Edm.(DETECTIVES.)
Sub-District Edmonton.
District Alberta.
Date July 11th 1939.

RE: Mrs.Mary (JB)CARDINAL, (Treaty Indian.)Winterburn P.O. Dist.
Alta.MURDER,Sec.263 CC.
(NAME OF FILE)

On July 9th 1939, I, Reg. No.11961, D/Cst.Ozarko J.G.
(DATE) (CONSTABLE'S NAME)

Came into possession of the following described goods, by:— having same handed over to me by Dr.Morton HALL at the autopsy on body of J.B.Cardinal.
(STATE BRIEFLY, AUTHORITY, ETC., WHETHER BY SEARCH WARRANT, ETC.)

No. OF PACKAGES	CAPACITY OR SIZE	DESCRIPTION OF CONTENTS (DETAILS TO BE GIVEN IN FULL)
1.	-----	leaden portion of .22 calibre bullet. (Removed from body of J.B.Cardinal.

Certified Correct.

D/Cst.
(J.Gordon Ozarko)Reg.#11961.

CANCELLATION

The above described goods have been disposed of at .....
(PLACE)

on .....19..... by being:—

*DESTROYED IN THE PRESENCE OF—

*HANDED OVER TO— .....
(NAME AND OCCUPATION)

*STRIKE OUT ONE NOT REQUIRED.

.....of same is hereby acknowledged.
(STATE "DESTRUCTION" OR "RECEIPT")

REMARKS: .....
(IF DESTROYED STATE HOW, ETC.)

CERTIFIED CORRECT.

.....
(SIGNATURE OF RECIPIENT OR WITNESS)

.....
(SIGNATURE OF N.C.O. OR CONST.)

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 246

ROYAL CANADIAN MOUNTED POLICE

No. 339.

EXHIBIT REPORT

RECEIPT AND CANCELLATION

Detachment File No. .....
District File No. 39K 636-18.
"Hdqrs" File No. .....

Detachment Edm. (DETECTIVES.)
Sub-District Edmonton.
District Alberta.
Date July 11th 1939.

RE: Mrs. Mary (J.B.) CARDINAL, (Treaty Indian.)-Winterburn P.O. Dist. Alta. -- MURDER, Sec. 263 CC.
(NAME OF FILE)

On July 7th 1939, I, Reg. No. 11961, D/Cst. Ozarko J.G.
(DATE) (CONSTABLE'S NAME)

Came into possession of the following described goods, by:— having same turned over to me by M. CHMARA, Hospital Orderly, General Hospital, Edmonton.
(STATE BRIEFLY, AUTHORITY, ETC., WHETHER BY SEARCH WARRANT, ETC.)

No. OF PACKAGES	CAPACITY OR SIZE	DESCRIPTION OF CONTENTS (DETAILS TO BE GIVEN IN FULL)
1 pr.		of Men's blue, bib style overalls. (Bullet hole in front.)
1 pr.		of Men's Blue overall pants with black leather belt.
1		Man's reddish colored shirt with sleeve torn.

Certified Correct.

(J. Gordon Ozarko) D/Cst. Reg. #11961.

CANCELLATION

The above described goods have been disposed of at .....
(PLACE)

on .....19. ..... by being:—
*DESTROYED IN THE PRESENCE OF—
*HANDED OVER TO— .....
*STRIKE OUT ONE NOT REQUIRED. (NAME AND OCCUPATION)

.....of same is hereby acknowledged.
(STATE "DESTRUCTION" OR "RECEIPT")

REMARKS: .....
(IF DESTROYED STATE HOW, ETC.)

.....

.....

..... CERTIFIED CORRECT.
(SIGNATURE OF RECIPIENT OR WITNESS)

.....
(SIGNATURE OF N.C.O. OR CONST.)

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DAK SAFETY ▲ FILM ●●

F. 237

Division File No. 39K 636-18

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Edmonton S/D.	Edmonton.
Province	Alberta.	Date 21st August 1939.

File References

Re: J.B. CARDINAL - Winterburn, Alta.
Murder of.

Headquarters

1. In compliance with instructions I visited Mrs. J.B. CARDINAL at the St. Joseph's Hospital, 107th Street and Whyte Ave., Edmonton, Alta., on the days and at the times noted:-

14-8-39	Midday.	Condition "Fair".
16-8-39	1-45 p.m.	Condition "Fair".
18-8-39	1-20 p.m.	Condition "Unchanged".
20-8-39	6-45 p.m.	Condition "Unchanged".

Sub-Division

39-109-27

2. This woman is confined to bed in an advanced stage of T.B. She has caused no trouble to the hospital authorities.

Detachment

3. Further visits will be made and report rendered 28-8-39.

P. C. R.

Sgt.
(E.R.Crouch) I/C Edmonton Det.

O. C. "K" Division

1. Forwarded. The Orderly Officer for the day also visits this woman.

A. R. V. No.

Insp.
(D.L. McGibbon) for
O. C.Edmonton Sub-Division
A.O.L.

Edm.22-8-39
WHB/EP

COPY TO THE DEPUTY ATTORNEY GENERAL.

The Commissioner,
R. C. M. P.
OTTAWA, Ont.

Sir:

Forwarded for your information.

Edmonton, Aug. 25, 1939.

R. E. MERCER - Supt.
In charge C. I. B.

Diary Date set for
28-8-39

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 39K 656-18.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K".	Edmonton.	Edm.(Detectives.)

Province Alberta. Date August 18th 1939.

File References

Re: Mrs. Mary (J.B.) CARDINAL,(Treaty Indian.) Winterburn Dist.Alta.--MURDER,Sec.263 CC.of C.

Headquarters

Sub-Division

39-109-27.

Detachment

P. C. R.

11-7-39.

A. R. V. No.

Diary Date set for

1. Further to report dated the 11-7-39 in the above connection. It is respectfully reported that, hereunder, is a detailed report in connection with this matter.

2. At approximately 1.00 a.m. of July 7th 1939, S/Sgt.Bryant of the Edmonton Sub-Div.Office received a phone call from Mr. LAIGHT,Indian Agent at the Winterburn Indian Agency, which is located approximately fifteen miles S.W. of Edmonton, to the effect that one J.B.CARDINAL, a Treaty Indian living on that Reserve, had been shot in the stomach at his home during the previous evening.Mr.Laight further stated that Cardinal's condition was such that it necessitated his immediate removal to the General Hospital,Edm. where he was being treated by Dr.CONROY.Dr.Conroy was of the opinion that the injuries received by CARDINAL would prove fatal. Further information received from Mr.Laight was to the effect that the suspect in connection with this shooting was Mrs. Mary CARDINAL, wife of J.B.CARDINAL, who was ill in bed. Cst.Cummings, who was at the Indian Agency in connection with duties re Treaty Payment, was guarding the Cardinal home and suspect pending the arrival of the investigator.

3. S/Sgt.Bryant detailed D/Cst.Osarko to investigate and a patrol was immediately made via Police Car to the Indian Agency at which point Mr. Laight was briefly interviewed.Mr.Laight then accompanied D/Cst.Osarko to the scene of the shooting at which point arrival was noted at approximately 2.45 a.m.

4. At the CARDINAL residence it was found that Cst.Cummings, for the purpose of assisting in the guarding of the scene of the crime, had obtained the assistance of one Charlie PAPIN, an Indian, who was a neighbor to CARDINAL. Cst.Cummings had also been successful in recovering the weapon suspected of having been used in the shooting. This was a .22 calibre Savage model rifle, repeater style without a magazine. On the small of the butt of same the number 75.79 was visible. It was recovered by Cst.Cummings being found lying in the grass a short distance off the roadway between the CARDINAL home and Charlie PAPIN's residence.

5. In the recovery of this rifle care was taken by Cst.Cummings to preserve any evidence in the nature of fingerprints, etc, which might be on same.D/Cst. Osarko obtained possession of this rifle and same was

P.T.O.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.) CARDINAL,(Treaty Indian.),
Winterburn Dist.Alta.--MURDER,Sec.263 CC.of C.

5. (and same was) later examined for fingerprints by S/Cst.Allan of the "K" Div.FPS.No prints were found on it. It is reported at this time that a considerable amount of rain had fallen during the course of the night of July 6th/7th and it is considered that the rainfall may have had the effect of obliterating any prints which may have been on the rifle.

6. For the purpose of describing the scene of the shooting a description of the Cardinal residence, it's contents and the objects, etc, located in the proximity of the house, is being included at this time.

7. The house is a storey and a half two roomed log structure.The outside measurements of same are 20 ft.long and 18 ft.wide.There is one door leading into the house and that is located at the north wall of the house approximately four feet and one inch in from the north-west corner.This door is 2 ft.6 in wide and swings inward.Each of the east,south and west walls of the house have one window which is 2 ft.6 in wide. These windows furnish the light for the downstairs room of the house.

8. The downstairs room of the house is used as a combined bedroom for Mrs.Cardinal,the baby, and also as a living room,dining room and kitchen, when necessary.Located in the S.E. corner of the house is the bed on which Mrs.CARDINAL slept. This bed is 6 ft.3 in long by 4 ft.1 in.wide. It stands 1 ft.9 in. off the floor without the matress.Beside this bed stood an ordinary kitchen chair.Located 6 ft. 1 in. in from the east wall of the house and 8 ft.9 in north of the south wall stood a small stove 2 ft. 8 in long by 1 ft.4 in wide and 2 ft.2 in high. This stove is of the camp"stove variety" Located along the west wall of the room 2 ft.6 in in from the north-west corner is a cupboard which is 3ft.8 in long and 1 ft.6 in wide and 3 ft.7 in high.Immediately north of this stood a small sewing machine frame. Two feet 6 in further south of the cupboard along the west wall stood a table which is 5ft 6 in long, 2 ft. 6 in wide and 2ft.4 in high.Along the north wall in the north-east corner, is the stairway which is 2ft.5 in wide and which leads to the upper room of the house.Due west of this stairway along the north wall there is another cupboard which is 5 ft.8 in long and 2ft.8 in wide. This cupboard is 6 ft.6 in high. 2 ft. 6 in further west along this north wall is where the door of the house is located. This room also contains a small trunk which was kept near the cup board along the north wall and two small benches which were kept along the south and ~~xxxx~~ west walls.It is 6 ft.6 in from the floor of the house to the ~~xxxxxxxxxxxx~~2" by 8" planks on which the top floor is built.

9. The upstairs room, of the house is used merely as a bedroom for the children and there is no furniture in same. The small children sleep on blankets on the floor of this room. As stated in the previous paragraph this room is reached via the stairway located along the north wall in the north-east corner of the downstairs room of the house.

10. At the time of the arrival of D/Cst.Ozarko to conduct the investigations into the shooting the house was found to contain Cst.Cummings,Charlie Papin, Mrs.Mary CARDINAL,lying in the bed,Rosie COWAN,age 16 yrs. was sitting beside the bed near her mother,Mrs.CARDINAL.Lying on the floor at the foot of Mrs. CARDINAL's bed were the following children;/Henry Cowan,14 years.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs. Mary (J.B.) CARDINAL, (Treaty Indian.) Winterburn
P.O. Dist. Alta.-- MURDER, Sec. 263 CC. of C.

---

10. (14 years) James Cowan, 12 yrs., Charles Cowan, 6 yrs. Percy Cowan, 3 yrs, and two infants, 1 yr. and 1 month.

11. From conversation with Cst. Cummings it was learned that since his arrival at the Cardinal home he had kept the different members of the family from conver-sing with each other. Whilst Cst. Cummings remained at the house D/Cst. Ozarko commenced the immediate investigations.

12. Adam PAPIN, is 26 years of age, a Treaty Indian, who lives approximately 150 yards north-west of the CARDINAL house. He had notified Mr. Laight, the Indian Agent, about J.B. Cardinal having been shot. Upon being interviewed by D/Cst. Ozarko he gave a statement to the effect that at approximately 10.45 p.m. of July 6th 1939 Rosie Cowan came to his home and told him that there was something wrong with J.B. Cardinal, that he was very sick and was dying. Jake Anderson, a young man who lived with Adam Papin, and himself went out of the Papin house and followed Rosie Cowan walking towards the Cardinal home. About half way there, approximately 75 yards, they saw J.B. Cardinal lying on his left side lengthwise on the road. His head was towards the Papin home. His right hand was held in the regions of the stomach. Adam Papin asked, "What's the matter, Baptiste?" J.B. Cardinal answered, "My wife shot me." Papin again asked, "Where did she hit you?" Cardinal answered, "In my stomach," Cardinal also said, "I'm sick and I'm going to die- get the doctor."

13. Adam PAPIN further stated that after this conversation with J.B. CARDINAL, Jake Anderson and himself picked ~~the~~ Cardinal up and carried him to Charlie PAPIN's home. (Charlie Papin is the father of Adam Papin.) They laid him down on the floor there. In the presence of Mrs. PAPIN Adam PAPIN again asked Cardinal, "Who shot you?" CARDINAL answered, "My wife." After this conversation Adam Papin and Jake ANDERSON left immediately for the Indian Agency where they notified Mr. Laight, the Indian Agent about the shooting. They returned to the Papin residence with Mr. Laight, Cst. Cummings and W. O'Donnell, the Interpreter. After Cst. Cummings had examined CARDINAL and had stated that he should be removed to the hospital Adam Papin assisted in putting him into the back seat of Mr. Laight's car and drove to Edmonton with him. CARDINAL was taken to the General Hospital, Edmonton where Dr. Conroy attended him. Adam Papin's statement is no. 1. attached.

14. Jake ANDERSON, upon being interviewed, related to D/Cst. Ozarko the details of Rosie Cowan arriving at the Papin home, of how she told Adam Papin and himself that J.B. CARDINAL being very sick, etc. He related accompanying Adam Papin when he went out of the house following Rosie Cowan and finding J.B. CARDINAL lying on the ground on the roadway about half way between the Cardinal and Papin residences. He also was able to recall the conversation between Adam Papin and J.B. CARDINAL in which CARDINAL stated that it was his wife that shot him and that she had shot him in the stomach. ANDERSON also stated that Adam Papin and himself had picked CARDINAL up and had carried him to ~~the~~ Charlie Papin's home where he was laid on the floor. Adam Papin and himself then went to the Indian Agency where Mr. Laight was notified of the shooting. ANDERSON's statement corroborated that of Adam PAPIN in all respects.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs. Mary (J.B.) CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.OOMURDER,Sec.263 CC.

15. Charlie PAPIN, father of Adam PAPIN, when interviewed stated that after his son Adam had left with Jake ANDERSON for the Indian AGency, he(Charlie Papin) had asked J.B.CARDINAL,"what was the matter." CARDINAL had answered,"My wife shot me- my wife shot me.Honest,God,listen to me, she kill me." PAPIN also stated that on Tuesday,July 4th 1939, J.B. CARDINAL came to PAPIN's home and said that he was having some trouble with his wife, that she was fighting with him and beating his children. He asked permission to send his children over to stay at Charlie Papin's home and Papin granted that permission.

16. The children that were sent over to Papin's home were Richard,Andrew,Irene and Margaret CARDINAL.These children are from ten to three years old and are all from a former marriage as J.B.CARDINAL only married the present Mrs.CARDINAL during May 1938. Mrs.CARDINAL, when she married J.B., had six children from her ~~former~~ marriage to the late Joe COWAN.Upon being married both families moved into one house and lived together for some time.

17. Charlie PAPIN further stated that J.B.CARDINAL had moved to the house in which he resided in at the time of the shooting only about a month previously. Prior to that time he had been residing on a farm some three or four miles from there. From PAPIN it was also learned that a considerable amount of ill feeling existed between Rosie COWAN, J.B.CARDINAL's step daughter, and J.B.

18. Rosie COWAN was next interviewed by D/Cst. Ozarko. She stated that during the afternoon of July 6th 1939 one W.MORIN had been at their home for the purpose of assisting in looking after Mrs.CARDINAL.J.B.CARDINAL and Mrs.CARDINAL were in the house together most of the afternoon and W.MORIN was there with them part of the time.She stated that in the evening J.B.CARDINAL and his wife were in the house together and that herself,her brothers Henry and James Cowan, were outside cooking Bannock. This was at approximately 9.00 p.m. At approximately 10.00 p.m. she stated that she heard her mother scream and she ran around to the door of the house. The fire which was being used for the cooking of the bannock was located approximately 13 ft.6 in south of the south-east corner of the house. Upon reaching the door, which was located near the north-west corner of the house, she stated that she saw her step father,J.B. CARDINAL, coming out of the house in a half stooped position walking in the direction of Charlie PAPIN's home carrying the .22 rifle in his right hand, After seeing J.B. she states that she went into the house and asked her mother , what the matter was and was informed that J.B.CARDINAL had shot himself. She states that she then ran towards Charlie Papin's and told Adam PAPIN that there was trouble at their home and that J.B. was sick. After doing this she ran back towards her home and noticed her step father lying on the ground on the roadway. Adam PAPIN and Jake ANDERSON came along shortly and Adam spoke to J.B.CARDINAL and then Adam and Jake picked J.B.up and carried him away to Charlie PAPIN's home.

19. Rosie COWAN, is 14 years old and during the course of this interview she did not display very much emotion. Charlie PAPIN had previously informed D/Cst. Ozarko that this girl had always been very close with her

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs. Mary (J.B.) CARDINAL,(Treaty Indian.),
Winterburn,P.O. Dist.Alta.--MURDER,SEC.263 CC.

19. (with her) mother and had always sided with her during the course of the arguments that Mrs. CARDINAL had with J.B. It was considered that this girl had more information to offer regarding this shooting then she had disclosed but, as it was known that her mother had considerable influence over her, it was not considered advisable to interrogate her any further at this time.

20. Mrs.CARDINAL was next interviewed through W. O'DONNELL, Cree Interpreter at the Indian Agency,Her statement was to the effect that her husband,J.B. had come into the house during the previous evening, had gone upstairs and had got the rifle and brought it downstairs and was "working" it when it went off.She stated that she did not know whether he had fired it deliberately or it had been discharged accidentally.

21. In view of the fact that Mrs.CARDINAL's story suggested that the wounds suffered by J.B.CARDINAL had been either accidental or self-inflicted, it was deemed advisable to return to Edmonton to obtain possession of his clothing for examination for powder burns, etc, and,if possible, to interview him in this respect. Cst.Cummings remained at the scene on guard duty and D/Cst.Ozarko obtained possession of the rifle,the cap belonging to J.B.Cardinal, and returned to Edmonton.

22. At the General Hospital,Edm. during an interview with Dr.CONROY,attending physician, it was learned that J.B. CARDINAL had just been operated on, that his condition was serious and that he was unconscious. It was also learned that shortly after his arrival there Rev.Father CURTIS, of Vilna,Alta. who had been a patient at the General Hospital,in the presence of Sister BOUCHER of the General Hospital Staff, had given J.B.CARDINAL the Last Sacrament.

23. At approximately 1.35 a.m. of July 7th 1939, after CARDINAL had been given the Last Sacrament, Dr.CONROY spoke to J.B.CARDINAL enquiring about the shooting. CARDINAL gave Dr.CONROY the following statement, which was taken down by Dr.Conroy:-

"My wife shot me.I was by the stove. She wanted to kill me.She said I don't like you. She had the gun by the side of her in bed.Billy Morin came in about 6.00 p.m. before she shot me.She was fighting me and scratching me and I told her to quit because she was sick and it would make her worse.Billy Morin left and she shot me about one hour after he left.She tried to shoot me about 3 or 4 days ago but I took the gun away from her.Rosie(her daughter) caused the trouble.Rosie was kicking my smallest girl and I told her to quit.She was kicking my little girl twice in the last 3 or 4 days and she caused all the trounle.I am too weak to talk more.

Witnesses. L Giruox. M.Chmara,J.H.Conroy, B.Paulin, J McKee.

24. At 5.20 a.m. of July 7th 1939 D/Cst.Ozarko obtained from M.CHMARA,Hospital Orderly, one pair of overalls, one pair of overall pants and one shirt, which had been removed off of J.B.CARDINAL prior to the time that he had been taken to the operating room.These articles had

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt, 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P O.Dist.Alta.~~00~~ MURDER, Sec.263 CC.

24. (articles had) been placed by CHMARA in the Linen Room of the Hospital after he had taken them off CARDINAL.They were received by D/Cst.Ozarko in the Linen Room.Upon examining the bib overalls, a small hole,which appeared to be a fresh tear was found on the front of the overalls in the regions which would cover the stomach.This hole appeared to be similar to one made by the entrance of a bullet. The edges of the hole appeared to be quite clean and there were no powder markings visible to the naked eye.

25. During the course of the interview with Dr. CONROY it had been learned that the bullet had entered CARDINAL's body approximately an inch and a half below the naval and had traversed in a downward direction ~~xxxxx~~ lodging in the regions of the pelvis.

26. As CARDINAL was still unconscious it was deemed advisable for D/Cst.Ozarko to return to the scene of the shooting and conduct further investigations at that point. Arrangements were made with S/Sgt.Bryant,Edm.Sub-Div.office, to have a Dying Declaration obtained from CARDINAL as , according to the opinion of Dr.Conroy, he was not expected to live very long.S/Sgt.Bryant detailed D/Cpl.Sandrock for this duty. Cst.Perkins accompanied D/Cst.Ozarko to the scene for the purpose of ~~xxxxxxx~~ guarding same as it was necessary to relieve Cst.Cummings to enable him to carry on with his former duties.

27. Hereunder is a copy of the Dying Declaration made by J.B.CARDINAL in the presence of Dr.Conroy and D/ Cpl.Sandrock and taken by Mag.Sims.of Edmonton.

CANADA.
PROVINCE OF ALBERTA.

<u>In the matter of J.B.Cardinal.</u>

I,J.B.Cardinal of Winterburn,Alta. entertaining no hope of recovery from my present illness and conscious that my death is immenent, do swear that:-

Q.Mag.Sims. Tell us exactly what happened,how were you shot?
A. The Mrs.fight with me.Try to put me out of the house.That's during the day.She is jealous of me. She thinks's I go to see Maxim' Papin's wife and Charlie Papin's wife.I was on a good farm and she was the cause of me moving on a poor farm.Billy Morin came in while she was wrestling with me.She scratched me on my arm.(scratches observed.).Bill Morin he is Councillor. We stopped fighting and Bill Morin had supper with us.Billy went home after supper and she started fighting me again. I walked out of the house because I did not want to fight. I came back to go to bed and I lay under the table to rest. She was sitting on the bed. I noticed her- she had something beside her- a 22 rifle. She had it in for me.I went to her to tell her to quit. She just pulled the trigger. I fell down by the bed then I told the kids to get the doctor.I got up again and fell down by the door and I could not get up. She said,Throw him out". She said that to Rosie.I wanted to run out of the house because

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re.
Mrs Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P.O.Dist.Alta.--MURDER,Sec.263 CC.

27. A. (house because) I thought she would fire another shot and finish me .After I fell by the door I rolled outside and somebody closed the door.

Sims.Q. You say that she was sitting on the bed, that she had the rifle and that she pulled the trigger,who do you mean by she?

A. My wife.
I try to go down the Charlie Papin's house but I only get half way and I don't know much after that.

Sims.Q. What part did Rosie have- did she have anything to do with the shooting?

A. Rosie is my step daughter.She is the cause of the quarreling, but she did not shoot.
The 22 rifle has been upstairs and I would like to know how it got downstairs.It's a sign she wanted to kill me when she sent for the gun.

Sims.Q. When you wife pulled the trigger-what happened?

A. There was a shot,I saw a flash and felt a pain right here(pointing to abdomen.). I don't think I'll pull through the way I feel. I want to make my will.

(Sandrock.)

Q. You feel pretty sure you are going to die?

A. Yes.

Dr.Conroy)

Q. How do you want to make your will?

A. I want my own children-not my step children and wife- to have everything I have, and it is my wish that my own children stay in school until they are ready to work.I want my owne children to go to the Convent right away as no one will look after them where they are.

Sgd.J.B.Cardinal.

Signature of Witness.
J.H.Conroy.
Henry Sandrock D/Cpl.

Taken before me this 7th day of July A D.1939 in the City of Edmonton, Prov.of Alta.

Sgd.T.C.Sims.
A Police Magistrate in and for the Provincee of Alta.

28. Further preliminary investigations were made at the scene of the shooting by D/Cst.Ozarko which tended to substantiate the belief that Mrs.CARDINAL had been responsible for this shooting. Her physical condition was such that she would require attention practically all the time. This attention was not available at her residence.

29. Instructions were received by D/Cst.Ozarko to prefer a charge of Attempted Murder against Mrs.Cardinal. Accordingly D/Cst.Ozarko appeared before G.W.Fish,Esq.J.P. at Edmonton and laid the following charge:-

WHO SAITH THAT.Mrs. Mary(J.B.)Cardinal,Treaty Indian of the Winterburn P.O.DIst. on or about the 6th day of July A.D.1939 at or near Winterburn, in the said Prov.did with a certain loaded gun unlawfully shoot at J.B.

PTO.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary(J.B.)CARDINAL,(Treaty Indian.)
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.

29. (shoot at J.B.) Cardinal with intent thereby then and there to murder the said J.B.Cardinal.
Contraroy to the Provisions of the Criminal Code of Canada and ammendments thereto.

30. The Justice issued a warrant and D/Cst.Ozarko returned to the Winterburn Dist. to execute same.Prior to the execution of the Warrant the Gaol Authorities at Fort Sask.Gaol were communicated with regarding Mrs.Cardinal in an attempt to ascertain whether or not she would be accepted at the Gaol. Information was received to the effect that there were no accommadations at that Institution for T.B. Patients. On communication with Dr.CONROY, the physician for the Indian Agency, Dr.CONROY stated that he would order her removal to the St.Joseph's Hospital,Edmonton, via ambulance.

31. At the time of the execution of the warrant to arrest, D/Cst.Ozarko read same over in English and one Louis WOLFE, a Treaty Indian from the Hobbema Indian Reserve, translated it from English to CREE to Mrs.Cardinal.The usual"Police warning" was then given to her, Louis WOLFE being the interpreter. She stated that she wished to make a statement and she made the statement, a translation of which is embodied below. This statement was made in the presence of Louis WOLFE and was taken down in "Cree" by one Adolphus GLADUE, a Non-Treaty Indian of the Winterburn Reserve. It was later translated by GLADUE and WOLFE and it reads as follows:-

"Statement of Mary Cardinal. July 7th 1939.

"Sometimes I'm very sick and sometimes I'm feeling very good. Sometimes I can 't very well walk.Well now do you think that I could shoot anybody in that state? Just now in the condition I am in I'm not feeling very well.Where can I get this to shoot a person when I didn't know it was upstairs, in the house, the .22. I saw him bringing that .22 down and he brought it outside at the door and he was moving the .22 and he says"I'm brave enough" he said.And he said that I'M not afraid to murder- I heard it. And I heard the shot go and I heard him say "Oui" and we were just the two of us. The children were outside.They were making bread at the fire and he got away as soon as he shot himself."

I am, Mary Cardinal.

Witness.Adolphus Gladue.
ENDS.

32. Mrs.Cardinal was then taken to St.Joseph's Hospital, Edmonton, in an ambulance supplied by Dr.CONROY.At St.Joseph's Hospital she was kept under guard by an R.C.M.P. Matron.
8-7-39.

33. In the a.m. of the 8th of July she was arraigned before Mag.T.C.Sims,Esq.of Edmonton and was remanded until 2.00 p.m. of July 17th 1939. Sgt.H.Allan attended Court in this connection.

34. In the a.m. Cst.Cummings and D/Cst.Ozarko patrolled to the Winterburn Dist.for the purpose of conducting further enquiries into this matter.James COWAN,age 12 years,step-son of the J.B.CARDINAL was questioned for some time regarding this matter. The information received from him was to the effect that he had been outside of the house most of the time during July 6th. In the evening he had built the fire on which his

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re.
Mrs.Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.

34. (on which his) sister Rosie cooked the bannock. He was sitting there with Rosie and his brother Henry when they heard a scream and Rosie and Henry ran around to the door of the house. He later heard that his step father had been shot- that he had shot himself.

35. Richard CARDINAL,age 10 years, son of the deceased was interviewed.The statement obtained from him, which is statement No.2.attached, is to the effect that he returned home from the Convent at St. Albert on June 30th 1939 on which date his father, J.B.Cardinal, brought him home.On July 3rd 1939 he stated there was some trouble at the house between Mrs.Cardinal and her children and his father and that as a result of this trouble his father took the Cardinal children over to Charlie Papin 's home to sleep.He states that they returned to their home on Tuesday,July 4th on instructions from their father.

36. Richard CARDINAL also stated that around noon of July 4th 1939 while he was fixing a fire near the south side of the house,outside,his step mother and his father were inside of the house. He states that he heard his step mother say,"I'm sick and I'm going to die and you think you're going to have a good time- you're not because I'M going to shoot you". His step mother appeared very angry at this time. As soon as Richard heard Mrs.Cardinal say this he peered in through the south window of the house and saw her on the bed with the .22 rifle in her hands pointing it towards his father. He saw his father take the rifle away from her and lay it on the bench which was near the window. He also heard his father tell his step mother that she should not fight because she was suppose to be sick.Shortly after that Richards stated his father left for the farm to look after the stock and when he returned he sent the Cardinal children away to sleep at Charlie Papin's place.

37. Richard further stated that on Wedn.July 5th he went to the house but Mrs.Cardinal chased him away.On Thursday,July 6th he went back to the house and Mrs.CARDINAL again chased him away telling him,"Get out of here you bastard."Late that night he saw his father when he was brought into Charlie Papin 's house and his father told him that he might not see him again because he was going to die. Richard CARDINAL identified the rifle that he saw in his step mother 's hands on July 4th 1939 as the Exhibit Rifle in this case.

38. It may be noted that the incident related by Richard Cardinal regarding him having seen his step mother pointing the .22 rifle at his father is also related by J.B.CARDINAL in the statement he made to Dr.Conroy at app.1.35 a.m. of July 7th 1939,par.23, in which he stated that his wife had tried to shoot him three of four days ago but he was successful in taking the rifle away from her.

39. W.W.MORIN,the Indian Counsellor of the Winterburn Indian Reserve, when interviewed made a statement which in effect and substance was identical to the attached statement No.3.,a revised statement which was obtained from MORIN at a later date.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.*-MURDER,Sec.263 CC.
---

40. In his statement MORIN stated that he was called to the CARDINAL home in the p.m. of July 5th 1939 by Rosie COWAN and two of her brothers. They had given him a note from J.B.CARDINAL in which Cardinal requested that Morin come to the Cardinal home to assist in looking after Mrs. Cardinal,who was ill.Morin went to the home and stayed up with J.B.Cardinal until about 2.00 a.m. of July 6th when they retired. They arose at about 7.00 a.m. MORIN stayed around the house for awhile and then went to the Sport's Ground returning at about 2.00 p.m. He noticed that J.B.Cardinal's shirt was torn and remembering that it had been all right when he left he suspected that"something was wrong." He enquiried of Mrs. Cardinal as to how she felt and she told him that she would never be well as long as her husband did not behave him--self.She accused J.B.Cardinal of flirting and carrying on with Julia WARD. Cardinal denied this stating that he wouldn't do any such thing while she was sick in bed.Mrs.Cardinal became very angry with J.B.Cardinal and threw a spittoon at him.She also threw one of her shoes at him and then got up on her knees in bed and tried to throw another shoe at him. J.B.Cardinal walked over to the bed and tried to hold her down asking her to stop as she was only making herself sicker by doing so. Mrs. Cardinal scratched J.B.

41. MORIN further stated that during this "trouble" he tried to stop Mrs. Cardinal from arguing and fighting by telling her that the "rumors " she had heard were not true and that her husband had more principle than that and that he would not be carrying on with other women while she was ill. MORIN also stated that when Mrs. Cardinal was arguing and fighting he had told the children to get out of the house and not be present when there was "trouble" between their parents. After this"trouble " quietened down a bit MORIN states that he left the house to go for a short walk and then came back and had supper. During the supper time he heard J.B.CARDINAL talking to Mrs.Cardinal very quietly and everything seemed to be correct. After supper he left to go to a meeting at the Sport's Ground and he returned to the Cardinal residence at approximately 9.00 or 9.30 p.m. He went into the house and saw Mrs.Cardinal in bed and enquiried as to how she was. He did not receive any answer.At this time J.B.Cardinal was stand--ing near the door of the house and Rosie Cowan was standing near the stove. MORIN states that he got his coat went out of the house and left for his own home.

42. Billy MORIN was questioned regarding the .22 rifle and states that he did not see it at any time on either July 5th or 6th 1939 when he was at the Cardinal home. He identified the shirt which had been worn by J.B. Cardinal as having been the shirt with the torn sleeve that he saw on Cardinal at app.2.00 p.m. of July 6th 1939.

43. Mrs.Billy SMITH,(Maggie SMITH) upon being inter-viewed stated that on Wednesday,July 5th 1939 she called at the CARDINAL residence to see the Cowan children.(She is an aunt of their 's.) Mrs.CARDINAL asked her to come back there on Thursday and wash the clothes for $1.50 and Mrs.SMITH agreed to do this. On Thursday,July 6th 1939, she went to the CARDINAL home at approximately noon ans commenced wash--ing the clothes.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary(J.B.) Cardinal,(Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.
---

43. (and commenced washing the clothes. This duty was being performed by her at a point located some distance away in a southerly direction from the CARDINAL home. Mrs.SMITH further stated that after she had been washing only as short while one of the COWAN children, she could not recall which one of them, came tohar and told her that Mrs. Cardinal wanted to see her. She went into the house and saw J.B.CARDINAL holding his wife's wrists. (She,Mrs. Cardinal was lying on the bed.) Mrs.Cardinal said to her,"You see this man- that's what it is he does to me." J.B.CARDINAL said to Mrs.SMITH,"I've got to hold her as she wants to hit me all the time."Mrs. SMITH states that at this time Mrs. Cardinal appeared to be very angry towards J.B.Cardinal but J.B.Cardinal seemed quite normal and quiet. Mrs.SMITH then lef t the house and went back to her work which she completed at approximately 4.30 p.m. at which time she left the CARDINAL home enroute to her own home.Her statement,revised, is statement No.4. attached.

44. William O'DONNELL, the Cree interpreter at the Indian Agency, stated that at approximately 11.30 p.m. of July 6th 1939 Adam PAPIN came to his home at the Agency and told him that Mr.Laight,Indian Agent, wished to see him. While O'DONNELL was dressing PAPIN told him that J.B. CARDINAL had been shot by his wife and was very sick.O'DONNELL and Mr.Laight,Cst.Cummings and Adam Papin left immediately for the Papin home. On arrival there they noticed J.B. CARDINAL lying on the floor. Cst.Cummings felt his pulse and said that CARDINAL should be removed to a hospital immediate -ly. CARDINAL was carried to Mr.Laight's car and placed in the back seat. O'DONNELL rode in the back seat with him and held him . Enroute to Edmonton J.B.CARDINAL told O'DONNELL that he was getting weaker and that at last his wife had shot him. He said that he might die.He also said," This shirt that you see on me is all in rags. She tore this shirt all up like that fighting with me.You can ask Billy MORIN- he seen it." O'DONNELL enquiried as towhether or not MORIN saw the shooting and CARDINAL said that he did not -that the shooting took place a short while after MORIN left. When asked by O'DONNELL as to whether the shot had been fired from close up, CARDINAL stated that it was"pretty close."

45. O'DONNELL also stated that in the early a.m. of the 7th of July 1939 when Cst.Cummings was guarding the Cardinal home he,O'Donnell had asked Mrs.Cardinal as to how her husband had got shot. She stated that he,J.B.Cardinal, had told her that Charlie Papin had told him that he was a fool to look after the COWAN children and that he should only look after the CARDINAL children. Just before the shooting he appeared very angry and went upstairs and got the .22 rifle and came down with it. He was pulling it back and forth and stated that he didn 't mind,that he could kill anybody or else he could kill himself.The gun went off while he had it in his hands and then CARDINAL walked out of the house with the gun in his hands.

46. William O'DONNELL's statement, which is No.5.attached, also contains information to the effect that Mrs.CARDINAL and J.B.CARDINAL have been both known to him for about ten

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.)Cardinal,(Treaty Indian.),
Winterburn P.O.DIst.Alta.--MURDER,Sec.263 CC.

46. (for about ten) years. J.B.CARDINAL was regarded as being one of the best Indians that lived on the Reserve while on the other hand Mrs.Cardinal did not bear any too good of a reputation. O'DONNELL related an incident which happened about five years ago when Mrs. CARDINAL was then Mrs.Joe COWAN, wife of the late Joe COWAN, which is to the effect that COWAN called on O'DONNELL at his home one day with his face covered with blood and a cut on the side of his head. When questioned as to what had happened Joe COWAN stated that Mrs.COWAN(Mrs.Cardinal) had hit him with a club over the head. This assault had been made from the rear. Joe COWAN also had stated that he was "tough" for being able to stand the abuse he was getting from his wife during a long period of time or else he would have been killed a long time ago.

47. Despite the efforts made by Dr.CONROY to save his life,J.B.CARDINAL died at the General Hospital,Edmonton at approximately 3.00 p.m. of July 8th.1939. Dr.Braithwaite, Prov.Coroner, was communicated with and he instructedt that a Post-Mortem Examination would be held on the body.Dr. Morton HALL was requested to perform the autopsy. Dr.HALL stated that he would do this at 9.00 a.m. of the 9th of July. Dr.Braithwaite was also consulted with respect to the Inquest,the instructions received being to summons a Jury for the purpose of viewing the body at 11.00 a.m. of July 10th 1939 at the funeral Home of Howard and McBride,Edm. Alta.

9-7-39.

48. In the a.m. of this date, the post-mortem examination on the body of J.B.Cardinal, was performed by Dr.Morton HALL. The autopsy lasted approximately three and a half hours as considerable difficulty was encountered in locating the .22 bullet which was removed from the body. Upon removal of this bullet Dr.HALL handed same over to D/Cst.Ozarko who was in attendance at the autopsy with Cst.Cummings. D/Cst. Ozarko has same in his possession in a sealed and marked container.

49. Dr.HALL's report on the Autopsy on the body of J.B. CARDINAL, which is Statement No.6.attached, indicates that his opinion of the cause of death was,"Gunshot wound of abdomen with perforating wounds of coecum and right iliac vein with intra abdomenal hemmorhage and acute supperative peritonitis."

50. The following Jurymen were summoned to appear for Coroner's Jury Duty at Howard and McBride's Funeral Home at 11.00 a.m. July 10th. William WHITLA, W.G.GORDON,W.C. LUMSDEN,Shannon SEIBERT,George RAGNALL and Robert FLETCHER.

51. A further patrol was made by D/Cst.Ozarko to the Winterburn Dist. for the purpose of conducting further investigations into this matter.Rosie COWAN,step daughter of the deceased, was again interviewed.The statement which was obtained from her, in substance, was identical with the revised statement No.7, attached, which was obtained from her at a later date.

52. The summary of Rosie COWAN's statement is that the deceased and her mother were married during the month of May 1938 and then the COWAN family moved over to live

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.---MURDER,Sec.263 CC.
---

52. (over to live) at J.B.CARDINAL's farm. About a week after the wedding Mrs.CARDINAL told Rosie that the deceased had told her that he had been keeping company with Julia WARD,an Indian girl, prior to his marriage to Mrs. Cardinal. He also had told her that he had slept with Julia WARD. Mrs.Cardinal, according to Rosie, appeared very jeal--ous over this.

53. Rosie also stated that on May 1st 1939 her mother gave birth to a child. The deceased did not pay as much attention to this child as he did to Margaret, a daughter by a former marriage. As a result of this many arguments ensued of which Mrs. Cardinal was the aggressor.

54. Approximately a month prior to the shooting at the request of Mrs.CARDINAL the CARDINAL family, including the COWAN children, moved from J.B.CARDINAL's farm to the house near Charlie PAPIN's place.For the purpose of looking after his stock and horses and crop it became necessary for the deceased to make numerous trips to the farm.Mrs.CARDINAL expressed the belief that the deceased had been making these trips for the purpose of seeing Julia WARD. She became very hostile and was very jealous and there were many arguments as a result of the accusations she made.

55. In her statement Rosie COWAN also related that an Indian named Jacob BERNARD, or "Ten spot" had started to treat Mrs.Cardinal with herbs,etc, during the middle of June 1939. On Sunday,July 2nd 1939, BERNARD took the .22 rifle and went to shoot rabbits. On Tuesday,July 4th, in the a.m. the deceased went to purchase some meat from a meat peddler. After his departure Rosie went to the Lake near by to wash some clothes for the baby. When she returned she noticed that her mother was crying. Her mother told her that the deceased was going to see Julia WARD and that she did not like to see him leave the house because of this. She also told Rosie that some woman had been around at the house that day and had told her that the deceased had been carrying on with Julia WARD. When J.B.CARDINAL came into the house Mrs. CARDINAL accused him of "carrying" on with Julia WARD, he denied this and there was quite an argument. Rosie then went to the Agency to get the rations and when she returned she noticed that the CARDINAL children had been taken away from the house.

56. On Wednesday,July 5th 1939, J.B.CARDINAL took the .22 rifle and went to shoot rabbits. He left the house for the farm at about 2.00 p.m. and returned at approximately 6.00 p.m. When he returned Mrs.Cardinal started to scold him again and J.B.CARDINAL sent Rosie Cowan and her brothers, Henry and James, over to Billy MORIN's place with a note. Billy MORIN came back with them and stayed overnight at the house.

57. On Thursday,July 6th 1939, in the afternoon there was an argument between Mrs.CARDINAL and the deceased about the baby. Around supper time when Billy Morin came in Mrs. CARDINAL again started to argue saying the the deceased had been seeing Julia WARD. Mrs.CARDINAL became very angry and Billy MORIN sent Rosie and her brothers,James and Henry out of the house. Rosie heard the argueing going on while she was outside of the house and she looked int through the south window of the house and saw Mrs.CARDINAL scratch J.B. CARDINAL's hands. At that time J.B. was trying to hold

PTO.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs Mary (JB.)CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.

57. (trying to hold) her in bed. Billy MORIN came to where Rosie and her brothers were and told Rosie not to pay any attention to what was going on in the house and not to go into the house or else they might have to be witnesses at Court if there was a "case" over the trouble. At about 7.30 or 8.00 p.m. Billy MORIN left the house to go and attend some meeting at the Sport's Ground. J.B.CARDINAL lef t a few minutes after Billy MORIN left walking in the direction of the Lake.

58. Rosie states that she then went into the house to see her mother. Mrs.Cardinal told her to go upstairs and get the rifle and bring it to her. Rosie claims that she did not want to go and get the rifle but her mother became very angry at her and threw some sticks or wood, a cup and a plate at her and told her that she wanted to use the rifle- that she wanted Jacob Bernard to go out and shoot some rabbits for her. Rosie then went upstairs and got the.22 rifle and brought it down and gave it to Mrs.CARDINAL who laid it at the foot of her bed. Rosie then went outside to get some water and noticed that J.B.CARDINAL was back. She saw him going into the house.At this time Henry COWAN was gathering some wood in the bush and her brother James was making a fire near the south-east corner of the house for Rosie to cook some bannock on. At this time Billy MORIN also came back to their house.Billy MORIN asked Rosie where his coat was and she told him that it was in the house.Billy went into the house and Rosie followed him.J.B.CARDINAL was sitting beside the table and Mrs.CARDINAL was lying on the bed. Billy MORIN asked Mrs.Cardinal how she felt and she did not answer him. Billy took his coat and then left the house. Rosie then washed the dishes, lit the lamp,took some flour and went outside to make some bannock. Henry and James COWAN were outside and the other COWAN children were sleeping in the upstairs room of the house. In the downstairs room the occupants were Mrs.Cardinal, the baby and J.B.CARDINAL.

59. Rosie then commenced to cook some bannock and she was able to cook one. Then she heard a lot of arguing going on inside of the house between her mother and step-father. She knew it was between then from the fact that she recognized their voices but she could not make out what they were saying. Mrs.CARDINAl was doing most of the arguing. Henry Cowan then got up from the fire and went to the window on the east side of the house, he looked into the window and then came back and started to cry saying that"something was going to happen," as his mother and step-father were"scolding each other." Just then Rosie heard the deceased scream and cry out. It would be about 10.00 p.m. at this time. Rosie, followed by her brother, Henry,ran around to the door of the house which was located on the north side. She noticed the deceased,J.B.Cardinal, in a crouched position a short distance away from the door of the house outside.She started to go into the door and just as she got on the step she saw the .22 rifle fall on the floor about two feet from the door.She saw that her mother had thrown it there from the bed.Rosie asked her mother "what was the matter" and received no reply.Rosie then ran outside and noticed that J.B. was not near the house. She then ran to her bannock and turned it over and then ran back to the front of the house and in the direction of Charlie PAPIN's place.On the road to Pain's she noticed the deceased lying down on the road and he told her to go to Pain's place and get Charlie.At Papin's

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.)CARDINAL, (Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.

59. (at Papin's)place Rosie told Adam Papin that there was "trouble in the Cardinal house and that there was something wrong with J.B. ardinal. She then ran back to where J.B.Cardinal was lying and Adam Papin and Jake Anderson came along and picked him up and carried hima away.

60. Rosie then ran back to the house and Mrs.Cardinal asked her where J.B. was. Rosie stated that he had been lying on the road on the way to Charlie Papin 's place.Mrs. Cardinal then stated to Rosie,"Take the rifle and go and put it where your dad is lying." Rosie took the .22 rifle from off the floor near the door of the house and threw it away near the door of the house, into the grass.Mrs. Cardinal then asked her where she had put the rifle and Rosie told her that she had thrown it away near the door. Mrs. Cardinal scolded Rosie and told her to go and pick the rifle up and put it near where J.B. was. Rosie then went outside, found the rifle and picked it up and threw it into the grass closer to where J.B.CARDINAL had been lying. Rosie then went back into the house and asked Mrs. Cardinal what was wrong. Mrs. Cardinal stated,"Your dad shot himself. Don 't say anything about what happened here to anybody. Don't tell anyone that you gave me the rifle and that you threw it outside near the place where J.B. was lying. If you do tell this you will be hung or else you will go to gaol for a long time."

61. A short while after this the Police came to the house.Rosie COWAN identified the rifle which had been found by Cst.Cummings as being the rifle that she had given to her mother and which she had later taken and thrown out into the grass. The place where she had thrown the rifle was the place where it had been found by Cst.Cummings.

62. On this date Mr.Laight, the Indian Agent at the Reserve, furnished D/Cst.Ozarko with his statement regarding this matter. His statement is No.8. attached and in it Mr. Laight relates the facts with respect to Adam PAPIN coming to his home and advising him of the fact that J.B.Cardinal had been shot. Mr. Laight accompanied by his interpreter, William O'DONNELL and Cst.Cummings left for the home of Charle PAPIN where CARDINAL was. On arrival there on the advice of Cst.Cummings CARDINAL was placed into Mr.Laight's car and driven to the General Hospital,Edmonton. Dr.Conroy was contacted by Mr.Laight also S/Sgt.Bryant of the Edmonton Sub-Div. Upon arrival of D/Cst.Ozarko at the Agency to investigate this matter Mr. Laight showed him the CARDINAL home,etc, and furnished him with available particulars as furnished to him.

63. An interview with Henry COWAN, age 14 years, yielded some information which corroborated the statement made by Rosie COWAN. Henry COWAN is a brother of Rosie's and he was present during July 6th 1939 and in the company of his sister most of the time. In his statement Henry relates that at approximately 9.00 p.m. of July 6th he was sitting outside with Rosie and his brother James at the fire while Rosie was cooking bannock.After they had been sitting there for about an hour they heard a considerable amount of arguing going on inside of the house between Mrs. CARDINAL and the deceased. Henry got up and walked over to the east window of the house, looked into it and saw the

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.

63. (and saw the) deceased sitting down near the cupboard and the west window of the house. It was raining quite hard at this time and there was a storm in progress and Henry claims that he could not hear what was being said but he did hear that his mother was "going after" J.B. quite hard. After that Henry went back to the fire and started crying stating that something was going to happen because of the argument that was going on.

64. Henry also stated that he had only been at the fire for a few moments when he heard a scream. Rosie got up and Henry and her then ran around to the door of the house.He saw his step father in a crouched position near the door. Rosie then went into the house and Henry stayed outside and helped his step father when he was walking towards Charlie Papin's place. Rosie then came along and he accompanied her to Charlie Papin 's place where Rosie told Adam Papin about the"trouble". Then Rosie and Henry want back to the house where Mrs.Cardinal told Rosie to take the gun and throw it away. Rosie then threw the gun outside and Mrs.Cardinal asked her where she threw it and Rosie told her. Mrs.Cardinal scolded Rosie and told her to go and put the gun where J.B. was lying. Rosie and Henry then went out and found the rifle and took it and threw it down closer to where J.B.Cardinal had been lying. Then they went back to the house and Rosie asked her mother what had happened and she stated that he, (J.B.Cardinal) had shot himself. Henry then went upstairs and got some blankets and brought them down and went to bed.

10-7-39.

65. At 11.00 a.m. of this date the inquest enquiring into the death of J.B.CARDINAL was opened at the Funeral Home of Howard and Mc Bride, 109th St.Edmonton. The Jury summoned was sworn and the body of J.B.CARDINAL was identified by Mr.Laight,The Indian Agent at Winterburn.Dr.Braithwaite, Chief Coroner, then adjourned the inquest until 2.00 p.m. of July 25th 1939. The body was then released for burial.

66. A further patrol was again made to the Winterburn Dist. by D/Cst.Ozarko to conduct further investigations into this matter. Cst.Cummings and Cst.Richards made a patrol in the early a.m. to the scene for the purpose of taking photographs and obtaining measurements, etc, of the vicinity.

67. Jacob BERNARD, known as " Tex Spot", who is mentioned in Rosie COWAN's statement as being the man that had been treat--ing Mrs.CARDINAL was located and interviewed. His statement is No.9. attached and in it he relates that he met the deceased in Edmonton during the midele of June 1939 and that Cardinal asked him to come out to the Reserve and treat his wife who was ill.BERNARD states that he went out to the Reserve and tried to treat Mrs.Cardinal but as she was suffering from "T.B." it was not possible for him to do anything for her.BERNARD states that he lived at CARDINAL's part of the time and the rest of the time he lived at George MORAN's place. He left CARDINAL's on July 5th 1939.

68. BERNARD also related that on July 2nd 1939 he got one cartridge from the deceased, one from Mrs.CARDINAL, two from Mrs.George MORAN and he had one good one and an old misfired "Whiz Bang" cartridge himself.He states that he

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.

68. (that he) went out shooting and fired two of the cartridges. When he came back he gave the other three good cartridges, which consisted of two .22 longs and one .22 short, also the "whiz Bang" to Mrs.Mary CARDINAL. BERNARD also states that he left the .22 rifle in the house.

69. Jacob BERNARD's statement also contains information to the effect that on Tuesday,July 4th 1939 he heard J.B. Cardinal and his wife quarreling. They were quarreling over the children. Mrs.CARDINAL told BERNARD that she was becoming impatient with her husband and that she could not hold her temper because of the way J.B. was getting along with the children. Immediately after BERNARD had this conversation with Mrs.CARDINAL, the deceased showed BERNARD his hands which bore some fresh scratches. The deceased stated that he had received them from Mrs.CARDINAL.

11-7-39.

70. The JULIA WARD referred to in the statement of Rosie COWAN and W.W.MORIN, who, according to the information on hand, was the girl that Mrs.CARDINAL suspected her husband, the deceased, of having carried on with, was interviewed. This girl was interviewed at great length and she was closely questioned but it was not possible to receive any information from her which would in any way substantiate the belief that the deceased had, at any time, been paying attention to her. It is also added that enquiries were also made of other residents of the Reserve regarding this but no information was received which would strengthen Mrs.CARDINAL's belief that her husband had been carrying on with Julia WARD.

71. The two women, Mrs.Maxim PAPIN and Mrs.Charlie PAPIN, who are mentioned in the Dying Declaration made by J.B. CARDINAL on July 7th 1939,(Reference to par.27, Answer to question No.1. asked by Mag.SIMS.) as being two women who Mrs. CARDINAL believed that he was seeing, were also interviewed. The interviews did not yield any information which would suggest that CARDINAL had been carrying on , or had been very friendly with, either of these ladies.Discreet enquiries made in this respect,from independant individuals,failed to disclose any information which would justify a belief of that nature.

12-7-39.

72. In the p.m. of this date, D/Cst.Ozarko, on instructions received, left Edmonton via C.N.R. enroute to Regina,Sask. with the exhibit rifle,bullet and clothing , in this case for the purpose of Scientific Examination at the Laboratory, Regina,Sask. Arrival at Regina was noted in the p.m. of the 13th.

14-7-39.

73. On this date the exhibits were turned over for examination to Surgeon Powers and Sgt.J.A.Churchman.Sgt. Churchman conducted his examination of the rifle,cartridge found in the breech of exhibit rifle, and the lead .22 calibre bullet removed from the body of the deceased.Sgt.Churchman's finding were:-

"The cartridge case found in the breach of the gun had been discharged in the rifle submitted.

Approximately fifty percent of the evidence bullet was so deformed that the bore engravings were obliterated.Only

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P.O.Dist.Alta.--MURDER,Sec.263 CC.
---

73. (obliterated.Only) sufficient corresponding characteristics were found to justify the opinion that in all probability the evidence bullet was fired from the rifle submitted. A photo-micrograph perpetuating observations of this one picture was taken.

15-7-39.
74. On this date Surgeon Powers applied the Sulphanilic Acid Test to the regions of the bullet hole in the bib overalls of J.B.Cardinal. This test is used to determine powder patterns around the entrance tear caused by bullets which in turns enables the examiner to give the distance which the gun was held from the body at the time that the bullet was fired.

75. Surgeon Powers gave the following as his findings at this time:-

"It was positively more than six inches and probably more than 24 inches that the gun was held from the body. The application of further experimental tests may establish definitely that the shot was fired at a greater distance than 24 inches.".

76. D/Cst.Ozarko received the exhibits from Surgeon Powers and Sgt.Churchman and awaited the C.N.R. train to return to Edmonton. A return patrol was made from Regina to Edmonton via C.N.R. departing on the 16-7-39 and arriving at Edmonton in the a.m. of the 17-7-39.

77. On the 17-7-39 the charge of Attempted Murder preferred against Mrs.Cardinal on the 7-7-39 was withdrawn before G.W.Fish,Esq. the Justice before whom it was laid. D/Cst.Ozarko appeared before T.C.SIMS,Esq.P.M. of Edmonton and laid the following charge:-

WHO SAITH THAT,Mrs. Mary(J.B.)CARDINAL,(Treaty Indian.) of the Winterburn P.O.Dist.Alta. on or about the 6th day of July A.D.1939 at or near Winterburn in the said Prov.did murder J.B.Cardinal. Contrary to the Provisions of the Criminal Code of Canada and ammendments thereto."

78. The Justice issued a warrant to arrest and the Warrant was executed at the St. Joseph's Hospital,Edmonton, the charge and usual Police Warning being interpreted to the accused by W.O'DONNELL.No statement was made by Mrs.Cardinal at this time.

79. The accused was arraigned, at the St.Joseph's Hospital, before Mag.SIMS,Esq. who read the charge over to her through the interpreter W.O'DONNELL. The accused was remanded in custody until 10.a.m. of July 25th 1939.

80. As per the request of D/Cst.Ozarko made to Dr.CONROY, the attending physician to J.B.CARDINAL prior to his death as a result of the injuries he received from gunshot wounds, a letter dated the 15-7-39 was received from Dr.CONROY, on the 17-7-39.

81. Dr.Conroy's letter, which is shown as Statement No.10 attached, is to the effect that J.B.Cardinal came to

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.

81. 'Cardinal came to) the General Hospital,Edmonton at about 1.00 a.m. of July 7th 1939. Examination disclosed what was thought to be a bullet wound in the abdomen close to the appendectular region.The abdomen was hard and distended and blood was oosing from the wound. The patient was suffer--ing from great pain and looked to be in agony.Recent scratches were also observed on the back of his right hand.

82. An X Ray was taken of the abdomen and it revealed what looked like a bullet in the pelvis. This bullet apparently hit over the appendectular region, took a downward course to the pelvis where it lodged. An operation was decided in order to stop the hemorrhage and repair any damage done to the bowels or other abdominal or pelvic organs.On opening the ~~xxxxxxxx~~ abdomen a large quantity of blood was found in the abdominal cavity which was thought to be coming from the ~~xxxxxxxx~~ iliac vein.Two large holes, which were thought to be the entrance and exit of the bullet, were also found in the caecum(large bowel.)

83. Dr.CONROY states that the patient's condition during the operation was by no means encouraging but he withstood same and with the help of intravenous injections of Saline and Glucous and one blood transfusion, he lived until approximately 3.00 p.m. of July 8th 1939. Dr.CONROY's opinion was that death was caused from the so called bullet wound in his abdomen.

84. On the 20-7-39 Mr. Mc Clung of the Attorney General's Dept. was consulted regarding the inquest to be held on the 25-7-39. The evidence available was discussed with Mr.McClung and arrangements were made to summon the necessary witnesses.

85. On the 22-7-39 Coroner 's summons to a Witness were served on the following witnesses:-
Richard CARDINAL and Henry COWAN, St.Albert Convent. Dr.'s Conroy and Morton Hall,Edmonton,Jacob BERNARD,W.W. MORIN,Rosie COWAN,Adam PAPIN,William O'DONNELL,Charlie PAPIN, Winterburn P.O. Dist.Alta.Cst.Richards and Cst.Cummings were also advised to be in attendance.

86. 25-7-39.
In the a.m. D/Cst.Ozarko attended a further adjournment of Mrs.CARDINAL on the Murder charge before R.E.Mercer,Esq.J.P. at Edmonton. The adjournment was granted at St.Joseph's Hospital,Edmonton, until 10.00 a.m. of Aug.2nd 1939.

87. A patrol was made to St.Albert by D/Cst.Ozarko where ~~the~~ Henry COWAN and Richard CARDINAL were located. These boys were brought to Edmonton being required as witnesses at the Inquest.

88. At 2.00 a.m. the Inquest enquiring into the death of J.B.Cardinal was opened. Chief Coroner, Dr.Braithwaite presided.Mr.Mc Clung examined the witnesses for the Crown and Mr.Gurney, counsel for Mrs.CARDINAL, examined the witnesses on her behalf.

89. Hereunder is a list of the witnesses that gave evidence at the Inquest . A brief summary of the evidence

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs. Mary (J.B.)CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.

89. (of the evidence) given by each of them is also included.

(1.) Dr.CONROY.-The deceased,J.B.Cardinal, arrived at the General Hospital, Edm. at approximately 1.00 a.m. of Jly 7th 1939.Examination revealed what appeared to be a bullet wound in the adbomen. Operation performed in an attempt to arrest hemorrhage and repair the wounds caused by bullet. X Ray taken which revealed what appeared to be a bullet in the pelvic regions. Scratches also observed on the right hand which appeared to be recent. Patient given transfusion,etc, but he died at approximately 3.00 p.m. of July 8th 1939. Opinion of Cause of death. Bullet wound in abdomen.

(2.) Dr.Morton HALL.- Performed autopsy on body of J.B.CARDINAL at Howard and Mc Bride's Funeral Home,Edm. in a.m. of July 9th.Removed .22 calibre bullet from body. Bullet handed to D/Cst.Ozarko in attendance at autopsy. Autopsy report, as embodied in Statement No.6 attached tendered. Opinion of Cause of Death.-Gunshot wounds in abdomen with perforating wounds in coecum and right iliac vein with intra abdominal hemorrhage and acute supperative peritonitis.

(3.) Cst.Richards. - Tendered as exhibits photos taken of the CARDINAL residence and grounds also the plans drawn of the house and contents and house and grounds.

(4.) Jacob BERNARD.- Medicine Man had been treating Mrs. CARDINAL for about a month prior to the shooting.On Sunday, July 2nd 1939, obtained the rifle belonging to the deceased, one .22 cartridge from Mrs.Cardinal,one from the deceased and two from Mrs.George MORAN.Also had one good one and an old one himself. Went out shooting to try and get some rabbits. Discharged two of the good cartridges and on his return to the Cardinal home he gave the remaining three good cartridges and the old one to Mrs.Cardinal. Tuesday,July 4th heard the quarrel between Mrs. Cardinal and the deceased. Mrs.Cardinal was the aggressor.Deceased showed him his hand with new scratches on it which had been caused by Mrs. Cardinal. Left Cardinal home on July 5th.

(5.) Richard CARDINAL.-Age 10 yrs.Son of the Deceased J.B.Cardinal. Arrived home from the Convent at St.Albert on June 30th 1939 and lived at the Cardinal home. On Tuesday,July 4th 1939, ap approximately noon was outside of the house on the south side. Heard Mrs.Cardinal arguing with with deceased-looked into window and saw her pointing the 22 rifle at the deceased and heard her say that she would shoot him as she was going to die, etc,Saw the deceased take the rifle away from her. Later same day the deceased took the Cardinal children away from the house and to Charlie Papin's place to sleep. Saw the deceased again after he was shot. The deceased told him that he would not see him again as he was going to die.

(6.) W.W.MORIN.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary CARDINAL,(Treaty Indian.),
Winterburn PO.Dist.Alta.--MURDER,Sec.263 CC.
---

89. (6.) W.W.MORIN.-Treaty Indian who is a Councellor at the Winterburn Reserve. Was called to the Cardinal home in the p.m. of July 5th 1939. Was present during the p.m. of July 6th 1939 when Mrs. Cardinal was arguing with J.B.Cardinal.Noticed the sleeve of J.B.Cardinal's shirt torn, identified the shirt as being the Exhibit ~~shirt~~ shirt.Heard Mrs.Cardinal accuse J.B.Cardinal of"carrying on"with Julia WARD. Heard the deceased deny this.Saw Mrs.Cardinal throw~~px~~ a spittoon and her shoes at the deceased also saw her scratch him.Was in the Cardinal house at approximately 9.00 p.m. and spoke to Mrs.Cardinal.She did not answer him. The deceased and Rosie COWAN were also in the house at this time.Left the house immediately after this.

(7.) Cst.F.M.CUMMINGS.- Related facts of accompany--ing Mr.Laight,Indian Agent to the Papin home and finding the deceased lying on the floor, unconscious, in the late p.m. of July 6th 1939.Advisedd that Cardinal should be taken to a hospital.Noticed bullet wound near naval and saw bullet hole in overalls. Found .22 Savage model, ~~xxxx~~ repeater style rifle with No.73.79 visible on small of butt, in grass about half way between the Cardinal and Papin Homes in the early a.m of July 7th 1939. He later turned this rifle over to D/Cst.Ozarko.

(8.)- Adam PAPIN.- Was in the house,(father's) located near the CARDINAL residence at approximately 10.30 p.m. of July 6th 1939 when Rosie COWAN called there and said that there was"something wrong"with J.B.CARDINAL. Found the deceased lying on the roadway between the Cardinal home and the Papin home. Asked the deceased what was wrong,CARDINAL answered that his wife had shot him." and that he was going to die. Jake ANDERSON was with him at this time. Carried CARDINAL to the Papin home where CARDINAL again stated that his wife,(Mrs.Cardinal) had shot him. Papin then went to the Indian Agency and notified Mr.Laight about the shooting.

(9.) W.O'DONNELL.- Cree Interpreter at the Indian Agency,Winterburn. Accompanied Mr.Laight,Cst.Cummings to Charlie Papin's residence in the late p.m. of July 6th 1939. Observed J.B.Cardinal lying on the floor there.Assisted in putting him into Mr.Laight's car and rode in the back seat with him to Edmonton. Enroute CARDINAL told him that he was getting weaker and that at last his wife had shot him.Also that he might die.Cardinal also told O'Donnel that his wife had torn his shirt ~~xxxxxxx~~ fighting and that B.Morin was present during this trouble.Cardinal also told O'Donnel that his wife had shot him from pretty close up. When with Cst. Cummings in the early a.m. of July 7th in the Cardinal house asked Mrs.Cardinal how deceased got shot.She told him that he had gone upstairs and had got the rifle and came down and was working it backwards and forwards also stating that he didn't mind that he could kill anybody or else kill himself.While he was doing this the gun went off. He then went out of the house with the gun in his hands.

(10.) Rosie COWAN.-Age 16 years.Step daughter of the deceased and daughter of Mrs.Cardinal. Stated that approximately a week after her mother married Cardinal she told her that J.B. had been going out with Julia Ward before he married her(Mrs. Cardinal).Mrs.Cardinal appeared quite jealous over this.They had been living at J.B.Cardinal 's farm until about a month

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary(JB)CARDINAL,(Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.
---

89. (10.) Rosie COWAN (about a month) prior to the shooting, when at the request of Mrs.Cardinal they moved to the residence near Charlie Papin's.After that the deceased was in the habit of making daily trips to the farm for the purpose of looking after the stock,etc. Mrs.Cardinal seemed to resent the fact that he was going away and voiced the opinion that he was seeing Julia WARD on these occasions. The deceased always denied the accusations.After the baby was born on May 1st 1939 there was also a considerable amount of trouble between the deceased and Mrs.Cardinal over the fact that he did not pay as much attention to the baby as he did to Margaret, a daughter, by a former marriage. On Sunday,July 2nd 1939, Jacob Bernard, the "medicine man" took the .22 rifle and went out to shoot rabbits.On Tuesday,July 4th 1939 Rosie went to the Lake to wash some clothes and the deceased went to buy some meat. When Rosie came back noticed that Mrs.Cardinal had been crying. Mrs.Cardinal stated that a woman had been at the house and she had told her that J.B. was "carrying on" with Julia Ward. There was quite a strong argument as a result of this. In the p.m. Rosie went to the Agency and when she came back the Cardinal children had been sent over to Charlie Papin 's place to stay.

On Wednesday, July 5th 1939, the deceased went out shooting with the .22 rifle in the p.m. when he returned Mrs.Cardinal started to argue with him again. He sent Rosie ans her brothers Henry and James over to W.Morin's place. W.Morin came back with them.

On Thursday,July 6th 1939, there was an argument between Mrs. Cardinal and the deceased in the afternoon. At supper time there was another one in the presence of W.Morin, who sent the children out of the house. He said that if they stayed in there might be trouble,etc. W.Morin left to go to a meeting at about 7.30 or 8.00 p.m. and the deceased went to go for a walk. Rosie then went into the house and Mrs. Cardinal told her to go and get the rifle as she wanted to use it-that she wanted to give it to Jacob Bernard to go and shoot rabbits. Rosie did not want to get the rifle but Mrs.Cardinal became very angry at her and threw a stick, a plate and an cup at her. Rosie then went upstairs and got the .22 rifle and brought it down and gave it to Mrs.Cardinal who laid it at the foot of the bed she was lying on.Rosie then went outside and noticed that J.B.Cardinal was back from his walk. W.Morin came back a short while after that and Rosie followed him into the house. Morin left and then Rosie washed the dishes and lit the lamp and took some flour and water out to make some bannick at a fire that her brothers Henry and James were making a short distance away from the south-east corner of the house. The smaller children were upstairs in the house and Mrs.Cardinal,the baby and J.B.Cardinal were in the downstairs room.While making bannock Rosie heard a lot of arguing going on inside of the house between the deceased and Mrs. Cardinal, Mrs.Cardinal being the aggressor.Henry COWAN got up from around the fire and walked to the east window of the house and came back crying stating that something was going to happen as they were quarreling so much. A few minutes later Rosie heard the deceased scream and cry out. Rosie then ran around to the door of the house followed by Henry. She saw the deceased in a crouched position a few feet away from the door step heading over in the direction of Charlie Papin's home. She started to enter the house and saw the .22 rifle fall on the floor about two feet from the door. Mrs.Cardinal had thrown it there from the bed where she was lying. She

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

8

Re.
Mrs.Mary(JB)Cardinal,(Treaty Indian.),
Winterburn P.O.Dist.Alta.--MURDER,Sec.263 CC.

---

89. (10.) Rosie Cowan. (lying.She) asked what had happned and received no reply. Ran outside then as saw the deceased lying on the roadway about halfway towards the Papin house.He told her to run and tell Charlie Papin.At Papin's she told Adam Papin. Adam and Jake Anderson then came out and oicked the deceased up and carried him to Papin's. Rosie then went back home. Her mother told her to take the rifle and throw it out- Rosie threw it out.Mrs. Cardinal also told her not to tell anyone that she had given her the rifle,etc, or else she (Rosie) would be hung or be sent to gaol for a long time. Mrs. Cardinal also told Rosie that the deceased had shot himself and if questioned by anyone,including the Police, to state that he had gone upstairs himself,had got the rifle and had shot himself.Rosie identified the Exhibit rifle as being the .22 rifle that she had given to her mother at approximately 8.00 p.m. of July 6th 1939,and had thrown out of the house onto the roadway betwen the Cardinal and Papin residence's later on that same night.

(11.) Henry COWAN.- Age 14 years. Is the brother to Rosie Cowan.Was present during the afternoon of July6th 1939 and heard some of the arguing beteen Mrs.Cardinal and the deceased. Wa sitting around at the fire with Rosie and James Cowan in the later p.m. when Rosie was cooking bannock. Heard a lot of arguing going on inside the house between Mrs.Cardinal and the deceased. Went to the east window of the house and looked in seeing the deceased sitting down between the table and cupboard located along the west wall of the house. Went back to the fire and started to cry stating that something was going to happen. Was there for only a few moments when he heard the deceased scream. Followed Rosie around to the door of the house and saw the deceased near the step in a bent over position heading in the direction of Charlie Papin 's home.Followed him that way to where he fell unto the grass on the roadway.Saw Adam Papin and Jake Anderson pick the deceased up after he and Rosie told Adam Papin about the trouble. Went back to the house and heard his mother tell Rosie to take the rifle and put it near where the deceased had been lying.Accompanied Rosie when she did this. Went to bed after that.

90. After hearing the evidence the Jury deliberated over same and returned the following verdict:-

"We,The Jurors, investigating the facts in connection with the death of John Baptiste Cardinal,late of the Winterburn Indian Reserve, find that the said J.B.Cardinal died in the General Hospital,Edmonton about 3.00 p.m. of Sat. July 8th 1939 as a result of injuries received from a bullet fired from a 22 rifle held in the hands of Mary Cardinal, wife of the deceased,J.B.Cardinal, about 11.00 p.m. July 6th 1939 in the house of the said deceased,J.B.Cardinal."

91. On the 2-8-39 Mrs. Cardinal was further remanded on the Murder charge until 10.00 a.m. of Aug.10th 1939. On the 10-8-39 a further remand was obtained until the 18-8-39. On the 18-8-39 she was remanded until 10.00 a.m.of Aug.26th.

92. The investigation into this matter has yielded definite evidence to the effect that J.B.CARDINAL came to his death as a result of gunshot wounds received in the abdomen. According to the facts disclosed during the invest--igation the wounds were inflicted at approximately 10.00 p.m. of July 6th 1939 at his residence in the Winterburn P.O. Dist.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY ▲ FILM ●●

Re.
Mrs.Mary (JB)CARDINAL-(Treaty Indian.),
Winterburn P.O.Dist.Alta.--MURDER,Sec.263 CC.

92. (P.O. Dist.), the death weapon being the .22 Savage model rifle belonging to the deceased. There is evidence on hand, as received from Jacob BERNARD, the medicine man who treated Mrs.Cardinal, which indicates that four days prior to the shooting he gave Mrs.Cardinal three good .22 cartridges. According to the evidence as obtained from Rosie COWAN, daughter of the accused Mrs. CARDINAL, the death weapon was placed in her hands at approximately 8.00 p.m. of July 6th 1939, some two hours before the shooting. The investigation also yielded inform--ation to the effect that the downstairs room of the Cardinal house, at the time of the shooting and for approximately an hour before same, contained only Mrs.CARDINAL, the deceased and their infant baby.

93. Mrs.CARDINAL, in her explanation of the shooting, states that the deceased went upstairs and got the .22 rifle and came downstairs and was working it back and forth stating that he could kill anyone or shoot himself. While he was doing this,the rifle,according to Mrs.Cardinal, went off and the deceased walked out of the house carrying the rifle with him. To offset her explanation there is the evidence of Rosie COWAN which indicates that she (Rosie) on the request and orders of Mrs.CARDINAL got the rifle for her and handed it to Mrs.CARDINAL at approximately 8.00 p.m.The application of the Sulphanilic Acid Test to the entrance hole in the overalls worn by the deceased, by Surgeon Powers of the Scientific Laboratory,Regina, Sask. definitely indicates that the bullet was fired at a greater distance than six inches and will probably indicate that it was fired at a greater distance than twenty-four inches from the body of the deceased.The weapon in question is three feet four inches in length and from the muzzle to the trigger it is two feet three inches.From the nature of the weapon used in this shooting and as a result of the evidence available the theory of accidental shooting or suicide may be definitely eliminated, particularly in view of the fact that Rosie COWAN's statment to the effect that when she entered the house,after she heard the deceased cry out and then saw him a short distance away from the doorway of the house, she saw Mrs.CARDINAL throw the rifle unto the floor near the door.

94. The apparent Motive in this crime is one of Jealousy on the part of Mrs CARDINAL,the accused, due to the fact that she suspected that the deceased had been carrying on with Julia WARD.That motive as well as one of hate, is borne out by the evidence available from the different witnesses.There is also evidence available to show that the crime was premeditated in the evidence of Richard CARDINAL when he stated that on Tuesday,July 4th 1939, he saw Mrs. Cardinal with the rifle in her hands and heard her threatening to shoot the deceased. The statement made by the deceased,J.B.CARDINAL, to Dr.CONROY, at the General Hospital, Edm.(par.23) tends to corroborate the statement of Richard Cardinal in that respect.

95. Mrs.CARDINAL,the accused, is a patient at the St. Joseph's Hospital,Edmonton, in the T.B. Ward and is suffering from T.B. in the advanced stages. Her condition is such that it seems very doubtful that she will recover sufficiently to be able to stand trial on the charge.

96. Forms 246 covering seizure of the exhibits in this case,attached.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re.
Mrs.Mary CARDINAL(Treaty Indian.),
Winterburn P.O. Dist.Alta.--MURDER,Sec.263 CC.

PROSECUTION ENTERED.

D/Cst.
(J.Gordon Clarke) Reg.#11961.

O. C. "K" Division

1. Forwarded for your information, together with statements as quoted, and F.246 covering the rifle, F.246 covering the bullet and further F.246 covering the clothing taken from the body of the deceased.

Insp.
(D.L. McGibbon) for
O. C.Edmonton Sub-Division
A.O.L.

Edm.22-8-39
WHB/EP

COPY TO DEPUTY ATTORNEY GENERAL.

The Commissioner,
R. C. M. P.
Ottawa, Ont.

Sir:

FORWARDED for your information, with Form 246 and statements.
Edmonton, Aug. 25, 1939.
9 W.

R. E. MERCER - Supt.
In charge C. I. B.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"K" DIVISION

Edmonton, Alta., 9th Sept., 1939.

O.C., Edmonton S/Div., R.C.M.P.,
Edmonton, Alta.

Sir:

Re: Mrs. Mary Cardinal.

1. At the request of your office, I visited the above named in St. Joseph's Hospital, Edmonton South, today.

2. She is suffering from active Pulmonary Tuberculosis and is confined to bed all the time. Her general condition has improved since her admission to hospital. Her condition is an advanced stage of the pulmonary disease. Whether or not there may be a temporary arrest of the condition is impossible to predict.

3. She is at present unable to attend Court.

F S Macpherson
(F. S. Macpherson) M.D.,
A/A/Surgeon.

M
O. C. "K" Division

1. Forwarded for your information.

Insp.
(G.W.Fish)
Commanding Edmonton Sub-div.

Edm.11-9-39
WHB/KP

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39K 636-18.

Re: Mrs. Mary Cardinal - Winterburn, Alta.
MURDER.

COPY TO THE DEPUTY ATTORNEY GENERAL.

The Commissioner,
R. C. M. P.
OTTAWA, Ont.

Sir:

Copies of letter from A/A/Surgeon Macpherson of Sept. 9th, herewith for your information.

Edmonton, Sept. 14th, 1939.
3 W.

R. E. Mercer

R. E. MERCER - Supt.
In charge C. I. B.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 39K 636-18

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Edmonton S/D.	Edmonton.
Province	Alberta.	Date 18th Sept. 1939.

File References

Headquarters

Sub-Division

39-109-27

Detachment

P. C. R.

21-8-39
30-8-39

A. R. V. No.

Diary Date set for

2-10-39

Re: J.B. CARDINAL - Winterburn, Alta.
Murder of.

1. Further to my report of the 30th ultimo, I visited Mrs. J.B. Cardinal at the St. Joseph's Hospital, 107th Street and Whyte Ave. Edmonton, Alta., on the days and at the times noted:-

2-9-39	12-15 p.m.	Condition Unchanged.
4-9-39	11-05 a.m.	" "
8-9-39	1-20 p.m.	" "
11-9-39	1-15 p.m.	" "
14-9-39	1-30 p.m.	" "

2. This woman is confined to bed in an advanced stage of T.B. She has caused no trouble to the hospital authorities.

3. The Orderly Officer visits this woman daily.

4. Further visits will be made and report submitted 2-10-39.

Sgt. Sgt.
(E.R.Crouch) - Patrol Sgt.

EDMONTON.
RECEIVED
Inspt.
Commanding Edmonton Sub-Division.
SEP 19 1939

COPY TO THE DEPUTY ATTORNEY GENERAL.

The Commissioner,
R. C. M. P.
OTTAWA, Ont.

Sir:

FORWARDED for your information.

Edmonton, Sept. 21, 1939.

R. E. MERCER - Supt.
In charge C.I.B.

3 W.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 257

Division File No. 39K 656-18.

R[illegible]AL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K".	Edmonton.	Edm. (DETECTIVES.)

Province: Alberta.

Date: Sept. 26th 1939.

File References

Re: Mrs. Mary (J.B.) CARDINAL, (Treaty Indian.) Winterburn Dist. Alta. --- MURDER, Sec. 263 CC.

Headquarters

Sub-Division 39-109-27.

Detachment

P.C.R. 11-7-39 18-8-39.

1. With reference to the communication in the above connection dated the 18-8-39 from the office of the Chief Coroner, Prov. of Alta. and enclosures of cheques for the Cardinal inquest to, Geo. F. Gordon, Shannon Seibert, Wm. G. Lumsden, Dr. J. H. Conroy, Jacob Bernard, W. O'Donnell, Rosie Cowan, G. G. Laight, R. G. Whilis, Geo. W. Bagnall, Robert Fletcher, Dr. M. E. Hall, R. Cardinal, W. Morin, Henry Cowan, William O'Donnell and Howard and Maggie also one Adden Patten. It is respectfully reported that the distribution has been made of all the cheques with the exception of cheque No. 75690 G for the sum of $1.00 made payable to "Adden Patten." It would appear that the cheque in question was intended for "Adam PAPIN" an Indian from the Winterburn Indian Reserve, who was a witness at the Inquest.

2. Adam PAPIN is at present employed out in the harvest fields in the Midnapore Dist. but he is expected to return to his home in the near future. Cheque No. 75690 G payble to "Adden Patten," is being returned herewith for correction purposes.

PROSECUTION REQUESTED.

(J. Gordon Clarke) Sgt. Reg. #11961.

O. C. "K" Division

1. Forwarded for your information with cheque in sealed envelope attached.

Insp.

Edm. 27-9-39
RER/EF

(G. W. Fish)
Commanding Edmonton Sub-Div.

D.D. 26-10-39.

COPY TO THE DEPUTY ATTORNEY GENERAL

The Commissioner,
R.C.M.P.
OTTAWA, Ont.

Sir:

Forwarded for your information.

Edmonton,
Oct. 3, 1939.

R. E. Mercer

R. E. MERCER - Supt.
In charge C. I. B.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39K 656-18.
Division File No. .....

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K".	Edmonton.	Edm.(DETECTIVES.)
Province Alberta.		Date Oct.6th 1939.

File References	Re Mrs.Mary (J.B.)CARDINAL, Treaty Indian., Winterburn Dist.Alta.-MURDER,Sec.265 CC.
Headquarters Sub-Division 39- 109-27. Detachment P. C. R. 11-7-39 to 26-9-39.	1. Further to the above file of marginal notation.It is respectfully reported that as a result of information received from the O.C. Edmonton Sub-Division, which indicated that Mrs. CARDINAL, the above accused who was a patient in the T.B. Ward of the St.Joseph's Hospital,Edmonton, was suspected of being pregnant and upon his instructions, enquiries were made of Dr.CONROY, attending physician regarding the physical condition of this woman. 2. Dr.CONROY's report regarding Mrs.CARDINAL's condition indicates that during the course of the past month her condition might be considered a little serious. Added to this is the probability of Pregnancy and the signs and symptoms point to a pregnancy of over three months. Dr. CONROY also stated that Mrs.CARDINAL herself admits that she is probably pregnant. 3. On the charge of Murder preferred against her on the 17-7-39 Mrs.CARDINAL has been remanded from time to time, the last Remand being obtained to 10.00 a.m. of Oct.14th 1939. PROSECUTION ENTERED. (J.Gordon Clarke) S/Cst. Reg.#11961.
D.D. 6-11-39.	O. C. "K" Division 1. Forwarded for your information. Edm. 6-10-39 (G.W.Fish) Insp. WHR/KP Commanding Edmonton Sub-Div.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39K 636-19. Edmonton, Oct. 11, 1939.

The Deputy Attorney General,
Edmonton, Alta.

Sir:

Re: Mrs. Mary J.B. Cardinal - Winterburn, Alta.
MURDER.

Copy of Edmonton Detachment report dated the 6th inst. herewith for your information. Your attention is respectfully drawn to para. 2 in particular.

3 W.

I have the honour to be,
Sir,
Your obedient servant,

R. E. MERCER - Supt.
In charge C. I. B.

The Commissioner,
R.C. M. P.
OTTAWA, Ont.

Sir:

Forwarded for your information. Report mentioned herein attached.

Edmonton, Oct. 11, 1939.
3 W.

R. E. MERCER - Supt.
In charge C. I. B.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

ROYAL CANADIAN MOUNTED POLICE

104687

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-5 OTTAWA, October 17, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Notice

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines and Resources
Indian Affairs Branch
OCT 18 1939
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DR. J. HERBERT CONROY
PHYSICIAN AND SURGEON

OFFICE PHONE 21483
RES. PHONE 82778

TEGLER BUILDING
EDMONTON, ALBERTA,
CANADA

October 21st 1939.

Mr. G.C. Laight,
Winterburn, Alberta.

Dear Sir:- Re: Mrs. J.B. Cardinal

Since admitting this woman to the St. Joseph's Hospital her condition, on the whole, for Pulmonary Tuberculosis is improved, but I would judge not to the extent of standing a murder trail. Added to this is the probability of a three or four months Pregnancy.

There are days and weeks when this woman's temperature is practically normal and then there are other days when there is a definite rise in her temperature.

Her Sputum, at present, is negative for Tuberculosis germs and I would say that her chest, upon examination, shows definite signs of improvement. Nevertheless, her condition is such that I would not advocate her standing trail for the present and probably for some time in the future.

Yours very truly,

J.H. Conroy

J.H. Conroy M.D.

JHC/BC

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19110-5

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch
OCT 26 1939
REGISTERED

PLEASE QUOTE
FILE III.

Winterburn, Alta.
October 21st, 1939.

Your File No. 19110-5
Dated October 13th, 1939.

Note & file

Sir:-

I beg to acknowledge receipt of Departmental letter No. 19110-5 in connection with Mrs J.B.Cardinal, Enoch Band, in reply I beg to report that this woman is still in the St.Jospeh's hospital in Edmonton. Upon receipt of the Departments letter I interviewed Doctor Conroy and obtained a letter from him as to this womans condition, this letter is attached hereto and is self explanatory.

I am Sir,

Your obedient servant,

G. C. Laight

G. C. Laight,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39K 636-18.

Inq/1606

JWMcC:EE

EDMONTON, October 17, 1939.

Attention Superintendent Mercer

Sir: Re: Mrs. Mary J. B. Cardinal, Winterburn, Alberta - Murder
Your File 39K 636-18

I refer to Detective Constable Ozarko's report of October 6th and your letter of October 11th.

I do not know that there is anything that this Department can do with regard to paragraph two of this report. No doubt Dr. Conroy will take all the steps necessary to look after this woman during her pregnancy.

I have the honour to be, Sir,
Your obedient servant,

Solicitor, Attorney General's Department.

The Commissioner,
R.C.M.P.
OTTAWA, Ont.
Sir: Forwarded for your information.
Edmonton,
Oct. 19th, 1939.
3 W.

R. E. MERCER - Supt.
In charge C.I.B.

The Officer Commanding "K" Division,
Royal Canadian Mounted Police,
EDMONTON, Alberta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EDMONTON GENERAL HOSPITAL.

Edmonton, Alta.
12th October 1939.

The Officer Commanding,
"K" Div. R.C.M.P.
Edmonton, Alta.

Dear Sir:

Re: Post-Mortem X-Ray. J.B. Cardinal.

You will perhaps recall the case of the above whom we admitted to our hospital on July 7th last, suffering from gunshot wounds.

This man died the following day and a Post Mortem was ordered at which it was deemed necessary as part of the Post Mortem examination to take an X-Ray. On submitting our account to the Dept. of Mines and Resources payment was made for one day. The amount of $20.00 for the X-Ray in question was rejected and this Department explains they cannot accept responsibility for the cost of this X-Ray, which appears to have been carried out as part of a Post Mortem examination by police order, in the course of justice. They suggested we get with the Provincial Attorney General office. Upon doing this we are today advised to submit the account to you.

We feel the hospital should be reimbursed for the cost of this X-Ray which was ordered after the patient had died and considered essential as part of the Post-Mortem examination.

We would appreciate very much indeed advice from you in this regard.

Yours faithfully,

EDMONTON GENERAL HOSPITAL.

Copy.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. I).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 39K 636-18.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K".	Edmonton.	S/D.C.I.B.
Province		Date
Alberta.		Oct. 23rd 1939.

File References

Re: Mrs. Mary CARDINAL, Treaty Indian, Winterburn Dist. Alta.-MURDER, Sec. 263 CC.

Headquarters

Sub-Division

39-109-27.

Detachment

P. C. R.
11-7-39
to
8-10-39.

1. With reference to the communication dated the 12-10-39 from S.J.Lagarde of the Edmonton General Hospital and the forwarding minute of the Officer i/c C.I.B. with respect to the authorization of the use of the "X Ray" during the Post Mortem Examination on the body of J.B.Cardinal which was held by Dr.Morton HALL on the 9-7-39. It is respectfully reported that Dr.Morton HALL authorized the use of the X Ray during the Autopsy.

2. As may be noted from par.52 of CR dated the 11-7-39 during the course of the Post Mortem Examination Dr.Hall spent some considerable length of time in attempting to locate the bullet which was lodged in the body of the deceased and which had caused the death, it being considered that this bullet was essential for evidential purposes. Dr.HALL spent approximately three hours in attempting to locate this bullet but without success. He then ordered that "X Ray's" be taken of the regions of the body where the bullet was lodged. These X Ray's showed where this bullet was located and the recovery of same was made in the ~~[illegible]~~ soft mesial ~~[illegible]~~ gluteal tissues to the right and just above the distal end of the coccyx.

PROSECUTION ENTERED.

(J. Gordon Quarko) Det. Reg. #11961.

O. C. "K" Division

1. Forwarded. I would recommend that the Department of the Attorney General be asked to take care of this account.

Insp.
(G.W.Fish)
Commanding Edmonton Sub-Div.

Edm.25-10-39
JTJ/HP

D.D.
23-11-39.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39K 636-18. Edmonton, October 30,1939.

Edmonton General Hospital,
EDMONTON, Alta.

Dear Sir:

Attention - Mr. S. J. Lagarde.
Re: Mrs. Mary CARDINAL.
Winterburn, Alta.

1. I beg to acknowledge herewith receipt of your letter of the 12th inst., contents of which have been noted.

2. Kindly submit your account in quintuplicate following receipt of which your account will be paid from here.

3 W. Yours truly,

COPY TO THE DEPUTY ATTORNEY GENERAL
WITH letter from General Hospital
and report dated 23rd inst.

D. L. McGibbon, Insp. for
Officer I/C C.I.B. A.O.L.

The Commissioner,
R.C.M.P.
OTTAWA? Ont.

Sir: Forwarded for your information, with copies of letter from Edmonton General Hospital and report of the 23rd inst.

Edmonton, Oct. 30th, 1939.
3 W.

D.L.McGibbon, Insp. for
R. E. MERCER - Supt.
In charge C. I. B.
A.O.D.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

113679

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-H-5.

OTTAWA, ~~Nov. 4, 1939.~~

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

NOV 6 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC:LEL

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

C. Edouard Gariépy

Barrister - Solicitor

TELEPHONE 21347 GARIEPY BLOCK

Edmonton
Alberta

7th November'39

Department of Mines & Resources
Indian Affairs Branch
NOV 9 1939
REGISTERED

Mr.T.R.L.MacInnis,
Sec'y Indian Affairs Br.,
OTTAWA,Ontario.

Re Mrs.Cardinal,Winterburn
& murder charge pending.

Dear Sir:-

Following Inquest last summer,preliminary has been put over from time to time and this owing to accused being in hospital as possible T.B.case.

Have just been advised by Mr.J.W.McClung,K.C., Crown Prosecutor that case and hearing may be further delayed,as Mrs.Cardinal may be bearing child.If this is definitely established,Mrs.C.may possibly never come up to trial. Will write you further about this.

Believe me,Sir,

Yours very truly,

G/

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39K 636-18.

F. 237

Division File No.....

ROYAL CANADIAN MOUNTED POLICE

Division "K".

Sub-Division Edmonton.

Detachment C.I.B.

Province Alberta.

Date Feb.18th 1940.

File References

Re: Mrs.Mary CARDINAL,(Treaty Indian.), Winterburn Dist.Alta. MURDER,Sec.263 CC.

Headquarters

Sub-Division 39-109-27.

Detachment

P. C. R. 11-7-39 to 23-10-39.

1. With reference to the file in the above connection and the memo dated the 5-2-40 from the office of the D.C.I. Ottawa,Ont. It is respectfully reported that Mrs.CARDINAL, the suspect in connection with this murder, is still a patient in the T.B. ward of St.Joseph's Hospital,Edmonton. To date, due to her physical condition, it has not been possible to proceed with the Preliminary Hearing on the charge of Murder which has been preferred against her. In this connection remands have been obtained from time to time.

2. Dr.J.H.Conroy, attending Physician, was interviewed by D/Cst.Ozarko on the 17-2-40 regarding Mrs.CARDINAL's physical condition. Dr.Conroy stated that he is now of the opinion that Mrs. CARDINAL is not pregnant. She is,however,suffering from tuberculosis in a very advanced stage and her condition is considered "serious". She is a bed patient and in view of her general physical condition, Dr.Conroy is of the opinion that she could not be removed from the hospital for the purpose of a Preliminary Hearing.

STILL UNDER INVESTIGATION.
PROSECUTION ENTERED.

D/Cst.
(J.Gordon Ozarko)Reg.#11961.
Edmonton Sub-Div. C.I.B.

O. C. "K" Division.

1. Forwarded for your information.

Insp.
J. T. Jones,
Commanding Edm. Sub-Division.

Edm. 20-2-40
FVV/DL

COPY TO THE DEPUTY ATTORNEY GENERAL.

The Commissioner,
R.C.M.P.
Ottawa, Ont.

Sir:

Forwarded for your information. Reference D.C.I. memorandum from your office of the 5th inst. Reference file No. 39B 636-13-H-5.

Edmonton, Feb. 22, 1940.

R. E. Mercer - Supt.
In charge C. I. B.

3 W.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110 - 5 27476

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39B 636-13-H-5 OTTAWA, February 27, 1940.

YOUR FILE No. .....

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
FEB 28 1940
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC:MB

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5
14

C. Edouard Gariépy

Barrister - Solicitor

TELEPHONE 21347 GARIEPY BLOCK

Edmonton
Alberta

16th April'40

Department of Mines & Resources
Indian Affairs Branch
APR 19 [redacted]
REGISTERED

T.R.L.MacInnes,Esq.,
Sec'y Indian Affairs Br.,
Ottawa,Ontario.

Re Mrs.J.B.Cardinal,
Winterburn Indian,Alberta.

Dear Sir:-

Some time in July last year,I was intructed by Mr.Laight,Agent at Winterburn, on instructions fr Dept.of Justice to undertake the defense of Mrs.J.B.Cardinal,Indian at Winterburn suspected of having killed her husband on July 6th. The inquest was held on the 26th July last and the preliminary has not yet been held on the murder charge,as this lady was in indifferent health, being a suspected T.B.case. She has been at St.Joseph's hospital since then and I was called to see her a few days ago and found her in an apparently pretty advanced stage of T.B. She complains that she only at times has had casual visits from Dr.Conroy,has only had cod liver oil in the last ten days,has not had treatment directly for her ailment and,in her condition has been forced to get up and go to toilet and even take her bath herself. The result has been that she has gone back to bed in a more feeble condition each time she has had to get up in this fashion.

I am not a doctor and am passing this information to you for necessary action,as you see fit. She asks that she be sent to the T.B.ward at the General Hospital here.If that is possible,I believe her chances of recovery would be increased considerably.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

I am responsible for a copy of the evidence at inquest, the cost of which is $26.80. This matter was up for preliminary hearing on a number of times and hearing was continually put off owing to the accused not being able to appear. I carried on what investigation I could and have also taken up case on four occasions with Mrs. Cardinal with the aid of an interpreter.

As to her prospects on a hearing for murder, her prospects while not hopeless are not too bright, but I do not think she should be allowed to die off because of this charge hanging over her.

In any case, I am passing on complaint at her request for investigation or action, if you see fit. Complaints made through local channels might not bring any results. There is "considerable esprit de corps" among your officials. It is fine, if used to achieve good purposes.

Believe me, Sirs,

Yours very truly,

G/

P.S. I am sending the Hon. J.A. MacKinnon a copy of this letter and am suggesting to him that he take this up with you.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

April 20,1940.

Dear Sir:

I have to refer to your letter of the 16th instant with respect to the case of Mrs. J.B.Cardinal, Indian woman of Winterburn,Alberta.

You will understand that as Mrs. Cardinal is in custody, she has passed out of our jurisdiction, and is now under the jurisdiction of the Attorney General, who as the authority charged with the administration of justice, is responsible for medical attention to her until such time as she may be released. We are, however, obtaining a report by airmail from our Indian Agent on the case, and if it appears that she requires care in excess of what she may be entitled to or can receive from the provincial authorities, the question of supplementing the assistance from this administration will receive consideration.

Yours very truly,

C.E.Gariepy,Esq.,
Barrister, etc.,
Edmonton,Alberta.

T.R.L.MacInnes.
Secretary.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. Gray

19110-5

April 20,1940.

Dear Sir:

I have to refer to your letter of the 16th instant with respect to the case of Mrs. J.B.Cardinal, Indian woman of Winterburn, Alberta.

You will understand that as Mrs. Cardinal is in custody, she has passed out of our jurisdiction, and is now under the jurisdiction of the Attorney General, who as the authority charged with the administration of justice, is responsible for medical attention to her until such time as she may be released. We are, however, obtaining a report by airmail from our Indian Agent on the case, and if it appears that she requires care in excess of what she may be entitled to or can receive from the provincial authorities, the question of supplementing the assistance from this administration will receive consideration.

Yours very truly,

T.R.L. MacInnes.
Secretary.

G.E.Gariepy,Esq.,
Barrister, etc.,
Edmonton,Alberta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Please file on 19-110-5

A-I-R M-A-I-L

Copy for .... 19-110-5.
50-110-5.

April 20, 1940.

Dear Sir:

Mrs. J. B. Cardinal is understood to be awaiting trial on the charge of murder. It has been stated that she is in the T.B. ward of the St. Joseph's Hospital.

The Department has no record of receiving accounts for her maintenance. Representations have been made to the Department that this woman claims she is not getting proper treatment where she is and that she wishes to be transferred to the Edmonton General Hospital.

Will you please obtain the following information and forward it to the Department by return air mail. Is the Department responsible for this woman's maintenance in hospital while she is awaiting trial? No bills have apparently been received so it is thought that some other agency is paying for her maintenance. It is noted that Doctor Conroy is attending her and that on at least one occasion he has submitted a bill for her care.

You should interview this woman and include in the report that you forward to the Department any statements or requests that she has to make and your comments on them. We would also like a report on her condition and the probability of her recovering sufficiently to stand trial.

Yours truly,

T. R. L. MacInnes,
Secretary.

47

G. C. Laight, Esq.,
Indian Agent,
WINTERBURN, Alta.

PEM/NN

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY

Division File No. 39K 636-18.

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	Edmonton.	C.I.B.

Province: Alberta.

Date: April 15th.1940.

File References

Re: Mrs.Mary CARDINAL (Treaty Indian)
Winterburn, Alta. - Murder. 263 C.C.

Headquarters

1. Acting on instructions from the O.C., Edmonton Sub-Division, I interviewed Dr.Conroy and enquired as to the condition of Mrs.Cardinal, and was informed by him that she was in no condition to stand trial and that he now felt sure that she never would be, having taken a turn for the worse and is now sinking slowly and he states that although she may linger for some time it is certain that she will not recover.

Sub-Division

39-109-27. HANDED OVER.

W.L.Staley. D-L/Cpl.
W.L.Staley. Reg.No.5629.

Detachment

O. C. "K" Division.

1. Forwarded for your information.

Insp.
G. W. Fish,
Commanding Edm. Sub-Div.

P. C. R.
Refer file. Edm. 16-4-40
C.I.B. letter FVV/DL
9-4-40.

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39K 636-18.

Edmonton, April 18th, 1940.

The Deputy Attorney General,
Edmonton, Alta.

Sir:

Re: Mrs. Mary Cardinal (Treaty Indian)
Winterburn, Alta. Murder.

1. I beg to forward herewith copy of Edmonton S/Div. C.I.B. report of the 15th inst.

2. Kindly note that Dr. Conroy is of the opinion that the accused herein will never recover from her present illness.

3 W.

I have the honour to be,
Sir,
Your obedient servant,

The Commissioner,
R.C.M.P.
Ottawa, Ont.

R. E. Mercer - Supt.
In charge C.I.B

Sir:

Forwarded for your information, with copies of report mentioned herein.

R. E. Mercer.

Edmonton,
April 18th, 1940.

R. E. Mercer - Supt.
In chg. C. I. B.

3 W.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

ROYAL CANADIAN MOUNTED POLICE

53617

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39B 636-13-H-5. OTTAWA, April 23, 1940.

YOUR FILE No. _____

100

See Inv. Rept.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
APR 24 1940
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19-110-5,
50-110-5.

April 20, 1940.

A-I-R M-A-I-L

Dear Sir:

Mrs. J. B. Cardinal is understood to be awaiting trial on the charge of murder. It has been stated that she is in the T.B. ward of the St. Joseph's Hospital.

The Department has no record of receiving accounts for her maintenance. Representations have been made to the Department that this woman claims she is not getting proper treatment where she is and that she wishes to be transferred to the Edmonton General Hospital.

Will you please obtain the following information and forward it to the Department by return air mail. Is the Department responsible for this woman's maintenance in hospital while she is awaiting trial? No bills have apparently been received so it is thought that some other agency is paying for her maintenance. It is noted that Doctor Conroy is attending her and that on at least one occasion he has submitted a bill for her care.

You should interview this woman and include in the report that you forward to the Department any statements or requests that she has to make and your comments on them. We would also like a report on her condition and the probability of her recovering sufficiently to stand trial.

Yours truly,

T. R. L. MacInnes,
Secretary.

G. C. Laight, Esq.,
Indian Agent,
WINTERBURN, Alta.

PEM/NN

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

A-I-R M-A-I-L

19-110-5.
50-110-5.

April 20, 1940.

Dear Sir:

Mrs. J. B. Cardinal is understood to be awaiting trial on the charge of murder. It has been stated that she is in the T.B. ward of the St. Joseph's Hospital.

The Department has no record of receiving accounts for her maintenance. Representations have been made to the Department that this woman claims she is not getting proper treatment where she is and that she wishes to be transferred to the Edmonton General Hospital.

Will you please obtain the following information and forward it to the Department by return air mail. Is the Department responsible for this woman's maintenance in hospital while she is awaiting trial? No bills have apparently been received so it is thought that some other agency is paying for her maintenance. It is noted that Doctor Conroy is attending her and that on at least one occasion he has submitted a bill for her care.

You should interview this woman and include in the report that you forward to the Department any statements or requests that she has to make and your comments on them. We would also like a report on her condition and the probability of her recovering sufficiently to stand trial.

Yours truly,

T. R. L. MacInnes,
Secretary.

C. C. Laight, Esq.,
Indian Agent,
WINTERBURN, Alta.

PRM/MN

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

50-110-5

OFFICE OF THE INDIAN AGENT

CANADA
DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE III.

Edmonton Agency.

Your File No. I9-II0-5.
50-II0-5.
Dated April 20th, I940.

Winterburn, Alta.
April25th, I940.

Department of Mines & Resources
Indian Affairs Branch
APR 27 1940
REGISTERED

Sir:-

I beg to acknowledge receipt of Departmental letter No.I9-II0-5, I9-II0-5. of the 20th instant in connection with Mrs J. B. Cardinal, now in St.Joseph's Hospital,Edmonton, awaiting trial on the charge of murder.

In reply I beg to report that I have visited the St. Joseph's hospital and interviewed Mrs Cardinal, upon being questioned, Mrs Cardinal made a request to be removed to another hospital, stating that she was not receiving proper attention, through my Interpreter Wm, O'Donnell, I asked her what her complaints were, following are the complaints with my comments.

I. That the doctor very seldom comes to see her, and that when he comes he only steps just inside the door and speaks to her, that he never examines her, she tells him where she feels the pains but he does not come near her but tells her she is a very sick woman.

I afterwards interviewed Dr.J.H.Conroy, M.D. he stated that he visits Mrs Cardinal when he goes to the hospital to see any other patients on an average of once per week, he states there is nothing he can do for her that is not done by the nurse. Doctor Conroy states that he has only sent in one account for attending Mrs Cardinal, this is correct, I informed Doctor Conroy of the complaints made by Mrs Cardinal and asked him to see her and suggested that he write the Department giving a full report on her condition.

2. That she rings the bell for the nurse to come when she wants a drink of water, but no one comes, that when she has used the bed-pan she rings for the nurse to take it away but has to ring several times before anyone comes.

I am inclined to believe Mrs Cardinal in regards to the bell not being answered, when I went to her room accompanied by the Interpreter the bed-pan had been used and was placed on a chair by the side of the bed with a cloth over it, the odour in the room was very bad, the window was closed and it was not fit for any person to be in the room, upon my arrival a nurse was called and the bed-pan removed. I asked Mrs Cardinal if she had rung the bell for the nurse to come and take the bed-pan away and she replied that she had rung the bell at least four times, I am satisfied that it had been in the room for a considerable time after being used.

3. That she had complained about the food several times but nothing had been done, that she had asked for something else but had not been given it.

I was not at the hospital during meal time but took this matter up with the Sister Superior.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

4. That she does not get any medicine except Cod Liver Oil, and that she only received this at intervals until about two weeks ago, she is now getting it three times per day.

I tried to explain to Mrs Cardinal that this was the best medicine she could have, but she insisted that if she had been given some other kind that she would be better.

After I had visited Mrs Cardinal I had an interview with the Reverend Sister Superior, I informed her of what Mrs Cardinal had told me, the Sister Superior stated that she did not know of these complaints, she stated that she visited Mrs Cardinal but that she could not understand her language, I suggested that she accompany myself and the Interpreter to Mrs Cardinals room and let Mrs Cardinal repeat her complaints, this the Sister Superior agreeded to do and Mrs Cardinal again through the Interpreter told us in nearly the same words what she had told me. I told the Sister Superior that Mrs Cardinal had asked to be removed to another hospital, she replied that if it was the wish of the Department she would have no objections.

I made inquiry regarding the accounts for Mrs Cardinal, and was advised that the accounts were sent direct to the Royal Canadian Mounted Police in Edmonton. I afterwards went to the Mounted Police and was informed that the accounts were forwarded to Ottawa for payment and were paid from the Treasury Branch.

Regarding Mrs Cardinal's condition and the probability of her recovering sufficiently to stand trial, it is my opinion that it is very doubtful if she will ever be able to stand trial in the open Court, she is failing very fast and while I was there her pulse was taken and it was very weak. I would recommend that if at all possible she be removed to the T.B.Ward at the General Hospital in Edmonton, the cost would be very little more as I understand the rate now paid for Mrs Cardinal is $2.50 per day, I am sure she would receive better attention than she is now getting. If this were done it would be necessary to take her by ambulance from one hospital to the other.

Respectfully submitted.

I am Sir,

Your obedient servant,

G. C. Laight

G. C. Laight,
Indian Agent.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Copy

C.Edouard Cariepy,
Barrister, etc.,
Edmonton, April 16,1940.

T.R.L.MacInnes, Esq.,
Secretary, Indian Affairs Branch,
Ottawa.

Dear Sir: Re Mrs. J.B.Cardinal,
Winterburn Indian, Alberta.

- - - - - - - -

Some time in July last year I was instructed by Mr. Laight, Agent at Winterburn, on instructions from Department of Justice to undertake the defence of Mrs. J.B.Cardinal, Indian at Winterburn suspected of having killed herhusband on July 6. The inquest was held on the 26th July last and the preliminary has not yet been held on the murder charge, as this lady was in indifferent health, being a suspected T.B.case. She has been at St. Joseph's Hospital since then and I was called to see her a few days ago and found her in an apparently pretty advanced stage of T.B. She complains that she only at times has had casual visits from Dr. Conroy, has only had cod liver oil in the last ten days, has not had treatment directly for her ailment and, in her condition has been forced to get up and go to toilet and even take her bath herself. The result has been that she has gone back to bed in a more feeble condition each time she has had to get up in thsi fashion.

I am not a doctor and am passing this information to you for necessary action, as you see fit. She asks that she be sent to the T.B.ward at the General Hospital here. If that is possible, I believe her chances of recovery would be increased considerably.

I am responsible for a copy of the evidence at inquest, the cost of which is $26.80. This matter was up for preliminary hearing on a number of times and hearing was continually put off owing to the accused not being able to appear. I carried on what investigation I could and have also taken up case on four occasions with Mrs. Cardinal with the aid of an interpreter.

As to her prospects on a hearing for murder, her prosppets while not hopeless are not too bright, but I do not think she should be allowed to die off because of this charge hanging over her.

In any case, I am passing on complaint at her request

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

for investigation or action, if you see fit. Complaints made through local channels might not bring any results. There is "considerable esprit de corps" among your officials. It is fine, if sued to achieve good purposes.

Yours very truly,

(Sgd) C.E.Garispy.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Copy

C. Edouard Cariepy,
Barrister, etc.,
Edmonton, April 16,1940.

T.R.L.MacInnes, Esq.,
Secretary, Indian Affairs Branch,
Ottawa.

Dear Sir: Re Mrs. J.B.Cardinal,
Winterburn Indian, Alberta.
- - - - - - - -

Some time in July last year I was instructed by Mr. Laight, Agent at Winterburn, on instructions from Department of Justice to undertake the defence of Mrs. J.B.Cardinal, Indian at Winterburn suspected of having killed herhusband on July 6. The inquest was held on the 26th July last and the preliminary has not yet been held on the murder charge, as this lady was in indifferent health, being a suspected T.B.case. She has been at St. Joseph's Hospital since then and I was called to see her a few days ago and found her in an apparently pretty advanced stage of T.B. She complains that she only at times has had casual visits from Dr. Conroy, has only had cod liver oil in the last ten days, has not had treatment directly for her ailment and, in her condition has been forced to get up and go to toilet and evan take her bath herself. The result has been that she has gone back to bed in a more feeble condition each time she has had to get up in thai fashion.

I am not a doctor and am passing this information to you for necessary action, as you see fit. She asks that she be sent to the T.B.ward at the General Hospital here. If that is possible, I believe her chances of recovery would be increased considerably.

I am responsible for a copy of the evidence at inquest, the cost of which is $26.60. This matter was up for preliminary hearing on a number of times and hearing was continually put off owing to the accused not being able to appear. I carried on what investigation I could and have also taken up case on four occasions with Mrs. Cardinal with the aid of an interpreter.

As to her prospects on a hearing for murder, her prosppets while not hopeless are not too bright, but I do not think she should be allowed to die off because of this charge hanging over her.

In any case, I am passing on complaint at her request

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

for investigation or action, if you see fit. Complaints made through local channels might not bring any results. There is "considerable esprit de corps" among your officials. It is fine, if sued to achieve good purposes.

Yours very truly,

(Sgd) C.E.Cariepy.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

30-110-5

April 29,1940.

Re Mrs. J.B.Cardinal, Indian Enoch Band.

Dear Sir:

I have to refer to your report of April 23, your file 593 636-13-H.S, and to previous correspondence with regard to the case of Mrs. J.B.Cardinal, now in St. Joseph's Hospital, Edmonton, awaiting trial on a charge of murder.

I am enclosing herewith for your consideration copies of letter received from Mr. C.E.Cariepy, Barrister, of Edmonton, who was authorized on July 22, 1939, to undertake the defence of this woman, and my reply thereto, and subsequent report from the Indian Agent concerning hospital and medical services that are being provided for this accused.

While Mrs. Cardinal is in custody, this Branch does not hold itself responsible for her medical care, that being the responsibility of the authorities charged with the administration of justice, in this case the Province of Alberta. It would be appreciated, however, if through your good offices, remedial steps might be taken with regard to any complaints, which upon further investigation, may appear to be justified.

I shall be obliged for any further information that you may let me have concerning the case.

Yours very truly,

F.H.L.MacInnes.
Secretary.

The Commissioner,
The Royal Canadian Mounted Police,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

30-110-5

April 29,1940.

Re Mrs. J.B.Cardinal, Indian -Sarcee Band.

Dear Sir:

I have to refer to your report of April 23, your file 398 636-13-H.3, and to previous correspondence with regard to the case of Mrs. J.B.Cardinal, now in St. Joseph's Hospital, Edmonton, awaiting trial on a charge of murder.

I am enclosing herewith for your consideration copies of letter received from Mr. C.E.Cariepy, Barrister, of Edmonton, who was authorized on July 22, 1939, to undertake the defence of this woman, and my reply thereto, and subsequent report from the Indian Agent concerning hospital and medical services that are being provided for this accused.

While Mrs. Cardinal is in custody, this Branch does not hold itself responsible for her medical care, that being the responsibility of the authorities charged with the administration of justice, in this case the Province of Alberta. It would be appreciated, however, if through your good offices, remedial steps might be taken with regard to any complaints, which upon further investigation, may appear to be justified.

I shall be obliged for any further information that you may let me have concerning the case.

Yours very truly,

The Commissioner,
The Royal Canadian Mounted
Police,
Ottawa.

T.R.L.MacInnes.
Secretary.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

50-110-5

April 29,1940.

Re Mrs. J.B.Cardinal, Indian -Enoch Band.

Dear Sir:

I have to refer to your report of April 23, your file 39B 636-13-H.5, and to previous correspondence with regard to the case of Mrs. J.B.Cardinal, now in St. Joseph's Hospital, Edmonton, awaiting trial on a charge of murder.

I am enclosing herewith for your consideration copies of letter received from Mr. C.E.Gariepy, Barrister, of Edmonton, who was authorized on July 22, 1939, to undertake the defence of this woman, and my reply thereto, and subsequent report from the Indian Agent concerning hospital and medical services that are being provided for this accused.

While Mrs. Cardinal is in custody, this Branch does not hold itself responsible for her medical care, that being the responsibility of the authorities charged with the administration of justice, in this case the Province of Alberta. It would be appreciated, however, if through your good offices, remedial steps might be taken with regard to any complaints, which upon further investigation, may appear to be justified.

I shall be obliged for any further information that you may let me have concerning the case.

Yours very truly,

T.R.L.MacInnes.
Secretary.

The Commissioner,
The Royal Canadian Mounted
Police,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

50-110-5

April 29,1940.

Re Mrs. J.B.Cardinal, Indian -Enoch Band.

Dear Sir:

I have to refer to your report of April 23, your file 39B 636-13-H.5, and to previous correspondence with regard to the case of Mrs. J.B.Cardinal, now in St. Joseph's Hospital, Edmonton, awaiting trial on a charge of murder.

I am enclosing herewith for your consideration copies of letter received from Mr. C.E.Gariepy, Barrister, of Edmonton, who was authorized on July 22, 1939, to undertake the defence of this woman, and my reply thereto, and subsequent report from the Indian Agent concerning hospital and medical services that are being provided for this accused.

While Mrs. Cardinal is in custody, this Branch does not hold itself responsible for her medical care, that being the responsibility of the authorities charged with the administration of justice, in this case the Province of Alberta. It would be appreciated, however, if through your good offices, remedial steps might be taken with regard to any complaints, which upon further investigation, may appear to be justified.

I shall be obliged for any further information that you may let me have concerning the case.

Yours very truly,

The Commissioner,
The Royal Canadian Mounted Police,
Ottawa.

T.R.L.MacInnes.
Secretary.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Welfare

April 30,1940.

Dear Mr. Thompson: Re. Mrs. J.B.Cardinal, Indian,Enoch Band.

Since talking with you the other day I referred Mr. Gariepy's letter of April 18 by airmail to Mr. G.C.Laight, Indian Agent for the Edmonton Agency, and have received a report from him, copy of which is enclosed.

The Agent's report indicates some justification for the complaints regarding infrequent answers to calls by nurses, although our medical officers point out that most hospitals are under-staffed, and that it is difficult for the nurses always to be on hand when a patient wants them. Our medical officers, also, are inclined to accept Dr. Conroy's statement that the patient is receiving all the medical attention that she requires. Apparently she is in an advanced stage of tuberculosis and has little prospect of recovery under any circumstance. Nevertheless, I have placed the whole matter before the Commissioner of the Royal Canadian Mounted Police,- whose Force is looking after the case for the Attorney General of Alberta,- and have sought his good offices for further investigation and remedial action, if called for.

As I informed you verbally this Branch does not hold itself responsible for the medical care of an Indian in the position of Mrs. Cardinal, who, being in custody, has passed out of our jurisdiction for the time being and under that of the authorities charged with the administration of justice; in this case, the Province of Alberta. Even, however, if Mrs. Cardinal were not in custody, I fear that it would be impossible for us to maintain her in hospital as the funds made available by Parliament for the care and treatment of tubercular cases, are extremely limited, and do not even suffice to provide for all the cases where there is good hope of recovery. The latter group, and particularly children, naturally are those to which our Medical Service gives first attention,

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

having regard to its restricted means.

I shall have a further report on Mrs. Cardinal from the Royal Canadian Mounted Police, and while in the circumstances, it would scarcely be possible for us to take over responsibility, either administrative or financial, from the Province, I feel sure that the Police, who always co-operate very well with this Branch, will endeavour to see that she is not ill-used in any way. I have explained the position to Mr. Gariepy.

Yours very truly,

T.R.L.MacInnes.
Secretary.

D.W.Thompson,Esq.,
Secretary to the
Honourable J.A.MacKinnon,
Room 271, House of Commons,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Copy for 50-110-5

April 30,1940.

Dear Mr. Thompson: Re. Mrs. J.B.Cardinal, Indian,Enoch Band.

Since talking with you the other day I referred Mr. Gariepy's letter of April 18 by airmail to Mr. G.C.Laight, Indian Agent for the Edmonton Agency, and have received a report from him, copy of which is enclosed.

The Agent's report indicates some justification for the complaints regarding infrequent answers to calls by nurses, although our medical officers point out that most hospitals are under-staffed, and that it is difficult for the nurses always to be on hand when a patient wants them. Our medical officers, also, are inclined to accept Dr. Conroy's statement that the patient is receiving all the medical attention that she requires. Apparently she is in an advanced stage of tuberculosis and has little prospect of recovery under any circumstance. Nevertheless, I have placed the whole matter before the Commissioner of the Royal Canadian Mounted Police,- whose Force is looking after the case for the Attorney General of Alberta,- and have sought his good offices for further investigation and remedial action, if called for.

As I informed you verbally this Branch does not hold itself responsible for the medical care of an Indian in the position of Mrs. Cardinal, who, being in custody, has passed out of our jurisdiction for the time being and under that of the authorities charged with the administration of justice; in this case, the Province of Alberta. Even, however, if Mrs. Cardinal were not in custody, I fear that it would be impossible for us to maintain her in hospital as the funds made available by Parliament for the care and treatment of tubercular cases, are extremely limited, and do not even suffice to provide for all the cases where there is good hope of recovery. The latter group, and particularly children, naturally are those to which our Medical Service gives first attention.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

having regard to its restricted means.

I shall have a further report on Mrs. Cardinal from the Royal Canadian Mounted Police, and while in the circumstances, it would scarcely be possible for us to take over responsibility, either administrative or financial, from the Province, I feel sure that the Police, who always co-operate very well with this Branch, will endeavour to see that she is not ill-used in any way. I have explained the position to Mr. Gariepy.

Yours very truly,

T.R.L.MacInnes.
Secretary.

D.W.Thompson,Esq.,
Secretary to the
Honourable J.A.MacKinnon,
Room 271, House of Commons,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Copy for 50-110-5)

19110-5

April 30, 1940.

Dear Sir:

Re: Mrs. J.B. Cardinal,
Indian of Enoch Band.

Since writing you on April 20, I have received a report from Mr. G. C. Laight, Indian Agent for the Edmonton Agency.

The Agent's report indicates some justification for the complaints regarding infrequent answers to calls by nurses, although our medical officers point out that most hospitals are under-staffed, and that it is difficult for the nurses always to be on hand when a patient wants them. Our medical officers, also, are inclined to accept Dr. Conroy's statement that the patient is receiving all the medical attention that she requires. Apparently she is in an advanced stage of tuberculosis and has little prospect of recovery under any circumstance. Nevertheless, I have placed the whole matter before the Commissioner of the Royal Canadian Mounted Police,- whose Force is looking after the case for the Attorney General of Alberta,- and have sought his good offices for further investigation and remedial action, if called for.

As I informed you, this Branch does not hold itself responsible for the medical care of an Indian in the position of Mrs. Cardinal, who, being in custody, has passed out of our jurisdiction for the time being and under that of the authorities charged with the administration of justice; in this case, the Province of Alberta. The question of anything that this Branch might be able to do has received consideration, but I regret to say that even if Mrs. Cardinal were not in custody, I fear that it would be impossible for us to maintain her in hospital as the funds made available by Parliament for the care and treatment of tubercular cases, are extremely

Indian Affairs. (RG10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

limited, and do not even suffice to provide for all the cases where there is good hope of recovery. The latter group, and particularly children, naturally are those to which our Medical Service gives first attention, having regard to its restricted means. I know that this seems hard, and certainly it is not a pleasant task to make a choice as to whom we shall assist among those who are afflicted with disease.

I shall have a report on Mrs. Cardinal from the Royal Canadian Mounted Police, and while in the circumstances, it would scarcely be possible for us to take over responsibility, either administrative or financial, from the Province, I feel sure that the Police, who always co-operate very well with this Branch, will endeavour to see that she is not ill-used in any way.

Yours very truly,

T. R. L. MacInnes,
Secretary.

C. E. Gariepy, Esq.,
Barrister, etc.,
Edmonton, Alberta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Air Mail

extra copy on file

19110-5

Copy on 50-110-5

April 30, 1940.

Dear Sir:

Re: Mrs. J.B. Cardinal,
Indian of Enoch Band.

Since writing you on April 20, I have received a report from Mr. G. G. Laight, Indian Agent for the Edmonton Agency.

The Agent's report indicates some justification for the complaints regarding infrequent answers to calls by nurses, although our medical officers point out that most hospitals are under-staffed, and that it is difficult for the nurses always to be on hand when a patient wants them. Our medical officers, also, are inclined to accept Dr. Conroy's statement that the patient is receiving all the medical attention that she requires. Apparently she is in an advanced stage of tuberculosis and has little prospect of recovery under any circumstance. Nevertheless, I have placed the whole matter before the Commissioner of the Royal Canadian Mounted Police,- whose Force is looking after the case for the Attorney General of Alberta,- and have sought his good offices for further investigation and remedial action, if called for.

As I informed you, this Branch does not hold itself responsible for the medical care of an Indian in the position of Mrs. Cardinal, who, being in custody, has passed out of our jurisdiction for the time being and under that of the authorities charged with the administration of justice; in this case, the Province of Alberta. The question of anything that this Branch might be able to do has received consideration, but I regret to say that even if Mrs. Cardinal were not in custody, I fear that it would be impossible for us to maintain her in hospital as the funds made available by Parliament for the care and treatment of tubercular cases, are extremely

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

limited, and do not even suffice to provide for all the cases where there is good hope of recovery. The latter group, and particularly children, naturally are those to which our Medical Service gives first attention, having regard to its restricted means. I know that this seems hard, and certainly it is not a pleasant task to make a choice as to whom we shall assist among those who are afflicted with disease.

I shall have a report on Mrs. Cardinal from the Royal Canadian Mounted Police, and while in the circumstances, it would scarcely be possible for us to take over responsibility, either administrative or financial, from the Province, I feel sure that the Police, who always co-operate very well with this Branch, will endeavour to see that she is not ill-used in any way.

Yours very truly,

T. R. L. MacInnes,
Secretary.

TRLM

G. E. Gariepy, Esq.,
Barrister, etc.,
Edmonton, Alberta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

original on 19110-5

EXD.

April 30,1940.

Dear Mr. Thompson: Re. Mrs. J.B.Cardinal, Indian,Enoch Band.

Since talking with you the other day I referred Mr. Gariepy's letter of April 18 by airmail to Mr. G.C.Laight, Indian Agent for the Edmonton Agency, and have received a report from him, copy of which is enclosed.

The Agent's report indicates some justification for the complaints regarding infrequent answers to calls by nurses, although our medical officers point out that most hospitals are under-staffed, and that it is difficult for the nurses always to be on hand when a patient wants them. Our medical officers, also, are inclined to accept Dr. Conroy's statement that the patient is receiving all the medical attention that she requires. Apparently she is in an advanced stage of tuberculosis and has little prospect of recovery under any circumstance. Nevertheless, I have placed the whole matter before the Commissioner of the Royal Canadian Mounted Police,- whose Force is looking after the case for the Attorney General of Alberta,- and have sought his good offices for further investigation and remedial action, if called for.

As I informed you verbally this Branch does not hold itself responsible for the medical care of an Indian in the position of Mrs. Cardinal, who, being in custody, has passed out of our jurisdiction for the time being and under that of the authorities charged with the administration of justice; in this case, the Province of Alberta. Even, however, if Mrs. Cardinal were not in custody, I fear that it would be impossible for us to maintain her in hospital as the funds made available by Parliament for the care and treatment of tubercular cases, are extremely limited, and do not even suffice to provide for all the cases where there is good hope of recovery. The latter group, and particularly children, naturally are those to which our Medical Service gives first attention,

P.T.O.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

having regard to its restricted means.

I shall have a further report on Mrs. Cardinal from the Royal Canadian Mounted Police, and while in the circumstances, it would scarcely be possible for us to take over responsibility, either administrative or financial, from the Province, I feel sure that the Police, who always co-operate very well with this Branch, will endeavour to see that she is not ill-used in any way. I have explained the position to Mr. Gariepy.

Yours very truly,

T.R.L.MacInnes.
Secretary.

D.W.Thompson,Esq.,
Secretary to the
Honourable J.A.MacKinnon,
Room 271, House of Commons,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

SAFETY FILM

Copy Only.

Edmonton, Alta.
May 3rd, 1940.

" Dear Mr Schmidt:

Re: Mrs J. B. Cardinal.

" I understand permission has been asked from you to have this woman removed from the St.Joseph's Hospital to the T. B. Ward of the General Hospital. I have a letter from the Attorney General's Department asking me whether it would be advisable for me to endeavour to arrange with Dr. Davison for her removal to the T. B. Wing in the General Hospital.

" This woman is very much dissatisfied with the treatment that she is getting at the St.Joseph's Hospital and I understand also that she thinks that I neglecting her as well. I might say that this is a very advanced case of Tuberculosis and while I think that no matter what treatment she received would make much, if any, difference with the ultimate result, yet, I would appreciate it if you would kindly grant permission to have her removed to the T.B. Ward at the General Hospital.

Yours very truly,

(Sgd) " J. H. Conroy," M.D.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

50-116-5

[redacted]CE OF THE
INDIAN AGENT

Edmonton Agency.

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch
MAY 10 1940
REGISTERED

PLEASE QUOTE
FILE III.

Winterburn, Alta.
May 7th, 1940.

Sir:-

Re: Mrs J. B. Cardinal, No.175 Enoch Band.
St.Joseph's Hospital, Edmonton, Alta.

Please find enclosed copy of letter forwarded to Mr Inspector C. P. Schmidt, Calgary, Alta. by Dr.J.H.Conroy, M.D. which I have received from Mr C.P.Schmidt with instructions to take the matter up direct with the Department, due to the fact that I had already sent in a report to the Department on the above mentioned woman, this letter is self-explanatory.

In my report dated April 25th, 1940 I recommended that if it was at all possible that Mrs Cardinal be removed to the T.B. wing in the General Hospital in Edmonton.

I am Sir,

Your obedient servant,

G. C. Laight

G. C. Laight,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110 - 5

File

Department of Indian Affairs and Resources
MAY 21 1940
REGISTERED

Edmonton Agency

Winterburn, Alta., May 14th, 1940.

C
ORI
Fil 50-110 5/1

Sir:

Further to my report in connection with Mrs. J.B. Cardinal, No.175, Enoch Band, Stony Plain Reserve, who was in the St Joseph's Hospital, Edmonton, awaiting trial on the charge of murder. I beg to report that this woman died in the St Joseph's Hospital on the 12th instant.

I am Sir,

Your obedient servant,

G.C.Laight.

Indian Agent.

The Secretary,

Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Department of Indian Affairs

Ottawa, ... 19.....

Mr. MacInnes,

Do you think it would be in order to tell agent Haight that the Dept. would have no objection to her being moved, but that it should be done by the authorities responsible for Dependent in the Prov. Atty. Genl.

DCM

Yes: the Department would appreciate that action by the A G of Alta.
RL 4

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

50-110-5.

A-I-R M-A-I-L

1 Secty
2 Mr Bland
Outside mail

May 14, 1940.

Dear Sir:

Re: Mrs. J. B. Cardinal;
Your Letter, III, May 7.

The Department would have no objection whatever to this woman being transferred to the T.B. Unit of the General Hospital, Edmonton, provided the authority responsible for the payment of her maintenance charges, i.e., the Attorney General of the Province of Alberta, is agreeable to such a transfer.

You might interview the Police or other authorities concerned to find out if they would consent to this transfer, and it would be better to have the transfer arranged by them.

PEM.

Yours truly,

T. R. L. MacInnes,
Secretary.

G. C. Laight, Esq.,
Indian Agent,
WINTERBURN, Alta.

PEM/NN

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

50-110 S

OFFICE OF THE INDIAN AGENT

Edmonton Agency.

CANADA

DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch
MAY 21 1940
REGISTERED

PLEASE QUOTE
FILE III.

Winterburn, Alta.
May 14th, 1940.

COPY
Placed on
File 19110-5

Med!

Sir:-

Further to my report in connection with Mrs J. B. Cardinal, No. 175. Enoch Band, Stony Plain Reserve, who was In the St. Joseph's Hospital, Edmonton, awaiting trial on the charge of murder. I beg to report that this woman died in The St.Joseph's Hospital on the 12th instant.

I am Sir,

Your obedient servant,

G. C. Laight

G. C. Laight,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Noted
EO

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110 - 5

C. Edouard Gariépy
Avocat - Notaire
TÉLÉPHONE 1347 EDIFICE GARIÉPY
Edmonton
Alberta

Seal

May 21, 1940.

Department of Mines & Resources
Indian Affairs Branch
MAY 23 1940
REGISTERED

T. R. L. MacInnes, Esq.,
Secretary, Dept. of Mines and Resources,
Indian Affairs Branch,
Ottawa, Ontario.

Dear Mr. MacInnes:-

Re: Mrs. J.B. Cardinal,
Winderburn Indian
Your file No. 19110-5

Further to previous correspondence in connection with the above noted who died a few days ago at St. Josephs Hospital in this city. I am inclosing an account re same and trust it will be found in order. There is more work done in connection with this than appears from account, but I have given as much information as I can possibly remember.

As you must have been advised, an effort was made, following my complaint and your investigating the matter, to have this lady removed to the T. B. Ward at the General Hospital. The R.C.M.P. reported to me in the matter and stated that all arrangements had been completed for the transfer but that at that particular time there was no space available and she would have to go on the waiting list. It appears that all the time she was at St. Josephs Hospital the Department of Justice had been charged with her hospitalization at the rate of $2.50 a day. It is a pity that Dr. Conroy did not think earlier himself that the transfer to the T. B. Ward at the General Hospital would have been to her benefit, especially when the cost in one hospital would have been no higher than at the other one.

As to this lady's complaint over treatment received, once the matter had been brought to your attention, I did not want to interfere any further, as it was a matter for your Department to decide from then on. This lady's death before trial is probably best for all concerned, but I was a little bit upset at the seeming indifference shown at the time her condition was getting worse from her long period in St. Josephs Hospital. Any complaints, however, made to you on her behalf were for your own information, as I have always realized that your work among these people is not always appreciated and that they often do not give your Department the best co-operation.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

I do not seem to have the opportunity to complete any business that has been entrusted to me by your Department but I suppose cases have to be taken as they come and there may be some further opportunity to render services in the future.

I have the honour to be Sir,

Yours very truly,

C.E. Gamey

CEG-Mc

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

May 23,1940.

Dear Mr. Thompson:- Re Mrs. J.B.Cardinal,
Indian, Enoch Band.

Since I wrote to you on April 30, this Branch has been endeavouring to make arrangements to have this woman moved from the St. Joseph's Hospital to the T.B.Ward of the General Hospital.

I have just received, however, a report from the Indian Agent, stating that Mrs. Cardinal died on May 12. I am also in receipt of a letter from Mr. C.E.Gariepy, her counsel, who himself made the observation that this probably was best for all concerned. In that view I regretfully find myself obliged to concur.

Yours very truly,

T.R.L.MacInnes.
Secretary.

D.W.Thompson, Esq.,
Secretary to the
Honourable J.A.MacKinnon,
Room 271, House of Commons,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, May 24, 1940.

Dear Sir:

I have to refer to your letter of July 22, 1939, authorizing the employment of Mr. G.E. Gariepy, Barrister, of Edmonton, Alberta, in connection with the defence of an Indian woman of the Enoch Band, charged with the murder of her husband.

An account amounting to $90.00 has now been received from Mr. Gariepy, which is enclosed herewith for taxation.

Yours very truly,

The Deputy Minister,
Department of Justice,
Ottawa.

H. Lowell

Director.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Secretary

34

39K 636-18

39B -636-13-H-5

Edm.S.D. 39-110-5
40-110-5

Edmonton, Alta. 10 May, 1940

Officer Commanding
"A" Division,
R. C. M. Police,
EDMONTON, Alta.

Sir:-

Re: Mrs. Mary (J.B.) Cardinal,
Murder - Winterburn Dist.,Alta.

1. Reference memorandum of the Assistant D. C.I. and your minute of instructions thereon, together with attachments.

2. On the 2nd instant I interviewed Mrs. Cardinal but as she did not speak sufficient English I could obtain no information from her. I then interviewed the Rev. Sister Superior of the St. Joseph Hospital and discussed Mrs. Cardinal's complaints. She stated that she was aware of them but that they had little foundation, as she was treated to the best of their ability. She stated that it was a common characteristic of the patient's disease to make complaints and in this case, even more so owing to the length of time that she has lain in the hospital. The Sister Superior said she had a very poor appetite and ate very little. They gave her Cod Liver Oil, which is considered very good for her, and also gave her Whiskey in small amounts. The Sister Superior informed me that the rate is $2.50 per day, and is the usual one for Indians. I raised this question because my information is that the usual rate of this Hospital for patients is $1.00 and $1.50.

3. I interviewed Dr. Davidson's head Nurse at the Tuberculosis ward of the General Hospital as to the possibility of having this patient entered, and was informed that same could be done at any time there was a vacancy, providing the Indian Department requested same. They are only taking Indian patients on demand by the Indian Department. The rate would be $2.50 per day. However, there are no empty beds at present, and there is a waiting list of four women at the present time.

4. On the 8th instant I again interviewed Mrs. Cardinal, with an interpreter, Wm. O'Connell. She gave the same story of complaint that she had previously given to G. C. Laight, Indian Agent. I found however, that she does not have to get up to go to the toilet or wash herself, in fact she is unable to get up.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Mrs. Mary (J.B.) Cardinal, Murder- Winterburn Dist.

(4 continued)
I do not believe that the delay in answering her bell is more than what might occur in any other hospital. She complained about the food, but also said she had no appetite.

5. Mrs. Cardinal is in a very weak condition and has failed considerably during the last few weeks. I have visited her often since she was first there, as Orderly Officer, and have noticed this failing. She has never made any complaint to me on these visits. From questioning her through the interpreter I am convinced that her present state of mind is due principally to the death of her baby, which died on the 18th of March last, aged ten months. This baby was with her in the hospital until that day. I think the will to live has left her. She does not like to remain in the hospital where her baby died, for she blames the hospital authorities for its death. The cause of death was T.B. Meningitis. She also complains that she is lonely and that if she was at the General Hospital where there are several other patients she would have more friends to come and see her.

6. I interviewed Dr. J. H. Conroy, her physician, and he stated that he had no objection to her being transferred to the General Hospital. He stated he visited her on occasions but could not do anything for her other than that the Hospital Nurses were doing.

7. I interviewed C. E. Garlepy, barrister, regarding his client's complaints. He is quite satisfied that they are receiving attention, and will be treated with consideration.

8. In view of the fact that a transfer to the General Hospital would not incur any extra expense, with the exception of the ambulance charges, it is considered that a change may be beneficial to this patient. However, at the present time there is no vacancy and authority from the Indian Department is necessary before the General Hospital will admit her.

9. Returned herewith is the full file in this connection.

D L McGibbon Insp.
(D.L. McGibbon)
I/C. Intelligence Section

McG/EP

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

50-110 5/.

68223

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS "C" DEPARTMENT

IN REPLY PLEASE QUOTE

FILE No. 39B 636-13-H-5

Your Ref. 50-110-5

OTTAWA, May 21, 1940.
CANADA

Department of Mines & Resources
Indian Affairs Branch
MAY 22 1940
REGISTERED

Sir:

Re: Mrs. Mary (J.B.) CARDINAL,
Murder,
Winterburn Dist., Alberta.

With reference to your letter under date of the 29th ultimo in connection with this subject, we now attach hereto, for your information, copy of a letter under date of the 10th instant covering the investigation made into the complaint of this woman.

2. We now have to advise that Mrs. Mary Cardinal died on May 12th, 1940, cause of death being tuberculosis.

Yours truly,

K. Duncan, Supt.,
Assistant Director,
Criminal Investigation.

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa, Ontario.

Encl.
JSC/MB

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Detail
a copy do a dose
Jaffrey for Mackinnon's
Office

Ok
May 25

Return to
Mrs Ferrier

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division File No. 39K 636-18.

F. 237

ROYAL CANADIAN MOUNTED POLICE

Division "K". Sub-Division Edmonton. Detachment C.I.B.

Province Alberta. Date May 13th 1940.

File References

Re: Mrs.Mary CARDINAL,(Treaty Indian,), Winterburn Dist.Alta.- MURDER,Sec.263 CC.

Headquarters

Sub-Division 39-109-27.

Detachment

P. C. R. 11-7-39 to 15-4-40.

1. Further to the marginally noted file in the above connection. It is respectfully reported that Mrs.Mary CARDINAL, the accused in this case, died at St.Joseph 's Hospital,Edmonton during the p.m. of May 12th 1940. Dr.Conroy, the attending physician, states that the cause of death was tuberculosis.

2. On the instructions of the O.C. Edmonton Sub-Div. the death of this accused was reported to Dr.Braithwaite,Provincial Coroner, with the view of ascertaining as to whether or not an Inquest would be necessary. Dr.Braithwaite stated that, as there was no doubt as to the cause of death, no inquest was necessary.

3. In view of the death of the accused, Mrs.CARDINAL, it would appear that it will be necessary to withdraw the charge of Murder, which was preferred against her, in order to conclude this file. In that respect your instructions will be awaited.

PROSECUTION ENTERED.

J. G. Clarke R/Cst.
(J.Gordon Clarke)Reg.#11961.
Edmonton Sub-Division CIB.

O.C. "K" Division

Sir:

Forwarded for your information. I am advised that Dr. Braithwaite communicated with the Attorney General's Department regarding in inquest and that it was decided it was unnecessary. Will you please instruct concerning the withdrawal of the charge.

Edmonton
14-5-40
WHB:BM

G.W.Fish Insp.
Comdg. Edmonton Sub-Div.

File numbers must be quoted.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

68224

7

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE CO[illegible]SIONER,
R.C. [illegible]LICE,
[illegible]WA

ROYAL CANADIAN MOUNTED POLICE

HEADQUARTERS "C" DEPARTMENT

IN REPLY PLEASE QUOTE

FILE No. 39B 636-13-H-5

OTTAWA, May 21, 1940.
CANADA

Department of Mines & Resources
Indian Affairs Branch
MAY 22 1940
REGISTERED

Med

Sir:

Re: Mrs. Mary (J.B.) CARDINAL,
Murder,
Winterburn Dist., Alberta.

Further to previous correspondence in connection with this file, we now attach hereto copy of a further report under date of the 13th instant, from which it will be noted that Mrs. Mary Cardinal died on May 12th, 1940.

2. The charge of murder which was laid in this case has now been withdrawn, and the file will now be concluded.

Yours truly,

K. Duncan, Supt.,
Assistant Director,
Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa, Ontario.

Encl.
JSC/MB

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

EM/MG.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 27th May, 1940.

Sir,-

A.3.General-Alta.

I have the honour to acknowledge receipt of your letter of May 24th submitting for taxation account of Mr. C.E. Gariepy in connection with the defence of an Indian woman of the Enoch Band charged with murder. I shall be glad if you will pass your appropriate file to this department for the assistance of our Taxing Officer in taxing the account.

I have the honour to be,

Sir,

Your obedient servant,

for Deputy Minister of Justice.

The Director of Indian Affairs,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. St. Louis,

To note please.

File sent to Jones

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Ottawa, May 28, 1940.

Dear Sir:-

I have to refer to your communication of May 27 with regard to the taxation of account submitted by Mr. C. E. Gariepy, Barrister of Edmonton, in connection with the defence of an Indian woman of the Enoch Band charged with murder.

As requested I am enclosing herewith our file 19110-5.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

MG.

Head
Legal

Department of Mines & Resources
Indian Affairs Branch
JUN 15 1940
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 14th June, 1940.

Sir,-

A.3.Mines & Resources
Alta.

I have the honour to refer to your letter of May 24th and to return you herewith account of Mr. C.E. Gariepy, Barrister, Edmonton, Alta. forwarded therewith covering services in connection with the defence of Mrs. J.B. Cardinal charged with the murder of her husband, rendered at $90.00 and taxed and allowed at $50.00. I also return your file No. 19110-5.

I have the honour to be,

Sir,

Your obedient servant,

VOTE.....
AGENCY.....
ALLOT.....E. R.....
Goods received or services performed. Prices fair and just. Approved for payment.
OK @ 50.00
T.R.L. MacInnes

"Encl."

AUDITED
FOR PAYMENT
JUN 17 1940
Treasury Office

for Deputy Minister of Justice.

The Director of Indian Affairs,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. St. Louis.

This acct was sent up from the accs br. Please let me have the bill for $90.00 which does not appear to be on this file.

This acct. was received here in duplicate only and therefore no 3rd copy is on file.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mrs. Young Mr. St. Louis say Both copies of the account are over at central treasury Office. Mr. Noonan will send them up when they are returned

A.

Noonan.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

(NOTE. Only 1 copy of account received)

Copy

C.E.Gariepy, Court Reporter's Office,

Edmonton, July 13, 1940. 1939?

Dr.

To Supreme Court Reporters.

Re John Baptiste Cardinal Transcript of evidence at Inquest.....$26.80

Received payment
Supreme Court Reporters

(Sgd) WJC

AUDITED FOR PAYMENT
JUL 2 1940
Treasury Office
I. A. BRANCH

NOTE.....
AGENCY.....
LOT.....E. R.....
Goods received or services rendered. Prices fair and just. Approved for payment.
T. R. A. Marshall

This is under the lot

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

EM/MG.

Department of Mines & Resources
Indian Affairs Branch
JUL 3 1940
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 2nd July, 1940.

Sir,-

A.3.General-Alberta.

I have the honour to advise that under date June 14th there was passed to you by this department account of Mr. C.E. Gariepy, Barrister, Edmonton in connection with the defence of Mrs. J.B. Cardinal, rendered at $90.00 and taxed at $50.00. From a recent communication addressed to the Minister of Justice by Mr. Gariepy it would appear that Mr. Gariepy disbursed $26.80 in respect of a reporter's account. At the time that the bill was under consideration this charge did not seem excessive in view of the fullness of the proceedings and this department had no intention of questioning the amount. The bill this department purported to cover by the taxation was merely that for professional services and it will be in order, therefore, either to pay Mr. Gariepy direct for the item which was not included in his account or to return the original certified bill and the account to this department for re-certification. I shall be glad if you will inform me at your earliest convenience the course you prefer to follow in the matter.

I have the honour to be,
Sir,
Your obedient servant,

The Director of Indian Affairs,
Department of Mines & Resources,
OTTAWA.

W. Stuart Edwards

Deputy Minister of Justice.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, July 4, 1940.

Dear Sir:

I have to refer to your communication of July 2 with regard to an account submitted by Mr. C. E. Gariepy, Barrister, of Edmonton, Alberta, in connection with the case of Mrs. J.B.Cardinal, an Indian woman of the Enoch Band charged with murder.

The account amounting to $26.80 for the transcript of evidence at the inquest has been authorized and passed for payment.

Yours very truly,

The Deputy Minister,
Department of Justice,
Ottawa.

Director.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

EM/MG.

Department of Mines & Resources
Indian Affairs Branch
JUL 8 1940
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA 6th July, 1940.

EXD.

Sir,-

A.3.General-Alta.

I have the honour to acknowledge receipt of and thank you for your letter of July 4th.

I have the honour to be,

Sir,

Your obedient servant,

for
Deputy Minister of Justice.

The Director of Indian Affairs,
Department of Mines and Resources,
OTTAWA.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY

Phone 21266

COURT REPORTER'S OFFICE
Court House

Edmonton, Alta.,
July 1939.

C.E. Gariepy, Esq.,

Dr. to SUPREME COURT REPORTERS

Style of Cause	Material furnished	Amount
re Inquest; John Baptiste Cardinal	Transcript of evidence at Inquest	$26.50

AUDITED
FOR PAYMENT
APR 17 1941
Treasury Office
I. A. BRANCH

/3

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

JUDGES' CHAMBERS

THE SUPREME COURT OF ALBERTA

Supreme Court Reporters
Court House,
Edmonton,
25th March, 1941.

Dr. H. W. McGill,
Director, Indian Affairs Branch,
Ottawa.

Department of Mines & Resources
Indian Affairs Branch
MAR 31 1941

Dear Sir.-

re, Inquest, John Baptiste Cardinal

In July, 1939, we furnished Mr. C.E.Gariepy, Barrister of this City, who was apparently acting for your Department, with a transcript of evidence given at the Inquest of the above named deceased. At that time, Cardinal's wife was being charged with Murder, but she has since died.

Mr.Gariepy we understand has been paid for his services, but we have been unable to obtain payment for the material we furnished him. He says that the Department advised him that the disbursements would be paid later.

We are taking the liberty of writing you to find out exactly what the position of our account is, and if there is any possibility of getting it settled.

We enclose copy of our account.

Yours very truly,

SUPREME COURT REPORTERS

Per

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

March 31,1941.

Dear Sir:

I have to refer to your communication of March 25 in connection with the case of the late John Baptiste Cardinal.

With regard to your account for $26.80 for transcript of evidence at inquest, I have to advise you that this account was paid on July 2, 1940. For your information I would say that the copy of account which is on file states "Received payment Supreme Court Reporters (Sgd) WJC".

Yours very truly,

A.L.M

T.R.L.MacInnes.
Secretary.

Supreme Court Reporters,
Court House,
Edmonton, Alberta.

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-5

Copy

JUDGES' CHAMBERS

THE SUPREME COURT OF ALBERTA

Court Reporters Office,

Edmonton, 7th April, 1941.

Department of Mines & Resources
Indian Affairs Branch
APR 12 1941
REGISTERED

EXD.

T.R.L.MacInnes Esq.,
Secretary,
Indian Affairs Branch,
Ottawa.

Dear Sir.-

We beg to acknowledge receipt of your letter of the 31st ult., in connection with our account,re John B.Cardinal,

In connection with the receipt which you hold, Mr.Gariepy came into the office in July last, and said he was unable to obtain payment of our account unless he could show it as an actual disbursement, and at his request we gave him a receipted account, but we have never been paid the amount. He advises us that he afterwards was paid $50 for his services,and that the letter enclosing him this amount advised him that the disbursements would be paid separately. Mr. Gariepy will no doubt confirm this, in fact he reiterated the above statements in a telephone conversation this morning. We are anxious to clear up the account on our books in some way, as it has now been outstanding for nearly two years.

Yours very truly,

SUPREME COURT REPORTERS

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Most pay
Ap has been
passed for
payment
17. 4. 4

Indian Affairs. (RG 10, Volume 7469, File 19110-5, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19110-6 DORMANT

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

EDMONTON
MURDER
CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")					EX'D M
12/5/57		7.5.57		Secy	Reg		9.5.57
	OK	5.10.55		Colonel	"	5	5-10-55

DORMANT FILE NO. 19110-6 DORMANT

SECOND SERIES

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469; File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19110-6

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

EDMONTON

MURDER

CHARLOTTE HUNTER BY
PTE. EDGAR WHITFORD

R. 1482

Poor Copy

Indian Affairs, (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

19110-6

November 29, 1944

Secret
Nov 60

"Calgary Albertan"

Witness Admits He Saw Girl Die

29 November 1944

EDMONTON, Nov. 28.—Fred Levielle of Edmonton, testified in supreme court today he thought Charlotte Hunter, 22-year-old Cree Indian, was dead when Pte. Edgar Whitford of Lethbridge, Alta., and the witness left the Grierson dump on Edmonton's south side last Sept. 23.

Whitford, member of the Veterans Guard of Canada, is being tried on a charge of murder. Levielle, cousin of Whitford, also charged with the murder, will be brought to trial later in the present sessions of the court.

Leveille said Whitford wrestled and struggled with the girl and that he put his hand over her mouth to stop her screaming. "She was yelling and screaming and he put his hand over her mouth. Miss Hunter stopped screaming."

END

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110 - November 30th 1944

"Calgary Albertan"

JURY FINDS MAN GUILTY

30 November 1944
Calgary Albertan

Convicts Soldier From Lethbridge Of Manslaughter

EDMONTON, Nov. 29.—Pte. Edgar Whitford of Lethbridge today was found guilty of manslaughter by a six-man supreme court jury in connection with the death of Charlotte Hunter, 20, Goodfish Lake district Cree Indian, and was sentenced to 10 years imprisonment by Mr. Justice J. S. Shepherd.

Whitford, a member of the Veterans' Guard of Canada, went on trial Monday on a charge of murder. The girl's body was found last Sept. 3 at an Edmonton city dump following a drinking party.

Fred Levielle of Edmonton, a member of the drinking party and a witness yesterday in the trial of Whitford, will also face trial on a charge of murder in connection with the young woman's death.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-6

December 7th, 1944

"Calgary Albertan."

Hearing Is Remanded On Murder of Indian

EDMONTON, Dec. 6.—Preliminhearing of a murder charge against Frederick Leveillie of Edmonton, in connection with the death of Charlotte Hunter, 22, Goodfish Lake treaty Indian, whose death occurred after a drinking bout on the river bank here Sept. 3, was remanded to Friday.

Another participant of the party, Pte. Edgard Whitford, found guilty of manslaughter, recently was sentenced to 10 years' imprisonment.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-6 December 9th, 1944.

"Edmonton Bulletin"

Second Accused To Stand Trial In Girl's Death

Pale and silent after three months behind bars, Frederick Leveille, half-breed, was committed for trial at the next sitting of supreme court by Magistrate Harold L. Hawe, KC, Friday afternoon on a charge of being an accessory after the fact. Charge of murder, preferred against the accused in connection with the death of 22-year-old Charlotte Hunter, Goodfish Lake treaty Indian, last Sept. 3, was withdrawn.

Leveille was arrested by city police and charged, along with Edgar Whitford, with the girl's murder. Whitford, found guilty of manslaughter, was sentenced recently to 10 years' imprisonment in Prince Albert penitentiary.

Leveille's signed statement to police was read to the court by crown prosecutor Guy Patterson, KC.

In the statement, the accused told of the girl and Whitford (whom he called his grandfather) rolling from a knoll into a hollow on the bank of the Saskatchewan river near Grierson dump, following a drinking bout.

THOUGHT ONLY DRUNK

The accused looked at the girl immediately after, and knew, he said, that she was dead. His uncle, when informed of this fact, replied she was only drunk. When he told "Auntie Grace" (Grace Favell) about it, she advised him to go to the police. He had made a mistake, he concluded, when he failed to report to the authorities.

Only one officer was called to the witness stand, that being Inspector Murdo Munro.

Walter J. Beaumont, defence counsel, reserved defence evidence.

EX A

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19100-6 (Secy.)

Ottawa, January 16, 1947.

EX'D.

E.A. Robertson, Esq., Clerk in Charge, Winterburn, Alta.

Please let this Branch have a report concerning the death of Charlotte Hunter of Goodfish Lake which occurred September 23, 1944.

A conviction of manslaughter was recorded against Edgar Whitford of Lethbridge in this case and he is now serving a ten year sentence in the Prince Albert penitentiary.

Kindly give, if possible, the cause of death, the motive of the crime and any further available particulars.

T.R.L.M.

Director.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

DATE Sept. 22nd, 19 44

SUBJECT Re: - Inquest on Charlotte Hunter.

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

For your information I submit hereunder a copy of the verdict rendered by the Jury at the Inquest into the death of the above named.

Sept. 22/44.
Edmonton, Alta.

"We, the undersigned Jury, find that Charlotte Hunter, 10343-98th Street, Edmonton, came to her death on the early morning Sept. 3rd/44; From the medical evidence received as the results of Asphyxia due to suffocation and meltreatment."

(Sgd) F. W. Jean (Foreman).
F. LeCassick.
J. Norrington.
Alex. Brown.
E. W. Armstrong.
R. J. Talbot.

E. A. Braithwaite,
Coroner.

I am, Sir,
Yours obediently.

W. W. Donald.
.....Det.
W. McDonald.

Examined and Forwarded
A B Petterson
Inspector.

Indian Affairs, (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

DATE Sept. 7th, 19 44.

SUBJECT Re: - CHARLOTTE HUNTER (DECEASED).

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sept. 4/44.

Sir: Statement of Chris DeLeon (Cpl.), ASN 38362971;
Organization - Unit "C" 1452 AAF BU ATC.
Place taken - office of Ass't. Provost Marshal, 1452 AAF BU ATC Time - 11-15

I, Chris DeLeon, have been warned of my rights in this case by Lieutenant Joseph V. Long, Jr., CMP. and informed that I may remain silent and that if I do make a statement it might be used against me if I am brought to trial.

Signed - Chris DeLeon.

I first met my girl, Grace Favell, on about the 1st day of August 1944, and have been "going" with her ever since that date. She has been living with me in a rooming house downtown. I used to meet her down town and we would then rent a room for the night. On Saturday night, 2 Sept. 1944, we stayed at a rooming house on 98th Street. I do not remember the name of the rooming house. I went to town early on Saturday, Sept. 2/44 at about 5-00 O'Clock in the afternoon and got a case of beer and a 26 ounce bottle of whiskey from the liquor vendors. I went to the rooming house on 98th Street and Grace and I drank about four bottles of beer each. We then went to the carnival and after that we went to 101st Street and met a Canadian Soldier and a Canadian Civilian. We all went back to my room and the four of us consumed the remainder of the beer and the 26 ounce bottle of whiskey. I decided to get some more liquor and we all left the rooming house.

On 97th Street I left them and I purchased another case of beer and another 26 ounce bottle of whiskey from a bootlegger, whom I met on the street. I do not know his name but I knew he sells liquor and I remained on the street while he got the liquor for me. We attempted to go back to my rooming house on 98th Street, but the landlord refused to let us all stay there because he said that it was after visiting hours. We wanted some place to drink the liquor. While we were walking down 97th Street I looked back and noticed that the civilian and the soldier had stopped to talk to a girl.

They told me she was coming with us for a drink. We all went to the park to drink the liquor. We went to the end of 97th Street below the river bank. This was about 12-00 O'Clock midnight. I stayed until about 2-00 a.m. and then I left with Grace and the other three remained. I noticed the girl fall down a couple of times but did not consider it unusual since we were all stumbling and falling down. I told the others to come and one of the men said that they would be right behind us.

Examined and Forwarded _____ Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

#2 DATE Sept. 7th 1944

SUBJECT Re: - CHARLOTTE HUNTER (DECEASED).

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

Statement of Chris DeLeon cont'd.

The last time that I saw the girl that the Civilian and the soldier had invited with us, she was walking behind the soldier and the civilian was behind her.

We were all walking single file. I came back to my room at about 2-30 a.m. and stayed there until Sunday afternoon of 3rd September, 1944. I was sleeping in my room on Sunday morning, Sept. 3/44, when Fred, the civilian, came into the room and told me that the girl was dead and that he was going over to the Police Station.

I told him I did not know what to do but that I would remain in my room until or in case I was needed. I have not seen him since that time. I stayed in my room until about 12-00 noon and the landlord would not let us stay another night because there had been too much traffic to and from the room.

My girl friend and I got another room at a place known as Mike's Block on 96th Street and I stayed there from 1-00 O'Clock in the afternoon until 11-00 O'Clock that night.

Signed Chris DeLeon.

Examined and Forwarded

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

DATE Sept. 7th, 19 44.

SUBJECT Re: - CHARLOTTE HUNTER (DECEASED).

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

Sept. 6th, 1944 - Statement taken from Eurice Makokis, residing at 163 Street and Stony Plain Road, farm of Mr. McRae, about ¼ mile south of Stony Plain Road -

The above named states that on Saturday Sept. 2nd, I got into Edmonton at about 7-00 p.m. We were stacking hay all day on the farm. My friend Louis Steiner and I just loitered around 101st Street. We went to the Union Cafe for supper. Then we went to the Carnival at the rear of the Court House. We were there for quite awhile and then we left and near the York Rooms on 98th Street, I met Det. Sgt. Smith and talked with him for some time. Louis Steiner and I already had a room at the Arrow Cafe.

After I left Det. Sgt. Smith I went to the Union Cafe and then back to the Carnival. But Steiner had gone to his room in the Arrow Cafe. I hung around the Carnival and 101 street. I then proceeded to go to my room at the Arrow Cafe and when on 102 A Ave. between 96th and 97th Street, about 11-30 p.m. I met Mrs. Grace Favell, Charlotte Hunter, Edgar Whitford, Fred Leveillie and an American Soldier who I have known for some time as a friend of Mrs. Favell's. They were all partly intoxicated. The American Soldier had a case of beer. I talked with them for about five minutes. Grace Favell said, "Let's go". Charlotte Hunter asked me if Ruth Makokis was home. I said, "No" They then left me and went towards 97th Street. I went to my room in the Arrow Cafe. My friend Louis Steiner was asleep in his room.

I did not drink any liquor on the night of Saturday Sept. 2nd, They did not ask me to go with them. I have not seen any of the above party since then. On Sunday Sept. 3rd Florence Chard told me that Charlotte Hunter was dead. I have known Charlotte Hunter since she was a small child.

Eurice Makokis.

Examined and Forwarded

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

DATE Sept. 7th, 1944

SUBJECT Re: - CHARLOTTE HUNTER (DECEASED).

THIS REPORT TO BE FORWARDED IN DUPLICATE (OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

Sept. 5th, 1944.
Statement of Merron Woywitka, age 19 years, 10308 - 95th St.

At about 2-20 a.m. on Sunday, Sept. 3rd, 1944, I missed the "owl" car at 99th Street and 82nd Avenue, and started to walk to my home at the above address.

Crossing the Low Level Bridge I turned to the right and started up what is known as the Dump Hill.

After proceeding some distance I came to a break in the fence at the right hand side of the road. Just where the fence starts again I heard voices in the bush and I walked a little further and then stopped.

I heard a man's voice say "Give her all you've got", or something to that effect.

I heard a woman's voice say "Get to hell out of here you guys", or something like that. Then I heard the woman moan continually for a couple of minutes, saying something like "Ow".

There was a lot of profanity by two men and the woman.

I hopped the fence, went down to the next level where there is a path is a path leading right into the bush. I went through that bush and the path curves off to the left. From there I could see across this little clearing.

The first thing I saw was this man standing on top of the little hill. About ten feet from where the man was standing I saw another man getting off a woman who was lying on the ground. As the man got up the woman got up about halfways and swung at him with her arm.

After that I turned and retraced my steps to the Dump Raod and proceeded on up the hill to my home.

Signed - Merron Woywitka.

Examined and Forwarded _____ Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19410-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

DATE Sept. 7th 19 44

SUBJECT Re: - CHARLOTTE HUNTER (DECEASED).

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

Sept. 6th, 1944 - Statement of Steve Lakusta, 9613 - 103 Ave. taxi driver for the Acme Taxi Co. 10144 - 97 Street. -

The above named states that about 11-30 p.m. on Saturday Sept. 2nd I was on duty at the Acme Taxi Co. when I was ordered to go to the International Hotel and pick a fare up there. On arriving there I found my party waiting on the sidewalk - There were five people in all. They got in my taxi and told me to drive as they directed which eventually landed us down in the Grierson Dump Road. When about two thirds of the way down they told me to stop and they all got out. They paid for the taxi $1-00. I left them there and did not see them again.

When the party got into the car a soldier and a girl sat in the front seat with me. Two men and a girl sat in the back seat. The party had been drinking but were not drunk. The soldier who was sitting in the front seat asked me to come back for the party but I told him I could not as I did not know where I would be then.

Signed - Steve Lakusta.

Examined and Forwarded

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

DATE Sept. 12th 19 44.

SUBJECT Re: - CHARLOTTE HUNTER (DECEASED).

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

Andrew Whitford, Room 3, Latoski Block, North Edmonton, employed at Swift's Packing Plant states -

My home is at Fort Saskatchewan. On Sunday night Sept. 3rd Fred Lavellie, my grandson came to my home at Fort Saskatchewan and stayed there overnight.

On Monday morning Sept. 4th he told me that he and Mrs. Grace Favell, Charlotte Hunter, an American Soldier and Edgar Whitford had been on a drinking party in Edmonton on Saturday night, Sept. 2nd. He said that they all had gone down to the River Bank and had consumed whisky, wine and beer and that they had all got more or less drunk. He said that Mrs. Grace Favell and the American Soldier had left leaving Charlotte Hunter, Edgar Whitford and himself in the bushes. Lavellie said that he was lying on a small hill away from Whitford and the Hunter girl. Whitford was lying close to the girl. He said that some time later Whitford and he left. They left the girl there thinking that she was asleep.

Whitford and he then went to their room and slept there until around 11-00 a.m. on Sunday, Sept. 3rd. Lavellie told him that when he left the room he heard on the street that the girl was dead.

Lavellie came to my place at Fort Saskatchewan on the night of Sunday Sept. 3rd and told me the above story on Monday morning Sept. 4th. He said that he was going back to the City. I told him to do so and also told him to go to the Police.

Signed Andrew Whitford.

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

DATE Sept. 7th 1944.

SUBJECT Re: - CHARLOTTE HUNTER (DECEASED).

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

Statement taken from Frederick Leveillie, arrested on charge of Murder - Sept. 4th, 1944.

Q. Do you understand the nature of the caution given to you?
A. Yes.
Q. This is a copy of the statement given by you before your arrest?
A. Yes.
Q. Is there anything you wish to add to this statement?
A. Well, we all drank and I told this girl not to drink much because she was a Treaty Indian. She was drinking whisky and beer. Auntie Grace and the American soldier, Chris, left us in the bush where we had all been drinking.
That's when I sat on the knoll "puking". My grandfather, Edgar Whitford, and Charlotte were lying together on the ground, not very far from me. They started to roll down the hill, one over the other. I was sick you know and I stayed on the knoll about half an hour and then I went down the hill to look for them. I found them lying in a ditch at the bottom of the hill. She was lying face down in the ditch and my grandfather was on top of her, back to back.
I pulled my grandfather off and I just threw him down. He was drunk. I picked her up from the ditch you know, and I tried to make her stand up. I tried to make her come back I felt her pulses. I knew she was dead then you see. I woke up my grandfather and I told him "she's dead". That's all I said. He didn't believe it. He said "She's drunk, we'll leave her here". We left her in the ditch, and we came home.
I slept in my room. My grandfather left me outside my place. It was 7.00 O'Clock in the morning when I woke up. I went down to the river to make sure she was dead. She was dead alright. She was in the ditch right in the sun so I moved her right in the bush in a shady spot.
I went to my grandfather's room and I told him. He still did not believe it. Then I went and told my auntie Grace and Chris. My auntie Grace told me to report to the police. That's where I made a mistake I should have come.

Signed - Fred Leveillie.

Examined and Forwarded

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

#1.

DATE Sept. 4th, 1944

SUBJECT Re: - Charlotte Hunter (Deceased).

THIS REPORT TO BE FORWARDED IN DUPLICATE (OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

Statement of Fred Leveillie, Goodfish Lake, Alberta.

I have known Charlotte Hunter for the past 12 years. She has lived about 3 miles from my home at Goodfish Lake.

Saturday, Sept. 2nd, 1944, about 9 p.m. I met Mrs. Grace Favell and an American Soldier named Chris on 101st Street by the England Cafe. An appointment already had been made at 2-00 p.m. this date to go on a spree as Chris, the American soldier, was being shipped north, might be Fort Nelson.

My grandfather, Edgar Whitford, now in the Veterans' Guard, was also with me when these arrangements were made to go on a spree. We all walked from 101st Street to Mrs. Grace Favell's room, 10343-98th Street. Whisky and beer was passed around by the American soldier. We all drank this liquor. There was wine drank also. I stayed in this room with the others for about one hour. I missed my trainat the C.N.R. which I intended to take to Fort Saskatchewan at 10 p.m. We all left this room and went to 96th Street. We met Charlotte Hunter and another big stout girl. I don't know the name of the stout girl. She left us shortly after we met her on 96th Street. At this time I was feeling pretty drunk. I remember the American soldier telling us to wait for him. He went away and came back with a case of beer and a bottle of hard liquor. Then we returned to Mrs Grace Favell's room. The landlady refused to let us go into the room. We must have gone back on 96th Street. A taxi was hired.

I remember going in a taxi along with the others. We went down by the river into the bush. The taxi drove away and left us down there. We all sat down in the bush. We all drank this beer and whisky.

After that I don't remember how long we stayed down in the bushes. I remember coming back uptown with my grandfather, Whitford. I remember waking up in my own bed about 8 a.m. Sunday morning. I got up at this time and went to my grandfather's room at the Edmonton Rooms, 101st Street. He was in bed. Both of us were feeling sick. I went to bed along with my grandfather and slept till 6 p.m. We got up and went to the Holly Cafe, 97th Street and had supper. We did not talk about what happened the night before. After supper we walked around town until 9 p.m. He left me and went back to his room. I went into the C.N.R. station and sat there until 10 p.m. I took the train for Fort Sask. I visited my grandfather's cousin, Andrew Whitford. I slept at his place lastnight and returned to Edmonton by bus today, arriving in Edmonton about 2-30 p.m.

The first I knew of Charlotte Hunter's death was when Inspector Petheram spoke to me in the Regal Cafe.

F. L.

Pt Statement Sgt Agar Insp Petheram

Examined and Forwarded

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

#2.

DATE Sept. 4th, 1944

SUBJECT Statement of Fred Leveillie (continued).

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

I want to change my statement after I said "We got up and went to the Holly Cafe, 97th Street and had supper".

There we met my cousin, Bill Howse. He told us that Charlotte was dead and we told him that we didn't know nothing about it.

I went home to Fort Saskatchewan and I told that to my grandfather just the same. I told my grandfather I didn't know what happened.

The part I want to change is that I first heard of Charlotte's death when my cousin told me in the Holly Cafe, and not when Inspector Petheram told me today.

Frederick Leveillie

Examined and Forwarded

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

#1.

DATE Sept. 4th, 19 44

SUBJECT Re: - Charlotte Hunter (Deceased).

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

Statement of Mrs. Grace Emily Favell. #8 Mike's Block. 96th Street.

I have known Charlotte Hunter for a long time. She was living at the Indian Reserve, Goodfish Lake, Alberta.

On Saturday evening, Sept. 2nd, 1944, I was with my uncle, Pte. Edgar Whitford of the Veterans' Guard (Lethbridge), Fred Lavallee and an American soldier, Cpl. Chris DeLeon who is stationed at the American Air Base.

The four of us had been in my room at 10337-98th Street. We had been drinking beer and whisky. It was about 10-00 p.m. when we left the room. We walked over to 96th Street.

Just across from the New Empire Cafe on 96th Street we met Charlotte Hunter and another stout girl. We stood and talked for some time. I think it was Fred Lavallee who asked Charlotte to come with us. We planned on going down to the river bank as we had a full case of beer and a 26 oz. bottle of whisky.

Charlotte joined us and we walked west on 102nd A. Avenue to 97th Street and then south to the Acme Taxi where Cpl. DeLeon hired a taxi. On the way to the taxi office Cpl. DeLeon and I walked in front, and Charlotte and the other two behind us.

Chris and I told the taxi driver where to go, and the five of us got out on the Grierson Road. We walked down a path a little ways and then we all sat down.

One of the men opened the case of beer and the bottle of whisky, and we all started drinking.

I sat with my uncle, Edgard Whitford and Cpl. DeLeon. Behind us and a few feet away sat Charlotte and Fred Lavallee.

It must have been 11-30 or 12-00 p.m. when we got there. We just sat around drinking, talking and laughing.

Charlotte drank whisky and beer with us, but I don't know how much. There was no "necking" amongst any of us.

It was about 2-30 or 3-00 a.m. Sunday when the five of us got up to go.

Cpl. Chris DeLeon and I started out first. The other three started out behind us. Chris and I walked along the path, across the Grierson Road and then up the bank behind the Dreamland Theatre.

Before we crossed the Grierson Dump Road I heard the other three behind us, but we didn't see them again. The last I saw of Charlotte was when we all got up to go and Chris and I started out ahead. Charlotte was with the other two men, that is my uncle and Fred Lavallee. I heard her laughing and talking. They must have stopped in the bush because they didn't follow us out onto the road and up the bank.

G.J

Examined and Forwarded

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

DATE Sept. 4th, 19 44

SUBJECT Statement of Mrs. Grace Emily Fevell (continued).

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

After DeLeon and I climbed the hill back of the Dreamland Theatre we went right to my room at 10337-98th Street. We sat up for a while and then both went to bed. It was about 4-00 o'clock I guess when we went to bed.

At about 9-00 a.m. Sunday, Sept. 3rd, 1944, Fred Lavallee came to the room. I was up but DeLeon was still in bed. I let Fred in when he knocked at the door.

He said "We got in awful trouble lastnight".

I said "What happened?"

He said "The girl is dead".

I said "How come, she was alright when we left".

Fred said "After you left the girl fell down in the hole and your uncle, Edgar Whitford, fell on top of her.

Fred then said they left the girl there because they figured she was drunk, and he went back at 7-00 o'clock in the morning and said he found her dead.

Fred said my uncle was in his room, but I didn't ask him where he stayed at.

I told Fred he had better report it to the police and he left the room after saying he would. I haven't seen him since.

Neither have I seen my uncle.

When DeLeon and I left the other three in the bush near the river bank my uncle was pretty drunk. Charlotte was pretty "high" too. Fred was feeling good but he wasn't drunk.

I was pretty "high", but I knew what I was doing and what was going on. DeLeon knew what he was doing too.

Grace Emily Fevell

Det Sgt Munro
Det Stevenson

Examined and Forwarded

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Form No. 1259. 15M-9-43.

THE CITY OF EDMONTON

POLICE DEPARTMENT

SPECIAL REPORT

DATE Sept. 23rd 1944.

SUBJECT Re: Rex vrs. EDGAR WHITFORD.

THIS REPORT TO BE FORWARDED IN DUPLICATE
(OR MORE COPIES IF REQUIRED)

CHIEF CONSTABLE

Sir:

On Sunday morning of Sept. 3rd I slept on the door step of the Edmonton Rooms. When I awakened up the door was locked. I had breakfast about 7-30 a.m. at the St. Regis Hotel (Royal Palace Cafe). I remember seeing the clock whilst eating. I returned to the room at about 8-00 a.m. It was open then. I went to my room and took off my uniform, shoes and stockings and the drawers of underwear. I slept in my underwear shirt and top shirt.

I went to sleep and sometime before noon Fred Leviellie and a man by the name of LaRose, a half-breed from Vilna who works, I think, in or near Edmonton, but whose home is at Vilna, came in.

Fred said "That girl is dead". I asked him "Who" and he said "Charlotte".

I then asked him how he knew and he told me that he was down there at the river this morning.

I asked him what happened to her and how she died. He told me that I had been wrestling with her and we rolled into a little ditch or hole.

I told him that I didn't remember wrestling with her. (I absolutely, to this day, do not remember wrestling with anyone at any time that evening). He went on to tell me that he had told me last night that the girl was dead and I had said that she was only drunk and that I went away and left him there. He never said anything about walking home with me. He told me that he could not forget about her and that he went back to the place in the morning and that he made sure that she was dead. He said he moved the body to a different spot. He told me he was going over to Aunt Grace, LaRose was there during the conversations.

He asked me should I report this to the Police and I said, "I do not know what to do as I do not know if it will do any good as we are both in it.

I went to sleep again. He came back and said he was going to sleep with me which he did. He got up about 6-00 p.m.

I left Edmonton on Monday, Sept. 4th on C. P. R. around 12-15 noon. Train was delayed enroute and it would be about 10-15 or 10-30 p.m. when we arrived. It was too late to catch the Lethbridge train.

I stayed that night withfriends in Calgary named Thomas Anderson, an old age pensioner.

Edgar Whitford.

Examined and Forwarded

Inspector.

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19110-6

OF THE INDIAN DEPARTMENT

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE

Edmonton Agency

Winterburn, Alta,
Feb. 8th, 1947.

Your 19100-6 (Secy)

Indian Affairs Branch, Dept. of Mines & Resources, Ottawa.

Referring to your letter of Jan. 15th, 1947, in connection with death of Charlotte Hunter of Goodfish Lake, Sept. 23rd, 1944.

I am enclosing herewith copies of Police Reports covering their investigation.

The Coroner's Jury gave the cause of death as Axphyxia due to suffocation and maltreatment. The girl was badly beaten up and sexual intercourse attempted. Evidently all members of the party were more or less intoxicated.

E A Robertson

E. A. Robertson,
Indian Agent.

Department of Mines & Resources
Indian Affairs Branch
FEB 14 1947
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19110-6, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19113-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. DORMANT 19113-2 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

MOOSE MOUNTAIN
MURDER
DONALD LONECHILD BY HAROLD DEWEAN

DORMANT FILE NO. 19113-2 DORMANT

DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EXD M	

R. 3755

DO NOT WRITE BELOW THIS LINE

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO DORMANT 19113-2 DORMANT

DORMANT FILE NO. 19113-2 DORMANT

DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

MOOSE MOUNTAIN MURDER DONALD LONECHILD BY HAROLD DEWEAN

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EXD M	

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19113-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19113-2

Department of Indian Affairs

19

MOOSE MOUNTAIN

MURDER

DONALD LONECHILD BY HAROLD DEWEAN.

Indian Affairs. (RG 10, Volume 7469, File 19113-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DEPT. OF INDIAN AFFAIRS
APR 15 1936
RECORDS

Leader Post, Regina

CHARGE OF MURDER FACING INDIAN ON CARLYLE RESERVE

Harold Dewean, an Indian, is held by Mounted Police on a charge of murdering Donald Lonechild, another Indian, of the White Bear Reserve, near Carlyle, Sask.

Lonechild, a married man, was shot through the back of the head on April 5, and died from the effects of the wound on Good Friday, according to brief word received at R.C.M.P. headquarters in Regina.

INQUEST SET FOR APRIL 14

An autopsy was conducted by Dr. Stapleford, of Carlyle, and following this Mounted Police arrested Tewean.

An inquest into Lonechild's death will be held at Carlyle on April 14, Mounted Police headquarters in Regina were advised.

Indian Affairs. (RG 10, Volume 7469, File 19113-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. DORMANT 19113-3 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

MOOSE MOUNTAIN MURDER
MRS NELSON SAMMY, HER MOTHER AND FATHER
AND CONSTABLE RHODENISER BY NELSON SAMMY

DORMANT

FILE NO. 19113-3

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EXD M	
	P.A.	28/11/50	AH.	Treas	Request	023	27-11-50
12/5/B	PE	8.5.57	~~AH~~	Secy	Reg.	~~AH~~	9.5.57

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19113-3

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

MOOSE MOUNTAIN

MURDER

MRS. NELSON SAMMY, HER MOTHER & FATHER AND CONSTABLE RHODENISER

BY

NELSON SAMMY

MOUNTIE SHOT DEAD AS INDIAN IS TAKEN

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs. (RG 10, Volume 7469, File 191113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ser 7

Department of Indian Affairs and Northern Development
SEP 1 1939
REGISTERED

MOUNTIE SHOT DEAD AS INDIAN IS TAKEN

Sammy, Firing on Posse Guided by Bloodhound, Slays Constable Rhodeniser

CAPTURED MAN WOUNDED

Fugitive Wanted for Triple Murder in Saskatchewan, Removed to Hospital in Serious Condition

Carlyle, Sask., August 27.—(C.P.)—A Royal Canadian Mounted Police constable died Saturday night in a gun battle that broke out when a posse caught up with an Indian, wanted in connection with a triple shooting and finally tracked down by the cunning of a police bloodhound. The Indian, Nelson Sammy, was wounded.

Constable W. E. Rhodeniser of the R.C.M.P. detachment at Yorkton was killed almost instantly when the gun fire rattled through the thick brush country of the Moose Mountain Reserve, eight miles north of Carlyle. Sammy was unconscious from bullet wounds when removed from the brush.

Led by "Tel," the police bloodhound, the posse cornered Sammy, wanted in connection with the slaying of his 35-year-old wife and her parents, Mr. and Mrs. Chewack on the reserve Friday night. The dog had been sent from the R.C.M.P. post at Yorkton to head the hunt.

Sammy is now in Arcola hospital where he is reported to be in serious condition, but is expected to recover.

The dog which led the police to the hiding place of the Indian dashed back to the side of his fallen R.C.M.P. master after the exchange of shots and refused to leave him or take any further interest in the hunt.

The shooting came as a climax to an intensive man hunt that started in the heavy bushland of the reserve after Sammy had ridden away Friday night on a bicycle from the Joseph McArthur farm where Mrs. Sammy was shot as she sat at the supper table. Still carrying his rifle Sammy remarked as he rode away that he still had ammunition and intended to shoot himself.

Bodies of the three victims of Friday's tragedy which started the intensive man hunt, were removed to the mission clinic on the Indian reserve 12 miles from the Indian agency north of Carlyle Saturday where Dr. Frances McGill, provincial pathologist of Regina conducted a post mortem examination.

Carlyle is about 120 miles southeast of Regina.

It is believed that the killing of Mr. and Mrs. Chewack occurred after the killing of Mrs. Sammy at the McArthur home.

Shortly after noon Saturday, Constable Rhodeniser arrived at the Indian reserve with "Tel." A posse of Indians and police, including members from the Estevan detachment, was organized, and the search started.

During the afternoon efforts to pick up the trail of the fleeing Indian failed despite the full cooperation of other Indians who believed Sammy had likely carried out his threat to shoot himself.

WANTED MAN SIGHTED.

About nine o'clock Saturday evening, Wasegnas, 80-year-old Indian, arrived at the home of J. R. Morrison, Indian agent, 12 miles north of Carlyle, with the information that he had seen Sammy sneaking around the corner of his buildings a few yards from the cow barn.

Search for the man was immediately instituted, and the police dog was released where the man had been seen by the old Indian. He picked up the scent immediately and with Mr. Morrison and the police following, the dog charted a course through heavy brush. The dog travelled very slowly for the first half mile.

As the scent became stronger, the animal increased its pace through dense underbrush and around a slough onto an old trail which was followed for 100 yards. Here the dog jumped quickly into the brush. Shots rang out, and police returned fire from the bushes.

Constable Rhodeniser was fatally shot and died a few minutes later. As he fell to the ground he shouted: "He hit me, do something."

Corporal Harry Casswell of the Kipling detachment and Mr. Morrison went to the aid of Rhodeniser, while other members of the posse passed on, where they found Sammy lying in the bushes unconscious.

Examination by Dr. W. R. Fraser later in Arcola revealed that he had a wound in his left breast and a flesh wound in the hip.

A despatcher was sent immediately after the shooting to the Ed Morrison farm on No. 9 highway three miles away, where a call was put in to Dr. Stapleford of Carlyle, but on his arrival, he found Constable Rhodeniser already dead, shot in the left breast just above the heart.

The bodies of the two men were carried through the thick brush to the open country where Constable Rhodeniser's body was removed to Carlyle in the police car, and the wounded Indian was taken to Arcola hospital for medical attention.

Constable Rhodeniser was born 28 years ago at Lunenburg, N.S., and had been in the force about seven years. He had been four years in Saskatchewan, during which time he took a course in police dog handling at the R.C.M.P. kennels in Calgary. He was stationed at Canora, Sask., for a year, and had been in Yorkton only a month.

1911.3-3

File

Montreal Gazette 29/8/39

INDIAN RECOVERING AFTER GUN FIGHT

Nelson Sammy, Wanted for Four Slayings, Has Bullet Wound in Shoulder

Arcola, Sask., August 28.—(P.)—Nelson Sammy, young Mountain Reserve Indian wanted for the slaying of his wife and her parents, is recovering in hospital from bullet wounds suffered in a fatal midnight gun battle with Constable W. E. Rhodeniser of the Royal Canadian Mounted Police.

The 28-year-old officer from Farmington, N.S., was killed Saturday night when a posse searching for the Indian crossed Sammy's path in the thick brush country near Carlyle, Sask. Rhodeniser was the fourth victim of the Indian, said by police to have killed his 35-year-old wife and her parents, Mr. and Mrs. Chewack, Friday night.

The Indian has a bullet wound in the shoulder, apparently inflicted during the gun-fight which climaxed a 24-hour manhunt led by Rhodeniser's trained police dog, "Tell." Sammy's left thoracic cavity still is filled with blood and his left lung is collapsed.

Constable Rhodeniser's body was sent to the Maritimes by rail today and the funeral service will be held at Farmington. He joined the "Mounties" five years ago and had served at Yorkton and Canora during the past four years he spent in Saskatchewan.

When the rifle-fire ceased, Sammy's unconscious form was lifted from the thicket and he was removed to hospital. The officer's body was taken to Carlyle, 120 miles southeast of Regina.

Mrs. Sammy was shot at the supper table in her reserve home. Neighbors said they saw Sammy drive away on his bicycle afterward. He carried a rifle and they told police he said he still had ammunition left and was going to do away with himself.

Police said the Chewacks were killed after Mrs. Sammy.

Department of Mines & Resources
Indian Affairs Branch
SEP 1 1939
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Copy. Tribune 28/8/39

Trapped Slayer Kills Constable

Indian Accused Of Triple Murder Fatally Shoots R.C.M.P. Tracker

(Special to The Winnipeg Tribune)

CARLYLE, Sask., Aug. 28. —One of a posse of Royal Canadian Mounted Police following behind his trained dog on the trail of a killer Indian, Constable Willis E. Rhodeniser, 28-year-old dogmaster of the force stationed at Yorkton, was shot and killed at 9.50 o'clock Saturday night by the man they sought.

The Indian, Nelson Sammy, 37-year-old farmer of Moose Mountain reserve, was shot twice by other members of the posse and now lies in the hospital at Arcola with wounds in the shoulder and side. He is given a fair chance of recovery.

The manhunt got under way Saturday morning after Sammy allegedly shot and killed his 35-year-old wife, and her parents, Mr. and Mrs. J. Chewack, following a violent quarrel over domestic matters Friday night.

Rushed From Yorkton

Constable Rhodeniser only recently completed his first five years service in the force and rejoined for a new term. Two years ago he went to Calgary as a dogmaster to train a police dog pup, Tell. Ten months later he returned to Saskatchewan with the dog fully trained as a tracker and four-footed policeman. He was stationed at Canora for a year and three weeks ago was transferred to Yorkton. Born in Farmington, Lunenberg County, Nova Scotia, he is survived by his parents and several brothers and sisters.

Constable Rhodeniser was engaged to a Regina girl, Miss Noelle Bourgeault, 2135 Albert st., employed with the Saskatchewan government. They were planning to be married next year. She received the startling news of his death in a telephone call from Corporal Dickenson, of the Canora detachment of the R.C.M.P.

The constable and his dog were rushed by car from Yorkton to Carlyle, Saturday afternoon to aid in the search for the Indian. As darkness was settling in the R.C.M.P. and their assisting posse of Indians from the reserve were at the home of Indian Agent J. R. Morrison, when word came Sammy had been seen crossing the highway some distance away that leads through the reserve to the provincial park.

Constable Rhodeniser, the dog Tell, Corporal J. Paton, Estevan; Lance-Corporal Casswell, Kipling; Constable Don Stackhouse and Constable Stanyear, both of Weyburn detachment, hurried to the spot on the highway designated by the Indian where the dog quickly picked up Sammy's trail and led the police a mile across the rolling country into the bushland. As they entered the bush the group spread out fanlike, Rhodeniser in the middle, guiding his dog by calls and a flashlight.

Dog Scents Trail

Even as the dog flushed the crouching Indian and stopped in his trail as he had been taught, Sammy fired twice with his rifle. One shot pierced Rhodeniser through the chest, coming out the back. He toppled over dead as brother policemen sent a fusilade

2 CONSTABLE IS SHOT

(Continued from Page Three)

rg, Nova Scotia for a full police neral.

The Indian reserve tragedy folved close on one of the many mily quarrels the Sammys inlged in uring recent weeks. ter Friday night's battle Mrs. mmy left the house but returned out dawn only to have the verbal ttle re-open. Sammy chased his fe off into the bush, an axe in s hands to back up threats of olence. The Sammy children fled. Mrs. Sammy later appeared at nother farm with a request for od for herself and two girls, riscilla and Florence. Joseph ent to his father's home to get e food and the trio were just tting down to eat it when Sammy de up on a bicycle, carrying a fle.

Even as he asked if his wife ere there he saw her at the table d, before McArthur could stop m, Sammy levelled his rifle and ot his wife dead. For a time he mpaged up and down outside the use, then asked if his wife was ad. Told she was, he asked for e children but they had jumped t a window and were hiding in e bush. Telling McArthur he ill had some cartridges and was oing to kill himself, the Indian imbed back on his bicycle and edalled away, on the road into e interior of the reserve.

Sammy is believed to have first one to the home of his wife's arents in search of her before oing to the McArthur's and, not nding her there, shot them down. uthorities learned first of their eaths and then of the third tragdy. A second daughter of Mr. and rs. Chewack, Mrs. Douglas ewean, rushed into the home of he Indian agen to tell them of the hooting, then collapsed with the veird Indian mourning cry on her ps.

Hurrying to the Chewack home ust behind the agency house, Mr. Morrison found the bodies lying in ront of the house. Returning to his office he summoned R.C.M.P. rom Kipling and Dr. Charles Stapleford, Carlyle coroner. Dr. Stapleford was the first to arrive and he and the Indian agent were n route to the Sammy home when hey halted at the farm of Emile Kateway where Florence and Prisilla Sammy were hiding. It was rom them they learned Mrs. Sammy had been shot. The children told Mr. Morrison their nother only returned two months go from the Indian hospital at Fort Qu'Appelle, where her baby till is. There are two other children in the family.

When word of the triple shooting reached Regina, Acting Superntendent L. H. Nicholson ordered R.C.M.P. from adjoining detachhents and Constable Ruodeniser nd his dog to Carlyle. The dog as been particularly efficient as tracker and in July successfully ound three children who were lost n the Punnichy area.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

J. McNeill

Copy

19113-3

Regina Leader-Post 28/8/39

Department of Mines & Resources
Indian Affairs Branch.
SEP 1 1939
REGISTERED

Four Dead in Carlyle Shootings

POLICEMAN SHOT DOWN BY INDIAN

(Special Despatch)

CARLYLE, Sask., Aug. 28.—An Indian who ran amuck on the Moose Mountain reserve Friday night and killed his wife and his mother-in-law and father-in-law, added another to his list of slayings Saturday night when Constable W. E. Rhodeniser, 28-year-old Yorkton detachment Mounted Policeman, was killed by bullets fired from the Indian's gun.

Before he collapsed, it is believed bullets fired from Constable Rhodeniser's revolver brought down the Indian, Nelson Sammy, who now lies gravely wounded in Arcola hospital.

Was Leading Dog

Constable Rhodeniser was leading "Tell," trained police dog, who guided a posse of policemen to Sammy's hiding place in the bush about eight miles north of Carlyle, when the shooting affray occurred.

The shooting came as a climax to an intensive man hunt that started in the heavy bushland of the reserve after Sammy had ridden away Friday night on a bicycle from the Joseph McArthur farm where Mrs. Sammy was shot as she sat at the supper table.

The shooting of the police officer occurred about 10 minutes to 10 o'clock Saturday night.

Indian Very Low

The Indian, Sammy, is in the Union hospital at Arcola, where Dr. W. Fraser is attending him. He is in serious condition, but has a chance to pull through, although his left thoracic cavity is filled with blood and complications are feared. Sunday night he was very low.

To "Tell," the trained police dog from Yorkton detachment, where Constable Rhodeniser was stationed, goes the credit of locating the fleeing Indian. The dog, with Constable Rhodeniser, was driven to Carlyle early Saturday morning, and took up the chase about half-past 1 o'clock in the afternoon. Shortly before 9 o'clock the chase was given up, but when Indian Agent J. B. Morrison was notified that Sammy had been seen about six miles from the agency, the police started out, and at the home of Wasegenas, an Indian who saw Sammy near his home, "Tell" picked up the trail.

Day of Terror for Indians

The death of Constable Rhodeniser and the shooting down of Sammy ended a day of terror for the Indians of the reserve, for Sammy, according to reports, had intentions of killing other Indians, having declared this intention when last seen at the Joe McArthur farm Friday about midnight, just after he had shot his wife.

The body of Constable Rhodeniser will be sent Monday from Carlyle to Farmington, Lunenburg county, Nova Scotia, his birthplace, where burial will take place.

The bodies of Mr. and Mrs. Chewack, father-in-law and mother-in-law of Sammy, and Mrs. Nelson Sammy, the first three victims of Sammy, were buried Sunday afternoon in the little Indian graveyard to the east of the Indian agency at Moose Mountain. The burial rites were performed by the Indians.

Dog Broken-Hearted

"Tell," the police dog that led the officers to the hiding place of Sammy, is broken-hearted and would eat nothing until Sunday afternoon. When his master fell mortally wounded, the dog jumped to his side and lay down near him. He would not leave his master until the body was carried away. "Tell" will be brought to Regina and another dog-master will take charge of him here for a time.

Dr. Stapleford, coroner at Carlyle, has sworn in a jury, which viewed the bodies of the three Indians and the Mounted police officer. Dr. Frances McGill, of Regina, has already performed an autopsy on the bodies of the three Indians. The inquest has been adjourned indefinitely.

Police Organize Hunt

After the shooting of Mr. and Mrs. Chewack and Mrs. Nelson Sammy, Friday about midnight, information was brought to Indian Agent J. R. Morrison at the Indian agency. He immediately notified the Mounted police, and Corporal Paton, Estevan, took charge of the man hunt, being assisted by Lance Corporal Caswell, of Kipling, and Constables Stackhouse and Stanyer, of the Weyburn subdivision. The police arrived early Saturday and organized the hunt.

Within a few minutes Wasegenas, an 80-year-old Assiniboine Indian living on the reserve, knocked at the agency door and told Mr. Morrison he had seen Nelson Sammy sneaking around his buildings. He had driven nearly five miles to give the information and stayed at the agency, for he was terrified.

Dog Picks Up Trail

The police, with the dog and Mr. Morrison, started out for the Wasegenas home. Arrived at the Indian's home, "Tell" was taken to the cow barn and immediately got the scent. The trail led west across a road on the reserve into the thick bluff country. "Tell" was leading the search and fanwise about him were: at the left, Constable Stackhouse; next him at his right was Corporal Paton, then Constable Rhodeniser behind the dog, next Lance Corporal Caswell, then Constable Stanyer and Mr. Morrison on the extreme right. Mr. Morrison carried no firearms.

The dog reached a thick bluff and made a jump into the bush. Within a few seconds he gave a sharp bark, indicating he had "flushed" his man. Constable Rhodeniser, who carried a flashlight, shone the beam into the bush.

Both Fire

There was a flash and a shot rang out. At the same time Constable Rhodeniser emptied his revolver in the direction of the flash of the rifle. The other police officers also fired into the bush, then Constable Rhodeniser fell, saying: "He hit me, do something."

As he fell the dog came right back to the mortally wounded officer. When Dr. Stapleford arrived some time later Constable Rhodeniser had been dead for some time.

When Dr. Stapleford examined the body he found a bullet had entered the right breast just under the collar bone, and pierced through the body, coming out under the left shoulder blade.

Indian Unconscious

The police went into the bush and found Nelson Sammy unconscious, lying on the ground. There was a wound high up on the left shoulder. This bullet tore through Sammy's left lung, collapsed it, and then passed out through the back. There was also a flesh wound from a bullet in the left thigh.

The body of Constable Rhodeniser was taken to Carlyle, where it was viewed by the coroner and jury, and Nelson Sammy was taken to the Union hospital at Arcola. There he is under constant guard by two Mounted Police officers.

Quarrelled With Wife

The reason given for the Indian Sammy going beserk, is constant quarrelling with his wife. Last Thursday they had had a bad quarrel, and Mrs. Sammy left her husband, going to the home of her father and mother, Mr. and Mrs. Chewack. She returned in the evening and the two made up. Friday morning they were at it again, and Sammy chased his wife into the bush with an axe. Later in the day Mrs. Sammy appeared at the home of Joe McArthur, and asked for food for herself and two daughters, Florence and Priscilla.

Just about the time Mrs. Sammy was sitting down to her supper with her two daughters, Sammy appeared in the McArthur yard, and asked McArthur where he had hidden Mrs. Sammy. He then looked in the door and saw her sitting at the table. He levelled his rifle, John McArthur made a leap for him, but Sammy sent a bullet crashing into his wife, who dropped dead.

Tried to Get Rifle

John McArthur then tried to reason with Sammy, walked up and down the yard, making every attempt possible to take away the rifle. Finally Sammy asked to see his two daughters, but when they went to the house, the two girls had jumped through a window and were hiding in the bush. Sammy then told McArthur he still had plenty of ammunition and there were others that would get a bullet, also he would finally end his own life. Sammy jumped on his bicycle and made off into the darkness. Indian Agent Morrison in the meantime had been informed of the death of Mr. and Mrs. Chewack, and then learned of the death of Mrs. Sammy.

Baby Born

Mrs. Sammy returned from the Indian hospital at Fort Qu'Appelle about two months ago, leaving a new-born baby there. Sammy up to that time had been a model young Indian, but the minute his wife returned, he showed signs of jealousy, and from small bickerings, they came to open wordy warfare, with the result that Mrs. Sammy left her husband's home. After a day of thinking over the situation she returned and they apparently had made up all their troubles. A second violent quarrel, where an axe was used as threat, caused Mrs. Sammy to disappear, and Sammy, after a day of loneliness, started out on the trail that has already ended in the death of four people.

Constable Rhodeniser was born in Farmington, Lunenberg county, Nova Scotia, 28 years ago. He had been in the force for about five years. Most of this time he spent in Saskatchewan. He took a course in police dog handling at the R.C.M.P. kennels in Calgary. A year ago he was sent to Canora, and about a month ago was transferred to Yorkton with his dog "Tell."

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

September 2, 1939.

EX'D.
A.

Dear Sir: Re Murder of R.C.M.P. Constable.

In am in receipt of several Press Reports, with regard to the killing of Constable Willis Rhodeniser by Nelson Sammy, an Indian of the Moose Mountain reserve. It is also stated that this Indian killed his wife, and mother-in-law, and father-in-law.

I shall be obliged if you would let me have a report on this matter by return mail.

Yours very truly,

T.R.L. MacInnis,
Secretary.

E. A. W. R. MacKenzie, Esq.
Indian Agent,
Broadview, Saskatchewan.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Poor Copy

The Star-Phoenix ~~Sixty Hours.~~ SASKATOON, SASKATCHEWAN, MONDAY, AUGUST 28, 1939.

YORKTON MOUNTIE SHOT TO DEATH

Man Wanted for Triple Slaying Fires at Posse

Constable Rhodeniser Hit Near Heart When Killer Shoots From Thick Bush: Quarry Himself Receives Severe Gun Wounds

Canadian Press

REGINA, Aug. 28.—Constable W. E. Rhodeniser of Yorkton Royal Canadian Mounted Police detachment was killed almost instantly, and Nelson Sammy, a Moose Mountain Reserve Indian, was seriously wounded in an exchange of shots when a policeman and Indian posse closed in upon Sammy late Saturday night in the thick brush country of the reserve, eight miles north of Carlyle.

Sammy, wanted in connection with the slaying of his wife and his wife's father and mother, Mr. and Mrs. Chewack, was tracked to his hiding by "Tell," the trained police dog, brought specially for the hunt by Constable Rhodeniser from the Yorkton detachment.

DOG STANDS BY INJURED MASTER

The dog, which led the police to the hiding place of the Indian, dashed back to the side of his fallen master after the exchange of shots and refused to leave him or take any further interest in the hunt.

The shooting came as a climax to an intensive man hunt that started in the heavy bushland of the reserve after Sammy had ridden away Friday night on a bicycle from the Joseph McArthur farm where Mrs. Sammy was shot as she sat at the supper table. Still carrying his rifle, Sammy remarked, as he rode away, that he still had ammunition and intended to shoot himself.

Bodies of the three victims of Friday's tragedy which started the intensive man hunt, were removed to the mission clinic on the Indian agency north of Carlyle, Saturday, where Dr. Frances McGill, provincial pathologist of Regina, conducted a post mortem examination.

INDIAN MAY RECOVER

The Indian is in Arcola Union Hospital. He has a bullet wound in his left shoulder, believed to have been inflicted when he was trapped by Constable Rhodeniser. The Indian's left thoracic cavity is still filled with blood, his left lung is collapsed and he is far from being out of danger. He was shot through the chest.

According to the fragmentary pieces of information that have not yet been fully pieced together, it is believed that the killing of Mr. and Mrs. Chewack occurred after the killing of Mrs. Sammy at the McArthur home.

Shortly after noon, Saturday, Constable Rhodeniser arrived at the Indian reserve with "Tel" and a posse of Indians, and police, including members from the Estevan detachment, were organized, and the search commenced. During the afternoon efforts to pick up the trail of the fleeing Indian failed despite the full co-operation of other Indians who believed Sammy had likely carried out his threat to shoot himself.

About nine o'clock Saturday evening, Wasegnas, 80-year-old Indian, arrived at the home of J. R. Morrison, Indian agent, 12 miles north of Carlyle, with the information he had seen Sammy sneaking around the corner of his buildings a few yards from the cow barn.

Search for the man was immediately instituted, and the police dog was released where the man had been seen by the old Indian. He picked up the scent immediately and, with Mr. Morrison, Indian agent and the police following, the dog charted a course through heavy brush, the dog travelling very slowly for the first half mile.

As the scent became stronger the dog speeded its pace through dense underbrush and around a slough onto an old trail which was followed for 100 yards. Here the dog jumped quickly into the brush again when shots rang out, and police returned fire from the bushes.

Constable Rhodeniser was fatally shot and died a few minutes later. As he fell to the ground he shouted: "He hit me. Do something." Corporal Harry Casswell of the Kipling detachment and Mr. Morrison went to the aid of Rhodeniser while other members of the posse pressed on, where they found Sammy lying in the bushes unconscious.

Examination by Dr. W. R. Fraser in Arcola revealed that he had a wound in his left breast and a flesh wound on his hip.

A dispatcher was sent immediately after the shooting to the Ed. Morrison farm on No. 9 Highway three miles away, where a call was put in to Doctor Stapleford of Carlyle, but on his arrival, he found Constable Rhodeniser already dead, shot in the left breast just above the heart.

The bodies of the two men were carried through the thick brush to the open country where Constable Rhodeniser's body was removed to Carlyle in the polce car, and the wounded Indian was taken to Arcola hospital for medical attention.

Constable Rhodeniser was born about 28 years ago at Lunenburg, N.S., and had been in the force for about five years. He had been four years in Saskatchewan, during which time he took a course in police dog handling at the R.C.M.P. kennels in Calgary. He was stationed at Canora for a year, and had been in Yorkton only a month.

The body was sent east by rail this morning to his old home at Farmington, Lunenberg County, Nova Scotia, where funeral service will be held and burial made in Farmington Cemetery.

Several Mounted Police officers from the Maritimes division will attend the service.

Edmonton Bulletin 28/8/39

Mounted Policeman Dies Of Gunshot Trying to Capture Indian Murderer

REGINA, Aug. 28.—Constable W. E. Rhodeniser, Yorkton Royal Canadian Mounted Police detachment, was killed almost instantly, and Nelson Sammy, Moose Mountain reserve Indian, was seriously wounded in an exchange of shots when a police and Indian posse closed in upon Sammy late Saturday night in the thick brush country of the reserve, eight miles north of Carlyle.

Sammy, wanted in connection with the slaying of his wife and his wife's father and mother—Mr. and Mrs. Chewack—was tracked to his hiding place by "Tel," a police bloodhound brought specially for the hunt by Constable Rhodeniser from Yorkton.

EXPECTED TO RECOVER

Sammy, now in Arcola hospital, was reported in serious condition but expected to recover.

The dog, which led the police to the hiding place of the Indian, dashed back to the side of his fallen master after the exchange of shots and refused to leave him or take any further interest in the hunt.

The shooting came as a climax to an intensive manhunt that started in the heavy bushland on the reserve after Sammy had ridden away Friday night on a bicycle from the Joseph McArthur farm where Mrs. Sammy was shot as she sat at the supper table.

Still carrying his rifle, Sammy remarked as he rode away that he still had ammunition and intended to shoot himself.

BODIES REMOVED

Bodies of the three victims of Friday's tragedy which started the intensive man hunt, were removed to the mission clinic on the Indian reserve 12 miles from the Indian agency north of Carlyle Saturday where Dr. Frances McGill, provincial pathologist of Regina conducted a post mortem examination.

Fragmentary information indicated the killing of Mr. and Mrs. Chewack occurred after the killing of Mrs Sammy.

Shortly after noon Saturday, Constable Rhodeniser arrived at the Indian reserve with "Tel," and a posse of Indians and police was organized, and the search commenced.

About nine o'clock Saturday evening Wasegnas, 80-year-old Indian arrived at the home of J. R. Morrison, Indian agent, with the information that he had seen Sammy sneaking around the corner of his buildings.

PICKS UP SCENT

The police dog was released where the man had been seen by the old Indian, picked up the scent immediately and charted a course through heavy brush.

As the scent became stronger the dog speeded its pace through dense underbrush and around a slough onto an old trail which was followed for 100 yards. Here the dog jumped quickly into the brush again when shots rang out, and police returned fire from the bushes.

Constable Rhodeniser was fatally shot and died a few minutes later. As he fell to the ground he shouted: "He hit me, do something." Corporal Harry Casswell of the Kipling detachment and Mr. Morrison went to the aid of Rhodeniser, while other members of the posse pressed on, where they found Sammy lying in the bushes unconscious.

Examination by Dr. W. R. Fraser later in Arcola revealed that he had a wound in his left breast and a flesh wound on his hip.

The Star-Phoenix ~~Sixty Hours.~~

BY INDIAN

Indian Affairs, (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

Pr. Albert Herald 28, 8/39

Indian Kills Police Constable During Chase

REGINA, Aug. 28.—(?)—Constable Rhodniser of Yorkton Royal Canadian Mounted Police detachment was killed almost instantly, and Nelson Sammy, Moose Mountain reserve Indian, was seriously wounded in an exchange of shots when a police and Indian posse closed in on Sammy late Saturday night in the thick brush country of the reserve, eight miles north of Carlyle.

Sammy, wanted in connection with the slaying of his wife and his wife's father and mother—Mr. and Mrs. Chewack, was tracked to his hiding by "Tel," the police bloodhound, brought specially for the hunt by Constable Rhodiser from the Yorkton detachment.

Sammy is now in Arcola hospital where he is reported to be in serious condition, but is expected to recover.

The dog which led the police to the hiding place of the Indian dashed back to the side of his fallen master after the exchange of shots and refused to leave him or take any further interest in the hunt.

The shooting came as a climax to an intensive man hunt that started in the heavy bushland of the reserve after Sammy had ridden away Friday night on a bicycle from the Joseph McArthur farm where Mrs. Sammy was shot as she sat at the supper table. Still carrying his rifle, Sammy remarked as he rode away that he still had ammunition and intended to shoot himself.

Bodies of the three victims of Friday's tragedy which started the intensive man hunt, were removed to the mission clinic on the Indian reserve 12 miles from the Indian agency north of Carlyle Saturday where Dr. Frances McGill, provincial pathologist of Regina conducted a post mortem examination.

Information Fragmentary

According to the fragmentary pieces of information that have not yet been fully pieced together, it is believed that the killing of Mr. and Mrs. Chewack occurred after the killing of Mrs. Sammy at the McArthur home.

Shortly after noon Saturday, Constable Rhodniser arrived at the Indian reserve with "Tel" and a posse of Indians, and police including members from the Estevan detachment, were organized, and the search commenced. During the afternoon efforts to pick up the trail of the fleeing Indian failed despite the full co-operation of other Indians who believed Sammy had likely carried out his threat to shoot himself.

About nine o'clock Saturday evening Wasegnas, 80-year-old Indian arrived at the home of J. R. Morrison, Indian agent, 12 miles north of Carlyle, with the information that he had seen Sammy sneaking around the corner of his buildings a few yards from the cow barn.

Search for the man was immediately instituted, and the police dog was released where the man had been seen by the old Indian. He picked up the scent immediately and with Mr. Morrison Indian agent and the police following, the dog charted a course through heavy brush, the dog travelling very slowly for the first half mile.

As the scent became stronger the dog speeded its pace through dense underbrush and around a slough onto an old trail which was followed for 100 yards. Here the dog jumped quickly into the brush again when shots rang out, and police returned fire from the bushes.

Constable Rhodniser was fatally shot and died a few minutes later. As he fell to the ground he shouted: "He hit me, do something." Corporal Harry Casswell of the Kipling detachment and Mr. Morrison went to the aid of Rhodniser, while other members of the posse pressed on, where they found Sammy lying in the bushes unconscious.

Examination by Dr. W. R. Fraser later in Arcola revealed that he had a wound in his left breast and a flesh wound on his hip.

A despatcher was sent immediately after the shooting to the Morrison farm on No. 9 highway three miles away, where a call was put in to Dr. Stapleford of Carlyle, but on his arrival, he found Constable Rhodniser already dead, shot in the left breast just above the heart.

The bodies of the two men were carried through the thick brush to the open country where Constable Rhodniser's body was removed to Carlyle in the police car, and the wounded Indian was taken to Arcola hospital for medical attention.

Moose Mountain Indian Yorkton detachment

Indian Affairs, (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH
G.

Department of Mines & Resources
Indian Affairs Branch.
SEP 5 1939
REGISTERED

PLEASE QUOTE
FILE I.1.

Crooked Lake Agency,
Broadview, Sask.,
Sept. 2., 1939..

Sir:-

I have to advise that on Friday August 25th, one of our Indians, Nelson Sammy of White Bears Band, after having considerable family trouble took the law into his own hands, shot his wife, his mother-in-law and his father-in-law.

The Police on searching for him came across him Saturday evening when unfortunately he shot an R.C.M.Policeman, who also wounded him.

The four above mentioned are all dead and Nelson Sammy is in Arcola Hospital under Police Guard recovering from his wound.

There is no doubt when sufficiently recovered he will be brought to trial for Murder and will be needing a Counsel. May I have your instructions please?

Your obedient servant,

Wilfred J. B. Ball,
Agency Clerk.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH
O.

Department of Mines & Resources
Indian Affairs Branch.
SEP 7 1939
REGISTERED

PLEASE QUOTE
FILE W.1.

Rec'd

Crooked Lake Agency,
Broadview, Sask.,
Sept. 4., 1939.

Sir:-

Referring to your letter 19113-3 of the 2nd. instant concerning Nelson Sammy I beg to advise that I reported this case to you on the 2nd. instant but I have today received a full report on this from my Farm Instructor at Moose Mountain Reserve, a copy of which I am forwarding herewith.

Your obedient servant,

Wilfred J. B. Ball,
Agency Clerk.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

"C O P Y"

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

Moose Mountain Reserve,
Carlyle, Sask.,
Sept. 1., 1939..

E.A.W.R.McKenzie, Esq.,
Indian Agent,

Dear Sir:-

I wish to forward a report re-shooting by Nelson Sammy on the White Bears Reserve.

At 11 p.m. Aug.25/39, I was called to the home of Shewacks on my arrival I found Mrs. Shewack on the south side of their house and Shewack on the north and west side of the house in a pool of blood.

On my way home to call a doctor and police I learned that Mrs. Nelson Sammy had been shot at the home of Joe McArthurs about 1½ miles from my house, on my arrival I found Mrs. Nelson Sammy on the floor dead. When police and doctors arrived I took them to the homes of murdered Indians. A search was started at once but it was not until 10 p.m. Aug. 26., 1939., that we caught up to Nelson Sammy, he shot and killed one police and he in return was wounded twice and taken to Arcola hospital under arrest, where he still is. As far as I can learn this was entirely a family affair and no serious remarks were ever mentioned to me or Indians who were working with Nelson Sammy in the hay fields.

Yours truly,

J. R. Morrison,
Farm Instructor.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

AFETY ▲ FILM ●●

"F" Division

Weyburn Sub-Division
6F608 ESTEVAN Detachment

Estevan, Sask. August 29th,. 1939

The O.C. RCMP
Weyburn Sub-Div.
Weyburn,. Sask.

Sir: Re:- Reg No 12690 Cst RHODENISER, W.E.
Murder of - Carlyle District,
Saskatchewan.

1. In reference to the above, I have to report as follows. At approximately 7:45 a.m. on August 26th, 1939 I was instructed by A/Sgt J.V. STINSON of Weyburn Sub-Division Headquarters, to proceed to Carlyle with Cst STACKHOUSE, D.G. per Pol. Chev. Code # 2433. I was informed that a Treaty Indian of the White Bear Indian Reserve, situated about 8 miles North of Carlyle, Sask, one Nelson SAMMY had shot and killed his wife, his mother-in-law and his father-in-law on the Reserve around 11 p.m. on the 25th August 1939.

2. I left Estevan around 8:10 a.m. on August 26th and proceeded to Carlyle with Cst STACKHOUSE, D.G. per Police car where on arrival at the Reserve, I found L/Cpl CASWELL and Cst STANYER of the Kipling Det'm, and D/Cst FOSSUM of the Weyburn C.I.B. investigating. Search parties among the Indians of the Reserve had already been organized but to date without result, the three members of the Force having been on duty since the night before.

3. Around 4 p.m. of August 26th, Cst RHODENISER, W.E. arrived per Pol. car with Police dog "Tell" from Yorkton Sub-Division. The Police dog was used immediately on its arrival but did not succeed in leading any members of the Force to the whereabouts of the wanted Indian, due no doubt to the lapse of time, and also as the Indians had been roaming around the Reserve, some on foot and others on horse back.

4. Around 7 p.m. or a little after, I was on the West side of the Reserve making enquiries among the Indians but without result, although I was of the opinion that Nelson SAMMY was still on the Reserve, and it was known that he was in possession of a 32/40 rifle with ammunition for same. At this time I would be about half way between the Agency buildings and Carlyle, as the Agency is on a rural line, I decided to proceed to Carlyle and contact Inspr F.P. Baxter, O.C. Weyburn Sub-Division, and inform him of the results of the investigation, and also for further instructions as I was of the opinion the murderer was still on the Reserve.

5. On my arrival at Carlyle I contacted the O.C. Weyburn Sub-Division, and was informed that Cst CAVILL I/c of the Carlyle Det'm and who had been absent on other duties, had left Weyburn for Carlyle with Cst LEGER of the Weyburn Detachment. As L/Cpl CASWELL, D/Cst FOSSUM and Cst STANYER had been on duty since their arrival

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Reg No 12690 Cst RHODENISER, W.E.
Murder of - Carlyle District,
Saskatchewan.

since their arrival
it was decided to leave Csts STACKHOUSE and LEGER at the Agency buildings overnight, that D/Cst FOSSUM was to get some rest and Cst CAVILL was to remain at Carlyle in case required, the writer to return to Estevan but to remain within call, in case the Indian was located and extra help required.

6. L/Cpl CASWELL was contacted at the Agency and informed of the arrangements, I then proceeded to return to the Reserve, as I had still Cst STACKHOUSES' grip etc in the car, and also to instruct him to remain at the Agency overnight. When I was about a mile or so from the Agency, I met the two Police cars, ine thefirst were L/Cpl CASWELL, Cst STANYER and Mr J.R. MORRISON the resident Farm Instructor, the second car contained Csts STACKHOUSE and RHODENISER with Police dog "Tell".

7. I was informed that an Indian named Standing One Man, who lives on the West side of the reserve had seen a man around his barn, this would be somewhere between 7:30 and 8 p.m. this man he thought and was sure was Nelson SAMMY. As the police dog had no success in the afternoon in locating the murderer, I decided to go ahead with the search as the trail left by the murderer, if it were him, would be fresh. At this time it was not quite dark although the car headlights were on and there was almost a full moon, which made the night quite light.

8. The party above mentioned then proceeded to the shack of Standing One Man, about half a mile or a little over, just West of Highway No 9. On arrival at the shack the cars were stopped, I then asked Mr MORRISON if he wished to accompany the Police party or stay with the cars, he informed me he would rather come with the Police party. Cst RHODENISER then decided that he would not put the Police dog on the leash, as the dog would have more room to roam around in, and also as the bush was very thick.

9. Cst RHODENISER then led the party with the Police dog towards the barn, close to the shack where the Indian had been seen, the writer was immediately in the rear of Cst RHODENISER with the remainder of the party bringing up the rear. The dog smelled around the barn for a little while, then led over a small stack of old straw and into the bush, and around a small slough and then into the bush again, in my opinion we were going in a Northerly direction and also a little West. I remained with Cst RHODENISER all the time, and asked him twice if he thought the dog had the "scent". He replied that he could not tell, that he could just judge by the actions of the dog, and that if the dog barked he would know that SAMMY had been located.

10. The dog led the party along a cow path through the bush, once or twice it stopped and ranged around a little, it was called back by Cst RHODENISER and then kept along this cow path, the dog had led the party about a mile or a little better when all at once it jumped into the bush on the left of the cow path, just a few seconds before the dog jumped into the bush, I again asked Cst RHODENISER if he thought the dog had the "scent" and he replied "I think so, or words to that effect".

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re:- Reg No 12690 Cst RHODENISER, W.E.
Murder of @ Carlyle District,
Saskatchewan.

11. Immediately after the dog had jumped into the bush, the dead wood in the bush could be heard crackling a few feet away, Cst RHODENISER then said "He's in there", he also said to the dog what I took to be "Hold him, "Tell". I then called out "Nelson SAMMY, come out quietly and give up", there was no reply to this, just a little before I said those words, the dog had given a half growl or half bark. I then turned around to the other members of the party who were strung out along the cow path by this time, and who all had flashlights, and ordered no flashlights to be used.

12. I then turned around again and saw Cst RHODENISER just disappearing into the bush I then had no other alternative but to go into the bush also, the other members of the party also went into the bush in the following order, Cst STACKHOUSE on the extreme right flank, the writer, Cst RHODENISER, L/Cpl CASWELL, Cst STANYER and Mr J.R. MORRISON on the extreme left flank, all the party had entered the bush from the left hand side of the cow path.

13. I had gone out 15 feet or so into the bush on a half trot, when I heard several shots just on my left, I could see some flashes but have no idea how many shots were fired, just at this time I heard the Police dog give a whine as if some one had either kicked or shot at it. I turned a little to my left and went ahead again, just then I caught a glimpse of the Indian, I had just time to raise my service revolver and fire one round from the hip, when the Indian disappeared into the bush again, when I fired at the Indian he would be on my left front, I do notthink I hit the Indian with the shot I fired at him. I went ahead once more to where I had seen the Indian, I then saw a flashlight on for a few seconds, I do not know who used the flashlight. There were a few more shots, then I heard Cst RHODENISER cry out '"I'm shot", I turned and gave about two or three leaps through the bush and found L/Cpl CASWELL and Cst RHODENISER together, on a quick look at Cst RHODENISER I saw that he was shot in the left shoulder, he was turned over to the care of L/Cpl CASWELL and Mr J.R. MORRISON who had just arrived.

14. I could still hear the brush crackling where the Indian was still at large with Csts STACKHOUSE and STANYER in pursuit, I immediately turned around to my right and continued running towards the crackling in the bushes, there were no more shots fired, after I heard Cst RHODENISER cry out "I'm shot". I had gone some little distance further into the bush and was just about to step onto another trail which led North and South, when I heard Cst STACKHOUSE cry out " I've got him, and I think he is done for". I ran a few steps North on this trail, and found the Indian Nelson SAMMY lying wounded between Csts STACKHOUSE and STANYER. After a quick examination I saw he was unarmed and bleeding from the left breast, the two aforementioned Constables were left on guard and I returned to where Cst RHODENISER had been left with L/Cpl CASWELL and Mr MORRISON.

15. I found Cst RHODENISER lying on his back badly wounded, L/Cpl CASWELL and Mr MORRISON had done everything possible to stop the bleeding but without success, from the appearance of Cst RHODENISER I saw that he was just about to die, his eyes were half glazed over and he was breathing in short gasps. I immediately despatched Cst STACKHOUSE for Dr STAPLEFORD at Carlyle, but before the Constable had been gone many moments, Cst RHODENISER died.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Reg No 12690 Cst RHODENISER , W.E.
Murder of - Carlyle District,
Saskatchewan.

The body of Cst RHODENISER was left where he died until removed later by order of the Coroner to the under taking parlour at Carlyle, Sask by the writer and Cst CAVILL. On making a check up among the Police party, I found that five rounds in all had been fired, in Cst RHODENISER'S service revolver there were four empty shells and two live ones, the writer had fired one round. The wounded Indian Nelson SAMMY was taken to Brock Union Hospital at Arcola and placed under a day and night guard, he being shot through the left breast, and left thigh, both wounds in the opinion of the Doctor being made by a .455 bullet.

16. On examining Cst RHODENISER it was found the bullet had gone completely through the body, in its passage it had severed the Auxilliary Artery, and this in the opinion of the Doctor had been the cause of death, I was also informed by Dr F. McGILL that nothing could have been done to save this Constable's life. All personal property etc of Cst RHODENISER was taken possession of this night August 26th, and was later turned over to Cst CAVILL who would later turn same over to a Police party arriving from Regina on the 27th inst.

17. An Inquest was opened at Carlyle on the 27th inst, after the Jury had viewed the body of Cst RHODENISER, it was adjourned sine die, the autopsy was performed by Dr F. McGILL, after the body had been identified as that of Cst RHODENISER, by the writer.

18. In conclusion I wish to state, that my reasons for taking up the trail of the Indian murderer at dusk were, it was not quite dark, there was a full moon, a triple murder had been committed and the Indian had informed other Indians before he had taken to the bush, that he would get some more of them before he was caught. When the information was received that he had been seen, I considered it to be my duty to try and locate this Indian and place him under arrest if that were at all possible, I might state that I had no intention of rushing him, should he have been discovered. On viewing the scene of the shooting in daylight, the Indian murderer was concealed in the bush, and the Police party advanced along the cow path, as we had no idea of just where the Indian was, the Police party would have been in full view and would have offered splendid targets for the murderer.

19. I would also like to commend the actions of Csts STACKHOUSE and STANYER, who, although they knew the Indian to be armed and that he had just shot Cst RHODENISER, still continued the pursuit through the bush, until the Indian was captured, both those Constables have around two years Detachment experience.

The O.C., 'F' Div.,
R.C.M.P., REGINA
Sir:

1. Forwarded for your information. A/Cpl. Paton was in charge of Police Party at time Const. Rhodeniser was mortally wounded. Kindly refer to my report of 29th instant.
2. I would respectfully draw attention to and fully concur in A/Cpl. Paton's remarks.

Reg No 10406 I/c Detac A/C
H. Paton

30-8-39.
FTB/C.

Com

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F" Division.

39R 636-14
39W 17-33

REGINA, Sask., Sept. End, 1939.

Memorandum to:

The Officer Commanding,
Weyburn Sub/Division,
R. C. M. Police,
WEYBURN, Saskatchewan

Re: Nelson SAMMY - Murder (263)
White Bear Indian Reserve
Carlyle district, Saskatchewan
(CARLYLE DETACHMENT CASE)

1. Reference your C.I.B. report of August 28th, 1939--it would be well to have the bullet recovered from the body of the Indian, SHENACK, and the one which caused the death of Mrs. SAMMY and which was found imbedded in the wall of the hut in which she was murdered, together with the .32-40 Winchester rifle, brought to the Scientific Laboratory for examination.

2. There seems to be ample evidence to support the murder charge or charges, but the additional proof which may be expected on Laboratory examination should make the case air-tight.

3. A copy of the Provincial Pathologist's report dated August 31st, 1939 and headed "Re: Constable W. E. Rhodenizer - Deceased" is attached hereto for your information.

A/Supt.
In Charge, C.I.B.,
(L. H. Nicholson)

LHN/GMB
Encl.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

FORM 246

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT REPORT

RECEIPT AND CANCELLATION

No. 94

Detachment File No. .....
District File No. .....
"Hdqrs" File No. .....

Detachment CARLYLE
Sub-District WEYBURN
District F
Date 29-8-39

RE: Nelson SAMMY - Murder (263) White Bear Indian Reserve, Carlyle District, Sask.
(NAME OF FILE)

On 27-8-39 (DATE) 193....., I, Const C.H.Cavill. (CONSTABLE'S NAME)

Came into possession of the following described goods, by:— recovering them from the body of Const W.E.Rhodeniser.
(STATE BRIEFLY, AUTHORITY, ETC., WHETHER BY SEARCH WARRANT, ETC.)

No. OF PACKAGES	CAPACITY OR SIZE	DESCRIPTION OF CONTENTS (DETAILS TO BE GIVEN IN FULL)
		One tunic brown serge, showing bullet hole, One pair of blue overalls, One shirt Khaki, One pair grey woolen socks, One pair of black ankle boots, One pair of suspenders, Two live 455 shells, Four expended cartridges One nickel three cell flashlight Certified Correct, C.H.Cavill Const C.H.CAVILL. Reg No 10767 In charge of Detachment.

TO C.I.B., "F" DIVISION, REGINA.
FORWARDED.

INSPR.
COMMANDING WEYBURN S/DIVISION.

CARRIED FORWARD
AUG 30 1939

CANCELLATION

The above described goods have been disposed of at .....
(PLACE)

on ..... 19..... by being:—
*DESTROYED IN THE PRESENCE OF—
*HANDED OVER TO— .....
*STRIKE OUT ONE NOT REQUIRED. (NAME AND OCCUPATION)

.....of same is hereby acknowledged.
(STATE "DESTRUCTION" OR "RECEIPT")

REMARKS: .....
(IF DESTROYED STATE HOW, ETC.)

.....

.....

..... CERTIFIED CORRECT.
(SIGNATURE OF RECIPIENT OR WITNESS)

.....
(SIGNATURE OF N.C.O. OR CONST.)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No.....

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	WEYBURN	CARLYLE
Province		Date
Saskatchewan		29-8-39

File References

Re: Nelson SAMMY - Murder(263)
White Bear Indian Reserve,
Carlyle District, Sask.

CARLYLE DETACHMENT CASE.

Headquarters

Sub-Division

39W

Detachment

P. C. R.

Carlyle 1st

A. R. V. No.

Diary Date set for

26-8-39

1. With further reference to the above, after returning from Weyburn this date, having been engaged on other Police Duties re:- Alec KITTSON et al, House-breaking & Theft 458(a), Arcola, Sask, the patrol continued to the White Bear Indian Reserve, where it was learned that a further death had resulted, the Dog Master, Const W.E. Rhodeniser, having been shot and fatally wounded by SAMMY.

2. The body was viewed by the Coroner, Dr.C.H. Stapleford, of Carlyle Sask, and he ordered removed to the furneral Parlors at Carlyle, Sask, with the assistance of Corpl J.Paton, of the Estevan Detachment, the body was conveyed as instructed by the coroner.

3. Owing to the lateness of the hour the jury as used earlier in the day could not be gathered together, it was then decided by the Coroner to wait until the following Morning.

4. The patrol then continued to Arcola, accompanied by Corpl Paton, who remained on guard at the hospital, the writer returning to Carlyle.

27-8-39

5. On this date, the jury as used the previous day, viewed the body, evidence was taken by the coroner as to identification, and the inquest adjourned sine die, the jury present was as follows.-

G.Humphries,
M.Long,
E.Gransfield,
E.Graham,
S.R.Andrew,
W.Reid,
all of Carlyle, Saskatchewan.

6. The clothing taken off the body, has been taken possession of, together with expended and live ammunition taken from the revolver of Comst Rhodeniser, the same are covered by Form 246 No.94, and all have been marked for identification, a flashlight found near where the fatality occurred is also included in the exhibits.

7. The writer then accompanied Insp Baxter, O.C.Weyburn Sub/Division, per police auto to the White Bear Indian Reserve, where further investigation was made, see reports submitted by Weyburn Sub Division.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Nelson SAMMY - Murder (263)
White Bear Indian Reserve,
Carlyle District, Sask.

CARLYLE DETACHMENT CASE.

28-8-39

8. On this date the remains were shipped per C.P.Express to Bridgewater, Nova Scotia, c/o R.C.M.P. at that point.

9. On this date in the late PM a patrol was made per police auto to the Arcola Hospital, where the captionally noted is under guard, Const Hadley advised me that SAMMY during the day, enquired of him which direction was EAST, and how far the revolvers would shoot, incidentally the White Bear Indian Reserve is east of the Hospital, I immediately interviewed Dr.Fraser, and he advised that no harm would be done if leg irons were kept on this man, the patrol returned to Carlyle and back to Arcola, Sask, taking with me a pair of leg irons, instructing that they should be put into use as the Doctor had sanctioned their use and no chances are to be taken, periodical patrols will be maintained to the Hospital in order to give any assistance that might be required.

10. For full details in this connection please see reports submitted by the Weyburn C.I.B. and Weyburn Sub Division Office.

CARRI D FORWARD. EXPENSES SHOWN ON FORM 93.

To.O.C.Weyburn,Sask.,
Sir:- Forwarded:-

Const
C.H.CAVILL. Reg No 10767
In charge of Detachment.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

FORM 246

ROYAL CANADIAN MOUNTED POLICE

EXHIBIT REPORT No. 136.

RECEIPT AND CANCELLATION

Detachment File No. .....
District File No. .....
"Hdqrs" File No. .....

Detachment Weyburn C.I.B.
Sub-District Weyburn Sub-Div.
District N.W.T. Division
Date Aug. 30th. 1939.

RE: Nelson SANDY (Treaty Indian) - Murder (263) CCC., White Bear Indian Reserve, Sask.
(NAME OF FILE)

On Aug. 26th & 27th (DATE) 193 9., I, J. Fossum, D/Cst. (CONSTABLE'S NAME)

Came into possession of the following described goods, by:— same being found and seized at the scenes of crime.

(STATE BRIEFLY, AUTHORITY, ETC., WHETHER BY SEARCH WARRANT, ETC.)

No. OF PACKAGES	CAPACITY OR SIZE	DESCRIPTION OF CONTENTS (DETAILS TO BE GIVEN IN FULL)
		2 Empty Rifle Shells, cal. 32-40. 1 Spent Bullet (Rifle) cal. 32-40. 1 Winchester lever action Rifle, cal. 32-40.

CERTIFIED CORRECT.

J. Fossum Cst.
Reg.No.11297, Fossum, J.
Weyburn Sub-Div. C.I.B.

CANCELLATION

The above described goods have been disposed of at ..... (PLACE)

on ..... 193..... by being:—

*DESTROYED IN THE PRESENCE OF—

*HANDED OVER TO— ..... (NAME AND OCCUPATION)

*STRIKE OUT ONE NOT REQUIRED.

..... (STATE "DESTRUCTION" OR "RECEIPT") of same is hereby acknowledged.

REMARKS: ..... (IF DESTROYED STATE HOW, ETC.)

..... (SIGNATURE OF RECIPIENT OR WITNESS)

CERTIFIED CORRECT,

..... (SIGNATURE OF N.C.O. OR CONST.)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No.....

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
6/608	Weyburn	ESTEVAN

Province: Saskatchewan

Date: August 28th,. 1939

File References

Re: Nelson SAMMY (Treaty Indian) - Murder (263)
White Bear Indian Reserve, Carlyle District
Saskatchewan.
(CARLYLE DETACHMENT CASE) .

Headquarters

Sub-Division

Detachment
Estevan
1 - 35

P. C. R.
First

A. R. V. No.

Diary Date set for

26-8-39.

1. With reference to the above, at 7:30 a.m. this date, I received a telephone call from D/Cst FOSSUM of Weyburn C.I.B. who was speaking from the Agency residence on the White Bear Indian Reserve near Carlyle, to the following effect. Between 11 p.m. and Mid-night on the 25th inst, a Treaty Indian of the Reserve had murdered his wife, Mrs Ruth SAMMY, his mother and father -in-laws, Old Man (no Christian name) SHEWACK and Old Lady (No Christian name) SHEWACK.

2. The name of the Indian was Nelson SAMMY, it was thought he had left the Reserve with his bicycle and might be headed South towards the International Boundary. A few minutes after receiving this call, A/Sgt STINSON of Weyburn S/Div Hdqts telephoned the writer and instructed me to proceed to the Reserve mentioned with Cst STACKHOUSE, D.G. and render assistance in the arresting of the murderer.

3. At 8:15 a.m. of the above date I patrolled per Pol. Chev Code #2433 accompanied by Cst STACKHOUSE, D.G. towards Carlyle via Highways No 18 and 9. Enquiries were made at all farm houses, small towns en route to Alameda for an Indian with or without a bicycle but without result. At Alameda I got in touch with A/Sgt STINSON per telephone , I was informed there were no further developements in this case, and for the writer with Cst STACKHOUSE to carry on as per original instructions.

4. The patrol continued to Carlyle via Highway No 9, enquiries being made at all farm houses close to the highway en route, the patrol arrived at the Agency on the Reserve around 1:40 p.m. of the above date. There I found L/Cpl CASWELL and Cst STANYER of Kipling Det'm and D/Cst FOSSUM of Weyburn C.I.B. Search parties of Indians had already been organized and the bicycle of Nelson SAMMY had been found on the East side of the Reserve, but no further trace of the wanted Indian had been obtained. The three bodies had already been moved to the Mission on the Reserve after having been viewed by the Coroner and Coroner's Jury.

5. I was informed that Dr Frances McGILL, Provincial Pathologist was expected any any time to perform the autopsy and that Cst RHODENIZER, W.E. was also expected from Yorkton with Police dog "Tell".

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Nelson SAMMY (Treaty Indian) - Murder (263)
White Bear Indian Reserve, Carlyle District
Saskatchewan.

6. Enquiries were made throughout the Reserve by the different members of the R.C.M.Police but without obtaining any further information as to the general whereabouts of the wanted man, around 4 p.m. Cst RHODENISER arrived with Police dog "Tell". The writer accompanied by L/Cpl CASWELL and Cst RHODENISER with dog "Tell" proceeded to the spot where the accused's bicycle had been found, the Police dog ranged around but was unable to pick up any scent, all efforts of the dog to pick up a scent were unsuccessful with one exception, the dog picked up a scent where the accused was alleged to have crossed a pasture field, this scent the dog followed for a short time and then lost it, no doubt, owing to the fact that several search parties of Indians had been roaming around, some on foot and others on horseback.

7. Around 7 p.m. the writer found himself on the West side of the Reserve, where I had been making enquiries, at this time as I was about half way between Carlyle and the Agency where a telephone is located, I decied to proceed to Carlyle, get in touch with the O.C. Weyburn Sub-Division, report the results of the investigation and search for SAMMY, and also for further instructions as by this time L/Cpl CASWELL, D/Cst POSSUM and Cst STANYER who had been on duty continuously since the night before, were very tired and were badly in need of rest. At this time I was also of the opinion that SAMMY was still hiding out on the Reserve, although all Indians interviewed had reported he had not been seen.

8. I proceeded to Carlyle and on getting in touch per telephone with the O.C. Weyburn S/Div. I was informed by Cst CAVILL I/c Carlyle Det'm was on his way to Carlyle with Cst LEGER of the Weyburn Det'm. It was then decided to station Csts STACKHOUSE and LEGER at the Agency overnight, as SAMMY had made threats to come back and shoot some other Indians, D/Cst POSSUM and Cst CAVILL to remain at Carlyle in case they were required. The writer, L/Cpl CASWELL and Cst STANYER to return to their respective Det'ms. The above information was conveyed to L/Cpl CASWELL per telephone.

9. As the writer had Cst STACKHOUSES' effects in the Pol. car I returned to the Agency, Cst STACKHOUSE having been employed most of the afternoon in giving assistance to Dr Frances McGILL. About a mile or thereabouts of the Agency buildings, I met L/Cpl CASWELL, Cst STANYER and Mr J.R. MORRISON resident farm-instructor in one car and Csts STACKHOUSE and RHODENISER with dog " Tell" in the other car, I was informed that an Indian "Standing White Man" had just brought in information to the effect, that, SAMMY had been seen close to the informant's barn on the West side of the highway. As it was not quite dark and as there was a full moon it was decided to try and locate SAMMY with the aid of the dog "Tell" as the scent would be fresh.

10. The above named partyproceeded in a Westerly direction for about 5 miles, then crossed to the West side of the Reserve over Highway No 9, about half or three quarters of a mile West of the highway, the cars were stopped close to "Standing White Man's" shack.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Nelson SAMMY (Treaty Indian) - Murder (263)
White Bear Indian Reserve, Carlyle District
Saskatchewan.

11. Before letting the police dog on the trail Cst RHODENISER decided that he would not put the leash on the dog, as he wished to give the dog more room to roam around in. Cst RHODENISER then went towards the barn close to the shack with the dog, the writer following immediately in the rear, the remainder of the party being still a little further back. After spending a few seconds smelling around the barn, the dog started off through some bushes and then headed in a North Westerly direction.

12. The dog kept going in this direction I asked Cst RHODENISER twice if he thought the dog had the "scent" yet, he replied "that he did not know, that he could only tell by the dog's actions, and that if the dog did locate SAMMY, it would bark". The writer and Cst RHODENISER were pretty close on the dog's heels, the rest of the party being still further in the rear, the dog stopped several times, ranged around the bush a little and was called back by Cst RHODENISER. The dog was now leading the party along a trail or cow path through the bush, all at once the dog jumped into the bush on the left hand side of the trail, crackling could be heard in the bush, and then Cst RHODENISER said to the writer "I think he is in there", the dog then gave a half growl, half bark, and Cst RHODENISER then cried out "Hold him, Tell".

13. The crackling in the bushes seemed to be going a little South again, I then cried out "Nelson SAMMY come out quietly, and give up", or words similar to that, I also turned to the party who were strung out along the trail and said No flashlights", I then saw Cst RHODENISER jump into the bush to his left, I then jumped into the bush on Cst RHODENISER'S left and the rest of the party did likewise in the following order, Cst STACKHOUSE on the right flank, the writer, Cst RHODENISER, L/Cpl CASWELL, Cst STANYER and Mr J.R. MORRISON on the extreme left flank.

14. I had gone about 15 feet into the bush, when a burst of firing broke out immediately on my left , I could see the flashes but I could not give the exact number of shots that were fired, just at this time, I saw a glimpse of the Indian on my left front, I had just time to drew my service revolver and fire one round from the hip when the Indian disappeared again, I do not think I hit him with this shot. I had made two or three bounds towards the spot where I had seen the Indian, when I saw a flashlight glimmer for a few seconds, I could not see who put the light on, I heard two or three more shots, then I heard Cst RHODENISER cry out "I'm shot", I turned to my left and made about three leaps through the bush, then came upon Cst RHODENISER, L/Cpl CASWELL and Mr J.R. MORRISON.

15. At a quick glance I saw Cst RHODENISER bleeding from the left shoulder, I turned him over to L/Cpl CASWELL and Mr MORRISON, then turned to my right again and continued through the bush, as I could hear the bush crackling and knew that Csts STACKHOUSE and STANYER were somewhere ahead of me, no more shots had been fired, then I heard Cst STACKHOUSE cry out "I've got him", just at this moment I broke through the bush onto another trail, a few yards along this trail, I saw the Indian lying on the ground with Cst STACKHOUSE standing on his left and Cst STANYER on his right, I still could not see the dog which I had not seen since it it jumped into the bush when the dog first came upon the Indian.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re:- Nelson SAMMY (Treaty Indian) - Murder (263)
White Bear Indian Reserve, Carlyle District
Saskatchewan.

16. On a quick examination I saw that the above named Indian was unarmed, that he seemed to be badly wounded and was bleeding from the left breast from a bullet hole, he was left under guard of the two aforementioned Constables, and I ran back to where I had left Cst RHODENISER with L/Cpl CASWELL and Mr J.R. MORRISON. Cst RHODENISER was lying on the ground, with his tunic and shirt pulled open, the bullet hole in the shoulder had been plugged with a hankerchief, and everything that was possible had been done to stop the bleeding but without success. I saw that Cst RHODENISER'S eyes were starting to glaze, that he was still breathing, and thought he might have a chance if a doctor could be brought to the scene. Cst STANYER was left guarding the Indian and Cst STACKHOUSE was despatched for Dr STAPLEFORD of Carlyle, who who is also a Coroner, Cst STACKHOUSE had not gone many moments when Cst RHODENISER died. The Police dog "Tell" had now returned to Cst RHODENISER and was standing over the body.

17. After some little time, Dr STAPLEFORD arrived, also Csts CAVILL and Cst LEGER from Weyburn Det'm, D/Sgt FOSSUM also arrived about this time. The Doctor examined Cst RHODENISER and pronounced life extinct, he then ordered the body removed to the undertaking parlour at Carlyle. When Cst STACKHOUSE left for the Doctor, Cst STANYER was left on guard over the body of Cst RHODENISER and the writer and L/Cpl CASWELL guarded the wounded Indian, after examining the Indian the Doctor ordered him to Brock Union Hospital at Arcola, on my instructions he was taken to the hospital by Cst STACKHOUSE and Cst LEGER per Estevan Det'm pol. car, the afore mentioned Constables were instructed to mount guard over the Indian at the hospital, and Cst STACKHOUSE also informed to get in touch with the O.C. Weyburn S/Div per telephone, and inform him of the facts herein.

18. L/Cpl CASWELL and the writer carried out the body of Cst RHODENISER to the Carlyle Det'm poll car when the body was taken to Carlyle by the writer and Cst CAVILL. Before moving the body, I examined Cst RHODENISER'S service revolver, I found four empty cases and two live rounds in the cylinder, this with the one shot fired by the writer, made a total of five rounds fired all told by the Police party, none of the other members had fired any shots. No rifle shells were found close to Cst RHODENISER and the rifle belonging to the Indian could not be located this date in the bush.

19. After leaving the body of Cst RHODENISER at the undertaking parlour, I proceeded to Arcola where I remained all the remainder of the night with Cst LEGER, I had been informed by Dr STAPLEFORD the Indian had a fair chance of recovery, the police dog had been taken by Cst CAVILL and was left at the Carlyle Det'm with the Yorkton S/Div police car which had been driven by the dead Constable.

27-3-39.

20. I remained at the hospital until the arrival of the O.C. Weyburn S/Div around 9 a.m. this date, when I accompanied him to Carlyle. On arrival at Carlyle the police party proceeded to the scene of the shooting the previous night, after a search the rifle a 32/40 calibre, the property pf Nelson SAMMY was found in the bush, the following measure ments were taken by D/Cst FOSSUM.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re:- Nelson SAMMY (Treaty Indian) - Muder (265)
White Bear Indian Reserve, Carlyle District
Saskatchewan.

On the rifle being examined it was found to contain one expended shell in the breech, the magazine being empty, the rifle was turned over to D/Cst FOSSUM, a search was also made around the bush for other empty rifle shells, but without success according to Mr J.R. MORRISON the Indian fired at least twice, several pictures of the spot where the shooting had occurred were taken by D/Cst FOSSUM from different angles.

21. It was found that SAMMY had been standing 13 feet amlost due West of Cst RHODENISER when the Indian fired the fatal shot, the rifle was found 49 feet West and slightly South of where the Indian had been standing when he fired the fatal shot, the rifle was 7 feet East of a trail running North and South, it was on this trail where the Indian was finally found. From the spot where the rifle was found to where the wounded Indian was found is 158 feet practically due North.

22. All the exhibits in this connection, including all property taken from the body of Cst RHODENISER were turned over to Cst CAVILL I/c Carlyle Detachment, except the rifle which was retained by D/Cst FOSSUM to be later examined for fingerprints, the remainder of the day was spent with Inspr F.P. Baxter giving statements etc, and making arrangements for the transporting of the body of Cst RHODENISER to Eastern Canada. On instructions received from the O.C. Weyburn S/Div. I returned to Estevan in the late p.m. of the above date with Cst STACKHOUSE, Cst LEGER being left on guard at the Arcola Hospital, pending the arrival of a relief from Weyburn Detachment.

23. I omitted to state that just before I left the hospital with Inspr Baxter, I asked the Indian if he could understand me and if he was well enough to talk, he replied in the affirmative. He was asked if his name was Nelson Sammy, he replied "yes", I then told him to was under arrest for the murder of his wife, his father-in-law, his mother-in-law and Cst RHODENISER of the R.C.M.P., he was given the customary warning in the presence of Csts LEGER and STACKHOUSE. I then asked him if he had killed the four people I had just named and he replied "I did". A separate report is being submitted regarding the murder of Cst W.E. RHODENISER. Extra copies attached hereto for the informati of the Weyburn S/Div C.I.B. and the N.C.O. and Cst in charge of Kipling and Carlyle Detachments respectively.

24. Expenses shown on F93, period Aug 16/31.

CARRIED FORWARD

A/Cpl
Reg No 10406 I/c Detachment
J.Paton

To O.C. Weyburn S/D.

The Const. i-c Carlyle Det.
1. Copy for your information.
WED DE 2-9-39.
Insp.
30-8-39.Comdg. Weyburn S-Div.
FPB/C. (F.P. Baxter)

The O. C., 'F' Div.,
R.C.M.P., REGINA
1. Forwarded. This report covers action taken by members of Estevan Detachment in this connection. Kindly refer to Weyburn C.I.B. C.R. going forward this date for further details of this crime.
2. Copy of this report is being held here for information of A.A.G. Arcola Judicial District, when his services have been authorized.
CARRIED FORWARD.
WED DE 6-9-39. Comdg. Weyburn Sub-Div.
30-8-39. FPB/C. (F.P. Baxter)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Division File No. 39R.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	Weyburn	Sub-Div. S.I.B.
Province		Date
Saskatchewan.		August 28th. 1939.

File References

Re: Nelson SAMMY (Treaty Indian) - Murder (263) CCC., White Bear Indian Reserve, Carlyle dist., Sask.

Headquarters

Sub-Division

Detachment

P. C. R.

1st.

A. R. V. No.

Diary Date set for

1. With reference to the above, at 12:00 p.m. the 25-8-39, a telephone message was received from L/Cpl. S.H.Caswell, of Kipling Detachment, to the effect that two Indians had been shot dead on White Bear Reserve, near Carlyle, Sask., in the PM of the same date. In compliance with instructions received I left Weyburn at 12:30 a.m., the 26-8-39, and patrolled via Pel/Car Code #2436 to the Indian Agency, White Bear Reserve, arriving there at 2:30 a.m. I remained at the Reserve and in Carlyle district investigating re. the above until the PM of the 27-8-39, when I returned to Weyburn via same mode of transport.

2. On my arrival at the Indian Agency I contacted L/Cpl. S.H.Caswell, Cst. C. Stanyer, of Kipling Detachment, John Rankin MORRISON, Indian Farm Instructor, White Bear Indian Reserve, Dr. C.H. Staylaford, of Carlyle. I was informed by Morrison that one Nelson SAMMY, Treaty Indian, some time between 10:00 p.m. and 11:30 p.m. the 25-8-39, had shot his father-in-law, "Old" SHEWACK, his mother-in-law, Mrs. SHEWACK, and his wife, Ruth (Mrs.Nelson) SAMMY, all treaty Indians; that he had been notified about the slayings at 11:10 p.m., and after placing guards over the bodies, he had notified the Coroner, Dr. Staylaford, and the RCMP. at Kipling Detachment.

3. After a Coroner's Jury had been selected and sworn in by Dr. Staylaford, and the assistance of Dr. W.R.Fraser, of Arcola, had been secured I proceeded first to the Shewack residence, where a preliminary examination of the bodies of Shewack and Mrs. Shewack was made by Dr. Fraser, and the bodies were viewed by the Jury; this completed I placed the bodies in their original positions, and after leaving instructions with reliable guards to see that the bodies were not touched, I proceeded with jury and doctors to the residence of Joe Macarthur where the body of Mrs. Sammy was viewed by the Jury and examined by Dr. This body was found in the dwelling house, whe other two were in the yard outside the Shewack The Inquest was adjourned Sine Die, and ~~guar~~ structions placed over the body.

4. Nelson Sammy was still at large wi powered rifle in his possession, and as it was suspected that he might have committed suicide decided to make a search at the places were he most likely be found, before the jury was dis companied by L/Cpl. Caswell and Cst. Stanyer the slayer's, outhouses, and vacant dwellings vicinity, but without results. various leads w

See page 2.

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(Para.4 contd.)

were followed up, but to no avail.

5. At day break search parties of Indians were organized, and the search for the murderer continued throughout the forenoon. At 7:00 a.m. I communicated with Sub-Div. Headquars. and requested additional members and dog to assist in the search. General line calls were sent out to residents in the vicinity of the Reserve, and border Detachments and neighbouring Detachments were notified by phone. I was notified by Dr. Stapleford that he had made arrangements with the Attorney General's Dept. to have Dr. Frances McGill perform the necessary P.M.s, and that she would be arriving in the p.m.

6. When leaving the scene of the last murder the murderer had been seen riding away on a bicycle; this was located by a party of Indians ½ mile away to the N/W of the scene of the last murder. The bike, which on my arrival had been handled by the Indians and therefore thought to be of no assistance to the dog in obtaining the scent, was removed to the Indian Agency for safe-keeping. A thorough search was made of the bluffs in the vicinity of where the bike was, but without results.

7. Cpl. Paton and Cst. Stackhouse of Estevan Detachment arrived about Noon for the purpose of assisting in the search; these members had made enquiries along the road enroute from Estevan. In the PM I was occupied with making general enquiries, examination at the scenes of murder, taking pictures, measurements etc., and assisting in the search by following up leads received from time to time. At about 4:00 PM. Const. W.E. Rhodeniser arrived from Yorkton with the Police Dog "Tell", and search was commenced from the place where the slayer's bicycle had been found. Owing to the confusion of tracks made by the Indian search party in this vicinity the dog was unable to pick up the trail of the murderer despite the most untiring efforts of Cst. Rhodeniser.

8. Cpl. Lindsay arrived by police car in the PM with Dr. McGill, who performed the Post Mortem on the three bodies during the afternoon and evening, assisted by Dr. W. R. Fraser, Cpl. Lindsay, and Cst. Stackhouse.

9. Towards dusk I patrolled to Carlyle for car repairs and gas. Communicated by phone with the O.C., Weyburn Sub-Div. asking for further instructions. At this stage it was thought reasonably safe to assume that the murderer was still alive and hiding somewhere on the Reserve, possibly aided by friends and relatives, and owing to darkness it was decided to abandon the active search until day light. I was advised to inform the members from Kipling and Estevan Detachments to return to their Detachments for the night, and Cst. Rhodeniser to remain with the dog until the next day, and then to continue the search. I was further advised to remain within a handy distance of the Reserve, and to contact Cst. Cavill on his arrival from Weyburn. These instructions were communicated to the members concerned. At about 9:30 p.m., while making enquiries among hardware merchants in Carlyle re. sale of ammunition to Nelson Sammy, I was notified by phone that the Indian (Nelson Sammy) had been seen and that Cst. Rhodeniser had been shot. I immediately patrolled to the Reserve and assisted in bringing the body of Cst. Rhodeniser to Carlyle, Nelson Sammy having already been taken to Arcola Hospital, wounded. Upon instructions from the O.C. I requested

See page 3.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(para. 9 contd.)

I requested Dr. McGill to remain at Carlyle for the time being, pending a possible P.M. on the body of Cst. Rhodeniser. Having assisted in making arrangements for an inquest at Carlyle in the AM of the next day, I remained in Carlyle overnight.

10. In the AM of this date I attended the Inquest presided over by Dr. C.H.Stapleford. After the body of Cst. W.E. Rhodeniser had been identified, and viewed by the Jury, the Inquest was adjourned "Sine Die". The same jury was used in each of the four Inquests mentioned and consisted of the following members: Foreman, Ernest Dransfield, members, Wm. Read, George Humphries, Merving Long, G.R.Andrew, Ernest Graham.

11. After the shooting of Cst. Rhodeniser the murderer had thrown his rifle into the bush, and the rifle could not be located in the darkness during the previous evening. After the Inquest I accompanied other members present to the scene of the shooting to search for the rifle, and same was located with an empty shell in the breach, no shells being left in the magazine. I took possession of rifle and shell, taking care to preserve any possible finger prints on the rifle. I remained on the Reserve during the day continuing the investigation, and returned to Weyburn at 8:00 p.m.

12. The foregoing is submitted as a brief outline of events, and action taken. For detailed report re. murder of Cst. Rhodeniser please refer to report submitted by the Cpl. Paton, Weyburn Sub-Division. For the purpose of clarity and to form a clear mental picture of the whole matter before going into detail, I will endeavour to describe the circumstances surrounding the murders and events leading up thereto in their proper order as disclosed by the investigation.

13. Nelson SAMMY, an Assiniboia Indian between 35 and 40 years of age, was married to Ruth SHEWACK, about the same age, daughter of SHEWACK & Mrs. SHEWACK (No Indian or Christian names), Cree Indians of the White Bear Reserve. Ruth (Mrs. Nelson) SAMMY had returned from the Indian Hospital, Fort Qu-Appelle, a short time ago, where she had been receiving treatment for t.b. of the lungs. Shewack and his wife were between 60 and 70 years old. It is impossible to establish the exact age of these people, as the Department did not at the time of their birth have a system of registration. Nelson and Mrs. Sammy had four children, three girls and one boy; the two eldest children being Florence, 14 years old and Priscilla, 12 years. The Shewacks and Sammys were known to the Agency as good Indians, and Nelson Sammy is not known by the Agent to have taken a drink of liquor during the 6 years the latter has been on the Reserve, and he has never appeared to be irrational. He was fond of hunting, and was considered one of the best rifle shots on the Reserve. The two families lived about 4 miles apart on the Reserve, Old Shewack about 3/4 mile S/E of the Agency, with his son-in-law, Douglas Pewean and family, in a cabin a few feet away from the old folk's dwelling. Nelson Sammy and family lived about 3 miles west of the Agency.

14. For the last two weeks the Sammys together with a number of other Indians had been putting up hay in a marsh on the north-west side of the Agency about 6 miles distant. Here they were sharing a double tent with Alfred McArthur and his family. Alfred McArthur is married to Nelson Sammy's sister.

See page 4.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(Para.14 contd.)

Sammy's sister. An Indian by name of Thomas Rider and Nelson Sammy's mother also stayed with the McArthurs. The double tent was divided into two compartments, separated by a covered passage way.

15. Since his wife's return from the Hospital Nelson Sammy had shown signs of jealousy, and whenever Alfred McArthur or Tom Rider were in his compartment of the tent he made his wife sit and face the wall of the tent. He had also beaten her, and on Thursday, Aug.24th., he had threatened to kill her with an axe (Note: No witnesses to this threat). In the morning of Friday, Aug. 25th., Nelson Sammy had apparently again abused her and threatened to kill her. She became frightened and took her two eldest girls, Florence and Priscilla, with her and hid in the bush during the day, ending up with her two daughters at one Mrs. Joe McArthur's cabin, about two miles west of the Agency, at about 9:00 PM the same date. She told Mrs. Joe McArthur that her husband had threatened to kill her, that she had been hiding from him in the bush, and that while she was out in the bush she had a hemorrhage of the lung. Mrs. Joe McArthur had then gone to the cabin of her father-in-law, about ½ mile away, to get some food for Mrs. Sammy and the children, and she had brought her father-in-law, John McArthur back with her for protection.

16. Early in the Afternoon old Shewack and his wife had gone to the hay camp to get some preserves and to see how their daughter and her husband were getting along together. On their arrival at the tent they had found that Nelson Sammy was out in the hay field, and that Mrs. Sammy had gone away with her two daughters. They then returned home.

17. When Sammy returned from the hay field in thes evening he learned that his wife had left, and that his father- and mother-in-law had been there. Apparently thinking that they had been there to take his wife away he went on his bike to the Agency, where he requested to see Mr. Morrison. Mrs. Morrison had told him that the Agent was away and that she did not expect him back for a few hours. This occurred about 6:00 PM. Sammy was then seen riding away on his bike in the direction of Shewack's cabin. At about 8:00 PM or a little later Mrs. Morrison again saw him, this time with two other Indians whom she could not identify owing to darkness, but one of them was a woman. It was later established that this was Shewack and his wife. When Mrs. Morrison looked out into the yard again at about 9:00 p.m. Sammy and Mrs. Shewack had left, but Shewack was still standing there.

18. At about 9:30 p.m. Morrison had returned to the Agency and found Shewack waiting for him there. Shewack told him about Sammy's ill treatment of his daughter, and Morrison told him he would do something about it the next day, whereupon the Indian left and Morrison went to bed.

19. At about 9:00 PM Nelson Sammy was seen leaving the hay camp on his bike with a rifle over his shoulder. He told another Indian that he was going out to shoot rabits in the moon light. He then went to Shewack's cabing and found only Mrs. Shewack at home. He apparently met her outside a tent near the cabin, where she was sleeping, and shot and killed her. Mrs. Douglas Powean, Shewack's daughter heard the shot from her cabin a few ft. away, and rushed outside. She saw Nelson Sammy standing with a rifle in his hand a few feet away from her mother who was lying on the ground. Sammy pointed the rifle at her and threatened to shoot her unless she told him where his wife was. See page 5.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

R: Nelson SAMMY (Treaty Indian) - Murder (863) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(Para. 19 contd.)

his wife was. She told him she did not know, and ran back into the cabin to get on some clothes and go over to the Agency. When outside again she saw her father coming up the path to the house, and Nelson Sammy going towards him. When they got to within a few feet of each other Sammy fired, and the old man fell down on his knees, Sammy running away. The old man had apparently been on his way home from the Agency at the time. He was seen by his son-in-law, Douglas Pewean, walking up the path about two hundred ft. from the cabin when he heard the shot and started to run in the same direction, meeting Sammy. Pewean, who was returning home from the hay field, saw the old man fall after Sammy had shot him, and he saw Sammy pick up his bike a short distance away and run into the bush to the south of the buildings. Pewean had then gone into his own cabin to protect his children.

20. Sammy had then proceeded to Mrs. Joe McArthur's cabin, possibly on a hunch that his wife might be there. On opening the door to the cabin he had stopped with one foot on the threshold and first seeing old John McArthur sitting to the left of the doorway he asked him where his wife was. He had then observed her sitting on a bench by the table with her two daughters, one on each side. As soon as he saw her Sammy lifted his rifle and fired at her. John McArthur jumped up and tried to grab the barrel of the rifle, but was too slow. Mrs. Sammy got up, but collapsed in the doorway to the bedroom. The two girls jumped out through the window. After the shooting Sammy walked away followed by John McArthur, who talked to him. Sammy then pointed the rifle at him and told him to keep out of this, that he had already shot the other two, that he was going to shoot himself, but that he wanted to see his two daughters first. They then returned to the cabin, but Mrs. Joe McArthur, who had been standing across the table from Mrs. Sammy while the shooting occurred, told them that the girls had gone out through the window. Sammy then rode away on his bike in a westerly direction, while John McArthur went to the Agency to report the matter.

21. After shooting his wife Sammy went on his bike in a north-westerly direction for about ½ mile, when the rear bicycle tire went flat on him and he abandoned the bike in the bush on the north side of the road, continuing on foot in the direction of the hay camp. He had apparently kept himself concealed on the west side of the highway in a heavy bush country on the extreme west edge of the Reserve for the rest of the night and during the next day until found by the dog at about 9:30 PM, when he was apprehended. For full particulars re. the arrest and the murder of Cst. W.E. Rhodenizer see separate report submitted by Cpl. Paton, of Estevan Detachment.

---

22. Dealing first with the murders of Shewack and Mrs. Shewack; photos of the bodies, surrounding buildings and grounds were taken from various angles, and measurements to supplement the photos were made. The body of Shewack was found in a kneeling position, face touching the ground, 50 ft. from S/W corner of the cabin (Cabin referred to is that occupied by Shewack and his wife) west and slightly south, on the trail leading from the road on the north/west side of the buildings; distance from body of Shewack to body of Mrs. Shewack, 90 ft. due east.

23. Preliminary examination of body of Shewack by Dr. Fraser showed that a small calibre bullet fired from a high powered rifle at close range, had entered the body at the right

See p.6.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.
White Bear Indian Reserve, Carlyle dist., Sask.

(Para. 23 contd.)

at the right chest at the Anterior Axillary Fold, at about the level of the tenth rib, apparently transversing the body in a slightly upward course, emerging at about the mid-axilliary line at about the 5th or 6th rib, then travelling through the left arm, fracturing the humerus of the left arm about 6 in. from the shoulder, the bullet puncturing the skin on the outer side of the left arm, but not emerging. Organs penetrated were the right lung, great vessels of the heart, and the left lung. The doctor was of the opinion that Shewack had been dead for about 3 hrs. at the time of examination which took place at about 2:30AM the 26-8-39.

24. The body of Mrs. Shewack was found lying on its left side, knees bent, right side of face visible, a distance of 25 ft. east of the S/E corner of the cabin, 4 ft. south; a distance of 4 ft. from the S/W corner of the tent in which she slept. Preliminary examination by Doctor Fraser at about 2:30 p.m. the 26-8-39, showed that a bullet of a small calibre fired from a high powered rifle at close range, had entered the body at the left posterior axilliary fold at about the level of the 4th rib, traversed the chest cavity and emerged at about the 9th. rib in the anterior axilliary fold. Organs penetrated were the left lung, heart and the right lung. The doctor was of the opinion that Mrs. Shewack had been dead for about 3 hrs. at the time of examination. An empty rifl shell cal. 32-40 was found on the ground 3 ft. N/W of the body. Both bodies had bled from the nose and mouth, presumably from hemorrhage of the lungs. A hard object, the shape of a bullet could be felt inside the skin in the outer left arm of the body of Shewack.

25. The distance from the south wall of the cabin occupied by Shewack and Mrs. Shewack to the the north wall of that occupied by Douglas Pewean and his family was 20 ft. The entrance to Shewacks cabin is on the east side, with windows on the east, west and south sides. The entrance to Pewean's cabin is on the south side with windows on the east and west side. Distance from Shewacks cabin to tent in which Mrs. Shewack slept, 28 ft.

26. On arrival at Joe McArthur's cabin, located about 2½ miles west of Shewack's place, I found the body of Mrs. Nelson Sammy lying on its back in the doorway between the living room and the bedroom, the legs from the knees down emerging into the living room, head turned to left side. Preliminary examination of the body by Dr. Fraser at about 3AM the 26-8-39 showed that a bullet of small calibre, fired from a high powered rifle at close range, had entered the body at between the 6th. and seventh rib just under the right breast, penetrating the liver. stomach, intersitnes at various points, and emerging just to the left of the spinal column at the level of the lower lumbar vertabrae. This, according to the doctor, would not cause instant death, but death occur within a few minutes. The doctor was of the opinion that death had occurred within about two hours of examination.

27. The entrance to the cabin is on the south side, leading into the living room, which is size 12' X 14', the broad sides of the cabin facing north and south. The living room is in the east end of the cabin, and the bedroom in the west, the house being divided into two rooms only. According to eye-witnesses Mrs. Sammy was sitting at a table in the N/W corner of the room, facing the east wall, with her right side to see p. 7.

Indian Affairs. (RG 10, Volume 7469, File 191,13-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.,
White Bear Reserve, Carlyle dist., Sask.

(Para. 27 contd.)

right side to the outside entrance, and her back to the west wall, 10 ft. from the outside entrance. A 32-40 cal. rifle bullet was found imbedded a fraction of an inch in the dirt wall 2' 2" above the floor, 2' 3" north of the door leading to the bed room. According to eye-witnesses Mrs. Sammy got up from the bench on which she was sitting and staggered to the door of the bed-room where she collapsed. Detailed measurements in regards to position of other objects in the room are available in case they should be required for Court, same are supplemented by photos. Spent bullet and shell referred to are in my possession, and bullet recovered from the body of Shewack is in the possession of Dr. McGill. Detailed report on P.M. performed by Dr. McGill will be submitted by Carlyle Detachment in due course.

28. John Rankin MORRISON, Indian Farm Instructor, and Deputy Indian Agent, White Bear Indian Reserve, Carlyle dist. states:

"Nelson Sammy is a treaty Indian approximately 37 year of age, married to Shewack's daughter, Ruth. His wife is about the same age, She returned from the Indian Hospital, Fort QuAppelle two months ago, where she had been receiving treatments for t.b.

"Shewack and Mrs. Shewack, both Treaty Indians, were between 65 and 70 years old; they lived about ¾ mile s/e of the Indian Agency. Nelson Sammy's cabin is located about 4miles west of the Agency. Sammy was in the habit of taking intoxicants a number of years ago, but since my arrival here as Farm Instructor about 6 years ago I have not known him to touch liquor. He has not suffered from any mental disease, and was considered a good Indian.

"For the last 3 weeks Sammy and his wife have been living in a tent on the north-west side of the Reserve, where they have been putting up hay with a number of other Indians.

"Last night, about 9:30PM. when I came home to the Agency, old Chewack was waiting for me; he complained about his son-in-law, Nelson Sammy, stating that Sammy was treating his daughter (Mrs. Sammy) rather rough, and that when he had spoken to him about it he had made threats towards him. He did not say what these threats were, but indicated by signs that Sammy had threatened to hit him in the face. He also wanted to have his daughter, Mrs. Sammy, returned to the Hospital. I told him I would see what I could do about it in the morning. He left and no more was said.

"I went to bed at about 11:00 PM, and at about 11:10 a very loud rapp came to the door. I,got up and found Mrs. Douglas Pewean at the door; she is another daughter of Shewack. With her was a woman by the name of Rose Lonechild, whom she had picked up on the way over. I asked them what they wanted and Mrs. Pewean replied to come over quick as Nelson Sammy was killing her mother. I got up and drove over there as fast as I could.

"When I got near Shewack's place I saw something lying in the middle of the road about 50 ft. west of the house. On closer examination I found it to be old Shewack, who was lying dead in a pool of blood. As I looked up I saw a man coming towards me, and when he came closer I recognized Douglas Pewean. He said that Nelson Sammy had killed his wife's mother and father. He showed me the body of Mrs. Shewack south-east of the house. Pewean told me that he had just arrived there in time to hear the shots.

"I then returned to the Agency and phoned for Dr.

See page 8.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(J.Morrison's statement, contd.)

phoned for Dr. Stapleford, Corroner, of Carlyle, and for the RCMP. at Kipling. A short time after, the doctor arrived from Carlyle, and the two of us went over the to Shewack's where the doctor on examination declared both Shewack and Mrs. Shewack to be dead.

"On the way back home I called in at the house of Emil Kakakeway, and Indian, and asked him to go and look after the bodies, and to see to it that they were not touched until the police arrived. When I got into the house I found two girls, daughters of Nelson Sammy. I asked Florence, the elder, what she was doing there, and she replied that she and her sister had just run away from Joe McArther's house where she said her father had killed her mother.

"I then went to Joe McArthur's house with Dr. Stapleford. There was a light in the house. I found Mrs. Nelson Sammy lying in the doorway to the bed-room. On examination Dr. Stapleford found her to be dead. I went to old John McArthur's place from there and asked him what he knew about the matter, and he told me that he had been there and seen Nelson Sammy shoot his wife. I requested him to stand guard over the body and see that nobody touched it or disturbed anything. I then went back to the house and handed the matter over to the police."

(Sgnd. J.R.Morrison)

29. Mabel (Mrs. D ouglas) PEWEAN states:

"Last night, after I had gone to bed, I heard a noise and went out to find out what it was. I sleep in a cabin a few feet south of the cabin where my father, Shewack, sleep; my mother, Mrs. Shewack sleeps in a tent a few feet away. When I came out I saw my mother fall to the ground by the tent and I saw Nelson Sammy, my brother-in-law standing beside her with a rifle in his hand. He pointed the rifle at me and said: "Tell me where my wife is or I will shoot you too." I Said: "I don't know." I went back into the house to get some clothes on, and when I came out again I went over to where my mother was lying. I then saw Nelson Sammy walk a little west of the house where he met my father, and shot him. It was quite dark.

"I then went over to the Agency and reported the matter to Mr. Morrison." (Sgnd. Mabel Pewean)

30. Douglas PEWEAN, Son-in-law of Shewack, states:

"On Friday night, August 25th.1939, I came home from the hay field after dark, and I met Bert Lonechild beside the road by James Henry's house. That is about 300 yds. west of old Shewacks place, where I live in a cabin with my wife and children. I sat there and talked with Bert for one cigarette smoke, when I seen old Shewack coming home from the Agency. He passed about 5 yds. from where I was sitting. I stand up and follow him for about 15 or 20,yards behind to strat with. I hear a shot and the woman and the children crying over at Shewacks place. As soon as the old man hear the shot he started running. I run too but he run a little faster than me. I seen when the old man come close to the house somebody meet him. I hear the other man saing something to the old man, so I stop and listen about 30 yards away. He said to the old man in Assiniboia: "Are you a man?", the old man Say: "Yes". As soon as the old man said that the other man shot.

"I start to run to the old man, and the other man start to run south. He bent down and grabbed something, I think it was a bike. As he run away I go over to the

See page 9.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(Statement of Douglas Powean, contd.)

"over to the old man who was lying down, but still living. I stopped 10 ft. away from him. I run to the house, and the children were alone and crying. I stay with them and ask where their mother was, and my 8-year old girl say she had gone to Morrison's. I waited with the kids till Morrison come." (Sgnd. Douglas Powean)

31. John McARTHUR, Treaty Indian, states:

"I live on the White Bear Reserve with my wife and family. My son, Joe McArthur, lives about ½ miles east of my cabin. He has been away harvesting for a while, but his wife and three kiddies are staying at Joe's place.

"Friday night, Aug.26th. I had gone to bed some time between 11PM and 12 PM. My daughter-in-law, Mrs. Joe McArthur came over to my place and told me that Mrs. Nelson Sammy was over at her place and that she seemed to be in trouble. She told me that Mrs. Sammy was scared of her husband, and she was afraid Nelson Sammy might come over and start something in front of the children.

"I got dressed and went over to my daughter-in-law's cabin. Mrs. Sammy told me that she had been hiding in the bush all day because Nelson had threatened to kill her with an axe. She told me that she had a hemorrhage out in the bush and that she had been hiding all afternoon. She suffers from t.b. of the lungs. She told me that her husband had accused her of having something to do with Alfred McArthur, my nephew, and Tom Rider, and that he was going to kill her for it. I talked to her for a while and quietened her down, and my daughter-in-law gave her, and the two girls she had with her, Florence and Priscilla, some food. About 10 min. after I got there, Mrs. Nelson Sammy was sitting on a bench at the table in the north-west corner of the living room with one of her daughters on each side, my daughter-in-law standing across the table from her, and I sitting on a sugar sack in the south-west corner of the room to the left of the door, when Nelson Sammy opened the door, set his foot on the door sill, bent down and stuck his head in through the door opening and said to me: "Where is she?", I said: "Who?", he said: "That one sitting there?", I said: "Why?", he said: "Because I am going to kill her." Just as he said the he levelled a rifle at his wife, a big rifle. I jumped up and made a lunge for the rifle barrel, but before I could reach it he had fired. I heard my daughter-in-law say: "You killed two?" He then jumped back, and I jumped through the door opening after him; he ran a little way, about 25 yards west and I followed him. He then turned around and pointed the rifle at me while he was backing away. He said: "I loved my wife, but they took her away from me. You will be the one to report; I killed two over there and now I got this one too, and that is the end of my life." I told him: "You are better go somewhere else and do it, you have done enough here now."

"I then turned around and walked back to the house. He followed me for about 10 yards and said: "Send my two girls out. I said: "Why?", he said: "I just want to say goodbye to them." I then opened the door and said to my daughter-in-law: "He wants to see his two girls." she said: "They jumped out through the window and they are gone."

"He then picked up his bike which had been lying about 15 ft. west of the door, and walked away west, leading his bike. That is the last I saw of him.

"When I came back into the house I saw the woman, Mrs. Nelson Sammy, lying dead in the doorway to the bedroom. I for got to say that my two grandchildren, two girls, age 8 and 2 years were there at the time. See page 10.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. I).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CDC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(Statement of John McArthur, contd.)

age 8 and 2 year were there at the time of the shooting. I I picked one of the girls up and went home with my daughter-in-law. After I got somebody to look after my family I started for the Agency to report. Mr. Morrison was away when I got there, but I waited till he came home, and told him about the killing." (Sgnd. John McArthur)

32. Statement of Gladys (Mrs. Joe McArthur):

"About 9 PM. last night I was at home with my three little kiddies when Mrs. Nelson Sammy came to my place with her two oldest girls, Florence and Priscilla, age 14 and 11 years. Mrs. Sammy told me that they had run away from the hay camp because her husband was sore at her; she said he suspected that she had something to do with Alfred McArthur and Tom Rider, and that when these two were in the tent her husband made her sit and face the wall of the tent.

"I went to my father-in-law, John McArthur, to get something for them to eat, as I had nothing in the house. I brought John McArthur back with me, and cooked some food for Mrs. Sammy and the two girls. John McArthur was talking to Mrs. Sammy while I was cooking outside.

"Just after they had started to eat Nelson Sammy came into the doorway. He talked to my father-in-law for a while in Assiniboia, which I do not understand, then he lifted a rifle and shot his wife. The two girls jumped out through the window when the shooting started. Mrs. Sammy did not fall down right away, and she asked for a drink of water; she was about to rise when she fell on the floor in the doorway between the two rooms.

"McArthur followed Sammy outside when the shooting was over. I heard them talk outside, then they came back to the door, and Sammy said he wanted to see the two girls (McArthur translated) I told them the girls had gone out throughout the window. I saw that Mrs. Sammy was dead, and before I left I covered her face up with a clothe and placed the lantern by her head. Neither McArthur nor I touched the body, and when we left she was lying in the place and position she fell. We went to McArthur's place. Mrs. Nelson Sammy is my mother's sister. When the shooting took place I was standing across the table from Mrs. Sammy. Mrs. Sammy's two girls were sitting on either side of her; McArthur was sitting by the door; my two little daughters were sleeping in the bedroom, and my little boy was standing beside me."

(Sgnd. Mrs. Joe McArthur)

33. Florence Sammy, 14 years old, daughter of Nelson and Mrs. Sammy, states:

"Yesterday afternoon my mother told me to come along with her and go away from the hay camp, where I was staying in a tent with my mother and dad, my two brothers and three sisters. My mother said she wanted to go away because she was sick. I, my mother, and my sister Priscilla, age 9 years, left the camp and went to John McArthur's place, after we had been in the bush for a long time. We came there in the night, and Mrs. McArthur and her two kiddies were there. After a while old John McArthur came there. Old John and my mother talked for a while when we were eating. After a while my dad came in and stood in the doorway. He said to John McArthur in Assiniboia: "Get away from there, I want to shoot her." Then he lifted a rifle and shot my mother, and she fell down. I and my sister jumped out through the window and went to Emil Kakakeway's place, where we stayed till morning. I told Emil that father had shot mother.

"My father used to scold my mother all the time

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (283) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(Statement of Florence Sammy, contd.)

"all the time in the tent at the hay camp. He used to slap her and scold her. he was jealous of Alfred McArthur, and scolded my mother because she looked at ~~xxxxx~~Alfred."
(Sgnd. Florence Sammy)

34. Mrs. John Rankin Morrison, wife of Indian Farm Instructor, White Bear Reserve, Sask., states:

"I have known Nelson Sammy for the last 5½ years, also his wife and family. On Friday, Aug 26th., Nelsonm Sammy came to the Agency shortly after 6:00 PM. and asked for Mrs. Morrison. I told him my husband was away and that I did not expect him back until 8 p.m. or 9 p.m. I asked him if there was anything I could do for him, and he said that his father- and mother-in-law had come to the hay camp and taken his wife away in thex afternoon while he was out in the hay field. I asked him if he knew where she was, and he said he didn't know. He said then that he would hang around and wait until Mr. Morrison came back. I then saw him get on his bike and ride around the slough in the direction of Shewack's place.

"He came back again a little after 8 p.m., and had two other Indians with him, a man and a woman, but it was getting dusk and I could not indetify them. I glanced out at about 9:00 p.m. and saw Sammy still out in the yard. It was getting dark and I did not see when he left. Sammy appeared quite normal, and I could see nothing unusual about him, his conversation or his action, and he did in no way appear irrational." (Sgnd. Mrs. J.Morrison)

35. Statement of Alfred McArthur:

"For the last three weeks I have been putting up hay on an Indian Hay marsh on thex Reserve. My wife and I, and Tom Rider, and Nelson Sammy's mother occupied one compartment of a double tent we shared with Nelson Sammy and his wife. Nelson Sammy is my brother-in-law, I am married to his sister. I was always on good terms with Nelson Sammy, and we never quarelled. I never had anything improper to do with Mrs. Sammy, and I never saw Tom Rider make any improper advances towards her. Sammy had no reason to be jealous, and I do not know if he was.

"On Friday, Aug. 26th. I saw Nelson Sammy go out of the tent a little after dark and he did not come back. Mrs. Sammy and her two daughters left the camp early in the Afternoon, and I did not see them any more around the camp. Nelson Sammy seemed quite normal when he left, and I there was nothing to indicate that there was anything wrong with his mind." (Sgnd.Alfred McArthur)

36. It should be noted that after the Indians were informed of the shooting, and of Sammy's motive, their feelings were so strongly against Alfred McArthur that he had to leave the reserve for the day. Before these cases come to court, and when he feels more at ease he will be more thoroughly questioned regarding his relations with Mrs. Nelson Sammy. At the time he was questioned he was still very frightened, and I am satisfied that he was holding something back. Thomas Rider when questioned seemed very reluctant to talk, and no statement was taken from him, but he will be questioned again at a later date.

37. Stephen McARTHUR, brother of Alfred McArthur, states

"For the last two weeks I have been living in a tent at the Indian Hay camp on the Reserve. The tent next to mine was occupied by Nelson Sammy and his wife and family, and

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC., White Bear Indian Reserve, Carlyle dist., Sask.

(Statement of Stephen McArthur contd.)

and Alfred McArthur, his wife, his wife's mother, and Thomas Rider.

"On Friday night, Aug. 25th., I was outside my tent just after dark when I saw Nelson Sammy walk south from his tent, leading a bicycle, and with a rifle on his shoulder. The rifle he had with him is the one shown me today by Cst. Possum, and I identify it as Sammy's rifle.

"When he left he stopped and rolled a cigarette and talked for a little while. He said he was going out to hunt rabbits. I do not remember anything else that was said. I did not see him after that." (Sgnd.Stephen McArthur)

38. Tom SHEPPARD, employed as general handyman at the Indian Agency, states:

"On Friday, Aug. 25th., about 8:30 p.m. I was milking the cows over at the Indian Agency, when I saw Nelson Sammy by the office and old Shewack standing by the gate. I went over to the house, and as I passed Sammy I asked him what he wanted, and he said he wanted to see Mr. Morrison. I then went back to the barn, and I saw Nelson Sammy ride away on his bike a short time after. The old man still stood by the gate, and I did not see him go away." (Sgnd. Tom Sheppard)

39. From the foregoing it will be noted that there are eye-witnesses to each of these three murders: Mrs. Douglas Fewean to that of Shewack and Mrs. Shewack, Douglas Fewean to that of Shewack; John McArthur, Mrs. Joe McArthur, Florence and Priscilla Sammy to that of Mrs.Nelson Sammy. In addition to their direct evidence there is circumstantial evidence from Stephen McArthur, ~~xxxx~~ Alfred McArthur, Tom Sheppard, Florence Sammy, and Mrs. Morrison. Testimony as to motive could be advanced by Florence Sammy, and Mrs. Morrison, consisting of jealousy over his wife, ill treatment of her, and consequent quarrels with his father- on mother-in-law. Furthermore, there is the supporting evidence available in the murder of Cst. Rhodenizer.

40. As soon as the evidence of Dr. Frances McGill is available the Inquest will be proceeded with. Articles taken on charge by Weyburn C.I.B. are as follows: One Cal.32-40 spent bullet - Two empty cal.32-40 rifle shells (~~empty~~) - One Cal. 32-40 Winchester Rifle - ~~Ten photos~~. Form 246 covering these exhibits submitted. The bicycle abandoned by the murderer was handed over to Mr. Morrison, Deputy Indian Agent, and unless otherwise instructed it will not be taken on charge.

41. Extra copies of this report attached.

CARRIED FORWARD.

EXPENSES SHOWN ON FORM 93.

D/Cst.
Reg.No.11297, Possum, J.,
Temp. I/C Weyburn Sub-Div.C.I.B.

The O.C. RCMP.,
Weyburn, Sask.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re; Nelson SAMMY (Treaty Indian) - Murder (263)CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

The O.C., 'F' Div.,
R.C.M.P., REGINA

1. Forwarded, together with Forms 246 (No. 136) covering exhibits as in para. 40, attached.
2. Accused herein is now a patient in Arcola Hospital under constant guard of two members of Weyburn Detachment.
3. Formal charge of murder of his wife - Ruth Sammy, is being laid as against Nelson Sammy, ~~arrangement~~ Arraignment will take place in the Hospital and he will be remanded in custody.
4. Copy of this report being sent to Carlyle Detachment and second copy held to be forwarded to Agent of the Attorney General at Arcola, as soon as his services are aurthorized.

CARRIED FORWARD.
END DD 6-9-39.
30-8-39.
FPB/C.

Insp.
Commdg. Weyburn Sub-Divn.
(F.P. Baxter)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

84626

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636- 13- G- 9 OTTAWA. September 7, 1939.

YOUR FILE No. .....

Noted
Reply

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Indian Affairs Branch
SEP 8 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

September 9, 1939.

Dear Sir:

I have to refer to telephone conversation with the Branch of recent date in which it was stated that Nelson Sammy, an Indian of the White Bear Reserve, near Carlyle, Saskatchewan, had, on the 25th of August, murdered his wife, father-in-law and mother-in-law, as well as a member of the Royal Canadian Mounted Police.

Would you kindly advise me of the name of the counsel who may be employed to defend this Indian.

Yours very truly,

For Secretary.

S.J.Pearson, Esq.,
Department of Justice,
Ottawa.

PEY

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

RETURN FILE TO

Mr. .....

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

CANADIAN PACIFIC TELEGRAPHS

DIRECT CONNECTION WITH
POSTAL TELEGRAPH-CABLE CO.
COMMERCIAL CABLES - - IMPERIAL CABLES

MONEY TRANSFERRED BY TELEGRAPH

C.D. IX

This is a full-rate Telegram or Cablegram unless otherwise indicated by signal in the check or in the address.

TELEGRAM		CABLEGRAM	
FULL RATE		FULL RATE	
DAY LETTER	DL	CODE	
NIGHT LETTER	NL	DEFERRED	
NIGHT TELEGRAM	NM	NIGHT CABLE LETTER	

W. D. NEIL, GENERAL MANAGER COMMUNICATIONS, MONTREAL.

Secy

STANDARD TIME

B6RA.Y. 32 COLL. NL., 2EX.,

BROADVIEW,SASK,SEPT. 19 20

SECRETARY INDIAN AFFAIRS 664

BRANCH DEPT.,MINES AND RESOURCES, OTTAWA,ONT.

CORONER ADVISES INQUEST NEXT MONDAY ON VICTIMS NELSON SAMMY SHOOTING TO BE FOLLOWED WITH PRELIMINARY TRIAL ASKS THAT SAMMY BE REPRESENTED BY COUNSEL AT INQUEST AND SUBSEQUENTLY PLEASE ADVISE .

WILFRED J BALL,

AGENCY CLERK.

1225AM.,

Department of Mines & Resources
Indian Affairs Branch.
SEP 20 1939
REGISTERED

This is a collect message, kindly advise us to-day if you decline to pay charges.

Referred E.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

12-37

CANADIAN PACIFIC TELEGRAPHS

C.D. 2

CLASS OF SERVICE	
Full Rate	
Day Letter	X
Night Message	
Night Letter	

Please mark an X opposite the class of service desired.

MONEY TRANSFERRED BY TELEGRAPH TO PRINCIPAL POINTS IN CANADA AND THE UNITED STATES

CANADIAN PACIFIC COMMUNICATIONS

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD
RADIOGRAMS TO SHIPS

TIME FILED
CHECK

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof which are hereby agreed to

Ottawa, September 20,1939.

W.J.Ball,
Indian Agency Clerk,
Broadview,Sask.

RE NELSON SAMMY CHARGED WITH MURDERS DEPARTMENT OF JUSTICE HAS AUTHORIZED EMPLOYMENT OF R ROBERTSON OF CARLYLE STOP IF MR. ROBERTSON UNABLE TO TAKE THE CASE EMPLOYMENT OF E HARRIS OF ARCOLA SASKATCHEWAN AUTHORIZED STOP PLEASE TAKE THE NECESSARY ACTION AND ADVISE DEPARTMENT IN DUE COURSE.

T.R.L.MACINNES.

C.D.M.R.
I.A.

TRLM

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

ELJ.

Department of Mines & Resources
Indian Affairs Branch.
SEP 22 1939
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA September 21, 1939.

B. 28 - Mines and Resources - Saskatchewan.

Re: Nelson Sammy - Indian - Murder.

Dear Sir,

Referring to your letter of the 9th instant (19113-3), I beg to state that the Minister of Justice has authorized the employment of Mr. R. Robertson, Barrister, Carlyle, Saskatchewan, to defend the above named Indian.

Yours truly,

for Deputy Minister of Justice.

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
O t t a w a.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

39R 636-14

39W 17-33

Weyburn Sub-Div.,
Weyburn, Sask.,
Sept. 11, 1939.

O. C., "F" Div.,
RCMP, REGINA.

Sir:

Re: Nelson SAMMY (Treaty Indian) Murder 263 CCC
White Bear Indian Reserve, Saskatchewan.

1. Referring to the above, two members of Weyburn Det. have been on duty at Arcola on permanent guard duty on Indian SAMMY held in hospital since the morning of the 27th of August last. Additional members have been unavailable to attend to the work of the Weyburn Det., and although the two members may not be fully occupied at all times while at Arcola, they had to remain there.

2. To help overcome this permanent guard of two men at Arcola and in view of your instructions that the gaol authorities would not accept this prisoner until such time as he could hobble around, Dr. A. Fraser of Arcola, who has been attending this prisoner since he was taken to the hospital and the matron of the hospital were interviewed by me on the 10th inst. and both agree that Indian SAMMY could stand the trip to Weyburn, his pulse now being normal, appetite good and he has no temperature, and the hospital rates are the same as at the Arcola hospital, being $2.50 per day.

3. Necessary arrangements will be made to have this prisoner brought from Arcola to Weyburn by ambulance on the morning of the 12th inst., and he can be confined in the Weyburn General Hospital until such times as he can attend at the inquest. Charge in connection with the ambulance fee is $20.00 and this will include the Indian's transportation as well as the two constables and will very soon offset the charges for lodgings and accommodations for the constables at Arcola.

4. Further report will be submitted by the Weyburn Det. after this Indian prisoner arrives at Weyburn.

Insp.
Comdg. Weyburn Sub-Div.
(F. P. Saxter)

FPS"AAL

L. H. NICHOLSON A-SUPT.
REGINA, SASK.
SEP 12 1939
DATE

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

"F" Division,
REGINA, Saskatchewan,
September 7th, 1939.

39 R 626-14.

39 W 17-33.

Memo -

The O.C.,
R.C.M.P., WEYBURN.

Re: Nelson SAMMY - (Treaty Indian) Murder (263)
White Bear Indian Reserve, Carlyle Dist.,Sask.

1. Please find appended hereto three copies of Autopsy Reports from the Provincial Laboratory re Mr. and Mrs. Shewalk and Mrs. Nelson Sammy. Kindly advise this office at the earliest when the date of continuation of Inquest is known, in order that Sergt. Churchman of the Scientific Laboratory may be given ample time to complete his examination of exhibits and prepare necessary photographs,etc.

2. With reference to para.(3) of your memo of the 5th inst. kindly be advised that para.(1) of memo from this office dated Sept. 5th,1939, applied only to the murder of Cst. Rhodeniser. From previous reports the cartridge found in the breech of Sammy's rifle was the only one found that could be connected with the shooting done by him at that time. The statement of Mr. Morrison and the fact that Sammy originally had six shells point to the fact that Sammy fired twice at the time Cst. Rhodeniser was hit, and it is considered very important that the fact of him having done so should be established beyond doubt if possible. It was therefore requested in memo of the 5th from this office that a further thorough search be made at the scene for the other cartridge believed to have been fired by Sammy.

WWH/AB.

E.D.FRYETT, A/S/M. for
Officer in Charge,C.I.B.

C 12 S, C.B.345 a.
The Deputy Attorney-general,
Regina,Sask.
Forwarded for your information, with copy of memo dated Sept. 6th,1939,from O.C., Weyburn.

7-9-39.

E.D.FRYETT, A/S/M. for
Officer in Charge, C.I.B.

The Commissioner,
R.C.M.Police,OTTAWA,Ont.
Forwarded in triplicate for your information, with three copies of above mentioned memo attached.

7-9-39.

E.D.FRYETT, A/S/M. for
Officer in Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

39N 636-14

Weyburn Sub-Div.,
Weyburn, Sask.,
Sept. 6, 1939.

39N 17-33

O. C., "F" Div.,
RCMP, REGINA.

Sir:

Re: Nelson SAMMY (Treaty Indian) Murder (263)
White Bear Indian Reserve, Carlyle Dist.,
Saskatchewan.

1. Referring to the above and instructions contained in your letter of the 2nd inst., exhibits as in para. 40 of Weyburn CIB report of 28-8-39 and shown on Weyburn Form 246, exhibit report #136, have been taken to Regina to be handed into the scientific laborator for examination.

2. In this connection, I would point out that the bullet recovered from the body of Shewack is in possession of Dr. F. G. McGill, Provincial Pathologist.

3. As will be seen from exhibit report #136, two cartridge cases have been found in this case, and not only one as in your letter of the 5th inst. Further search will be made in the localities of the shootings of Cst. Rhodenizer, Mrs. Sammy and Indian Shewack. We have the bullet figured to have killed Mrs. Sammy, but it is doubtful if further search will be successful in view of the thorough search made by Indians and police on the 26th and 27th of August last. The cartridge case from bullet which evidently killed Mrs. Shewack was found near her body. Kindly refer to para. 24 of Weyburn CIB report referred to above.

4. Kindly advise as to whether or not the services of the Agent of the Attorney General have yet been authorized as was asked for in your letter of the 29th of August last, addressed to the Deputy Attorney General.

FPB*AAL

Insp.
Comdg. Weyburn Sub-Div.
(F. P. Baxter)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 39R 636-14

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
F	WEYBURN	CARLYLE
Province		Date
Sask.		Sept.9th,1939.

File References

Re: Nelson SAMMY (Treaty Indian) Murder 265 CCC.
White Bear Indian Reserve,Sask.

(CARLYLE DETACHMENT CASE.)

Headquarters

Sub-Division

39W 17-33

Detachment

39C 1-16

P. C. R.

Weyburn CIB
7-9-39
Carlyle
1-9-39

A. R. V. No.

Diary Date set for

20-9-39

6-9-39

1. Adverting to the above, and pursuant to instructions received in memo dated Weyburn,Sask, the 6th inst, on this date petrol was made per police auto accompanied by Const Meehan, to the White Bear Indian Reserve where further searches were carried out in an effort to recover the expended cartridges ejected from the rifle of the captionally noted.

2. Search was first made at the point where Const Rhodenizer was fatally wounded, the underbrush is very heavy at this point - a thorough search was carried out but no success was met with. Likewise searches were carried out at the point where Mrs Nelson SAMMY, wasn shot down - at the home of Joe McArthur - John McArthur was interviewed who was present at his sons home when the shooting took place and who followed Nelson Sammy into the slough a short distance from the house after the shooting,he heard SAMMY eject a shell from his gun while he crossed the slough, the point indicated to us - and surrounding bushes and grass was searched but no success was met with - this ground had previously been gone over by searchers very thoroughly and no success was met with at that time, the grass is very long and ground very rough that it is possible that it was tromped into the ground if not already picked by some person and kept possibly for a souvenier, although enquiries made along this line revealed no information.

3. The point where the Indian Shewack was shot down was also searched, but there is no telling when SAMMY ejected the empty cartridge in this instance, as he travelled a distance of approximately 5 miles after shooting Shewack - until he shot his wife at the home of Joe McArthur, however no success was met with,and after making further enquiries without result the petrol returned to Carlyle at 6.30 PM, having left at 9.15 AM.

4. This matter will be kept in mind and when ever the petrol is on the reserve further searches will be made, and should success be met with the proper action will be taken.

PROSECUTION ENTERED.

EXPENSES SHOWN ON FORM 98.
Period Sept 1/15th.1939

To.O.C.Weyburn,Sask.
Sir:- Forwarded:-

Const
C.H.CAVILL.Reg No 10787
In Charge of Detachment

File numbers, heading and marginal reference are to be properly filled in.

Forwarded for your information
H. NICHOLSON
Officer in Charge
A-SUPT.
REGINA, SASK. SEP 14 1939
DATE

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Nelson SAMMY (Treaty Indian) Murder 263 CCC
White Bear Indian Reserve, Sask.
(CARLYLE DET. CASE)

The N. C.O. i/c,
WEYBURN CIB.
1. Copy for your information and file.
11-9-39
JVS/P

Insp.
Comdg. Weyburn Sub- Div.
(F.P.Baxter)

W.E.G. CAMPBELL, Esq.
Agent of the Attorney General,
Judicial District of Arcola,
Arcola, Sask.
1. Copy for your information.
11-9-39
JVS/P

Insp.
Comdg. Weyburn Sub-Div.
(F.P.Baxter)

The O.C. "F" Div.
R.C.M.P. REGINA.
1. Forwarded for your information.
PROSECUTION ENTERED.
W.S.D. DD 25-9-39
11-9-39
JVS/P

Insp.
Comdg. Weyburn Sub-Div.
(F.P.Baxter)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

F. 237

Division File No. 39-2-656-14.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	Weyburn.	G.I.B.

Province: Saskatchewan.

Date: Sept. 13th. 1939.

File References

Headquarters

Sub-Division

39# 17-33

Detachment

P. C. R.

Weyburn CIB
22-9-39
7-9-39

A. R. V. No.

Diary Date set for

Re: Nelson SAMMY (Treaty Indian) - Murder (263) CCC. White Bear Indian Reserve, Carlyle dist., Sask.

11-9-39.

1. Further to the above, in the AM of this date I patrolled via Pol/Car Code #2436 to Arcola, Carlyle, and White Bear Reserve for the purpose of assisting Cst. Cavill in further investigation into this matter. Patrol returned to Weyburn in the PM of the 13-9-39.

2. In conferring with Mr. W.G.E. Campbell, A.A.G., of Arcola, I was advised to attempt to obtain a statement from the accused. Mr. Campbell thought it advisable to have such statement on hand on the possibility that it might be required in rebuttal.

3. Having ascertained from Mr. W.R. Fraser, attending physician, that the prisoner was in a fit condition to be interviewed I proceeded to Arcola Hospital. The prisoner, in the presence of Cst. Hadley, was advised that he is charged with the murder of his wife, Ruth (Mrs. Nelson) Sammy, and that he will be charged with the murders of Showack & Mrs. Showack, and Cst. Rhodenizer; he was then given the customary warning, which was explained to him in simple language, and asked whether or not he wished to give a statement, to which he answered that it would ease his mind if he were allowed to tell all about the shootings and circumstances leading up thereto. As the prisoner was not able to sit up and write, the following statement was taken down by the writer.

BEGINS: Arcola, Sask., Sept. 11th.1939.

"I, Nelson Sammy, age 34 years, Treaty Indian, of White Bear Indian Reserve, state:

"When my wife was at the Indian Hospital at Fort QuAppelle she wrote letters to Robert Big Eagle; she told me about that after she got out of the Hospital. When she got out of the Hospital I had trouble with her, and the old man and the old woman, her parents. The old woman used to get money from Robert Big Eagle and Jimmie Standing Ready for taking my wife over to their place to do it with them. She did that quite a few times before my wife went to the hospital. Some times I sneak up and watch. Old man Showack and his wife would come up to my place in a buggy and take my wife away when she was working. They would take her to Showack's place in the evenings some times. My wife would come home after these trips with money, and I asked her where she get the money, and she said she got it from her mother. She did not say what she got it for. The old woman would come over in the buggy and take my wife and whole family away. She did this to her other daughters, Kate Swack and Mabel Rowean too. The old woman would keep half of the money.

"When my wife was in the hospital old lady Showack came to my place and told me to get her daugh-

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(Statement of Nelson Sammy, contd.)

to get her daughter out of the hospital, because they would kill her there. She said that my wife was not used to white people, and that we are Indians, and that they might kill her. I told her she was alright there and that she was improving. She said: "I know why you don't want her back, you are liging with another woman; when my daughter gets back it will be easy to get even." I did not live with another woman; I lived at the cabin with my boy. I got suspicious then.

"Some times when I had been away and come back to the tent at the hay camp I could see through the tent and see a man sneaking out through the side of the tent at the bottom, and old lady Shewack would be there. I did not catch my wife in bed with any other man. Everything that the old lady Shewack said or did, the old man would stick up for her.

"The day the shooting happened, right after dinner I took my bike and rode out to the Hotel at the lake to get some beads for my wife. She was doing some bead work. When I got to the hotel I spoke to Mr. Styles and asked him about the time. I then went to the hotel and asked Mr. Berner, the hotel keeper, for the beads. He gave me the beads, and I came right back to the tent. I gave my wife the beads; she said she was not feeling very well, and I told her not to work too hard on the beads when she was tired. Alfred McArthur and Tom Rider were at the tent when I got back from the lake. They were getting the hay forks to go to work. We then went together to the hay field. Before I left I told my wife to send my lunch out about 4 O'clock. We started to work about 2 o'clock. After we got to the hay stack I saw a team come to the tent. I could not see who it was. My two oldest girls brought my lunch out at about 4:30 o'clock. They went back to the tent. I worked till 7:00 o'clock, and then I went back to the tent.

"When I got close to the tent my boy came running up to me and said: "My mother is not home." My mother, Mrs. Sammy, said the old lady took my wife away. My father was sitting there and he told me that old Shewack had been there with his wife, that Shewack had told him that they were going to take my wife away. My father had told them that they had better tell me about it first, but the old man had said it would be better to take her away that way to save trouble, and that they were taking her to my cabin and not to their (Shewack's) place. I told my father that I was going to the house to look for her.

"I went to my house, and there was no sign of anything there. Then I went to the old people's. When I got over there I saw the old lady; she just looked at me and walked away. I saw the old man, and my youngest boy, Kenneth, and my youngest daughter, Thelma, age 4 and 5 years. I asked the girl: "Where is Mama?" She said: "over there." and she pointed west. I asked the old man Shewack: "Where is my wife?" He said: "What do you want to know for?" I said: "I want to know", he said: "I couldn't tell you." I said: "How is it that the kids are over here?" He said: "We picked them up at the camp. Your wife and the other kids got off the wagon and said they were going to town." I then told him what my father had said, that they were going to take her to the house, and I asked him why they didn't come and tell me. He said: "We don't have to tell you." I told him that surely she would, say where she was going when she got off the wagon.

"Then the old lady came over and started to yell. I didn't want to listen to her and got on my bike and went to the Agency to see Morrison. Morrison was not home. Mrs. Morrison asked me what the trouble was, and I told her that Shewack and his wife had been over to the camp while I was working and taken my wife away, and that I didn't feel right about it. Mrs. Morrison said she expected Mr. Morrison back any time. I told her I would wait around for a while, and I went over to the stable

See p.3.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(Statement of Nelson Sammy contd.)

"to the stable to have a drink of water. I came back to the house and talked to Morrison's young boy, and then old man Shewack came. I was there quite a while and then old lady Shewack came. She was calling me bad names and saying everything to me. She was wanting her daughter to stay at her place and I did not want her to. She talk for a long time. I got on my bike and went back to Shewack's to see again; I thought they might be hiding her there. I tried to get my little girl to tell me where my wife was, but she wouldn't. Mabel Pewean was there too and I asked her, but she said she didn't know. I got on my bike again and met the old lady coming back from the Agency.

"I went back to the Agency and the old man was still there. I was hungry by that time, so I thought I would go home and have my supper. So I rode home on my bike for supper. I forgot to say that when I saw the old lady at the house she held her hand to my face and opened and closed her fist. That is an Indian sign, but I don't know what it means. She said: "You call yourself a man, but you can't do anything when I do that to you."

"I went straight home to the hay camp. My mother asked if I had my supper and I said, no, and I told her I couldn't find my wife anywhere. While I was eating I was thinking what to do. I thought I would go and look at the house again. It was getting dark; I thought if she was there, I could sleep over there. My rifle was hanging outside in a tree. I took it along in case I might see something early in the morning, coming back, a rabbit or a jumper. When I came out Stephen McArthur was there. He asked me where I was going and he said: "What did they do with your wife?" I said I couldn't find her; I said I was going to look for her again. He said: "What are you going to do with the rifle?" I said I was tired and that I was going to stop over at the house for the night, and that if anything showed up early in the morning, a jumper or something, I might get it.

"From there I went on my bike to my cabin, and there was nobody there. I stood there for a while thinking what to do, and I thought I would go to the old man's again. I rode into the yard fast on the bike. I look into the tent with the flash-light; only the old lady was there. She came to the door and she looked at me and laughed. She did the sign with her fist to my face again and said: "You are not man enough to do anything." She hurt my eye with her finger when she was doing that. She said: "What do you think you can do with this rifle?" I told her I wasn't bringing the rifle for anything of that kind. She did the sign with her hand again and said: "You can't anyway; if you are man enough, shoot." So she got me so mad that I had to let her have it.

"Mabel Pewean must have heard the shot, and while I was hanging my gun on my shoulder she came out; I asked her: "Where is my wife?" She said she didn't know. I was going to get on the bike and saw a man running down the hill north-west of the house. I caught up with him and it was the old man. I ask him: "Where is my wife? you should have told me in the first place; see what happened now." He said: "Yes I should have; she is at Gladys McArthur's". He turned around and started to run, and I took a crack at him. I was so mad I didn't know what I was doing.

"Then I got on my bike from there and came right straight to Gladys McArthur's. When I opened the door she was sitting by the light. I said: "Is that you Ruth?", and I couldn't hold myself from shooting. I was standing by the door outside; I could hardly remember what I was doing. When I look in the house

See p. 4.

MATERIAL STUCK TOGETHER

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Nelson SAMMY (Treat[illegible] rder (263) CCC., White Bear Indian[illegible] dist., Sask.

(Statement of Se[illegible]

"to the stable t[illegible] the house and ta[illegible] man Shewack came [illegible] lady Shewack came [illegible] everything to me [illegible] her place and I [illegible] time. I got on m[illegible] again; I thought [illegible] to get my little [illegible] she wouldn't. He [illegible] but she said she [illegible] met the old lady [illegible]

"I went back [illegible] there. I was hun[illegible] home and have my [illegible] per. I forgot to [illegible] house she held h[illegible] her fist. That i[illegible] it means. She sa[illegible] can't do anything [illegible]

"I went st[illegible] if I had my supp[illegible] find my wife any[illegible] what to do. I th[illegible] again. It was go[illegible] could sleep over [illegible] tree. I took it [illegible] in the morning, [illegible] came out Stephen [illegible] was going and he [illegible] I said I couldn' [illegible] her again. He sa[illegible] I said I was tir[illegible] house for the ni[illegible] in the morning.

"From ther[illegible] was nobody there [illegible] do, and I though[illegible] into the yard fa[illegible] the flash-light; [illegible] the door and she [illegible] with her fist to [illegible] enough to do any[illegible] she was doing th[illegible] with this rifle? [illegible] for anything of [illegible] again and said: [illegible] shoot." So she g[illegible]

"Mabel Pew[illegible] hanging my gun o[illegible] is my wife?" He[illegible] the bike and saw [illegible] house. I caught [illegible] "Where is my wif[illegible] see what happene[illegible] Gladys McArthur' [illegible] I took a crack a[illegible] doing.

"Then I g[illegible] to Gladys McArth[illegible] by the light. I [illegible] myself from shoo[illegible] could hardly rem[illegible]

[illegible] in an [illegible] chung [illegible] the [illegible] of his [illegible] thp[illegible] its [illegible] in court [illegible] wife, Mrs. [illegible] Sammy.

First day of the trial was taken up by a parade of Indians to the witness stand.

Sammy's only show of emotion came when an Indian woman stepped forward, held up a baby and Sammy kissed it. The child had been born to Mrs. Sammy about two weeks before her death.

Morrison told of finding three dead Indians on the reserve, Mr. and Mrs. Shewack and their daughter, Mrs. Sammy.

Dog Follows Scent

Morrison, with Mounties and the police dog, Tell, under charge of the late Constable W. Rhodeniser, went to a point in bluff country about four miles west of the agency.

"The police dog led the party along an old trail for three-quarters of a mile, then the dog went to a thick bush and jumped in. We followed."

There was "one shot that was fired distinctly, then a burst of shots.

"I heard someone to my right say, 'I'm hit. Do something for me.'" This person was Rhodeniser.

Alfred McArthur testified he had asked Sammy if he had found his wife at her parents' home and Sammy had replied, "No; I figure they are hiding her."

Mrs. Morrison testified Sammy had told her Mr. and Mrs. Shewack had gone to the hay camp and had taken his wife away.

Mrs. Pewean, daughter of the Shewacks, said she was at the Shewack home when she heard a shot. She saw her mother lying in a crumpled position and Nelson Sammy standing nearby.

She said Sammy had said, "See what I have done," Sammy asked if his wife was there, witness said, and was told she was not.

Evidence of the shooting of Mr. Shewack was given by Douglas Pewean, who said Shewack was shot when Sammy was present.

A young daughter of the accused, Florence Sammy, told the court her father had said he was going to shoot her mother "because she went away from the tent." Her mother took her and another daughter, Priscilla, to the home of Gladys McArthur, niece of Mrs. Sammy. There her father appeared. A shot rang out, their mother groaned. She and her sister jumped out a window.

Sammy Gives Evidence

Nelson Sammy, giving evidence today, said he had four shells in his rifle when he started on a bicycle trip through the White Bear reserve that ended in three deaths before he was surrounded in a thicket where a fourth person, a mountie, was shot.

Sammy, who said he was "out of his mind" each time he shot, claimed one of the dead, "old lady Shewack," his 75-year-old mother-in-law was a witch doctor who made a sign at him before she was shot.

On Aug. 25, day of the shooting, Sammy said, he had been working at a hay camp, when he learned his wife had left his tent, so he went to her parents' home and "old man Shewack," when he asked where his wife was, said "you think you are boss of this woman but you are not. She is our daughter.

[illegible] ter. I came back to [illegible] ung boy, and then old [illegible] while and then old [illegible] bad names and saying [illegible] daughter to stay at [illegible] the talk for a long [illegible] to Shewack's to see [illegible] her there. I tried [illegible] re my wife was, but [illegible] too and I asked her, [illegible] my bike again and

and we can take her away any [illegible] time."

Sammy said the old lady "made a sign at me and said I was not going to see her again," and then "the gun went off."

He then turned and saw "old man Shewack," he said, and "the gun went off" again.

From the Shewack home he went to the farm of another Indian named McArthur where he saw his wife sitting in the house and "the gun went off again," Sammy said.

He said he then took to hiding for fear he would shoot somebody else, and the next morning [illegible] sleeping with his rifle strapped [illegible] his back, he heard a nois[illegible] behi[illegible] him and as he turned the ri[illegible] went off again. The noise it w[illegible] brought out, was caused by [illegible] police dog "Tell" which Consta[illegible] W. Rhodeniser and other offic[illegible] were following into the bush w[illegible] Rhodeniser was shot.

[illegible] was going to look for [illegible] ing to do with the rifle?" [illegible] ing to stop over at the [illegible] thing showed up early [illegible] g. I might get it. [illegible] to my cabin, and there [illegible] a while thinking what to [illegible] old man's again. I rode [illegible] ok into the tent with [illegible] me there. She came to [illegible] ughed. She did the sign [illegible] said: "You are not man [illegible] eye with her finger when [illegible] do you think y u can do [illegible] t bringing the rifle [illegible] he sign with her hand [illegible] f you are man enough, [illegible] had to let her have it. [illegible] the shot, and while I was [illegible] e out: I asked her: "Where [illegible] w. I was going to get on [illegible] he hill north-west of the [illegible] as the old man. I ask him: [illegible] old he in the first place; [illegible] I should have; she is at [illegible] and started to run, and [illegible] I didn't know what I was

[illegible] here and came right straight [illegible] the door she was sitting [illegible] ath?", and I couldn't hold [illegible] by the door outside; I [illegible] ing. Then I look in the house

See p. 4.

MATERIAL STUCK TOGETHER

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (E63) CCC.,
White Bear Indian Reserve, Carlyle dist., Sask.

(Statement of Nelson Sammy, contd.)

"In the house I could just see a little fire, but I could see her plain sitting by the light. After the shooting I stood outside and talked to John McArthur, I don't know how long. I told him a few things about my trouble. He said: "Brother, you have done enough already, are you going to do some more?" I said:"No", he said:"Don't do any more." I said: "No, I was so mad I don't know what I am doing." Then I left on the bike and I left the bike on the way. It was broke. I went to the highway. I stayed by the highway in the bush a ~~ittk~~ little north of Alec Morrison's until day-light, on the east side of the highway. Before Noon I got thirsty and walked to a spring on the east side of the highway. I came back to the highway and stayed there until 3 or 4 o'clock, then I went to my cabin and had a drink there. I stayed there till sun-down. When I was at my place I seen a police on horseback and some Indians on horseback. The policeman was about 50 yards from my house, on the road. Then I went to the highway, and across the highway to Xavier McArthur's well. It was dark then. There was a slough north-west of where I was.

"I was sitting there for a while, and then I went to Standing White Man's well and had a drink. I thought I would have a sleep.there. Then I just walked a little ways off the road and lay there. I was sleeping there when they came and woke me up. The dog came at my feet. They scared me and I just grabbed my gun and run. The dog was jumping on me from behind me. When I started to run I heard shots behind me and I seen a flashlight. They hit me in the leg and in the back, and it came out in front. The dog was on me and he had his front feet on my shoulder from behind. I held the gun under my arm and pointed it backwards and fired at the dog. Then I run up to the road. I only had one shot left when I shot at the dog, and then I threw my rifle away. When I got to the trail I lied down. Then they dragged me by the arms and dragged me along the road. When I was down they kicked me about three times; then they took me to the car.

"When I held the rifle under my left arm and fired, the dog was right on my back with his forefeet over my left shoulder. the end of the rifle barrel was pointing to the back, and I could feel something heavy against the end of the barrel. That was the dog. I did not aim at any man when I shot and I did not aim at any flashlight.

"The old people have been interfering with me and my wife ever since we got married, before Morrison came to the reserve. I have been married for 13-14 years. One time during Stevenson's time as Indian Agent I remember Shewack and his wife were over at my cabin. They would take my wife with them home; my wife did not say anything. The old man told her she had better get her clothes on and come along and listen to her mother. I grabbed the old man and threw him out. Then I went back and threw the old lady out. Since then they would try to get my wife away when I was away from the house."

(Sgnd. Nelson Sammy)

Witnesses:
J.Fossum, Cpl.
E.Hadley, "

4. Referring to para. 56 of Weyburn CIB report, dated the 28-8-39, Alfred McArthur and Tom Rider were again questioned regarding their relations with Mrs. Nelson Sammy, but both of them denied having done anything to give Sammy cause for jealousy. Indians living in nearby tents at the hay camp prior to the murders were thoroughly questioned in this regard, but none of them would state that they had seen Nelson Sammy show any signs

See p.5.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Nelson SAMMY (Treaty Indian) - Murder (263) CCC., White Bear Reserve, Carlyle dist., Sask.

(Para.4 contd.)

show any signs of jealousy, or that Mrs. Sammy had given him any cause for jealousy. That he actually had shown signs of jealousy towards these men will be borne out by the two daughters, Florence and Priscilla Sammy. Nelson Sammy, when questioned in this regard, stated that he had never suspected these men of having anything to do with his wife, but that he suspected Robert Big Eagle, Jimmie Standing Ready, Herbert Standing Ready, and Roy Favel. These men, when questioned, denied having had any illicit relations with Mrs. Nelson Sammy. Robert Big Eagle denied having received any letters from Mrs. Sammy, but Roy Favel admitted that he had received a few letters from her while she was confined to Hospital. He stated that the letters were not exactly what might be called love letters, but that they were very friendly, and that she wrote that she wanted to be good friends with him when she came out of the hospital. What she meant by this, he did not understand, as they had never been anything but friends. It is a generally recognized fact among medical doctors that t.b. patients have an extraordinarily strong sexual urge, and this might also have been the case with Mrs. Nelson Sammy. However, no information could be obtained to indicate immoral conduct on her part, either before or after her confinement to the Hospital.

5. Old Sammy and Mrs. Sammy, parents of the accused, were both questioned regarding their alleged conversation with Nelson Sammy in the evening of the 25-8-39. Sammy denied any conversation with his son that evening, but stated that Shewack and Mrs. Shewack had arrived at the hay camp in the afternoon, the former on horseback, and the latter on foot. Mrs. Nelson Sammy had been at the tent when they arrived, but had left with her two daughters, Florence and Priscilla, a short time after, but not in company with the old people. Mrs. Sammy stated that she had seen the Shewacks at the tent, but she did not see them or Mrs. Nelson Sammy leaving. She further stated that when Nelson came home from the hay field in the evening he had asked her where his wife was, and she had told him that she thought Shewack and Mrs. Shewack had taken her away. Neither of these Indians speak English, and the above information was obtained through an interpreter.

6. Henry McArthur, Indian, stated that in the PM. of the 25-8-39 he had seen old Shewack about one mile southeast of the hay camp going east on horseback, a young boy with him on the horse. Mrs. Shewack and a small girl were on foot a short distance behind. He did not recognize the children. It would therefore appear that Mrs. Nelson Sammy did not leave in company with her parents, and that the latter did not travel by team and wagon.

7. From the accused's statement it will be noted that he claims to have been in his cabin from 3 or 4 p.m. until sun-down. However, frequent visits were made to the cabing during this time by the writer and other members of the search party, but the accused was not seen there. This would therefore appear to be a fabrication. He also states that he was shot in the back while running, while doctor Fraser's examination of the wounds reveals that the bullets had entered the chest and leg from the front. He further states that firing at the dog, he could feel the dog against the end of the rifle barrel, whereas the dog was not injured.

See p.6.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

RE: Nelson SAMMY (Treaty Indian) - Murder (263) CCC.,
White Bear Indian Reserve, Carlyle district, Sask.

(Para. 7 contd.)

not injured. He also states that he was kicked "about three times" while lying on the road, after he had been shot, but Dr. Fraser states that on examination he had found no signs of violence except for the bullet wounds. Aside from the points mentioned, which appear to be fabrications, his story is borne out fairly well in detail by the investigation. His allegations regarding infidelity on the part of his wife may have some foundation of truth, considering the moral standard of these Indians, but no evidence to that effect is available. His suspicions in this regard might have been aggravated by his mother, who, according to Mr. Morrison, the Indian Farm Instructor, is known as a troublemaker. However, it is selfevident that jealousy and interference by the parents were the motives.

8. Reference para.3 of your memo., dated the 6th. inst. a thorough search was made for the cartridge case from the shooting of Shewack, but without results. The accused states that he does not remember where it was ejected. A similar search was made at the scene of the shooting of Cst. Rhodenizer, without results. According to the accused only one shot was fired by him at this time, and the cartridge case was left in the rifle. The cartridge case found in the rifle has already been taken to the Scientific Lab., Regina.

9. Mr. Campbell suggests that a plan of the scenes of murder of the three Indians be prepared on the possibility that they may be required for court. Complete measurements have been made, and same are on file here if required. If it should be decided to have such plans prepared, it might be suggested that this be done by Corpl. Wallow, as there are no members at this point experienced in this type of work.

10. Mr. Campbell stated that he thought it most expedient to carry on with the Prelim. Hearing immediately after the inquest, and to hold the latter towards the end of this month if the prisoner is in a fit condition to appear at that time.

11. Extra copies attached for the information of the Agent of the Attorney General, and Carlyle Detachment.

PROSECUTION ENTERED. D.D. 5-10-39.

EXPENSES SHOWN ON FORM 95.

D/Cst.
Reg.No.11297, Fossum, J.

The O.C., RCMP.,
Weyburn, Sask.

Sir: Forwarded 13-9-39.

D/S/Sgt.
Reg.No.6235, F.J. Lane,
I/C Weyburn Sub-Div. C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re: Nelson SAMMY (Treaty Indian) - Murder (263)
White Bear Indian Reserve, Carlyle District, Sask.

W.G.S. Campbell, Esq.,
Agent of the Attorney General,
Arcola, Sask.
1. Copy for your information.
14-9-39
JVS/P

Insp.
Comdg. Weyburn Sub-Div.
(F.P.Baxter)

The Cst. i/c,
CARLYLE DET.
1. Copy for your information.
14-9-39
JVS/P

Insp.
Comdg. Weyburn Sub-Div.
(F.P.Baxter)

The O.C. "F" Div.
R.C.M.P. REGINA.
1. Forwarded. It will be noted the accused was interviewed and statement taken at suggestion of Mr. CAMPBELL the A.A.G.
2. Regarding para 9, in view of the general lay-out of the scene of the shooting of Mrs. Ruth SAMMY (accused wife) with which he is now charged, it is not understood what good purpose a plan would serve. All measurements have been taken and we also have photos of the scene available. I consider that should Mr. CAMPBELL desire a properly prepared plan, he could well make application himself through his Dept. for Col. T.G.TYRER to prepare same.
3. Para 10 is noted and accused now stands remanded until 20th inst.
PROSECUTION ENTERED.
W.S.D. DD 28-9-39
14-9-39
FPB/P

Insp.
Comdg. Weyburn Sub-Div.
(F. P.Baxter)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

SAFETY ▲ FILM ●●

(C.I.B.)
"F" Division

REGINA, Saskatchewan,

39 R 636-14. September 20th, 1939.

The Inspector in Charge,
Indian Affairs Branch,
Dept. of Mines & Resources,
REGINA, Sask.

Dear Sir:- Re: Nelson SAMMY (Treaty Indian) Murder
(268) White Bear Indian Reserve,
Carlyle District, Saskatchewan

1. This will confirm telephonic communication of Sergt. Hinton this A.M., wherein advice was given that the above mentioned Indian prisoner at present in Hospital at Weyburn, would be attending the Coroner's Inquest on Monday, Sept. 25th, 1939, and appearing for Preliminary Hearing on the following day. Also that when arrested this prisoner was clothed practically in rags, some of which were being held by this Force as exhibits and others being useless, destroyed at the Hospital, consequently this prisoner had no clothing whatsoever in which to appear at Court.

2. In view of which it was requested that suitable clothing be supplied by your Department, and authority was kindly granted for same to be purchased locally and the account in quadruplicate submitted to your Department.

Yours truly,

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

WWH/AB.

39 W 17-33.
The O.C.,
R.C.M.P., WEYBURN.
Forwarded in triplicate for your information. Kindly have essential clothing purchased locally at minimum cost and account submitted for payment by the Department of Indian Affairs, for which Department four copies will be required.
Dr. F.O.McGill has been notified that the Inquest will probably be held at Carlyle on Monday next, and unless advised to the contrary will attend at that time. Sergt. Churchman will also be notified that unless information is received to the contrary the Preliminary Hearing will be proceeded with at Carlyle on the 26th instant. Kindly advise at the earliest of any change in these arrangements.
Respecting application of the Coroner to the Department for authority to hire a Hall at Carlyle for the Inquest kindly be advised that the authority for this is granted but that the Department considers the price of $5.00 per day quoted is too high and that an endeavour should be made to secure the hall at the prices usually paid, that is $3.00 per diem.

A/Supt.
20-9-39. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

(C.I.B.)
"F" Division

REGINA, Saskatchewan,

39 R 636-14. September 18th, 1939.

39 W 17-33.

Memo -

The O.C.,
R.C.M.P., WEYBURN.

Re: Nelson SAMMY (Treaty Indian) Murder (263)
White Bear Indian Reserve, Carlyle Dist., Sask.

---

1. Adverting to your forwarding minute of the 14th inst. appended to Weyburn C.I.B. report dated Sept.13th,1939, kindly take the matter of the surveying of the scenes of the murders up with Mr. Campbell direct. Should he still consider it advisable to have plans drawn up kindly advise this office at the earliest in order that application may be made to the Department for the services of Col. T.G.Tyrer.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B

WMH/AB.

The Inspector in Charge,
Indian Affairs Branch,
Dept. of Mines & Resources,
REGINA, Sask.

Forwarded for your information, with one copy of Weyburn C.I.B. report dated Sept. 13th,1939.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

18-9-39.

The Deputy Attorney-general,
Regina, Sask.
Forwarded foryour information, with copy of above report.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

18-9-39.

The Commissioner,
R.C.M.Police, Ottawa, Ont.
Forwarded for your information in triplicate, with three copies of above report attached.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

18-9-39.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Letter dated Sept. 20th,1939, to Inspector of Indian Affairs, Regina,Saskatchewan)

(2)

39 R 636-14.

Re: Nelson SAMMY (Treaty Indian) Murder (263)
White Bear Indian Reserve, Carlyle District,Sask.

C 12 S, C B 345 A

The Deputy Attorney-general,
Regina,Sask.

Forwarded for your information. Kindly note para.3 of minute to O.C., Weyburn, which has reference to telephonic communication from your Department this A.M.

A/Supt.

20-9-39.WWH/AB. (L.H.Nic olson)
In Charge, C.I.B.

The Commissioner,
R.C.M.Police,OTTAWA,Ont.

Forwarded in triplicate for your information.

A/Supt.

20-9-39. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

93674

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39B 636-13 G 9

OTTAWA, Sept. 25th, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
SEP 26 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. SSR 634-14.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	WEYBURN	WEYBURN

Province: SASKATCHEWAN

Date: SEPT. 20th., 1939.

File References

Re: Helen SAMMY (Treaty Indian) Murder (265).
White Bear Indian Reserve - Saskatchewan.
(CARLYLE DETACHMENT CASE)

Headquarters

Sub-Division
SSW 17-33.

Detachment

P. C. R.
Carlyle.
last
14-9-39.

19-9-39

1. Relative to the above and to report of Carlyle Detachment, dated the 14th, inst., and to footnote of the O.C., Weyburn Sub-Division, thereon, I interviewed Dr.J.MacGillivray in regards to the physical condition of the above named and if he would be able to travel to Carlyle on the 25th, inst., and attend the Inquest being held in this regard, and Dr.MacGillivray stated that he did not see any reason why the above named should not be able to travel to Carlyle on the 25th, instant, as his physical condition was good under the circumstances, his temperture and pulse were normal, he was eating good, was now sitting up several times a day and doing a little walking around the ward and corridor, but Dr.MacGillivray suggested that he be taken to Carlyle via auto.

20-9-39

2. Court was held at the General Hospital, Weyburn, at 2.45 a.m., with J.C.Martin, Esq., K.C., Police Magistrate, presiding, and as a result of my application, this accused was further remanded in custody until Thursday, Sept. 28th, 1939, to appear at Carlyle, Sask., at 10.30 a.m. (local time).

3. This accused needs a complete outfit of clothes, including boots, as the clothes which were brought here with him are badly soiled with blood, and unfit for further wear, and his boots are completely worn out, his sizes are as follows :-

Chest measurement ..... 38".
Boots .....Size 7.
Hat ..... " 7.
Weight ..... 175 lbs.
Height ..... 5ft.7ins.

4. I took up the matter of supplying clothes for this accused direct with Cst.Cavill, requesting that he obtain the necessary clothes from Mr.Morrison, the Indian Agent, and I have now received word back from Cst. Cavill that Mr.Morrison could not supply any clothes for this accused, but suggested that the matter be taken up with Mr.Robinson, Department of Indian Affairs, Regina.

5. No Expense incurred.

PROSECUTION WITNESSES

A/L/Cpl.
Reg.No.10424. R.E.Thurnsell.
I/C Weyburn Detachment.

The O.C., RCMP.,
Weyburn Sub-Div.

Numbers must be quoted

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

39W 17-33 39R 636-14

Re: Nelson SAMMY (Treaty Indian) Murder (263)
White Bear Indian Reserve - Saskatchewan.
(CARLYLE DETACHMENT CASE.

O. C., "F" Div.,
RCMP, REGINA.

1. Forwarded. As will be seen from the above report, it is expected this accused will be in fit physical condition to be escorted to Carlyle to attent inquest on Monday the 25th inst. I have spoken to Dr. McGillivray and he advises me he does not think there will be any danger in the taking of this man out of hospital on the 25th providing the weather is good; that is, not wet or stormy. An order as to the accused's physical fitness will be obtained from Dr. McGillivray before prisoner is taken out of hospital.

2. In order to see how the accused will stand the trip in the car after his five weeks in a hospital cot, Weyburn Det. will arrange and take this prisoner out in a police transport for a ride in the F. M. of the 23rd inst., and if he stands this trial ride satisfactorily, arrangements for the inquest to continue on the 25th, with preliminary on the 26th inst. will proceed.

3. In reply to your memorandum of the 18th inst., I have been in telephonic conversation with Mr. Campbell and he has agreed to carry on at the inquest and preliminary without a plan prepared by Col. Tyrer. Mr. Campbell states he will be in a position after the preliminary to state whether a plan should be on hand for the King's Bench trial and he will advise accordingly.

4. I would ask that Dr. F. G. McGill, Provincial Pathologist in Regina, be advised to proceed to Carlyle from Regina on the morning train on Monday, the 25th of Sept. next for the inquest and that she also be advised that the preliminary will follow as soon as inquest is completed. Sgt. Churchman is also to be warned to proceed to Carlyle the morning train on the 26th inst. to attend the preliminary.

5. Should it be ascertained that the inquest and the preliminary cannot proceed on the dates above on account of the prisoner not being fit to stand the trip to Carlyle, I will advise Div. HQ by phone by noon of Sunday, the 24th inst. to cancel arrangements as above of Dr. McGill and Sgt. Churchman.

6. Regarding para. 3, I would ask the matter be taken up with the Dept. of Indian Affairs and a complete new outfit, including under clothing and socks be forwarded to NCO i/c, Weyburn Det. just as soon as possible.

7. Copies of this report have been sent to Weyburn CIB, Carlyle Det., and also to Mr. Campbell, A. A. G. of Arcola.

PROSECUTION ENTERED
20-9-39 FPB*AAL

Insp.
Comdg. Weyburn Sub-Div.
(F. P. Baxter)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

ROYAL CANADIAN MOUNTED POLICE

"DEPOT" DIVISION

39SL-288

Scientific Laboratory,
Regina, Sask. Sept. 16th. 1939.

LABORATORY REPORT

Ref-Nelson SAMMY (Treaty Indian) - Murder
(263) - White Bear Indian Reserve, Sask.

1. The following exhibits were received from Constable Fossum of Weyburn C.I.B., on September 5th., 1939 for examination in the above connection.

39SL-288B One discharged .32/40 cartridge case in an envelope.
39SL-288C One discharged .32/40 cartridge case in Winchester L.A. .32/40 rifle No.341716 (hereunder described as exhibit 39SL-288F)
39SL-288D One fired and shattered bullet in envelope.
39SL-288E One deformed bullet core.
39SL-288F One Winchester L.A. .32/40 rifle model 1894, number 341716.

2. Test shots were fired with the rifle mentioned. The cartridge cases and the bullet fragments submitted were examined and comparisons made. It was found:

(a) exhibit 39SL-288B was discharged in rifle exhibit 39SL-288F.
(b) exhibit 39SL-288C was discharged in rifle exhibit 39SL-288F.
(c) exhibit 39SL-288D was discharged from rifle exhibit 39SL-288F.

Sergt.
(J.A.Churchman, Reg.No.9448.)

The N.C.O. i/c.,
Weyburn C.I.B.,

Duplicate copies for your information, five copies forwarded to Officer i/c C.I.B. "F" Division.
These exhibits will be held pending instructions as to disposal.

Surgeon.
(Maurice Powers, M.D., C.M..)

The Officer i/c - C.I.B.
"F" Division, Regina, Sask..

Five copies for your information.

Surgeon.
(Maurice Powers, M.D., C.M..)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

F. 237

39R 636-14

Division File No.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
F	WEYBURN	CARLYLE

Province Sask.

Date September 18th, 1939

File References

Re: Nelson SAMMY (Treaty Indian) Murder 263.
White Bear Indian Reserve, Sask.
(CARLYLE DETACHMENT CASE)

Headquarters

1. With further reference to the above, on this date W.G.E.Campbell, Esq, Agent of the Attorney General, Arcola, Sask, communicated with this detachment requesting to be advised as to whether the accused in this connection will be in a fit condition to proceed with the Inquest and Preliminary Hearing on the 26th inst, if not could some idea be formed as to when the cases might be proceeded with.

Sub-Division

39W 17-33

PROSECUTION ENTERED. EXPENSES NIL.

To.O.C.Weyburn, Sask.
Sir:- Forwarded:-

Detachment Carlyle
39C 1-16

Const
C.H.CAVILL. Reg No 10767
In charge of Detachment.

P. C. R.

12-9-39
C.I.B.
13-9-39

The N. C.O. i-c Weyburn Det.
1. Please have attending physician interviewed and statement obtained as to the condition of the patient in regards being physically able to attend Inquest and Preliminary Hearing on the 25th instant or when he will be in physical condition to attend.
PROS. ENTERED.
WSD DD 20-9-39.
19-9-39.
JVS/C.

Insp.
Comdg. Weyburn Sub-Divn.
(F.P. Baxter)

A. R. V. No.

The N.C.O. i-c Weyburn C.I.B.
1. Copy for your information and file.
19-9-39.
JVS/C.

Insp.
Comdg. Weyburn Sub-Divn.
(F.P. Baxter)

The O.C., 'F' Div.,
R.C.M.P., REGINA
1. Forwarded for your information.
PROS. ENTERED.
WSD DD 23-9-39.
19-9-39.
JVS/C.

Insp.
Comdg. Weyburn Sub-Divn.
(F.P. Baxter)

Diary Date set for

File numbers, heading and marginal reference are to be properly filled in.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

94243

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B-636-13-G-9 Noted

OTTAWA. Sept. 26th, 1939.

YOUR FILE No. .....

EXD.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
SEP 27 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

Regina Leader-Post 26/9/39

Shootings At Reserve Probed

KILLING OF INDIANS AND CONSTABLE NEAR CARLYLE DESCRIBED

(Special Despatch)

CARLYLE, Sask., Sept. 26. — Shooting of Mrs. Ruth Sammy, Carlyle reserve Indian woman, her parents, Mr. and and Mrs. Shewack, and Constable W. E. Rhodeniser, of the R.C.M.P., on the Indian reserve near here, was described at an inquest here Monday into the four deaths.

The Indians were killed on Friday, Aug. 25, and the policeman Saturday night after Nelson Sammy, husband of Mrs. Ruth Sammy, had been cornered by a posse in thick bush country.

Nelson, critically shot in the fight with police, was in Arcola hospital for several weeks before he recovered.

Inquest Adjourned

The inquest was adjourned Monday afternoon until Tuesday morning when Dr. Frances McGill, provincial pathologist, will give evidence and the case turned over to the jury for a finding.

Witnesses Monday included J. R. Morrison, farm instructor at the reserve; Corp. Paynton, who was in charge of the police posse which hunted down Sammy, and Dr. Fraser, who attended Sammy, alleged slayer of the four.

Mr. Morrison told the entire story of the shooting from the time when Nelson came to the agency before the murders had been committed until the time Constable Rhodeniser was shot.

Daughters Testify

One of the highlights of the trial was the evidence of 14-year-old Florence Sammy, who declared that it was her father who had shot her mother. She and her younger sister were in the house and saw their mother shot. They escaped through a window afterward.

The two girls were later allowed to talk with their father, who was present in police custody.

Corp. Paynton told of the capture of Sammy. He was unable to say who fired the first shot, the police or Sammy.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

CANADA

Letter No. 304-7D

Office of the Saskatchewan Inspectorate *Indian Agency,*

September 26, 19 39.

Sir,

I enclose herewith Vouchers Nos. 581,

amounting to $ 10.24 *in favour*

of McKinnons Federated Limited, Weyburn, Sask.

for Nelson Sammy, White Bear Reserve, Crooked Lake Agency.

This expenditure was authorized by Departmental

Letter No. *dated*
Vote #75; Allot. 02--225

Your obedient servant,

Thos Robertson

Indian Agent.

The Secretary,
Department of Indian Affairs,
Ottawa.

Form No. 101

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

File 304-7D

CANADA

DEPARTMENT
OF
MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

INSPECTOR OF INDIAN AGENCIES

Regina, Sask., Sept. 26, 1939.

Dear Sir:

I beg to attach voucher No. 581 in favor of McKinnons Federated Limited, Weyburn, Saskatchewan, for $10.24 which I recommend be paid.

In explanation of this voucher I would say that about a week ago the Mounted Police advised me that Nelson Sammy of White Bears Reserve, who was under arrest for murder, committed on White Bears Reserve, was in the Weyburn Hospital and will come up for examination in a few days, that when he was arrested he had practically no clothing, what he had was covered with blood and unfit to wear, also they wish to use the clothing he had as an exhibit. They asked that he be supplied with clothing to enable him to attend the hearing.

As the time before the hearing did not permit me receiving authority from you, I authorized them to procure the clothing and submit the account ~~themselves~~ through the Mounted Police

Yours truly,

Thos. Robertson,
Inspector of Indian Agencies.
Saskatchewan.

The Secretary,
Department Mines & Resources,
Indian Affairs Branch, Ottawa.

Representative of the Treasury
OCT 3 1939
INDIAN AFFAIRS.

Department of Mines & Resources
Indian Affairs
SEP 29 1939
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

THIS SPACE FOR TREASURY ONLY

CHEQUE NO. .....

DATE .....

VOTE		AGENCY	
ALLOT.	E. R.	AMOUNT	
TOTAL			

EXAMINED AND FOUND CORRECT

DATE .....

PAY TO: McKinnons Federated Limited,

ADDRESS: Weyburn, Sask.

DATE 1939		SERVICE	AMOUNT	
Sept.	22	To Clothing, Nelson Sammy, Indian, White Bear Reserve, Crooked Lake Agency (In custody of Police for murder)	10	24
		Shoes 2.65		
		Sweater 2.50		
		Cap .65		
		Overalls 1.65		
		Shirt 1.00		
		Sox .50		
		Underwear 1.29		
		$ 10.24		
		Vote #75; Allot. 02--225		
		Voucher #581		
		Forwarded to Ottawa Sept. 26, 1939.		
		TOTAL		

AUDITED FOR PAYMENT OCT 20 1939 Treasury Office I. A. BRANCH

P. O. ..... VOTE .....
GENCY ..... ALLOT .....
..... E. R. .....
Goods Received or Services Performed
Prices Fair and Just Approved for Payment
R. A. HOEY

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just, also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

Geo Robertson
Agent

FORM No. I.A. 506
R. 8420

VOUCHER No. 581

DATE September 26, 1939.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Div. Division - 6. TRIPLICATE Weyburn Sub-Division.
Weyburn Detachment. 601.

McKINNONS FEDERATED LIMITED

WEYBURN, SASK. Sept. 22nd 19 39

IN ACCOUNT WITH

R. C. M. P.
Weyburn Detachment
Weyburn, Sask.

SASKATCHEWAN INSPECTORATE
SEP 26 1939
REGINA, SASK.

1939.

DATE	PARTICULARS	AMOUNT	TOTAL
Sept. 22nd			
	Shoes	2.65	
	Suts.	2.50	
	Cap	.65	
	Overalls	1.65	
	Shirt	1.00	
	Sox	.50	
	w/wear	1.25	
			$10.24

Tax Exempt

McKINNONS

RB

DETAILS To purchase of clothing for Nelson SANDY, Number. (Treaty Indian) White Bear Indian Reserve. Authority OIC., Memorandum dated at Regina 20-9-39, file No. SGR 656-14.
GOODS RECEIVED: PRICES FAIR & JUST.

Certified Correct:
J. J. Martin Insp.
Comdg. Weyburn Sub-Division.

MW—Men's Wear
LW—Ladies' Wear
DGS—Dry Goods
NOT—Notions
SHO—Shoes
HDW—Hardware
DS—Drugs and Stationery
FC—Furniture and China
GRO—Groceries
CM—Credit Memo
CSH—Cash
BAL—Balance

SYSTEMS EQUIPMENT LIMITED, WINNIPEG 2914-39

CERTIFIED CORRECT.
A/SUPT.
OFFICER I/C S.I.B.
C.H.NICHOLSON.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"C O P Y"

RITCHIE A. ROBERTSON. B.A.
Barrister, Solicitor & Notary
Lands, Loans, Insurance
CARLYLE, SASK..

September 28th, 1939..

Wilfred J. B. Ball,
Agency Clerk,
Crooked Lake Agency,
Broadview, Sask..

Dear Sir:-

Re- Nelson Sammy

As instructed by your letter of the 21st. instant I attended the inquest relative to the death of the three Indians and one police officer at White Bear Reserve on August 25th and 26th last. I also attended the preliminary hearing of Nelson Sammy, charged with the murder of these four persons above mentioned.

The Crown produced eye-witnesses to the shooting of the three Indians by Sammy. In the case of the death of the Police Officer, the evidence does not, in my opinion, prove conclusively that Nelson Sammy fired the shot that killed the Police officer; not does it prove conclusively that the shot fired by Sammy at that time was an intentional attempt to commit murder.

I have interviewed Nelson Sammy on several occasions, and will procede with the interrogation of witnesses as suggested by him to myself.

Personally, I would like if possible to have the accused examined by some impartial psychiatrist as to his mental condition but before doing so would prefer a letter from you authorising this expenditure. At the same time you might explain to me just what expenses I am authorised to incur in this defence.

I might add that Nelson Sammy appears to me to be quite normal, but you will readily understand that I am not accustomed to dealing with Indians and cannot judge his mental condition. The usual procedure is to have an examination to make certain that the accused is normal and therefore responsible for his actions.

Yours truly,

Signed: R. A. Robertson

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113 - 3

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH
G.

PLEASE QUOTE
FILE 3.1.

Crooked Lake Agency,
Broadview, Sask.,
Sept. 30., 1939..

Department of Mines & Resources
Indian Affairs Branch.
OCT 3 1939
REGISTERED

Sir:-

As instructed by your telegram I advised Mr. R. A. Robertson, Barrister of Carlyle to appear for Nelson Sammy re-murder trial and am today in receipt of a letter from him, copy of which is attached.

May I receive your further instructions please?

Your obedient servant,

Wilfred J. B. Ball,
Agency Clerk.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

EX'D.
A.

19113-3

October 3,1939.

Dear Sir:-

I have to acknowledge receipt of your letter of the 30th ultimo wherewith you enclosed copy of letter from Mr. R.A.Robertson, Barrister of Carlyle, who has been authorized by the Department of Justice to defend Nelson Sammy, charged with the murder of three Indians and a member of the Royal Canadian Mounted Police.

In reply to Mr. Robertson's inquiry as to what expenses he is authorized to incur in the defence, please advise Mr. Robertson that he is entitled to incur any expenses which usually would be considered proper for the successful prosecution of the case. It is not possible to set an exact figure, but while it is not desired that anything essential should be overlooked, nevertheless, any unnecessary or extravagant outlays should be avoided.

Yours very truly,

T.R.L.MacInnes.
Secretary.

W.J.B.Ball,Esq.,
Agency Clerk,
Crooked Lake
Agency,
Broadview,Sask.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

Gazette 25/9/39

Herald

Montreal Herald

FRIDAY, SEPTEMBER 29, 1939

Indian Faces Murder Trial

Nelson Sammy Accused of Slaying Four Including R.C.M.P. Constable.

Carlyle, Sask., Sept. 29 —(CP)— Nelson Sammy, Indian of White Bear Reserve near Carlyle, about 120 miles southeast of Regina, yesterday committed to stand trial for the murder of four persons on the Reserve last August. His trial, date of which will be set later, will take place at the fall assizes at Arcola, Sask.

Sammy is accused of shooting to death his wife, Ruth Sammy; her parents, Mr. and Mrs. Shewack, on Aug. 25 and then killing Constable W. E. Rhodeniser of the Royal Canadian Mounted Police in a gun duel when the Indian was cornered the following day.

Mrs. Sammy died at the home of a friend as she sat eating supper. Her two young children saw the shooting which preceeded the deaths of Mr. and Mrs. Shewack beside their home on the Reserve.

Constable Rhodeniser, native of Lunenburg, N. S., died in a hail of bullets in the bush country near the Reserve. An expert dog handler, Rhodeniser led the hunt with Tel, trained police dog who refused to leave the fallen officer until his body was taken away.

Sammy was committed after Magistrate J. C. Martin heard evidence regarding bullets and shells recovered by R. C. M. P. officers testifier they came from a rifle owned by the indian.

Mabel Peewen, daughter of the Shewacks, told the court she heard a shot and saw Sammy with a gun. Her mother was lying near the Shewack home. Then another shot sounded and her father dropped dead on a trail west of the house.

John Mcarthur said Sammy told him he had "got my father-in-law and my mother-in-law" and that he planned to shoot himself.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 39R 656-14.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F"	WEYBURN	WEYBURN

Province: SASKATCHEWAN

Date: SEPT. 25th, 1939.

File References

Re: Nelson SAMMY (Treaty Indian) Murder, (263).
White Bear Indian Reserve - Saskatchewan.
(CARLYLE DETACHMENT CASE)

Headquarters

Sub-Division

39W 17-23.

Detachment

P. C. R.

Weyburn
left
29-9-39.

22-9-39.

1. Relative to the above and to Memorandum of the Officer i/c., C.I.B., Regina, dated the 20th, inst., and to minute of instructions thereon of the O.C., Weyburn Sub-Division, dated the 21st, inst., I purchased the following clothing for the above named :-

1 pair of Shoes	$ 2.25.
1 Sweater	2.50.
1 Cap	.65.
1 pair of Overalls....	1.65.
1 Top shirt	1.00.
2 pairs of Sox	.50.
1 suit of underwear...	1.20.
	$10.15.

25-9-39.

2. The above named was discharged from the General Hospital, Weyburn, this a.m., he leaving at 7 a.m., in the custody of H/Cst.J.Fossum and Cst.E.L.Hadley, en route to Carlyle, per Police Auto Code No. 2435.

3. The following is a copy of an order issued by Dr.J.E.McGillivray, Weyburn, dated the 25th, inst., which is self-explanatory and reads :-

"In my opinion, Nelson Sammy, is sufficiently recovered from his recent illness that he no longer needs hospital care."

4. Original order, as referred to in the previous paragraph, is on file at this office.

5. No Expense incurred.

PROSECUTION ENTERED. HANDED OVER.

A/L/Cpl.
Reg.No.10434. R.E.Thrussell.
i/c Weyburn Sub-Division.

The O.C., R.C.M.P.,
Weyburn Sub-Division.

SEP 30 1939
REGINA, SASK.
DATE

Supt.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re: Nelson HAMMY (Treaty Indian) Murder 263
White Bear Indian Reserve - Sask.
(CARLYLE DET. CASE)

W.G.E. Campbell, K.C.
Agent of the Attorney General,
Arcola, Sask.
1. Copy for your information and file.
26-9-39
JVS/P

A/Sgt. for Insp. AOD
Comdg. Weyburn Sub-Div.
(J.V.Stinson)

The N.C.O. and Cst. i/c.
WEYBURN CIB AND CARLYLE DET.
1. Copy for your information and file.
26-9-39
JVS/P

A/Sgt. for Insp. AOD
Comdg. Weyburn Sub-Div.
(J.V.Stinson)

The O.C. "F" Div.
R.C.M.P. REGINA.
1. Forwarded for your information. Please note para 3 and 4 of the above report.
PROSECUTION ENTERED.
W.S.D. DD 5-10-39
26-9-39
JVS/P

A/Sgt. for Insp. AOD
Comdg. Weyburn Sub-Div.
(J.V.Stinson)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

B

ROYAL CANADIAN MOUNTED POLICE

100113

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-G-9 OTTAWA Oct. 5th, 1939.

YOUR FILE No. No Reply

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch.
OCT 6 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Nelson SAMMY (Treaty Indian) Murder 263, (4 Charges)
White Bear Indian Reserve, Sask.
(Carlyle Detachment Case)

Police Magistrate J.C.Martin for Preliminary Hearing at Carlyle, Sask, W.E.G.Campbell, Esq, Agent of the Attorney General, of Arcola, Sask, appeared for the Crown, and R.A.Robertson, Barr, of Carlyle, appeared for the accused, the hearing lasted until the 5.30 PM on this date, was then adjourned until 10 AM of the following day.

28-9-39.

4. Court was again opened on this date at 10 AM, when the remainder of the witnesses were heard, at the closing of the case for the Crown, no defence testimony was offered, whereupon the accused was remanded in Custody to stand trial at the next sittings of the next competent Court having jurisdiction in the Judicial District of Arcola, Sask.

5. The following witnesses were called on behalf of the prosecution and gave evidence consistent with their statements as already reported in previous reports submitted.-

Dr.C.W.Stapleford. Coroner, Carlyle.
Mrs M.K.Waywell, Carlyle, Sask.
Mabel Pewean (Indian)
J.McArthur "
Florence SAMMY, Brendon, Man
Tom Sheppard (Indian)
Stephen McArthur (Indian)
J.Paton, Cpl. RCMP Estevan
Sgt Churchman, RCMP, Regina,
Dr.W.R.Fraser, Arcola, Sask.
Dr.F.G.McGill, Regina, Sask.
Douglas Pewean (Indian)
G.McArthur "
Mrs J.H.Morrison, Carlyle,
Alfred McArthur (Indian)
J.R.Morrison, Carlyle, Sask.
Cst.J.Fossum, RCMP, Weyburn,

Tom Favel (Indian) was employed as interpreter, speaking both Assiniboine and Cree.

6. Upon instructions of the Agent of the Attorney General, W.E.G.Campbell, Esq, three additionaly Informations and Complaints, were laid by the writer charging the accused with the murder of, Const W.E.Rhodeniser, Old Man Shewack and Old Lady Shewack, and Information and Complaint chreging the accused with the muder of his wife Mrs Nelson (Ruth) Sammy had already been laid this having been done on the 30-8-39.

7. Prisoner was escorted this date by Bus, from Carlyle Sask, enroute to Regina by Const Hadley of the Weyburn Detachment.

8. While the accused was under guard here at Carlyle, he was examined by Dr.Stapleford, he was found to be running a temperature of 101 and, a rapid pulse and appeared extremely weak, the Doctor stated that the danger ofpneumonia presented itself and instructed that he bem kept in the hotel and not in the cellroom, he stated he was instructing this as a precautionary measure.

9. On the following dates the Carlyle Police auto was used meeting the Estevan Police auto near Alemeda and conveying Corpl Paton of the Estevan Detachment to Carlyle and return to Alemeda on the morning of the 25th inst and the afternoon of the same date, on the morning of the 27th inst, and the afternoon of the 28th inst, this was done to allow the Estevan Poli e car to return to its station for duty.

10. The Inquest and Preliminary Hearing were held in the Carlyle Community Hall.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

"F" Division REGINA, Saskatchewan.

October 2nd, 1939.

39 R 635-14.

39 W 17-33.

Memo -

The O.C.,
R.C.M.P., WEYBURN.

Re: Nelson SAMMY (Treaty Indian) Murder (2GS)
(4 charges) White Bear Indian Reserve, Sask.

1. Adverting to Carlyle detachment report of the 29th ultimo relative to the above, it is noted that the verdict of the Coroner's Jury as quoted in para.(2) is not very complete, considering the evidence available which must have been placed before them.

2. Kindly advise in subsequent report whether para.(2) contains the correct wording of the verdict of the Coroner's Jury.

3. It is also noted that no mention is made as to whether the Provisions of Section (684) were complied with at the Preliminary Enquiry. From the fact that Police Magistrate Martin was sitting on the case and the Agent of the Attorney-general acting for the Crown it is assumed that the correct procedure was followed, but it is considered advisable that a report covering a Preliminary Enquiry should contain such details, so that no doubt is left as to the procedure followed.

4. Respecting para.(6) it is presumed that the Informations & Complaints were laid prior to the Preliminary Enquiry, and that the evidence given was allowed to apply to all four offences.

5. Kindly have these points clarified in subsequent report.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

WWH/AB.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

Re:- Nelson SAMMY (Treaty Indian) Murder 263. (4 charges)
White Bear Indian Reserve, Sask.
(Carlyle Detachment Case)

PROSECUTION ENTERED. EXPENSES SHOWN ON FORM 93.

To. O.C. Weyburn, Sask.
Sir:- Forwarded:-

Const
C.H.CAVILL. Reg No 10767
In charge of Detachment.

The N.C.O. i/c,
WEYBURN CIB.
1. Copy for your information and file.
30-9-39
JVS/P

Insp.
Comdg. Weyburn Sub-Div.
(F.P.Baxter)

W.G.E. Campbell, Esq.,
Agent of the Attorney General,
Judicial District of Arcola,
Arcola, Sask.
Dear Sir: Copy for your information.
30-9-39 Yours truly,
JVS/P

Insp.
Comdg. Weyburn Sub-Div.
(F. P.Baxter)

The O.C. "F" Div.
R.C.M.P. REGINA.
1. Forwarded for your information. Please note para 2, 5, 6, and 8 of above report.
PROSECUTION ENTERED.
W.S.D. DD 15-10-39
30-9-39
JVS/P

Insp.
Comdg. Weyburn Sub-Div.
(F.P.Baxter)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

F. 237

Division File No. 39R 626-14

ROYAL CANADIAN MOUNTED POLICE

Division: "F"
Sub-Division: WEYBURN
Detachment: CARLYLE

Province: Saskatchewan
Date: September 29th, 1939.

File References

Re: Nelson SAMMY (Treaty Indian) Murder 265. (4 charges)
White Bear Indian Reserve, Sask.

(CARLYLE DETACHMENT CASE)

Headquarters

Sub-Division
39W 17-33

Detachment
39C 1-16

~~39Rxiii8~~

P.C.R.
22-9-39

A.R.V. No.

Diary Date set for
10-9-39

25-9-39.

1. With further reference to the above, on this date the inquest into the deaths of Const W.E.Rhodenizer, Old Shewack (Indian), Old Lady Shewack (Indian) and Mrs Nelson (Ruth) Sammy, were commenced at 10 AM, with Coroner C.H.Stapleford M.D., of Carlyle, Sask, presiding. The jury sitting were as follows:-

E.GRANSFIELD - Foreman.
M.Long,
G.Humphries,
E.Graham,
S.R.ANdrew,
W.READ.

all of the Carlyle District, Sask.

2. The witnesses called were as follows,

Dr.W.R.Fraser. M.D., Arcola, Sask.
J.R.Morrison, Carlyle, Sask.,
D.Pewean, (Indian) White Bear Reserve,
J.McArthur " " " "
Mrs G.McArthur " " " "
Mrs.K.Waywell, School Teacher, Carlyle, Sask
S.McArthur, (Indian) White Bear Reserve,
Cpl J.Paton, RCMP, Estevan, Sask.
F.Sammy (Indian) Brandon, Man.
Dr. F.G.McGILL, Regina, Sask.

the evidence adduced by W.G.E.Campbell, Esq, Agent for the Attorney General, Arcola, Sask, who examined the witness was consistent with that aready reported in previous reports in this connection. The inquest adjourned at 3.45 PM this date awaiting the arrival of Dr.F.G.McGill, until 10.30 AM, on the 26th inst. After the taking of the evidence tendered by Dr.F.G.McGill, on the 26th inst, the jury after some consideration, brought in the following verdict:-

" That Const W.E.Rhodenizer, Old Man Shewack, Old Lady Shewack and Mrs Nelson (Ruth) Sammy, came to their deaths at the White Bear Indian Reserve, near Carlyle, Sask, from haemorrhage following gunshot wound "

27-9-39

3. With further reference to the above, and to Form 264 dated the 1st inst, submitted by this detachment on this date at 10 AM, the accused, Nelson SAMMY (Treaty Indian) was arraigned beofre Police Magistrate J.C.Mar

File numbers, heading and marginal reference are to be properly filled in. P.T.O.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F" Division

REGINA, Saskatchewan,

39 R 635-14.

October 2nd, 1939.

C 12 S, C B 345 A
The Deputy Attorney-general,
Regina, Sask.

Sir:-

Re: Nelson SAMMY (Treaty Indian) Murder (263)
(4 charges) White Bear Indian Reserve, Sask.

1. I have the honour to forward herewith Carlyle report of the 29th ultimo relative to the above, together with copy of memo from this office directed to the O.C., Weyburn, this date.

2. The report indicates that the Inquest in this connection was conducted before Dr. C.W. Stapleford, M.D., at Carlyle on Sept. 25th and 26th, and at the conclusion the Jury returned a verdict as indicated in Para. (2).

3. On the 27th ultimo the Preliminary Hearing was proceeded with before J.C. Martin, Esq., Police Magistrate, when on the evidence presented the Accused was committed for Trial at the next competent Court of jurisdiction to be holden in the Arcola Judicial District.

I have the honour to be,
Sir,
Your obedient servant,

A/Supt.
L.H. Nicholson)
In Charge, C.I.B.

WWH/AB.
Encls.

The Inspector in Charge,
Indian Affairs Branch,
Dept. of Mines & Resources,
REGINA - Sask.

Forwarded for your information, with copy of above report.

A/Supt.
(L.H. Nicholson)
In Charge, C.I.B.

2-10-39.

The Commissioner,
R.C.M. Police, OTTAWA, Ont.

Forwarded in triplicate for your information, with triplicate copies of above mentioned memo and report attached.

A/Supt.
(L.H. Nicholson)
In Charge, C.I.B.

2-10-39.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3 100421

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-G-9 OTTAWA. Oct. 6, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
OCT 7 1939
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 264

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

CARLYLE DETACHMENT CASE — Weyburn Sub/Division.

Division F — Div. Fyle No. #(39? 636-14 — Detachment Carlyle

Defendant Nelson BANEY (Treaty Indian) — Residence White Bear Reserve

Alias Sil — Occupation --

Nationality and Colour Treaty Indian

Status in Country Treaty Indian

The NCO i/c, WEYBURN CIB.
1. Copy for your information and file.
2-10-39
JVS/F

Offence and Section of Act Murder 263 (charge No.2.) — Comdg. Weyburn Sub-Div. Insp. (F.P.Baxter)

Date and Place of Offence 25-3-39 , White Bear Indian Reserve, Sask.

Authority for Search

Arrest or Summons. Date 26-9-39

Date and Place of Hearing 27-9-39 , Carlyle, Sask.

Heard by J.C.Martin. Pol/ Magistrate of Weyburn, Sask

Prosecutor or Pros'g Counsel W.E.G.Campbell.A.A.G. — Defence Counsel J.Robertson. MAFF

Witnesses see report dated Carlyle 29-9-39.

W. G.E. Campbell K.C.
Agent of the Attorney General,
Arcola, Sask.
1. Sir: Copy for your information.
2-10-39
JVS/F

Finger Prints and Photo forwarded to Headquarters

Result of Hearing Committed to stand Trial. Comdg. Weyburn Sub-Div Insp. (F.P.Baxter)

Bail -- (Information and Complaint laid by Cpl. Cavill R.C.M.P. Carlyle Detachment)

Bondsmen --

Complainant. Supt of Indian Affairs.

Remarks

1. For full particulars in this matter, please refer to report dated Carlyle the 29-9-39.

PROSECUTION ENTERED. EXPENSES NIL.

2. This report submitted in connection with charge laid for the murder of Const W.E.RHODENISER.

Submitted by Const C.H.Cavill.

Fwd'd O.C. Weyburn Sub-Dist. — Fwd'd O.C. "F" Division — Fwd'd to Commissioner

Sgt — Inspector, Comndg. Weyburn Sub-Division

In Charge Detachment — In Charge Sub-District — Commanding Division

Reg No 10767 C.H.Cavill

Date 30-9-39 — Date OCT 2 1939 — Date

PROSECUTION ENTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 264

67

ROYAL CANADIAN MOUNTED POLICE

REPORT ON PRELIMINARY HEARING

CARLYLE DETACHMENT CASE — Weyburn Sub/Division

Division F Div. File No. 39R 636-14 Detachment Carlyle, Sask.

Defendant Nelson SAMMY (Treaty Indian) Residence White Bear Reserve Sask

Alias — Occupation —

Nationality and Colour Treaty Indian.

Status in Country Treaty Indian.

Offence and Section of Act Murder 263 (charge No.3.)

Date and Place of Offence 25-8-39. White Bear Indian Reserve, Sask.

Authority for Search —

Arrest or Summons. Date 26-8-39

Date and Place of Hearing 27-9-39. Carlyle Sask.

Heard by J.C.Martin. Pol/Magistrate of Weyburn, Sask.

Prosecutor or Pros'g Counsel W.E.G.Campbell A.G.S. Defence Counsel A. Wharton Esqr.

Witnesses See report dated Carlyle, Sask, 29-9-39.

The Asst O.C., WEYBURN CIB
1. Copy for your information and file.
2-10-39
JVS/P
Insp.
Comdg. Weyburn Sub-Div.
(F.P.Baxter)

W.G. E.Campbell K.C.
Agent of the Attorney General,
Arcola, Sask.
Sir: Copy for your information.
2-10-39
JVS/P
Insp.
Comdg. Weyburn Sub-Div.
(F.P.Baxter)

Finger Prints and Photo forwarded to Headquarters

Result of Hearing Committed to stand Trial.

(Information and Complaint laid by Cst. Cavill, R.C.M.P. Carlyle Detachment.)

Bail —

Bondsmen —

Complainant. Dept. of Indian Affairs.

Remarks

1. For full particulars in this matter please refer to report dated Carlyle, Sask, the 29th inst.

PROSECUTION ENTERED. EXAMINED HIL.

2. This report submitted in connection with charge laid for the murder of Indian SHEWACK.

Submitted by Const C.H.Cavill.

Fwd'd O.C. Weyburn Sub-Dist. Fwd'd O.C. "F" Division Fwd'd to Commissioner

Const Comdg. Weyburn Sub-Division Inspector.

In Charge Detachment In Charge Sub-District Commanding Division

Reg No 10787 C.H.Cavill.

Date 30-9-39 Date OCT 2 1939 Date

PROSECUTION ENTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Carlyle detachment Form 264 dated 30-9-39)

(2)

39 R 636-16.

Re: Nelson SAMMY (Treaty Indian) Murder (263)
White Bear Indian Reserve, Sask.

The Deputy Attorney-general,
Regina, Sask.

Forwarded for your information, which has reference to Carlyle detachment report dated Sept. 29th forwarded with letter from this office dated Oct. 2nd, 1939, wherein it was indicated that Information & Complaint respecting this offence had been laid against Nelson Sammy.

A/Supt.
5-10-39. WWH/AB. (L.H.Nicholson)
In Charge, C.I.B.

The Commissioner,
R.C.M.Police, OTTAWA, Ont.

Forwarded in duplicate, with Form 264 A attached.

A/Supt.
5-10-39. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

FORM 264.

ROYAL CANADIAN MOUNTED POLICE

REPORT ON PRELIMINARY HEARING

CARLYLE DETACHMENT Weyburn Sub/Division.

Division (L) Div. Fyle No. 39 636-14 Detachment Carlyle, Sask.

Defendant Nelson SAMY (Treaty Indian) Residence White Bear Reserve Sask.

Alias — Occupation —

Nationality and Colour Treaty Indian. The NCO i/c, WEYBURN CIB 1. Copy for your information and file. 2-10-39

Status in Country Treaty Indian.

Offence and Section of Act Murder 263. (Charge No.4. Comdg. Weyburn Sub-Div. Insp.

Date and Place of Offence 26-8-39. White Bear Indian Reserve (F.P.Baxter)

Authority for Search —

Arrest or Summons. Date 26-8-39.

Date and Place of Hearing 27-9-39 - Carlyle, Sask.

Heard by J.C.Martin. Pol/Magistrate of Weyburn, Sask.

Prosecutor or Pros'g Counsel W.G.Campbell. A.A.G. Defence Counsel Robertson, Barr.

Witnesses See report dated Carlyle Sask, 30-9-39.

W.G.E. Campbell K.C.
Agent of the Attorney General,
Arcola, Sask.
1. Sir: Copy for your information
2-10-39

Finger Prints and Photo forwarded to Headquarters S/F

Result of Hearing Committed to Stand Trial. Comdg. Weyburn Sub-Div. Insp. (F.P.Baxter)

Bail (Information and Complaint laid by Cst. Cavill, R.C.M.P. Carlyle Detachment)

Bondsmen —

Complainant. Dept of Indian Affairs.

Remarks

1. For full particulars please refer to report dated Carlyle, Sask the 29th inst.

PROSECUTION ENTERED. EXPENSES NIL.

2. This report submitted in connection with charge laid for the murder of Indian(Mrs) SHEWACK.

Submitted by Const. J.H. Cavill.

Fwd'd O.C. Weyburn Sub-Dist. Fwd'd O.C. "F" Division Fwd'd to Commissioner

Const. Commdg. Weyburn Sub-Division Inspector.

In Charge Detachment Reg No 10767 C.H.Cavill. In Charge Sub-District OCT 2 1939 Commanding Division

Date 30-9-39 Date Date

PROSECUTION ENTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Carlyle detachment Form 264 dated 30-9-39)

(2)

39 R 636-17.

Re: Nelson SAMMY (Treaty Indian) Murder (263)
White Bear Indian Reserve, Sask.

The Deputy Attorney-general,
Regina, Sask.

Forwarded for your information, which has reference to Carlyle detachment report dated Sept. 29th forwarded with letter from this office dated Oct. 2nd, 1939, wherein it was indicated that Information & Complaint respecting this offence had been laid against Nelson Sammy.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

5-10-39. WWH/AB.

The Commissioner,
R.C.M.Police, OTTAWA, Ont.

Forwarded in duplicate, with Form 264 A attached.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

5-10-39.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Carlyle detachment Form 264 dated 30-9-39)

(2)

39 R 636-18.

Re: Nelson SAMMY (Treaty Indian) Murder (263)
White Bear Indian Reserve, Sask.

The Deputy Attorney-general,
Regina, Sask.

Forwarded for your information, which has reference to Carlyle detachment report dated Sept. 29th forwarded with letter from this office dated Oct. 2nd, 1939, wherein it was indicated that Information & Complaint respecting this offence had been laid against Nelson Sammy.

A/Supt.
5-10-39. WWH/AB. (L.H.Nicholson)
In Charge, C.I.B.

The Commissioner,
R.C.M.Police, OTTAWA, Ont.

Forwarded in duplicate, with Form 264 A attached.

A/Supt.
5-10-39. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3 0

102131

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE NO. 39 B 636-13-G-9 OTTAWA. October 11, 1939.

YOUR FILE NO.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Noted

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC/RB

Department of Mines & Resources
Indian Affairs Branch
OCT 12 1939
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

OFFIC[redacted] THE
INDI[redacted]ENT

CANADA

DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH
G.

PLEASE QUOTE
FILE L.I.

Crooked Lake Agency,
Broadview, Sask.,
Oct. 9., 1939..

Department of Mines & Resources
Indian Affairs Branch
OCT 14 1939
REGISTERED

Sir:-

I am in receipt of your letter 19113-3 of the 3rd. instant and have advised Mr. Robertson of the contents of the same.

It is noted that my query with reference to getting Sammy examined by a Psychiatrist is not answered and I am not certain whether the Department agree to incur this expense.

May I be advised please concerning this point.

Your obedient servant,

Wilfred J. B. Ball,
Agency Clerk.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

A-I-R M-A-I-L

19113-3.

October 17, 1939.

EX'D.
A.

Dear Sir:

Reference: Your Letter, L.1., Oct. 9;
Examination, Nelson Sammy.

By sending one copy of this letter to the Superintendent of the Provincial Hospital, Weyburn, Saskatchewan, please request him to assign a competent psychiatrist to examine Nelson Sammy, the Indian of the White Bears Reserve who is charged with murder. This examination has been requested by the Agent of the Department of Justice appointed for the defence of this man, Mr. R. A. Robertson, of Carlyle.

The Department would appreciate the psychiatrist preparing three copies of this report to be given to you, of which one copy is to be sent to this office, one given to Mr. Robertson, and one retained for your own records.

The Department is prepared to pay a nominal fee for this examination, say, $10.00, and mileage at the rate of seven cents per mile both ways from the hospital at Weyburn to where the accused now is. This fee is intended to cover this examination alone and has no reference to any examination or evidence in connection with the trial of the man such as might be ordered by the Court.

Please give Mr. Robertson his copy of this letter as soon as possible so that he may not make other arrangements.

Yours truly,

T. R. L. MacInnes,
Secretary.

Wilfred J. B. Ball, Esq.,
Agency Clerk,
BROADVIEW, Saskatchewan.

N.N.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No. 39R 636-14

ROYAL CANADIAN MOUNTED POLICE

Division "F" | Sub-Division WEYBURN | Detachment CARLYLE

Province Saskatchewan | Date 11-10-39

File References

Headquarters

Sub-Division

39W 17-33

Detachment

39C 1-16

29-9R.

Re: Nelson SAMMY (Treaty Indian) Murder (263) (4 charges) White Bear Indian Reserve, Sask.

CARLYLE DETACHMENT CASE.

1. With further reference to the above, and to memo dated Regina October 2nd, 1939, and to minute of the Officer Commanding Weyburn Sub/Division, dated the 4th inst.

2. The verdict brought in by the jury at the inquest held in this matter, reads as follows:-

" We the jury, find that Const W.E.Rhodenizer, Old Man Shewack, Old Lady Scheweck and Mrs Nelson (Ruth) Sammy came to their deaths on the White Bear Indian Reserve, near Carlyle, Sask, from haemorrhage following gunshot wounds in the chest"

no date was stated, and no person was accused by the jury, this verdict was signed by all jurymen.

3. Referring to paragraph three of the memo, the Provisions of Section (684) of the Criminal Code was complied with by Police Magistrate J.C.Martin.

4. Referring to paragraph four of the same memo, the Informations and Complaints were laid prior to the Preliminary Enquiry, and the evidence given was allowed to apply on all four charges.

5. Referring to paragraph three of the Officer Commanding, Weyburn Sub/Division, minute, it was understood that the prisoner was finger-printed at Weyburn Sask, therefor no finger-prints were taken at this detachment.

COMMITTED FOR TRIAL. EXPENSES NIL.

To. O.C. Weyburn, Sask.
Sir:- Forwarded:-

The O.C. "F" Div.
R.C.M.P. REGINA.

1. Forwarded, and with reference to memo of the O.C. C.I.B. Regina, dated 2-10-39. Extra copies submitted for information of the O.C. Regina Sub-Division.

Const G.H.CAVILL. Reg No 10767
In charge of Detachment.

2. Kindly have finger prints and photo of Nelson SAMMY taken by the Regina Town Station and submitted to Headquarters, this matter being overlooked on account of the prisoner being in hospital while in the Sub-Division.

PROSECUTION ENTERED CARRIED FORWARD.
W.S.D. DD 30-10-39
12-10-39
JVS/F

Insp.
Comdg. Weyburn Sub-Div.
(F.P.Baxter)

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Carlyle detachment report dated 11-10-39)

(2)

39 R 636-14.

Re: Nelson SAMMY (Treaty Indian) Murder (263)
(4 charges) White Bear Indian Reserve, Sask.

The O.C.,
R.C.M.P., Regina Sub-Division.

Forwarded in duplicate for your information. Kindly cause this prisoner to be finger printed and photographed as requested herein, and forward to Ottawa in the usual manner, short report being submitted to this office when this has been done.

13-10-39.WWH/AB.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

C 12 S, C B 345 A
The Deputy Attorney-general,
Regina, Sask.

Forwarded for your information.

13-10-39.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

The Commissioner,
R.C.M.Police, Ottawa, Ont.

Forwarded in triplicate for your information.

13-10-39.

A/Supt.
(L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

0

ROYAL CANADIAN MOUNTED POLICE

105285

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-G-9. OTTAWA. Oct. 18, 1939.

YOUR FILE No.

Noted

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch.
OCT 19 1939
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

0

THE MENTAL HOSPITAL, WEYBURN

A. D. C[illegible]ELL, M.D.
MEDIC[illegible]L SUPERINTENDENT

SASKATCHEWAN

PLEASE NAME PERSON ABOUT WHOM YOU WISH INFORMATION

HGC/MDCM

November 1, 1939.

Dear Sir:

Reference your letter L.1 re. Nelson Sammy, this man was examined by me at the Regina Jail on October the 10th. At that time this man showed no evidence of an active psychosis nor is he a mental defective.

Therefore my opinion is that this man is not insane. However, I shall be making another examination of this man in about a week's time and will be only too pleased to furnish you with further information regarding him, particularly if he shows any change.

Yours truly,

H. G. Cameron M.D.
Clinical Director.

Wilfred J.B. Ball, Esq.,
Agency Clerk,
Crooked Lake Agency,
Broadview, Sask.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

OFF[redacted]THE
IND[redacted]NT

CANADA

DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH
G.

PLEASE QUOTE
FILE L.1.

Note & Copy

Crooked Lake Agency,
Broadview, Sask.,
Nov. 4., 1939..

Department of Mines & Resources
Indian Affairs Branch
NOV 7 1939
REGISTERED

Sir:-

I beg to enclose report of Dr. Cameron re- Nelson Sammy charged with murder.

Upon receipt of further report I will send same on.

Your obedient servant,

Wilfred J. B. Ball,
Agency Clerk.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Dr. McGill 13/12/39 19113-3

Montreal Gazette 14/11/39

INDIANS HELD TIED TO OLD TRADITIONS

Saskatchewan Doctor Testifies at Trial of Aborigine Charged With Killing Four

Arcola, Sask., December 13.—(?)—Troubled Indians today still resort to the weird wisdom of the medicine man and the educated Indian always slumps back to the old ways of living, Dr. A. Stapleford of Carlyle, Sask., testified in King's Bench Court today during the murder trial of Nelson Sammy, White Bear Reserve Indian.

"I do not think any white man really knows them," said Dr. Stapleford who has ministered to the medical needs of Indians on the White Bear Reserve for 24 years.

Sammy is charged with the murder of his wife on the reserve about 150 miles southeast of Regina, on August 25. He also is alleged to have shot to death his wife's parents, Mr. and Mrs. Shewack and Royal Canadian Mounted Police Constable Wm. Rhodeniser.

Dr. Stapleford, called by the Crown, was closely questioned by defence counsel, R. A. Robertson, about his knowledge of Indian habits.

"I always thought that Nelson Sammy was a good Indian," said Dr. Stapleford. "I always liked him. I visited his family a week before this trouble and found them as happy as any whites."

Dr. Stapleford said the Indian undoubtedly considered the white man an alien. In answer to another question he said he did not believe the Indian had adopted the white man's ideas of church, civilization or even medicine.

"When they get really worried they go back to their medicine man," said Dr. Stapleford, "and I know of at least one medicine man on the reserve."

Other evidence given indicated that four shots were fired by Constable Rhodeniser when a gun battle ensued in a big thicket on the reserve where Sammy was cornered.

Story of the manhunt and capture was related by Corporal James Paton in charge of the Estevan R.C.M.P. post and Lance Corporal H. Casswell of Kipling. When Rhodeniser turned on his flashlight, Casswell said, there was a shot fired from the thicket and Rhodeniser fell.

TORONTO DAILY STAR, WEDN

Indian Colonel Regrets Brigade Has Lost Kilts

Lieut.-Col. Oliver Milton Martin, Born on Six Nations Reserve Adds High Military Rank to Achievements in Field of Education

By GORDON SINCLAIR

When the great war broke loose, Oliver Milton Martin was a young Iroquois living on the Six Nations reserve near Brantford.

Last week Lt.-Col. Oliver Milton Martin, the only American Indian of such high rank in the British army, was named commander of Canada's Fourth Infantry Brigade.

Word of this appointment came to him at Danforth Park school, where the colonel is principal, and after school he went to the new home he is just completing on O'Connor Drive, to tell his wife about it.

This is a story of, "local boy makes good," against tough odds . . because anybody will tell you an Indian has a harder time making the grade in his native Canada than a foreign-tongued immigrant.

Although Oliver Martin is a pure-blooded Indian he is not, technically, an Indian at all. An Indian on a reservation can't enter into contracts with white men, can't be sued for debt, can't buy a drink, can't vote unless he is a returned soldier and can't do all sorts of odds and ends that you do, because he is a ward of Canada.

Among other things, he doesn't pay land taxes. Lt.-Col. Martin votes, pays plenty of taxes and is currently into a pretty big contract.

He gains these doubtful privileges by going through a form of enfranchisement which is pretty much the same as a foreigner taking out citizenship papers.

Doing this might irritate, or even infuriate, some home-grown Canadians, but the colonel has a merry-eyed capacity for being amused at such things. He gets many a gay but silent grin to himself when people see in his dusky face the look of foreigner. It's they . . . you and I . . . who are the foreigners; the colonel is the native.

Accident Made Him Teach

Col. Martin went into the army by choice but into his civil occupation . . . teaching school . . . by luck and accident.

In Ohsweken, where he was born, there was a company of the Haldimand Rifles of whom every officer, N.C.O. and man was an Indian. Oliver Milton Martin (after John Milton, the poet) joined this rifle unit as a bugler in 1909.

When the war came along five years later Oliver and his two younger brothers both inlisted. The present colonel went into the 114th battalion as a lieutenant. That outfit was broken up in England and Martin transferred to the 107th, a western battalion. That outfit, in turn, became the First Divisional Pioneers and it was as a Pioneer that Martin went to France the first week of 1917. He stayed with the Pioneers 10 months, then was transferred to the Royal Air Force as an observer.

Martin didn't care much for this observation work, but would rather have been a pilot. It took a simple crash to get him promoted to this rank. This crash, a mere hedge-hopping upset, sent Martin to hospital for eight months with water on the knee. When he got out of hospital Martin, [illegible] a pilot [illegible] land. But before he got back to France the war was over.

Tried Selling Bonds

The young Indian with the black hair was demobilized in Toronto in July, 1919 . . . but what to do? He was well educated but not well trained, his war experiences were now dime-a-dozen stuff and he had no taste for the comparatively cloistered life of an Indian on a reservation.

So Martin, like many another young officer, set out to sell bonds. In this, he says with a fatalistic shrug of wide shoulders, he was an all-star flop. He did sell a few bonds, but not enough to make ends meet, even though the ends were not far apart.

Electrical work appealed to him at this time and he tried energetically to land such work . . . even offering to work for nothing . . . but was out of luck.

So Oliver Martin entered normal school to study teaching. The year he graduated, 1922, saw an application by an American millionaire for a private tutor to teach his son. The boy was anxious to enter a prep school but was low on academics and athletics. From among many applicants Oliver Martin got the call and did it so well that the boy not only won admission to the college but was runner-up for the junior championship at the Lake of Bays regatta. Today, incidentally, the boy is a flier in the U.S. Air Force.

That same fall . . . 1922 . . . saw Martin enrolled as a teacher at Secord school in East York. He stayed there until 1936 where, among other happy events, he married one of the other teachers.

Kept on as Soldier

Meantime, through all these years, Martin had kept up his connection with the regiment . . . now the Dufferin and Haldimand Rifles. This meant much study, frequent trips to various parts of near western Ontario, and the spending of much of his summer vacation at Niagara camp.

Promotion came steadily and the colonel took all the steps from lieutenant to captain, adjutant, major and . . . lieutenant-colonel. He was named to command the regiment; a unit not yet called to the active service force, in 1930.

Six years later he was named principal of Danforth Park school, in East York, where he has 1,200 pupils and the most unique household science centre, for girls, in all Ontario, in the form of a completely furnished house, on Oak Park Ave.

The school also has a fine swimming pool, theatre and other enjoyments.

When George VI was crowned king of England, Lt.-Col. Martin was the only North American Indian delegated to the coronation. There it was fun for him to meet Indian officers from India. One of them invited him and Mrs. Martin out to India to stay with him, but he has, so far, been unable to go.

The brigade he now commands is not of the active service force, so there is no immediate likelihood of him going overseas, but Lt.-Col. Martin is anxious to see the brigade as snappy and efficient as their foreign-going brothers in arms.

Regrets Loss of Kilts

The colonel, oddly enough, feels as deep a pang of regret as any Scot over the temporary disappearance of the kilt. In his brigade there is one Highland regiment and Martin is most anxious that these lads retain their native and distinctive toggery.

He and his brother braves long ago hung up their feathers and war paint for more traditional garb, but just the same he is sentimentalist enough to hope the kilt does not disappear from Scottish bodies.

He also thinks it's a bit odd, and unfortunate, that he cannot buy land, and develop it, on the reservation where he was born. Although a full-blooded Indian, Martin has accepted enfranchisement as a "white" man, accepted the last of his King's treaty money and renounced his right to buy land on the reservation.

The new colonial home he is building, incidentally, is the finest wigwam in Canada.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Sydney Post Record 14/12/39 Halifax Chronicle

Regina Leader Post

Copy. Tribune 14/12/39

Prairie Indians Still Call On Medicine Man

[By The Canadian Press]

ARCOLA, Sask., Dec. 14—Troubled Indians of today still resort to the weird wisdom of the medicine man and the educated Indian always slumps back to the old ways of living, Dr. A. Stapleford, Carlyle, testified in King's Bench court Wednesday.

"I do not think any white man really knows them," said Dr. Stapleford, who has administered to the medical needs of Indians on the White Bear reserve for 24 years.

Called by the crown as the hearing of a murder charge against Nelson Sammy continued before Mr. Justice G. E. Taylor and jury, Dr. Stapleford was closely questioned by defense counsel, R. A. Robertson, about his knowledge of Indian habits.

Visited Family

"I always thought that Nelson Sammy was a good Indian," said Dr. Stapleford. "I always liked him. I visited his family a week before this trouble and found them as happy as any whites."

Dr. Stapleford who told of attending at the reserve on August 25 to view bodies of Mrs. Sammy, whom Nelson is accused of murdering, and her parents Mr. and Mrs. Shewack, also killed by gunfire that day, said in answer to one of Mr. Robertson's questions that the I[illegible]an undoubtedly considered the white man an alien.

In answer to another question he said he did not believe the Indian had adopted the white man's ideas of church, civilization or even medicine.

"When they get really worried they go back to their medicine man," said Dr. Stapleford, "a.id I know of at least one medicine man on the reserve."

Sammy was on the stand three hours. He said that on the day of the shootings he heard his wife had left his tent. He went to her parents' home, and asked Shewack, his father-in-law, where his wife was. He swore that Shewack said: "You think you are boss of this woman. But you are not. She is our daughter, and we can take her away any time."

Sammy said that Mrs. Shewack "made signs." Questioned as to this he replied that she was a "witch doctor." Sammy then explained that he had seen the woman minister to sick persons; that she put some kind of grass in a bed of burning charcoal, which she placed in her mouth and blew sparks on sick men's chest, and that she did not suffer burns.

He admitted that he fired three shots that killed his wife and her parents. He said he was "out of his mind" each time he shot.

Canadian Indians Still Resort To Ancient Customs

ARCOLA, Sask., Dec. 14—Troubled Indians today still resort to the weird wisdom of the medicine man and the educated Indian always slumps back to the old ways of living, Dr. A. Stapleford of Caryle, Sask., testified in King's Bench Court today during the murder trial of Nelson Sammy, White Bear Reserve Indian.

"I do not think any white man really knows them," said Dr. Staple-

(Continued on Page Fourteen, Col. 2)

Canadian Indians

Still Resort To

(Continued From Page One)

ford who has ministered to the medical needs of Indians on the White Bear Reserve for 24 years.

CHARGED WITH MURDER

Sammy is charged with the murder of his wife on the reserve about 150 miles southeast of Regina, on Aug. 25. He also is alleged to have shot to death his wife's parents, Mr. and Mrs. Shewack and Royal Canadian Mounted Police Constable W. Rhodeniser.

Dr. Stapleford called by the Crown, was closely questioned by defence counsel, R. A. Robertson, about his knowledge of Indian habits.

"I always thought that Nelson Sammy was a good Indian," said Dr. Stapleford. "I always liked him. I visited his family a week before this trouble and found them as happy as any whites."

CONSIDERED ALIEN

Dr. Stapleford said the Indian undoubtedly considered the white man an alien. In answer to another question he said he did not believe the Indian had adopted the white man's ideas of church, civilization or even medicine.

"When they get really worried they go back to their medicine man," said Dr. Stapleford, "and I know of at least one medicine man on the reserve."

Other evidence given indicated that four shots were fired by Constable Rhodeniser when a gun battle ensued in a big thicket on the reserve where Sammy was cornered.

Story of the manhunt and capture was relayed by Corporal James Paton in charge of the Estevan R. C. M. P. post and Lance Corporal H. Casswell of Kipling. When Rhodeniser turned on his flash light, Casswell said, there was a shot fired from the thicket and Rhodeniser fell.

Indian Given Sentence For Manslaughter

Nelson Sammy Still Faces Murder Charge, However, In Saskatchewan

ARCOLA, Sask., Dec. 15. — (CP) — Nelson Sammy, 35-year-old White Bear Reserve Indian, today was sentenced to 20 years in Prince Albert penitentiary on manslaughter charges in connection with the death of his wife, Ruth, and her parents, Mr. and Mrs. Shewmack. The shootings took place on the White Bear reserve, 150 miles southeast of Regina, last Aug. 25.

Mr. Justice G. E. Taylor passed sentence of 20 years, to run concurrently on each charge after the four-day trial in which Sammy originally was charged with murder. Last night the jury reduced the murder charge to manslaughter in connection with the shooting of the wife and today the Crown accepted pleas of guilty of manslaughter in regard to the deaths of the woman's parents.

Sammy still faces a murder charge. He is alleged to have killed R. C. M. P. Constable W. E. Rhodeniser when cornered by a posse. This charge was set over until the assizes next April.

Sammy, as stoical as his Indian forbears, showed no emotion when sentence was passed. He will be taken to Prince Albert penitentiary until next April's trial for slaying the Mountie.

Constable Rhodeniser, dog lover and trainer for the R. C. M. P., died in a fusilade as he handled "Tel," police dog, which led a posse to Sammy's hideout in a bush on the reserve. When his master fell, the dog refused to leave the body until it was removed.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

The Albertan 14/12/39

Sask. Indian Admits Slew Three, Tells Witchcraft Story

ARCOLA, Sask., Dec. 14 (CP).—Nelson Sammy, charged with murdering his wife, Ruth, admitted he shot and killed three persons Aug. 25, during cross-examination at his trial before Mr. Justice G. E. Taylor and jury here Wednesday.

Sammy, an Indian, however, claimed he was "out of his mind," at the time.

In giving evidence, Sammy told a strange tale about witchcraft, the story of an old woman who chewed charcoal and spit sparks on a sick Indian, and claimed one of the persons killed, "Old Lady Shewack," his 75-year-old mother-in-law, was a "witch doctor" who made a sign at him before she was shot.

Lethbridge Herald 13/12/39

Trial of Indian Opens at Arcola

ARCOLA, Sask., Dec. 13.—(CP)—Witnesses at the trial of Nelson Sammy, 40-year-old Indian, charged with murdering his wife, her parents and a Royal Canadian Mounted Police officer, Tuesday indicated that Sammy's belief his in-laws were hiding Mrs. Ruth Sammy caused him to kill.

John Morrison, supervisor of the Indian reservation near Carlyle, related a dramatic story of the capture of Sammy when a Mounted Police posse closed in on a clump of bushes on the night of Aug. 26, the day after three of the persons were killed.

Witnesses identified Sammy as the person who shot and killed the four persons and Mr. Morrison told of finding the bodies of the three Indians, Mr. and Mrs. Shewack and their daughter, Mrs. Sammy, Aug. 25, on the reserve.

Two More Murder Counts Filed

Indian Found Guilty of Manslaughter

(By Staff Reporter)

ARCOLA, Dec. 15.—With two more murder charges already filed against him in the court, Nelson Sammy, 35-year-old Indian, on Thursday night heard a jury convict him of manslaughter in connection with the shooting of his wife last Aug. 25.

Mr. Justice G. E. Taylor of Moose Jaw, who presided, deferred sentence as court was adjourned to 10 a.m. Friday.

Files Additional Charges

While the two additional charges were filed in the court by W. G. Campbell, Arcola, associate crown counsel, after the first-read charge, which they reduced, that Sammy murdered his wife, no intimation was immediately given of how or when the other charges would be proceeded with.

As Mr. Campbell read them to the court as he filed them, one of the other charges alleges that Sammy murdered his father-in-law and mother-in-law, "Old Man" and "Old Lady" Shewack, Indians, at the White Bear Reserve, near Carlyle, on Aug. 25, and the second one alleges he murdered Royal Canadian Mounted Police Constable W. E. Rhodeniser at the reserve on Aug. 26.

Out Seven Hours

The jury, sitting for three days hearing evidence in the charge that Sammy murdered his wife, returned to the courtroom about 9 p.m. Thursday after being out some seven hours, with time out for supper, to report a verdict of guilty of manslaughter.

It was just after the jury left the room to consider the evidence that Mr. Campbell filed notice of the other two charges.

Several Indians who had remained around the courts building for the three days sat in the corridors or on the stairs waiting with stoic interest the jury's return. Among them were Sammy's elderly mother and father. The mother, who smoked tailor-made cigarettes, put her hand out to touch her son each time he passed on his way up the stairs from the cells in the basement to the courtroom on the second floor. Sammy's father, paralyzed, showed little interest as the son passed.

On Jury

Jurymen were R. M. Gendall, W. J. Houston, S. W. Perry, R. H. Askin, Douglas Johnston and W. A. Bridgen, all Arcola district residents.

Sammy's defence was conducted by R. A. Robertson of Carlyle, while W. M. Rose, K.C., of Moose Jaw was associated with Mr. Campbell for the Crown.

Charge to Jury

The questions of insanity and provocation were dealt with fully by Judge Taylor in a two-hour charge to the jury.

He explained to the jurors that the charge they were hearing related solely to the alleged killing of Ruth Sammy, and while it may be necessary to consider the circumstances under which the Shewacks met their death, the only charge upon which a verdict had to be returned was that of the killing of Ruth Sammy.

"The accused puts up that the killing of Ruth Sammy was not intentional on his part," said Judge

(Continued on Page Two)

Indian Fixes Time of Day by the Heavens

(By Staff Reporter)

ARCOLA, Dec. 14.—Ways of the Indian never waiver.

Indian witnesses at a murder trial here all fix the time of day or night by the heavens.

"It was sunrise," or "the moon was high," or "it was sundown," they say in testimony to fix the time of certain events.

One squaw said she had a clock in her house but it didn't go.

* * *

And they talk of other things the same way.

They never say "I saw a man coming" or "he came," but rather "he came from the west" or "I saw a man coming from the east."

* * *

But not so definite are they when it comes to names.

"What was your father's name?" one squaw was asked.

"Shewack."

"What was your mother's name?"

"Old Lady Shewack."

* * *

And they still talk of going to their hunting grounds at night to sit quietly by the watering places of the wild game to await the morrow's hunting.

They speak of some of their number being hunters or trappers and just as casually of how they return home with elk or jumping deer to build up their food stocks.

Said one young Indian, telling of a hunt: "We had rations. We were getting bacon then, but most of us were getting tired of bacon so we went out to get some fresh meat."

* * *

Another Indian said he was married when as was 18 years old.

CONTINUING....

MURDER COUNT IS REDUCED

(Continued From Page One)

Taylor. "I would take it that the defence suggests that at the time he was under an uncontrollable impulse, but in English law such an impulse is not a defence unless it means insanity.

May Reduce Charge

"Before you can find murder you must find that he meant to kill," he continued, "but if you are not convinced that the prisoner intended to kill, then you may find the accused guilty of manslaughter."

"It would be manslaughter if you found the killing was done in the heat of passion caused by provocation," he said. "The law defines provocation as a wrongful act or insult that deprives an individual of self-control and he acts upon it before his passion has time to cool.

"There is some suggestion that Indians are of different temperament but there is no special law for Indians," continued his lordship. "We are all required to conform to our laws and in return we receive the benefits of those laws.

"If you find there was provocation in the conduct of the Shewacks and there was some justification there, then you go on to consider whether in fact he was deprived of his control to such a degree that in his attack on Ruth Sammy he was acting before his passion had had time to cool and on the assumption she was involved in the provocation," he explained.

Reference to Evidence

In regard to the Shewacks, his lordship referred to evidence that Mrs. Shewack, when Sammy called there in search of his wife, told him he would "never see her again." Sammy, the evidence showed, went from the Shewack home to the home of another Indian, where his wife was killed.

Excludes Witchcraft Yarns

Additional testimony about witchcraft practices on the White Bear Indian reserve was excluded in King's bench court Thursday morning by Mr. Justice G. E. Taylor.

Judge Taylor told defence counsel that testimony about witchcraft was irrelevant.

The previous afternoon Sammy, whom a psychiatrist on Thursday morning said was sane, testified that "Old Lady Shewack," his mother-in-law, and one of those he allegedly shot, was a witch doctor.

He testified the old woman, aged 75, had cured his brother of some illness by chewing live charcoal and breathing sparks on the sick man.

On Thursday morning R. A. Robertson, defence counsel, called John McArthur, an old Indian, to "verify a statement by Sammy."

McArthur, who had previously given evidence for the crown was told by Mr. Robertson "evidence has been given that Old Lady Shewack was a witch doctor."

Not Allowed

Immediately Judge Taylor said the question would not be allowed because it affected general character of the old woman. His remark was in keeping with a statement he made the day before, when family life of the Shewacks was being discussed, that testimony about character of the Shewacks was not relevant this case because Sammy was being tried only for the murder of his wife.

Director at the Weyburn mental hospital, Dr. E. G. Cameron, testified to having examined Sammy and he said that in his opinion Sammy was sane and did not suffer from delusions.

"In my opinion, from his evidence, he knew what he was doing on Aug. 25 and he knew it was wrong," said Dr. Cameron.

Dr. Cameron said that of the total population of Saskatchewan's mental hospitals less than one percent were full-blooded Indians.

Called to refute testimony of Sammy that he was shot in the back in the thicket where police overtook him, Dr. William R. Fraser of Arcola told of finding Sammy was shot in the chest and thigh. He said the chest wound, most serious, was caused from the front but he could not remember about the thigh wound.

He said a bullet would cause more pain where it left than where it entered a body and this may cause a person to think he was shot at that point.

"He was always rational," said Dr. Fraser of Sammy's mental attitude.

Addresses by defence and crown counsel were completed at noon and the charge by Judge Taylor was given immediately after lunch.

Extreme Provocation

Mr. Robertson told the jurors they must consider the accused as an Indian, of different temperment than the whites and that, too, there was "extreme provocation" in his troubles with his in-laws and that on the day of the shootings his mother-in-law had told him he would "never see his wife agian."

The crown's address was given by W. M. Rose, K.C., Moose Jaw, who said "it seems quite clear that he set out to make a clean up and he accomplished it."

He termed as absurd evidence of Sammy that he "went out of his mind" each time a shot was fired but was alright between times.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

File for Dr. Bill

19113-3

Ottawa Citizen 16/12/39

Winnipeg Free Press 14/12/39

Lethbridge Herald 16/12/39

White Bear Indian Gets 20-Year Term

Canadian Press.

ARCOLA, Sask., Dec. 15—Nelson Sammy, 35-year-old White Bear Reserve Indian, today was sentenced to 20 years in Prince Albert penitentiary on manslaughter charges in connection with the death of his wife, Ruth, and her parents, Mr. and Mrs. Shewack. The shootings took place on the White Bear reserve, 150 miles southeast of Regina, last Aug. 25.

Mr. Justice G. E. Taylor passed sentence of 20 years, to run concurrently, on each charge after the four-day trial in which Sammy originally was charged with murder. Last night the jury reduced the murder charge to manslaughter in connection with the shooting of the wife and today the Crown accepted pleas of guilty of manslaughter in regard to the deaths of the woman's parents.

Sammy still faces a murder charge. He is alleged to have killed R.C.M.P. Constable W. E. Rhodeniser when cornered by a posse. This charge was set over until the assizes next April.

Determination of Sammy's mother-in-law to remove her daughter from his home was declared in evidence to have been one cause of the shootings. It was testified Sammy repeatedly clashed with his wife's parents.

Pr. Albert Herald

939

# of Indian old in Court

By his own statement a hunter who could bring down a running deer at 200 yards with one shot, Sammy said he had four shells in his rifle when he started on a bicycle trip through the White Bear reserve that ended in three deaths before he was surrounded in a thicket where a fourth person, a Mountie, was shot.

"You fired three shots and killed three people and you saw them drop in their tracks?" asked W. M. Rose, K.C., Moose Jaw, counsel for the crown with W. G. Campbell, in cross-examination.

"Yes," said Sammy, who is charged with the murder of his wife, Ruth Sammy.

Sammy, who said he was "out of his mind" each time he shot, claimed one of the dead, "Old Lady Shewack," his 75-year-old mother-in-law, was a witch doctor who made a sign at him before she was shot.

Sister Collapses

All-in-all it was an interesting afternoon with a bit of side excitement when Sammy's sister, overcome by what a doctor said was emotion, collapsed in the corridor and had to be carried from the building.

Sammy spent three hours on the witness stand and his long halting testimony sent his trial, before Mr. Justice G. E. Taylor, into its third day with one more defence witness and a crown rebuttal witness to be heard.

Sammy said he was born on the White Bear reserve 35 years ago, son of full-blooded Indian parents. He said he married Ruth Shewack when he was 21 and set up his own house on the reserve a couple of years later.

Apparently, in the parlance of today, the marriage was "fixed" for he said that when he was 15 years old Mrs. Shewack told his mother she would like "the young fellow" meaning him, for a son-in-law, but his mother said he was too young to marry and they would have to wait.

"We got married by the church," said Sammy.

On Aug. 25, day of the shootings, he said, he had been working at a hay camp when he learned his wife had left his tent, so he went to her parent's home and "old man Shewack," when he asked where his wife was, said "you think you are boss of this woman but you are not. She is our daughter and we can take her away any time."

Old Lady Made Signs

"The old lady made signs," began Sammy.

"What do you mean she made signs?" asked his counsel, R. A. Robertson.

"She put her fingers to her nose," said Sammy. "It means something but I don't know what. She was a witch doctor."

"What do you mean, she was a witch doctor?" he was asked.

"Well," said Sammy, beginning to recite an occurrence he said took place seven years ago but which he had seen "the old woman" do lots of time. "one my brother got sick. They say the old lady's pretty good at doctoring and my mother went over and got her. She told my mother to put some fire, charcoal, in a plate and then she got some grass out of her pocket and she put this on the fire and made a smoke and then she prayed.

"Suddenly," he continued, "she grabbed the fire, charcoal, that is, and put it in her mouth. She kept this charcoal in her mouth for five minutes. It didn't burn her mouth. She then blew on the sick man here (he pointed to his chest) and you could see the sparks coming from her mouth."

Judge Taylor suggested to Mr.

"You never went out of your mind before this day?" asked Mr. Rose.

"No," he said.

"You fired three shots and killed three people, you shot your mother-in-law, your father-in-law and your wife on Aug. 25. You saw them drop in their tracks?" asked Mr. Rose.

"Yes," said Sammy as he explained he had four shots in his rifle when he left the hay camp and the fourth was fired when he was

Sergeant A. J. Churchman, ballistics expert from the Mounted Police laboratory in Regina told of making tests with a rifle reputedly found near where Sammy was caught.

Sergeant Churchman said his tests showed cartrigde cases found near the bodies of the Shewacks were fired from the rifle but he could not identify a bullet in the wall of the McArthur home, where Mrs. Sammy was shot, because there was not enough of it.

In-laws Held Link in Indian Death Tangle

Arcola, Sask., Dec. 13. (CP) — A story about trouble with in-laws that reputedly led to the deaths of four persons on an Indian reservation near Carlyle last Aug. 25 was told in king's bench court Tuesday afternoon.

The court, too, heard John Morrison, supervisor of the reserve, re-ate a dramatic story of the cap-ure of Nelson Sammy, Indian ac-used of murder, when a Mounted

Two Indians were drowned along the Arctic coast in the "freeze-up" period, according to word received at Aklavik. Abraham Peterson fell from his canoe while checking fishing nets. John Young broke through ice while setting nets.

Indian Admits Triple Slaying

But Nelson Sammy Says He Was Out of Mind at the Time

ARCOLA, Sask., Dec. 14.—(CP)—Nelson Sammy, charged with murdering his wife, Ruth, admitted he shot and killed three persons Aug. 25, during cross-examination at his trial before Mr. Justice G. E. Taylor and jury here Wednesday. Sammy, an Indian, however, claimed he was "out of his mind," at the time.

In giving evidence Sammy told a strange tale about witchcraft, the story of an old woman who chewed charcoal and spit sparks on a sick Indian, and claimed one of the persons killed, "Old Lady Shewack," his 75-year-old mother-in-law, was a "witch doctor" who made a sign at him before she was shot.

MATERIAL STUCK TOGETHER

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

Pr. Albert Herald

Thursday, December 14, 1939

Strange Tale of Indian Witchcraft Told in Court

ARCOLA, Sask., Dec. 14—(CP)— A strange tale about witchcraft, the story of an old woman who chewed charcoal and spit sparks on a sick Indian was told in court yesterday afternoon by Nelson Sammy.

Sammy swore the sick Indian got better.

By his own statement a hunter who could bring down a running deer at 200 yards with one shot, Sammy said he had four shells in his rifle when he started on a bicycle trip through the White Bear reserve that ended in three deaths before he was surrounded in a thicket where a fourth person, a Mountie, was shot.

"You fired three shots and killed three people and you saw them drop in their tracks?" asked W. M. Rose, K.C., Moose Jaw, counsel for the crown with W. G. Campbell, in cross-examination.

"Yes," said Sammy, who is charged with the murder of his wife, Ruth Sammy.

Sammy, who said he was "out of his mind" each time he shot, claimed one of the dead, "Old Lady Shewack," his 75-year-old mother-in-law, was a witch doctor who made a sign at him before she was shot.

Sister Collapses

All-in-all it was an interesting afternoon with a bit of side excitement when Sammy's sister, overcome by what a doctor said was emotion, collapsed in the corridor and had to be carried from the building.

Sammy spent three hours on the witness stand and his long halting testimony sent his trial, before Mr. Justice G. E. Taylor, into its third day with one more defence witness and a crown rebuttal witness to be heard.

Sammy said he was born on the White Bear reserve 35 years ago, son of full-blooded Indian parents. He said he married Ruth Shewack when he was 21 and set up his own house on the reserve a couple of years later.

Apparently, in the parlance of today, the marriage was "fixed" for he said that when he was 15 years old Mrs. Shewack told his mother she would like "the young fellow" meaning him, for a son-in-law, but his mother said he was too young to marry and they would have to wait.

"We got married by the church," said Sammy.

On Aug. 25, day of the shootings, he said, he had been working at a hay camp when he learned his wife had left his tent, so he went to her parent's home and "old man Shewack," when he asked where his wife was, said "you think you are boss of this woman but you are not. She is our daughter and we can take her away any time."

Old Lady Made Signs

"The old lady made signs," began Sammy.

"What do you mean she made signs?" asked his counsel, R. A. Robertson.

"She put her fingers to her nose," said Sammy. "It means something but I don't know what. She was a witch doctor."

"What do you mean, she was a witch doctor?" he was asked.

"Well," said Sammy, beginning to recite an occurrence he said took place seven years ago but which he had seen "the old woman" do lots of time, "one my brother got sick. They say the old lady's pretty good at doctoring and my mother went over and got her. She told my mother to put some fire, charcoal, in a plate and then she got some grass out of her pocket and she put this on the fire and made a smoke and then she prayed.

"Suddenly," he continued, "she grabbed the fire, charcoal, that is, and put it in her mouth. She kept this charcoal in her mouth for five minutes. It didn't burn her mouth. She then blew on the sick man here (he pointed to his chest) and you could see the sparks coming from her mouth."

Judge Taylor suggested to Mr.

"You never went out of your mind before this day?" asked Mr. Rose.

"No," he said.

"You fired three shots and killed three people, you shot your mother-in-law, your father-in-law and your wife on Aug. 25. You saw them drop in their tracks?" asked Mr. Rose.

"Yes," said Sammy as he explained he had four shots in his rifle when he left the hay camp and the fourth was fired when he was

Sergeant A. J. Churchman, ballistics expert from the Mounted Police laboratory in Regina told of making tests with a rifle reputedly found near where Sammy was caught.

Sergeant Churchman said his tests showed cartrigde cases found near the bodies of the Shewacks were fired from the rifle but he could not identify a bullet in the wall of the McArthur home, where Mrs. Sammy was shot, because there was not enough of it.

This charge was set over until the assizes next April.

Determination of Sammy's mother-in-law to remove her daughter from his home was described in evidence to have been the cause of the shootings. It was testified Sammy repeatedly clashed with his wife's parents.

Injuries Fatal To Man Hit By Truck; Search For Driver

injuries which Paul Lachaine

In-laws Held Link in Indian Death Tangle

Arcola, Sask., Dec. 13. (CP) — A story about trouble with in-laws that reputedly led to the deaths of four persons on an Indian reservation near Carlyle last Aug. 25 was told in king's bench court Tuesday afternoon.

The court, too, heard John Morrison, supervisor of the reserve, relate a dramatic story of the capture of Nelson Sammy, Indian accused of murder, when a Mounted

Two Indians were drowned along the Arctic coast in the "freeze-up" period, according to word received at Aklavik. Abraham Peterson fell from his canoe while checking fishing nets. John Young broke through ice while setting nets.

Indian Admits Triple Slaying

But Nelson Sammy Says He Was Out of Mind at the Time

ARCOLA, Sask., Dec. 14.—(CP)— Nelson Sammy, charged with murdering his wife, Ruth, admitted he shot and killed three persons Aug. 25, during cross-examination at his trial before Mr. Justice G. E. Taylor and jury here Wednesday. Sammy, an Indian, however, claimed he was "out of his mind," at the time.

In giving evidence Sammy told a strange tale about witchcraft, the story of an old woman who chewed charcoal and spit sparks on a sick Indian, and claimed one of the persons killed, "Old Lady Shewack," his 75-year-old mother-in-law, was a "witch doctor" who made a sign at him before she was shot.

MATERIAL STUCK TOGETHER

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

Thursday, December 14, 1939

Will Experiment In Lighting Ice Palace Tonight

The ice palace in City Hall Park will be lit up tonight, the Young Men's Chamber of Commerce expected.

Experiments will be made in flood lighting and interior lighting to get the most suitable and attractive effect.

As the ice structure took shape and now as it is virtually completed, it has been subject of much comment and appreciation.

Attention has been called to the fact that two boys last night pitched snowballs at street decorations on Central Avenue and succeeded in smashing one of the bulbs. The boys eluded a man who gave chase. An appeal was made to parents to ask children to refrain from injuring the decorations in any way.

Lowest Snowfall

TORONTO, Dec. 14.—(C.P.)— The Dominion Meteorological Bureau said last night that the snowfall here this season has been the lowest since weather records first were kept in the city 78 years ago.

Casualties Lower

LONDON, Dec. 14.—(C.P.) - Great Britain's total casualties in the first three months of war were approximately 2100, Prime Minister Chamberlain said today in reply to a question in the House of Commons. This figure for all British forces compared with 12,500 during the first two months of war, in 1914, he said.

Canada consumed 894,555,000 pounds of sugar last year.

WOOD

4' Dry Cut Poplar 4.00
Per Cord
4' Seasoned Poplar 4.25
Per Cord
4' Seas'nd Jack Pine 4.75
Per Cord
4' Dry Cut Jack Pine 4.75
Per Cord
4' Dry Tamarac 6.00
Per Cord

Lethbridge Herald 14/12/39

Two Indians were drowned along the Arctic coast in the "freeze-up" period, according to word received at Aklavik. Abraham Peterson fell from his canoe while checking fishing nets. John Young broke through ice while setting nets.

Lethbridge Press 14/12/39

In-laws Held Link in Indian Death Tangle

Arcola, Sask., Dec. 13. (CP) — A story about trouble with in-laws that reputedly led to the deaths of four persons on an Indian reservation near Carlyle last Aug. 25 was told in king's bench court Tuesday afternoon.

The court, too, heard John Morrison, supervisor of the reserve, relate a dramatic story of the capture of Nelson Sammy, Indian accused of murder, when a Mounted

Indian Admits Triple Slaying

But Nelson Sammy Says He Was Out of Mind at the Time

ARCOLA, Sask., Dec. 14.—(C)—Nelson Sammy, charged with murdering his wife, Ruth, admitted he shot and killed three persons Aug. 25, during cross-examination at his trial before Mr. Justice G. E. Taylor and jury here Wednesday. Sammy, an Indian, however, claimed he was "out of his mind," at the time.

In giving evidence Sammy told a strange tale about witchcraft, the story of an old woman who chewed charcoal and spit sparks on a sick Indian, and claimed one of the persons killed, "Old Lady Shewack," his 75-year-old mother-in-law, was a "witch doctor" who made a sign at him before she was shot.

Robertson that he ask if the sick man got better, but Mr. Robertson did not press the question although when Mr. Rose asked Sammy about that later, Sammy said he had.

Returning to events on Aug. 25 Sammy said the old lady "made a sign at me and said I was not going to see her again," and then "the gun went off."

He then turned and saw "old man Shewack," he said, and "the gun went off" again.

From the Shewack home he went to the farm of another Indian named McArthur where he saw his wife sitting in the house and "the gun went off again," Sammy said.

"I was kinda out of my mind," he said "I told McArthur I had shot the old folks because they would find them and would not know who shot them."

He said he then took to hiding for fear he would shoot somebody else, and the next morning after sleeping with his rifle strapped to his back, he heard a noise behind him and as he turned the rifle went off again. The noise, it was brought out, was caused by the police dog "Tell" which Constable W. Rhodeniser and other officers were following into the bush when Rhodeniser was shot.

Sammy claimed that at the same time his gun went off he felt a pain in his shoulder, toward the back, and then he was shot again in the thigh, and he claimed he did not hear a police command for him to get out of the bush nor did he know police were in the thicket.

Sammy told Mr. Rose he had been a hunter for 14 years and he admitted he could bring down a running deer with one shot a 200 yards.

"You never went out of your mind before this day?" asked Mr. Rose.

"No," he said.

"You fired three shots and killed three people, you shot your mother-in-law, your father-in-law and your wife on Aug. 25. You saw them drop in their tracks?" asked Mr. Rose.

"Yes," said Sammy as he explained he had four shots in his rifle when he left the hay camp and the fourth was fired when he was in the thicket where police caught him.

Sergeant A. J. Churchman, ballistics expert from the Mounted Police laboratory in Regina told of making tests with a rifle reputedly found near where Sammy was caught.

Sergeant Churchman said his tests showed cartrigde cases found near the bodies of the Shewacks were fired from the rifle but he could not identify a bullet in the wall of the McArthur home, where Mrs. Sammy was shot, because there was not enough of it.

MATERIAL STUCK TOGETHER

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

RITCHIE A. ROBERTSON, B. A.
Barrister, Solicitor and Notary
LANDS. LOANS. INSURANCE.
CARLYLE, SASK.

Dec. 18th, 1939.

Wilfred J.B.Ball
Agency Clerk,
Crooked Lake Agencey
Broadview; Sask..

Dear Sir; Re Rex vs Nelson Sammy.

I am pleased to be able to report to you on the trial of the above which has now been determined as to three of the four charges aaginst Nelson Sammy.

The Crown laid three charges against Sammy- First that of the murder of his wife, Ruth Sammy- Second that of the murder of his Father-in-law and Mother-in-law ; the Shewaks- and thirdly that of the murder of Constable Rodeniser.

The Crown elected to try him on the first charge that of murdering his wife first. I might say that this was by far the most damaging as the ~~Mens~~ Rea or criminal act was witnessed by four people and the provocation leading up to the offense was farther removed, in point of time, than in the others- the evidence showed that cause of his ungovernable rage occured at the Shewak home some minutes before this occurrence.

My endeavour was, as we had discussed, to reduce the offense to manslaughter. This the Jury did and he was afterwards sentenced to 20 years imprisonment, on this charge.

The Crown then elected to procede with the second charge namely that of the murder of Mr,& Mrs Shewak. When the charge against the accused was read I asked the court for premission to

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

RITCHIE A. ROBERTSON, B. A.
Barrister, Solicitor and Notary
LANDS, LOANS, INSURANCE.
CARLYLE, SASK.

enter a plea of "Guilty of Manslaughter" to the charge of Murder. I argued that as the jury had desided that there was sufficient evidence of provocation to reduce the charge in the previous case to manslaughter, and as the cicumstnces were interlinked and similar, that this question was already determined by the jury whose duty it was to answer all question of fact, thid charge should be so reduced. My contention was upheld and when the charge was so reduced I entered a plea of "Guilty to Manslaughter", haveing of course first obtained Sammy's consent to so do.

The Crown then asked to have the other charge re Rodenser set over until the spring sitting April 2nd . I objected to the adjournment. The trial Judge, who had I think been most fair, all through the trials, granted the adjournment. The crown maintained that they required additional witnesses.

I feel that from the standpoint of the accused that every -thing was done on his behalf that could reasonably have been done and that the result is all he could hope for.

I enclose herewith a statement of my account in triplicate and will appreciate you submitting same to the proper department.

Yours Truly
(A. Robertson

On the second charge Sammy received a sentence similar to that on the first - both to run concurrently.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113 3/

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

Letter No.....

Office of the ..... Indian Agency,

CROOKED LAKE AGENCY DEC 22 1939 BROADVIEW, SASK.

..... 19.....

Sir,

I enclose herewith Vouchers Nos. 614,

amounting to $ 1117 10/100 in favour

of Ritchie & Robertson Barristers re Carlyle

for Fees defending Helen Samson re Murder charge

This expenditure was authorized by Departmental

Letter No. 19113-3 dated Oct. 30th 1939

Department of Mines & Resources Indian Affairs Branch DEC 26 1939 REGISTERED

Your obedient servant,

Indian Agent

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa

Form No. I.A. 518
Regn. 8420

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

December 28th, 1939.

Dear Sir:

I have to refer to vouchers submitted by you in favonn of Mr. R. A. Robertson, barrister of Carlyle, for services in connection with the defence of Nelson Sammy, charged with murder, amounting to $1117.10, which are returned herewith.

Will you kindly advise Mr. Robertson that the Department of Justice requires that all charges be itemized?

When this is done, please return vouchers in triplicate to the Department for submission to the Department of Justice.

Yours very truly,

TRLM

T.R.L.MacInnes,
Secretary.

W. J. B. Ball, Esq.,
Agency Clerk,
Crooked Lake Indian Agency,
Broadview, Sask.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 264B

Hdqrs. File No. ..... DIV'N FILE No. 39R 636-14 R.C.M.P. Seiz. No. .....

CHARGE No 1.

ROYAL CANADIAN MOUNTED POLICE

DIVISION F 6 Weyburn Sub Division. Carlyle DETACHMENT

39W F. 22

Carlyle Det. Case

REPORT ON CONCLUSION OF CASE A.R.V. No. .....

Defendant Nelson SAMMY (Treaty Ind) Residence White Bear Indian Reserve, Sask.

Occupation Indian Date of offence August 25th, 1939.

Offence and Sec. of Act Murder, 263, CCC, of Mrs Nelson (Ruth) Sammy.

Place of offence White Bear Indian Reserve, Sask.

Information laid by Cst. C.H. Cavill. before E.T. Wright. J.P.

at Arcola, Sask., on 30-9-39

Place of trial Arcola, Sask Date of adjudication 15-12-39 Plea Not "Guilty"

Tried by Judge G. E. Taylor. S.K.B.J. of Moose Jaw, Sask.

of

Adjournments Nil.

Prosecutor or Prosecuting Counsel W.M. Rose. K.C. & W.E.G. Campbell Defence Counsel R.A. Robertson.

Witnesses See below. of

of

Sentence Charge reduced to Manslaughter, sentenced to 20 years in Prince Albert Pen, to run concurrently with charge No. 2.

Disposition of fine

Exhibits (Nature and Disposition)

Costs Serving Summons $ ..... Arrest $ ..... Attending Court $ .....

Received by ..... Justice fees $ .....

Mileage ..... Miles @ ..... per mile $ ..... Witness fees $ .....

Total expenses of case $ ..... Total costs $ .....

Mileage collected $ ..... Disposition of mileage .....

Moiety $ ..... Disposition of moiety .....

Appeal ..... Nationality Treaty Indian.

Finger prints and photo forwarded to Headquarters 20-10-39. by Regina Town Station.

Previous convictions None known.

Complainant. Dept of Indian Affairs.

10-12-39.

1. Remarks With further reference to the above, on this date a further patrol was made by the writer to the White Bear Indian Reserve, per police auto, and service of Subpoena returnable on the 12th inst, at 10 AM, in Arcola, Sask., was made upon the interpreter, Tom ZAVEL, Treaty Indian. also interviewing the various witnesses mentioned in my report dated the 9th inst, patrol returning to Carlyle at 4.30 PM.

11-12-39

2. On this date a further patrol was made per police auto to Arcola, Sask, where the A.A.G., W.E.G. Campbell, Esq, was interviewed as to any further instructions he had to issue concerning the prosecution in this matter, patrol returning to Carlyle, at 6 PM.

12-12-39

3. On this date further patrol was made per police auto leaving Carlyle at 9 AM, accompanied by Const Meehan, to attend Court of King's Bench, commencing at 10 AM this date, with His Lordship Judge G.E. Taylor, presiding, the following witnesses were examined by the Crown during the day Tom Shupere, Mabel Peween, D. Peween, John McArthur, Gladys McArthur, Alfred McArthur, consolidated by

Forwarded O.C. Sub. Div. ..... Forwarded O.C. Division ..... Forwarded to the Commissioner

I/c Detachment ..... I/c Sub. Division ..... Commanding Division .....

Date 16-12-39 Date ..... Date .....

Indian Affairs. (RG 10, Volume 7462, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Nelson SAMMY (Treaty Indian) Murder 263.CCC.
White Bear Indian Reserve, Sask.

(CARLYLE DETACHMENT CASE.)

and Stephen McArthur, they testifying was, as already reported in previous reports, with the exception of John McArthur, he changed his evidence somewhat, as to what actually took place, at the home of Gladys McArthur, when the accused arrived on the evening in question and shot his wife, and as to the actions of the accused at that time, the change being that when the accused came to his house his eyes were bulged, and that he did not seem to know what he was doing, and that he seemed to be out of his mind, this was a complete about face to his evidence at the preliminary enquiry, The Court adjourned at 5 PM, this date to reconvene at 10 AM, on the morning of the 13th inst. Patrol left Arcola, at 7.30 PM, this date returning to Carlyle, Sask, leaving Const Meshan, in Arcola, Sask, on jury duty.

13-12-39.

4. On this date a further patrol was made to Arcola, Sask, per police auto, Court opened at 10.A., and the following witnesses, as already reported in report dated the 9th inst testified.- J.R.Morrison, Mrs J.R.Morrison, Dr. Stapleford, Florence Sammy, Corpl Paton, R.C.M.P., Estevan, Const J.Fossum's, evidence as taken at the Preliminary enquiry was read into the records, by consent, due to the fact that the witness was confined in the Hospital in Esteven, Sask, having undergone an operation, L/Corpl Casswell, RCMP, Kipling Detachment, thexx evidence adduced was as already reported in previous reports submitted in this connection, Court again adjourned at 5.30 PM, to be reconvened at 10 AM the following morning at 10 AM. Patrol again returned to Carlyle, leaving Arcola, at 8 PM, Const Meshan left on jury duty at Arcola, Sask, overnight. The accused himself also entered the box this date.

14-12-39.

5. On this date further patrol was made per police auto to Arcola, Sask, performed escort duty upon arrival, court opened at 10 AM, and the following witnesses were heard, Sgt Churchman, RCMP, Regina, Sask, Dr.H.G.Cameron, of Weyburn, Sask, argument by Counsel was then presented, the jury charged by His Lordhip, the jury retiring at 3.30 PM, returned again at 9.30 PM, returning a verdict of Guilty of Manslaughter, the accused was then remanded in custody to appear for sentence at 10 AM the following morning. Patrol remained in Arcola, Sask, overnight.

15-12-39.

6. On this date the accused appeared at 10 AM, for sentence, but due to unforseen circumstances arising, he was again remanded in Custody until 2 PM, this date, at which time he was sentenced to 20 years in the Pen at Prince Albert. The accused wasthen handed over to Const's Mabee and Ringer of Regina, Sask, for escort, see report submitted from Regina Town Station in that connection.

7. The jury picked in this matter was as follows.-

R.J.Gendell - Manor, Sask,
W.J.Houston - Arcola, Sask.,
R.Askin - Arcola, Sask,
D.Johnson - Arcola, Sask.,
W.A.Brigdon - Arcola, Sask,
S.W.Perry - Arcola, Sask.

8. Before closing, I have omitted to state that on the night of the 11th inst, patrol was made per police auto accompanied by Const Meshan, to Stoughton, Sask, where the train was met and the prisoner together with the escorts, were escorted to Arcola, Sask, and

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re:- Nelson SAMMY -(Treaty Indian) Murder 263.000.
White Bear Indian Reserve, Sask.

(CARLYLE DETACHMENT CASE)

AND the prisoner lodged in the cells in the Court House, under guard, patrol returning to Carlyle at 12.30 AM.

9. The sentence in this connection is to run concurrently with that meted out in charge No 2, re:- Old Shewack and Old Lady Shewack, murdered by this accused, in which he received the same sentence, please see seperate reports.

10. Patrol finally returned to Carlyle, Sask, at 4 PM, on the 15th inst.

CONVICTED. EXPENSES SHOWN ON FORM 93.

To. O.C. Weyburn, Sask,
Sir:- Forwarded:-

Co st
C.H.CAVILL. Reg No 10767
In charge of Detachment.

The CO i/c CIB
WEYBURN, Sask.
1. Copy for your information and file.
19-12-39
J W/A

Insp.
Comdg. Weyburn Sub-Div.
(F. F. Baxter)

The O. C. F" Div.,
R. C. M. P. REGINA.
1. Forwarded for your information. Note Paras. 4, 5, 6 of above report. Extra copies submitted for information of O. C. REGINA Sub-Division.
CONVICTED
19-12-39
JVS/A

Insp.
Comdg. Weyburn Sub-Div.
(F. F. Baxter)

(Form 264 B dated 16-12-39 from Carlyle detachment)
The Inspector in Charge,
Dept. of Indian Affairs,
REGINA, Sask.

Forwarded in single copy for your information.

A/Supt.
22-12-39. WWH/AB. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

B

ROYAL CANADIAN MOUNTED POLICE

137676

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-G-9.

OTTAWA, Dec. 28, 1939.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC/lel.

EXD.

Department of Mines & Resources
Indian Affairs Branch
DEC 29 1939
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

January 13, 1940.

Dear Sir:-

I have to refer to your letter of September 21, 1939, authorizing the employment of Mr. R. Robertson, Barrister, Carlyle, Sask., to defend Nelson Sammy, an Indian of the White Bear Indian Reserve, charged with murder.

An account has now been received from Mr. Robertson amounting to $1,247.10, which I am enclosing herewith for taxation.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

enclos.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

0

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

Letter No.....

Office of the ....Crooked Lake Agency.... Indian Agency,

BROADVIEW, SASK. JAN 5 1940

.....19.....

Sir,

I enclose herewith Vouchers Nos. 6 to 11,

amounting to $ 1247.10 in favour

of Ritchie & Robertson BA
Barrister &c
Carlyle Sask.

for Fees defending Nelson Sammy
charged with murder

This expenditure was authorized by Departmental

Letter No. 19113-3 dated Oct. 3rd 1939

Your obedient servant,

Indian Agent

Agency Clerk

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources
Ottawa

Department of Mines and Resources
Indian Affairs Branch
JAN 12 1940
REGISTERED

Form No. I.A. 518
Regn. 7658

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 237

Division File No....39R 636-14.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"F" 6.	REGINA	REGINA TOWN STATION
Province		Date
SASKATCHEWAN		DEC.26th, 1939.

15111 JAN 13 40

File References

Re: Nelson SAMMY (Treaty Indian) - Murder (263), White Bear Indian Reserve, Saskatchewan. (CARLYLE DETACHMENT CASE.)

Headquarters

Sub-Division

RS39 54-8.

Detachment

39RTS 1-180.

P.C.R.

R.T.S.
17-12-39.

17-12-39.

1. With reference to the above, this date on instructions from the N.C.O., I/C the Regina Town Station, the writer received into custody from the Provost of the Regina Town Station, the captionally noted prisoner, together with his personal effects, Warrant of Commitment and Medical Certificate for escort to the Prince Albert Penitentiary.

2. Patrol left Regina via C.P.R. at 11.55 P.M., this date, arriving in Prince Albert at 9.00 A.M., of the 18-12-39, where patrol was met by a member of the Prince Albert Detachment.

18-12-39.

3. Patrol continued on to the Prince Albert Penitentiary where the captionally noted prisoner together with his personal property and Warrant of Commitment were handed over to the Receiving Officer of the penitentiary and a receipt for same obtained, said receipt now being on file at this Detachment Office.

4. The writer left Prince Albert at 9.05 P.M., this date and arrived back in Regina at 7.00 A.M., of the 19-12-39, returning to Detachment off escort.

H.O.D.C.

EXPENSES SHOWN ON FORM 93 for period of Dec., 15th,-30th.

3/Cst.
Reg.No.13137, Ringer, G.R.
Regina Town Station Detachment.

The O.C.Regina Sub/Div.,
R.C.M.P., Regina, Sask.,
Sir: FORWARDED 27-12-39.

Sgt. for.
A/Sgt.ODS.

O.C. "F" DIVISION, REGINA,
FORWARDED.
DEC 28 1939
INSPR.
COMDG REGINA 3/DIVISION.

C.H.Harvey, Reg.No.7597.
I/C.Regina Town Station.

JAN 9 - 1940
NICHOLSON A-SUPT.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

5673

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39B 636-13-G-9

OTTAWA, January 15, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC:MB

Department of Mines & Resources
Indian Affairs Branch
JAN 20 1940
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DWM/MIR

19113-3

Department of Mines & Resources
Indian Affairs Branch
JAN 19 1940
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA January 18, 1940.

EXD.

A.3 - M. & R.
Saskatchewan

Dear Sir,

Referring to your letter of the 13th instant, I return herewith account of R. Robertson, Barrister, Carlyle, Sask., for legal services rendered in defending Nelson Sammy, No. 309, White Bears Band, which I have taxed and certified for payment in the sum of $829.90.

AUDITED
FOR PAYMENT
JAN 22 1940
Treasury Office
I. A. BRANCH

Yours truly,

Enc.

for Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
O T T A W A.

JAN 20 1940

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE I.1.

Copies

Crooked Lake Agency,
Broadview, Sask.,
Feb. 22., 1940.

Department of Mines & Resources
Indian Affairs Branch
FEB 27 1940
REGISTERED

Sir:-

It will be remembered that Nelson Sammy White Bear Indian was charged with four murders. Three of these were reduced to manslaughter, for which he was sentenced to 20 years penal servitude.

The fourth murder trial that of the R.C.M.P. Constable was postponed until the 3rd. of April next and in this connection I have received a letter from Mr. Robertson, Barrister of Carlyle as follows:-

"The trial of Nelson Sammy for the Murder of Constable Rhodeniser is set down for the third of April next.

I presume that the letter of T.R.L.McInnes to yourself and dated Oct. 3rd. last will be my authority for incurring any expenses I consider essential.

I had in mind requesting the Court Reporter to supply me with a copy of the evidence given at the previous trial by such witnesses as Const. Payten, Const. Caswell, Mr. Morrison and the accused.

If you agree with me that this letter is sufficient authority no further instructions will be necessary but if you think it necessary please write to the department for further instructions."

Will you please advise per return your instructions in the matter.

In the meantime I am instructing Mr. Robertson to delay further action until I hear from you.

Your obedient servant,

Eben A.W.R.McKenzie

Eben A.W.R.McKenzie,
Indian Agent.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

April 3, 1940.

Dear Sir:

I have to refer to my letter of February 29 and to previous correspondence with regard to the case of Nelson Sammy, an Indian of the White Bear Reserve, charged with murder. I note that the fourth murder trial, that of the Royal Canadian Mounted Police Constable was postponed until April 3.

If this case has been disposed of please advise Mr. Robertson to submit his account to the department in triplicate, by air mail at the earliest possible moment, as it is desired to pay all accounts of this nature before the end of the fiscal year.

Yours very truly,

T. R. L. MacInnes,
Secretary.

E. A. W. R. McKenzie, Esq.,
Indian Agent,
Broadview, Sask.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Mr Young

Number files
on which there
may still be due to
be paid

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

AIR MAIL

19113-3

February 29, 1940.

EXD.
A.

Dear Sir:

I have to refer to your communication of February 22, with regard to Nelson Sammy, an Indian of the White Bear Reserve, charged with four murders. I have noted that three of these were reduced to manslaughter, and that the fourth murder trial, that of the R.C.M.P. Constable, was postponed until the 3rd of April.

Please advise Mr. Robertson that my letter of October 3 to which he refers, may be regarded as sufficient authority to continue with the case in question.

Yours very truly,

T. R. L. MacInnes,
Secretary.

E. A. W. R. McKenzie, Esq.,
Indian Agent,
Broadview, Sask.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"B.F." SLIP

"B.F." M.S.

FOR Account of R. Robertson

Date June 5

Initials Wm. Young

FI 9627

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Memo dated March 28th, 1940, to O.C., P.Albert Sub-Division)

(2)

39 B 636-14.

Re: Nelson SAMMY (Treaty Indian) Murder (263)
White Bear Indian Reserve, Sask.

39 W 17-83.

The O.C.,
R.C.M.P., Regina Sub-Division.

Forwarded in duplicate for your information. Unless advised to the contrary kindly arrange for the C.N.R. train from Prince Albert to be met in the P.M. of the first proximo, and for Sammy being kept overnight at Regina Town Station. Also for an escort from Regina Town Station to accompany the Prince Albert escort with Sammy to Arcola on the following day.

Supt.
28-3-40.WWH/AB. (L.H.Nicholson)
In Charge, C.I.B.

The O.C.,
R.C.M.P., Weyburn Sub-Division.

Forwarded in triplicate for your information. Should it not be possible to obtain clothing for Sammy as referred to in memo to the O.C., P.Albert it will be in order for some cheap clothing to be purchased locally for his use at the Trial, unless the Agent of the Attorney-general considers it not necessary. If necessary, advice in this connection will be given by telephone on Monday, April first next.

Supt.
28-3-40. (L.H.Nicholson)
In Charge, C.I.B.

C 13214, C B 345 A
The Deputy Attorney-general,
Regina, Sask.
Forwarded for your information.

Supt.
28-3-40. (L.H.Nicholson)
In Charge, C.I.B.

The Inspector in Charge,
Indian Affairs Branch,
Dept. of Mines & Resources, REGINA, Sask.

Forwarded in single copy for your information. Kindly note that a further charge of murder is being proceeded with against Sammy at Arcola on the second proximo.

Supt.
28-3-40. (L.H.Nicholson)
In Charge, C.I.B.

39 B 636-13 G.9.
The Commissioner,
R.C.M.Police, OTTAWA, Ont.
Forwarded in triplicate for your information.

Supt.
28-3-40. (L.H.Nicholson)
In Charge, C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"F" Division,
REGINA, Saskatchewan,

39 R 656-14.

March 28th, 1940.

Memo -

The O.C.,
R.C.M.P., P.Albert Sub-Division.

Re: Nelson SAMMY (Treaty Indian) Murder (2%%)
White Bear Indian Reserve, Sask.

---

1. The above mentioned is at present incarcerated in the Prince Albert Penitentiary, and a further charge of murder in connection with the death of Cst. Rhodenizer of this Force is being proceeded with at the Court of King's Bench sitting at Arcola, Sask., on April second next.

2. An Order for the appearance of this prisoner for Trial at Arcola is being obtained, which will be forwarded direct to your office, and should arrive in the A.M. of Saturday the 30th.

3. Will you kindly arrange for this prisoner to be brought to Regina by two escorts, one of whom may return to Prince Albert from Regina, but the other will be required to proceed to Arcola with the prisoner and another escort from Regina Sub-Division.

4. The O.C., Weyburn Sub-Division suggests that the escorts and prisoner leave Prince Albert on the morning of the first instant by C.N.R. arriving in Regina around 6.30 P.M. of the same date. Sammy can then be kept at Regina Town Station overnight and proceed on to Arcola in the A.M. of the second instant.

5. Will you also kindly take up with the Penitentiary authorities the matter of clothing for Sammy, and if possible arrange for Sammy to travel in his own clothes, or if that is objected to, for the escort to bring Sammy's clothes with him in order that he may be allowed to change before entering the prisoner's dock. Should Sammy's clothing have been destroyed, or otherwise disposed of, kindly ascertain from the Penitentiary officials whether suitable clothing could be loaned to Sammy for this purpose, and if clothes are not obtained advise this office by mail on the A.M. of the first proximo.

Supt.
(L.H.Nicholson)
In Charge, C.I.B.

WSH/AB.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3
43991

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE NO. 39B 636-13-G-9.

OTTAWA, April 2, 1940.

YOUR FILE NO. _____

EXD.
A.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
APR 3 1940
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Dr McGill

File 19113-3

Montreal Gazette

AL. FRIDAY, APRIL 5, 1940.

SAMMY CONDEMNED IN OFFICER'S DEATH

Saskatchewan Indian Sentenced to Hang for Fatal Shooting of R.C.M.P. Man

Arcola, Sask., April 4—(?)—Nelson Sammy, White Bear Reserve Indian, today heard a murder trial jury decide that he should be hanged for the August 26 murder of Royal Canadian Mounted Police Constable W. E. Rhodeniser, native of Nova Scotia.

Sammy will be transferred tonight to the Regina jail where he will be hanged July 5 unless a reprieve or new trial is granted.

Mr. Justice G. E. Taylor, in his address after the verdict, promised that the jurors' strong recommendation for mercy would be "transmitted to the proper authorities." Defence Counsel R. H. Robertson said he was considering application for a new trial.

Constable Rhodeniser was killed by a bullet while heading a search party for Sammy after the fatal shooting August 25 of Sammy's wife and her parents, Mr. and Mrs. Shewack.

Sammy is serving a 20-year penitentiary term for manslaughter in connection with the death of his wife and her parents.

Seated in the prisoner's box, Sammy did not change his stoical expression when sentence was passed.

The 36-year-old Indian was known as a crack rifle shot and hunter on the White Bear Reserve, situated in the Moose Mountains in the southeast corner of Saskatchewan.

About a year ago he began to have difficulty with his wife and her parents. On August 25 Mrs. Sammy was shot and killed while at supper with her two children and Mr. and Mrs. Shewack were killed a short time later at their own home.

After the shooting Sammy took his rifle and disappeared into the bush. Constable Rhodeniser, trained dog handler, and "Tel," a noted police dog, were brought from Yorkton, Sask., and search parties were organized.

The evening of August 26 "Tel" uncovered a scent and within a few minutes the posse, with "Tel" and Constable Rhodeniser in the lead, reached a bluff in which Sammy was located.

Shots rang out from inside the thicket and Constable Rhodeniser fell to the ground muttering "He got me." Sammy fell inside the bluff from two bullet wounds as the searchers opened fire. "Tel" clung to the side of Rhodeniser's body until it was carried to nearby Arcola.

Sammy, recovered from his wounds, was convicted last December of manslaughter, and was brought to trial again last Monday for the murder of the constable.

In his defence the Indian said he was startled when "Tel" appeared in the bluff. He had meant to hit the animal and not the officer, he maintained.

Constable Rhodeniser, 28 at his death, was born in Farmington, N.S., and joined the R.C.M.P. in 1934. He took a course in dog handling at the R.C.M.P. kennels in Calgary and had become the master of "Tel," one of the best dogs on the force.

53

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Edmonton Journal 4/4/40

Indian Sentenced Die on Gallows

ARCOLA, Sask., April 4.—Nelson Sammy, White Bear reserve Indian Thursday was found guilty of the murder of Constable W. E. Rhodeniser of the R.C.M.P., last Aug. 26 and was sentenced to be hanged July 5 at Regina jail.

The jury, which was locked up Wednesday night at conclusion of the trial, delivered its verdict when it returned to the courtroom Thursday. The verdict contained a strong recommendation for mercy.

Sammy previously was convicted of manslaughter in connection with the shooting of his wife, formerly Ruth Shewack, his mother-in-law and his father-in-law. He was sentenced to 20 years in penitentiary on those counts.

Sammy was recognized as one of the best rifle shots on the White Bear reservation at Moose mountains. Last summer, he had trouble with his wife and her parents. After shooting them on the night of Aug. 25, he wandered around in the bush for a night and a day.

R.C.M.P. organized a posse and "Tell," a police dog, was brought from Yorkton by Constable Rhodeniser, his handler. The evening of Aug. 26 Tell found the scent, and within a few minutes the posse reached a bluff in which the dog located Sammy.

Shots rang out. Constable Rhodeniser fell, saying, "He got me." Sammy fell inside the bluff with two bullet wounds.

Sammy was taken back to hospital at Arcola and in December he was found guilty of manslaughter in the killing of his wife and her father and mother.

In his defence, Sammy declared he was surprised by the dog and, thinking it a wolf, he shot at close range at what he said was the animal.

Saskatoon Star-Phoenix 4/4/40

Indian To Be Hanged On July 5

Nelson Sammy, Reserve Sharpshooter, Found Guilty of Murder

FOR COP'S DEATH

JURY RECOMMENDS MERCY IN ARCOLA CASE; PRISONER HEARS FATE CALMLY

Canadian Press

ARCOLA, Sask., April 4.—Nelson Sammy, White Bear Reserve Indian, charged with the murder of Constable W. E. Rhodeniser, R.C.M.P., the night of August 26, 1939, was found guilty by a jury here today and was sentenced to hang on July 5 at Regina Jail.

COUNSEL MAY APPEAL

Sammy took the sentence stoically but his friends outside the courtroom showed dismay at the turn of events.

His counsel, R. H. Robertson of Carlyle, Sask., is considering applying for a new trial.

The jury which had been locked up for the night returned to the courtroom at 10 o'clock and announced it had reached a verdict. The verdict was guilty of murder, with a strong recommendation to mercy.

Mr. Justice Taylor, addressing Sammy, told him he would transmit the recommendation to the proper authorities.

At the present time Sammy is serving a 20-year sentence at Saskatchewan penitentiary for manslaughter.

Nelson Sammy, one of the best marksmen on the White Bear Indian reserve at Moose Mountain, had trouble with his wife and her people a year ago. It resulted in Sammy shooting Mr. and Mrs. Shewack and their daughter, Ruth Sammy, his wife, the evening of August 25. Sammy disappeared into the bush and wandered about for a night and a day.

Mounted Police organized a posse and Tell, a police dog, was brought from Yorkton by Consable Rhodeniser, his handler. The evening of August 26 Tell found the scent and within a few minutes the posse reached a bluff in which the dog found the fleeing Sammy. Shots rang out, Constable Rhodeniser fell, saying "He got me," and Sammy fell inside the bluff with two bullet wounds. Sammy was taken to hospital at Arcola and in December of last year he was found guilty of manslaughter in the killing of his wife and her father and mother. He was sent to penitentiary for 20 years.

In his defence Sammy declared he was surprised by the dog and thinking it a wolf he shot at close range at what he said was the animal. Constable Rhodeniser got the bullet and died within a few minutes.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

File

Lethbridge Herald 4/4/40

SASK. INDIAN FOUND GUILTY OF MURDERING MOUNTIE AND WILL HANG IN REGINA ON JULY

Nelson Sammy Previously Convicted of Manslaughter for Shooting Wife, Mother-in-Law and Father-in-Law

ARCOLA, Sask., April 4.— (Canadian Press) — Nelson Sammy, White Bear Reserve Indian, today was found guilty of the murder of Constable W. E. Rhodeniser of the Royal Canadian Mounted Police last Aug. 26, and sentenced to hang July 5 at Regina jail.

The jury which was locked up last night at conclusion of the trial delivered its verdict when it returned to the court room this morning. The verdict contained a strong recommendation of mercy.

Sammy previously was convicted of manslaughter in connection with the shooting of his wife, formerly Ruth Shewack, his mother-in-law and his father-in-law. He was sentenced to 20 years in penitentiary on those counts.

Sammy was recognized as one the best rifle shots on the Wh Bear reservation at Moose Mou tains. Last summer he had trou with his wife and her parents. Af shooting them on the night of A 25 he wandered around in the bu for a night and a day.

Mounted Police organized a po and "Tell," a police dog, was brous from Yorkton by Constable Rhod niser, his handler. The evening Aug. 26 "Tell" found the scent a within a few minutes the po reached a bluff in which the located Sammy.

Shots rang out, Const. Rho niser fell, saying "He got m Sammy fell inside the bluff with bullet wounds.

Sammy was taken back to hos tal at Arcola and in December was found guilty of manslaugh in the killing of his wife and father and mother.

In his defence Sammy declared was surprised by the dog and thin ing it a wolf he shot at close ran at what he said was the animal.

5/4/40

THE LEADER-POST, REGINA

CONVICTED: Convicted by a king's bench court jury at Arcola, Sask., on Thursday of the murder of R.C.M.P. Constable W. Rhodeniser, the White Bear reserve Indian, Nelson Sammy, is seen above in custody of police as he entered the Arcola courthouse. Sammy was sentenced to hang at Regina jail on July 5.

Indian To Die For Murder Of Constable

(Special Despatch)

ARCOLA, April 4.—Nelson Sammy, charged with the murder of Constable W. E. Rhodeniser, R.C.M.P., on Aug 26, 1939, was found guilty by a jury at his trial here and was sentenced to hang July 5 at Regina jail.

Sammy took the sentence stoically, but his friends outside the courtroom showed dismay at the turn of events.

His counsel, R. H. Robertson of Carlyle, is considering applying for a new trial.

The jury, which had been locked up for the night, returned to the courtroom at 10 o'clock Thursday, and announced it had reached a verdict. The verdict was guilty of murder, with a strong recommendation to mercy.

Mr. Justice G. E. Taylor said he would transmit the recommendation to the proper authorities.

At the present time Sammy is serving a 20-year sentence at Prince Albert penitentiary for manslaughter.

Family Trouble Cause

The story of Nelson Sammy, one of the best rifle shots on the White Bear Indian reserve in the Moose mountains, has its beginnings in family matters about a year ago. Trouble between himself and his wife, and with his wife's people, resulted in Sammy shooting "Old Man" Shewack, "Old Lady" Shewack and then his wife, Ruth, the evening of Aug. 25. Sammy fled into the bush and wandered around for a night and a day.

Mounted police organized a posse, and "Tell," a police dog, was brought from Yorkton by Constable Rhodeniser, his handler. The evening of Aug. 26, Wasegenas, an 80-year-old Assiniboine Indian on the reserve, reported to the Indian agent he had seen Sammy near his barn. The dog "Tell" was taken there and he found the scent immediately.

The trail led westward, and within a few minutes the posse reached a bluff in which the dog located the fleeing Sammy. Shots rang out, Const. Rhodeniser fell, saying, "He got me." Sammy himself fell with two bullet wounds. Sammy was taken to the Arcola hospital, and in December of last year was found guilty of manslaughter for the killing of his wife, and her father and mother.

He was sent to penitentiary for 20 years.

Sammy's trial on the charge of murdering Const. Rhodeniser opened at Arcola Tuesday. A large number of witnesses gave evidence during the two days.

Throughout the trials, Sammy maintained the characteristics of the Indian, stoical, silent, staring, but yet quite observant of everything that was going on.

Sammy will be brought to Regina jail and placed in the death cells, where until July 5 next he will be under constant watch.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

File

Lethbridge Herald 4/4/40

SASK. INDIAN FOUND GUILTY OF MURDERING MOUNTIE AND WILL HANG IN REGINA ON JULY 5

Nelson Sammy Previously Convicted of Manslaughter for Shooting Wife, Mother-in-Law and Father-in-Law

ARCOLA, Sask., April 4.— (CP) — Nelson Sammy, White Bear Reserve Indian, today was found guilty of the murder of Constable W. E. Rhodeniser of the Royal Canadian Mounted Police last Aug. 26, and sentenced to hang July 5 at Regina jail.

The jury which was locked up last night at conclusion of the trial delivered its verdict when it returned to the court room this morning. The verdict contained a strong recommendation of mercy.

Sammy previously was convicted of manslaughter in connection with the shooting of his wife, formerly Ruth Shewack, his mother-in-law and his father-in-law. He was sentenced to 20 years in penitentiary on those counts.

Sammy was recognized as one of the best rifle shots on the White Bear reservation at Moose Mountains. Last summer he had trouble with his wife and her parents. After shooting them on the night of Aug. 25 he wandered around in the bush for a night and a day.

Mounted Police organized a posse and "Tell," a police dog, was brought from Yorkton by Constable Rhodeniser, his handler. The evening of Aug. 26 "Tell" found the scent and within a few minutes the posse reached a bluff in which the dog located Sammy.

Shots rang out. Const. Rhodeniser fell, saying "He got me." Sammy fell inside the bluff with two bullet wounds.

Sammy was taken back to hospital at Arcola and in December he was found guilty of manslaughter in the killing of his wife and her father and mother.

In his defence Sammy declared he was surprised by the dog and thinking it a wolf he shot at close range at what he said was the animal.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr McInnes

19113-3

EXD.
A.

Extract from a personal letter to Mr. Christianson

from Mr. Havers, Broadview, Sask., Dated April 8,,1940.

Mr. McKenzie also handed me a letter this morning addressed to him from Mr. MacInnes re the a/c of Mr. Robertson defending Nelson Sammy. As soon as I received the letter I put in a call for Mr. Robertson and found he had left a day or so ago on his honeymoon & will not be back until the end of the month or in May. I then got in touch with Mr. Morrison & asked him to try and find out where Mr. Robertson is staying in order that I could get in touch with him and that seems to be about all I can do in this regard at the present time.

Since writing this Mr. Morrison has phoned that Mr. Robertson will be back in Carlyle tomorrow or next day and as soon as he returns will take the matter of a/c up with him.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3 48061

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39B 636-13-G-9. OTTAWA, April 11, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
APR 13 1940
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

F. 264B

Hdqrs. File No. 39R 636-14 DIV'N FILE No. R.C.M.P. Seiz. No.

Charge No.2.

ROYAL CANADIAN MOUNTED POLICE

DIVISION F Weyburn Sub Division. Carlyle DETACHMENT

CARLYLE DET.CASE.

REPORT ON CONCLUSION OF CASE A.R.V. No.

Defendant: Nelson SAMMY (Treaty Ind) Residence: White Bear Indian Reserve, Sask

Occupation: Treaty Indian. Date of offence: 26-8-39.

Offence and Sec. of Act: Murder - 253 CCC.

Place of offence: White Bear Indian Reserve, Sask.

Information laid by: Cst C.H.Cavill. before: J.C.Martin.J.P.

at: Carlyle, Sask. on: 25-9-39.

Place of trial: Arcola, Sask Date of adjudication: 4-4-40 Plea: "Not Guilty"

Tried by: Judge O.E.Taylor.C.K.B. of: Moose Jaw, Sask.,

of:

Adjournments:

Prosecutor or Prosecuting Counsel: W.N.Rose. K.C. & F.A.G.Campbell. Defence Counsel: R.A.Robertson, Carlyle, Sask.

Witnesses: see below. of:

of:

Sentence: To be taken to Regina Gaol and to remain there until the 5th day of July, 1940, and then on that date to be hanged by the neck until dead.

Disposition of fine:

Exhibits (Nature and Disposition):

Costs Serving Summons $ Arrest $ Attending Court $

Received by Justice fees $

Mileage Miles @ per mile $ Witness fees $

Total expenses of case $ Total costs $

Mileage collected $ Disposition of mileage

Moiety $ Disposition of moiety

Appeal Nationality: Treaty Indian.

Finger prints and photo forwarded to Headquarters: 20-10-39 by Regina Town Station.

Previous convictions: Convicted on three charges reduced from Murder to Manslaughter on the 15-12-39, sentenced to 20 years in Prince Albert Pen. to run concurrently.

Complainant. R.C.M.Police.

Remarks: 1-2-40.

1. Adverting to the above, on this date accompanied by Const Meehan, J.M., patrol left Carlyle per police auto at 1 PM enroute to the Stoughton District but due to heavy road conditions and car trouble the patrol remained in Kisbey overnight.

2-4-40.

2. On this date the patrol left Kisbey accompanied by Const Meehan at 9.40 AM per C.P.Ry, enroute to Arcola, Sask, to attend Court of King's Bench in this connection, the following witnesses were heard during the day. Mrs J.M.Morrison, Mabel Rowsen, Douglas Rowsen, Gladys McArthur, John McArthur, Alfred McArthur, Steven McArthur, S/Cst J.Fossum, Dr F.G.Coill, Sgt Churchman, F.W.Morrison, Corpl Paton Miss K.E.Harwell. the following day the bisence of the witness were heard, Dr C.H.Stapleford, Dr. W.R.Fraser and L/Corpl Casswell

Investigated by

Forwarded O.C. Sub. Div. Forwarded O.C. Division Forwarded to the Commissioner

I/c Detachment I/c Sub. Division Commanding Division

Date 5-4-40. Date Date

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re:- Nelson SAMMY (Treaty Indian) - Murder 263,
White Bear Indian Reserve, Sask.,

(CARLYLE DETACHMENT CASE)

the interpreter used in this matter being Tom Fable,.

3. The jury empanelled were as follows:-

H.McMahern - Foreman - Manor, Sask.,
C.Hail - Arcola, Sask.,
J.Beaver - Carlyle, Sask.,
J.DeGuerre - Wordsworth, Sask.,
C.Houston - Arcola, Sask.,
N.Walker - Kisbey, Sask.,

a verdict of "Guilty" with a recommendation for mercy was brought in by the above jury at 10 AM on the morning of the 4-4-40 after being locked up overnight and having retired to deliberate at 5.15 PM the previous afternoon.

4. The evidence adduced by the Crown was identical with that already reported in the previous cases namely charges 1,3, and 4, with the exception of that given by the accused himself, he being called to the stand by the Defence he changed his evidence completely, denied that he heard other shots on the night in question other than his own, denied that he knew there was a dog after him, denied having told D/Cst J.Fossum that he knew there was a dog after him, denied that he knew there were Police after him, in brief changed his story completely.

5. The prisoner was escorted to Regina, where he will remain until executed, by Const's Gates and McLeod, leaving Arcola per C.P.Ry at 7.50 PM on the 4th inst report covering this matter will be submitted by the escorts concerned.

6. After attending to other Police duties in Arcola, Sask, the patrol returned to Carlyle at 10.30 AM on the 5th inst.

CONVICTED. EXPENSES SHOWN ON FORM 93.

To.O.C.Weyburn, Sask.,
Sir:- Forwarded:- 5-4-40.

Const
C.H.CAVILL. Reg No 10707
I/C Carlyle Detachment.

The Cst. i/c RCMP
CARLYLE Det.
1. Note Para. 22, Page 3, Forms, CIB Instructions Book. Have report submitted in sufficient copies for all departments concerned (10 copies).
WED DD 15-4-40
6-4-40
JVS/A
Insp.
Comdg. Weyburn Sub-Div.
W.G.E. Campbell, Esq., A.A.G.(F. P. Baxter)
ARCOLA, Sask.
1. Sir: Copy for your information.
6-4-40
JVS/
Insp.
Comdg. Weyburn Sub-Div.
(F. P. Baxter)

The Cst. i/c RCMP
WEYBURN CIB
1. Copy for your information and file.
6-4-40
JVS/
Insp.
Comdg. Weyburn S/Div.
(F. P. Baxter)

The O. C. "F" Div. RCMP REGINA
1. Forwarded. Extra copies attached.
CONVICTED - CARRIED FORWARD
WED DD 20-4-40
6-4-40
JVS/A
Insp.
Comdg. Weyburn Sub-Div.
(F. P. Baxter)

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

HODGES & NOONAN
BARRISTERS, SOLICITORS & NOTARIES PUBLIC

PERCY G. HODGES, K. C.
EDWARD D. NOONAN, K. C.

LEADER-POST BUILDING
REGINA, SASK.

SASKATCHEWAN INSPECTORATE
APR 11 1940
REGINA, SASK.

APRIL 10th, 1 9 4 0.

SASKATCHEWAN INSPECTORATE
APR 11 1940
REGINA, SASK.

Department of Indian Affairs,

REGINA, Saskatchewan.

Dear Sirs: Re - Rex vs Nelson Sammy -

Under directions received from your Department I appeared on behalf of Nelson Sammy at Arcola on the 2nd of this month, when he was convicted of the murder of Constable Rodensier. I am of the opinion that in view of the severity of the charge delivered by the jury by the trial Judge, and also because of his omission to properly set out the defence of the accused to the jury that we have good grounds for obtaining a new trial by appeal to the Court of Appeal, and thereafter a possible acquittal.

The instructions that I have received from the Department do not in my opinion authorize me to take such action, and I would like to have such instructions from you before proceeding.

The time for filing Notice of Appeal expires on the 3rd of May next and I would appreciate receiving your instructions at least one week before that date.

Please forward your reply to Hodges and Noonan, Regina, as I am going to be away from my office for the balance of this month and Mr. Noonan of the firm of Hodges and Noonan is attending to this

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

#2.

Dept. of Indian Affairs.

April 10th, 1 9 4 0.

SASKATCHEWAN INSPECTORATE
APR 11 1940
REGINA, SASK.

matter for me.

Yours truly,

R. A. ROBERTSON

Per:

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, April 16,1940.

Dear Sir:-

I have to refer to your letter of September 21, 1939, wherewith you authorized the employment of Mr. R. Robertson, Barrister of Carlyle, Saskatchewan, to defend Nelson Sammy, Indian of the White Bear Reserve, charged with murder.

Mr. Robertson has informed me in a letter dated April 10, that Nelson Sammy was convicted of the murder of Constable Rodensier. He states that there are good grounds for obtaining a new trial by appeal to the Court of Appeal. The time for filing Notice of Appeal expires on May 3rd, but Mr. Robertson is of the opinion that the instructions received from us do not authorize him to take such action.

I should be obliged, therefore, if you would authorize the further employment of Mr. Robertson in the above mentioned case.

Yours very truly,

The Deputy Minister,
Department of Justice,
Ottawa.

Director.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

Department of Mines & Resources
Indian Affairs Branch
File 8048
APR 15 1940
REGISTERED

Regina, April 11th, 1940.

Dear Sir:

I am enclosing herewith letter received from R. A. Robertson for your consideration.

Yours truly,
John Raichman
For Frank Booth,
For Thos. Robertson,
Inspector of Indian Agencies,
Saskatchewan.

The Secretary,
Indian Affairs Branch,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

0

[redacted]CE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE L. 1.

Broadview, Sask,
April 16th, 1940.

Department of Mines & Resources
Indian Affairs Branch
APR 20 1940
REGISTERED

Dear Sir:

I beg to report that Nelson Sammy #309 White Bears Band was tried for the murder of R.C.M.P. Constable Rhodeniser on the 2nd instant and was sentenced to be hung on July 5th, 1940.

Your obedient servant,

G. A. Havers

G.A.Havers,
Clerk in charge.

The Secretary,
Indian Affairs Branch,
Dept. Mines & Resources,
OTTAWA, Ont.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, April 26, 1940.

Dear Sir:

I have to refer to my communication of April 16, with regard to the case of Nelson Sammy, Indian of the White Bear Reserve, charged with murder.

As the time for filing Notice of Appeal expires on May 3, I should be very much obliged if you would let me have an answer to my letter above mentioned.

Yours very truly,

Director.

The Deputy Minister,
Department of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113 3/

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE I.1.

G.

Crooked Lake Agency,
Broadview, Sask.,
Apr. 27., 1940..

Department of Mines & Resources
Indian Affairs Branch
APR 29 1940
REGISTERED

Sir:-

With reference to your letter 19113-3 of the 3rd. instant regarding account of Mr. Robertson, defending Nelson Sammy while on trial for the murder of a R.C.M.Police, I have to advise that immediately upon receipt of your letter I tried to phone Mr. Robertson but failing to get in touch with him I phoned Mr. Morrison, Farming Instructor at White Bears Reserve and asked him to see Mr. Robertson and ask him to submit his account at once. Mr. Morrison tried to get in touch with Mr.Robertson but found that immediately the Sammy case was completed Mr. Robertson had married and left on his honeymoon, address unknown but that he was expected back in a few days for a brief period before leaving again. However it appears that he did not return and his address is still unknown.

I have asked Mr. Morrison to get in touch with him immediately he returns or can be located and this account will be forwarded by Air Mail with the least possible delay, as soon as received at this office.

Your obedient servant,

G. A. Havers

G. A. Havers,
Clerk-in-charge.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

DC.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA April 25th, 1940.

B.28 - M. & R.
Sask.

Dear Sir:-

Referring to your letter of the 16th instant, I beg to inform you that the Minister of Justice has authorized the further employment of R. A. Robertson, Esq., Barrister of Carlyle, Sask., in connection with an appeal to the Court of Appeal with reference to Nelson Sammy, Indian of the White Bear Reserve, convicted of the murder of Constable Rodensier.

Yours truly,

W. Stuart Edwards
(E.L.)

~~for~~ Deputy Minister.

Department of Mines & Resources
Indian Affairs Branch
MAY 6 1940
REGISTERED

The Director,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Recd

Reches

Please order.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Form 6102B

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

CLASS OF SERVICE DESIRED	
FULL-RATE MESSAGE	
DAY LETTER	X
NIGHT MESSAGE	
NIGHT LETTER	

PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED. OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

Ottawa, May 1, 1940.

R. A. Robertson, Esq.
c/o Hodges & Noonan,
Barristers, etc.
Regina, Saskatchewan.

REFERENCE YOUR LETTER APRIL 10 REGARDING NOTICE OF APPEAL IN NELSON SAMMY CASE STOP DEPARTMENT OF JUSTICE HAS AUTHORIZED YOUR FURTHER EMPLOYMENT IN CONNECTION WITH THIS APPEAL

T. R. L. MacInnes,
Secretary.

Charge Indian Affairs Branch,
Department Mines & Resources.

TRLM

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Air Mail)

19113-3

May 1, 1940.

Dear Sir:

I have to refer to previous correspondence with regard to the case of Nelson Sammy, Indian of the White Bear Reserve, charged with murder.

Further employment of Mr. R. A. Robertson, Barrister of Carlyle, Sask. has been authorized by the Department of Justice, in connection with the appeal of Nelson Sammy.

Yours very truly,

T.R.L.M.

T. R. L. MacInnes,
Secretary.

G. A. Havers, Esq.,
Clerk in Charge Indian Agency,
Broadview, Sask.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"B.F." SLIP

Aug 96

"B.F."

FOR

Date ~~Aug 30~~

Initials

R 9627

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

AIR MAIL

19113 3

Answered Reply under

OFFICE [redacted]IE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 304-8

Department of Mines & Resources
Indian Affairs Branch
MAY 2 1940
REGISTERED

Regina, Sask.,
April 30, 1940.

Dear Sir:

Re: Nelson Sammy, White Bear Reserve
Our Letter of April 11th, #304-8

On April 11th we attached a letter received from R. A. Robertson, which was submitted for the consideration of the Department.

Today we have had a call from Mr. Noonan, Barrister & Solicitor, who is doing the work for Mr. Robertson and he stated that the time for an appeal on the murder case of Nelson Sammy is expiring and he would like to receive instructions from the Department of their decision.

This is being forwarded at the request of Mr. Noonan who would like to receive word by Radiogram if possible.

Yours truly,
John Rauchman
for Thos. Robertson,
Inspector of Indian Agencies,
Saskatchewan.

The Secretary,
Department of Mines & Resources,
Indian Affairs Branch,
OTTAWA, - Ont.

JR/ED

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19113-3

, May 8, 1940.

Dear Sir:

As requested I enclose herewith our Branch file No.19113-3 concerning the matter of the murder of Mrs. Nelson Sammy, her mother and father and Constable Rhodeniser by Nelson Sammy. I shall be obliged if you will return it in due course.

Yours very truly,

T.R.L.M.

T. R. L. MacInnes,
Secretary.

M. F. Gallagher, Esq.,
Chief of Remission Service,
Department of Justice,
Ottawa.

Enclosure File No.19113-3

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

EX'D.
A.

June 15,1940.

Dear Sir:

I have to refer to my letter to you of May 8 with regard to the case of Nelson Sammy, charged with the murder of his wife, mother-in-law and father-in-law, and the Royal Canadian Mounted Police Constable, wherein I enclosed our file No. 19113-3 for your information.

I should be obliged if you would return our file if you have finished with it.

Yours very truly,

T.R.L.MacInnes.
Secretary.

M.F.Gallagher, Esq.,
Chief of the Remission Branch,
Department of Justice, Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

Pr. Albert Herald 8/6/40

Indian Loses Court Battle For His Life

REGINA, June 8.-(P) — Appeal against the death sentence launched by Nelson Sammy, treaty Indian of Carlyle, Sask., district was dismissed by the Saskatchewan court of appeal in a judgment delivered Saturday.

Sammy was sentenced to be hanged at Regina jail on July 5 for the murder of Constable W. Rhodeniser, R.C.M.P. near Carlyle last September when police closed in on him in a chase following murder of three Indians on the White Bear reserve.

The Indian was also accused of having murdered his parents-in-law and his wife and on these charges had been previously sentenced to 20 years in Prince Albert penitentiary for manslaughter.

Indian Affairs (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAF

Department of Mines & Resources
Indian Affairs Branch
JUN 27 1940
REGISTERED

C.C.511.
Your No. 19113-3.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA, June 25th, 1940.

Dear Sir:

Re: Nelson Sammy -
capital case.

In reply to your recent request, I return herewith your file No. 19113-3, and thank you for loan of same.

Yours very truly,

M. F. Gallagher,
for Deputy Minister of Justice.

T. R. L. MacInnes, Esq.,
Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
O T T A W A .

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

EX'D.
A.

June 26,1940.

Dear Sir:

I have to refer to my letter to you of May 1 with regard to the case of Nelson Sammy, Indian of the Whkte Bear Reserve, charged with murdere

Kindly submit a report with regard to the result of the appeal, if it has yet been heard.

Yours very truly,

TRLM

T.R.L.MacInnes.
Secretary.

G.A.Havers,Esq.,
Clerk in Charge Indian Agency,
Broadview,Sask.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

June 28,1940.

Dear Mr. Gallagher:-

I have given careful consideration to your request for any comments on behalf of this Branch concerning the case of Nelson Sammy, under sentence of death for the murder of Constable Rhodeniser, and the related question of commutation.

From the view point of the general problem of law enforcement among Indians, it may be pertinent to observe that latterly there has been an alarming increase in murder and homicide by Indians, and that the situation is regarded with grave and growing concern by this Branch. There have been some 16 cases, exclusive of Sammy, before us during the past two years, which appears to be a very high percentage for the Indian population of Canada which is approximately 120,000.

In none of these cases has the death sentence been imposed and acquittal or light sentence has been the rule. Such procedure, apparently, has not had a deterrent effect upon the Indians, as not only have the murders and homicides continued, but many cases of attempted murder also have been reported. It may be mentioned that during the previous 8 years, the number of cases was only 19, so that out of a total of 36 during a ten-year period, 17 in the past two years illustrates the seriousness of the trend.

It would seem that the prospect of jail sentences does not strongly impress these people, particularly as they know the possibilities of getting out on various grounds.

The death penalty, on the other hand, undoubtedly has lasting exemplary effect. You will recall the trial of the four George brothers, for the murder of Constable Gisborne, an employee of this department and Constable Carr of the Provincial Police, near Merritt, in B.C. in 1934, following which two of the accused were hanged.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Sentence and execution in this case were salutary. Previously officials of the department in the region ~~affected~~ near the scene of the crime, had frequently been threatened by Indians with violence, but such threats have now ceased there, and disorder in the Indian communities concerned has been much lessened. This is in striking contrast to later and less fortunate experience in other parts of the country, where lighter sentences have prevailed as above mentioned.

There is a further consideration which has an important bearing upon the present case. Respect for those in authority is essential to the maintenance of law and order in primitive and backward Indian communities, which category includes the Moose Mountain Reserve to which Sammy belongs. To that end the deterrent factor in punishment for crimes of violence against persons or officers has special value.

With the foregoing in mind I regret that this Branch cannot subscribe to the view that commutation of the sentence of Nelson Sammy would be in the public interest.

Yours very truly,

A.R.L.MacInnes.
Secretary.

M.F.Gallgher,Esq.,
Chief of the Remission Branch,
Department of Justice,Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113 3/

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

Department of Mines & Resources
Indian Affairs Branch
JUL 6 1940
REGISTERED

Letter No.....

Seal

Office of the Crooked Lake *Indian Agency,*

Broadview, Sask, July 3 19 40

Sir,

I enclose herewith Vouchers Nos. 183,

amounting to $ 980.40 *in favour*

of Ritchie A. Robertson B.A. Barrister etc., Carlyle, Sask.

for bill of costs re trial of Nelson Sammy

This expenditure was authorized by Departmental

Letter No...... *dated*.....

Your obedient servant,

G. Ottaway

Indian Agent

The Secretary,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa

Form No. I.A. 518
Requ. 5420

J

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113 3/

OFFICE OF THE INDIAN AGENT

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

PLEASE QUOTE FILE L 1.

Sept 4

Broadview Sask,
July 4th, 1940.

Department of Mines & Resources
Indian Affairs Branch
JUL 8 1940
REGISTERED

Dear Sir:

With reference to Departmental letter #19113-3, dated June 26,1940 re appeal of Nelson Sammy, White Bears Band, I beg to advise that I have received a letter from Mr. R.A.Robertson of Carlyle, Sask, in which he states "The Application which I made to the Court of Appeal on the 20th April last asking for a new trial on behalf of the above and on which they previously reserved their decision has now been refused. There is therefore nothing further that I can do for this man".

Your obedient servant,

G. A. Havers

G.A.Havers,
Clerk.

The Secretary,
Indian Affairs Branch,
Dept Mines & Resources,
OTTAWA, Ont.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

THE LEADER-POST, REGINA, SASK., JULY 4

File

NELSON SAMMY

Sammy Must Hang Friday For Murder

An old Indian woman came to Regina Thursday to see her son, Nelson Sammy, 35, who must hang at Regina jail Friday morning.

The old lady spent the morning waiting at the department of Indian affairs office in the federal building and in the afternoon she was taken to the jail to spend a few hours with her son, convicted of murder in the slaying of a Mountie, in his cell.

Sammy, who has spent his time in prayer with Major Philp of the Salvation Army, will be hanged at 12:15 a.m. mountain standard time Friday for the murder of Constable W. E. Rhodeniser, R.C.M.P., near Carlyle in August, 1939.

Word that the state department at Ottawa would not interfere with the sentence of the court, at Arcola in April, was received in Regina Wednesday evening.

Story of Violence

The execution will be the last chapter in a story of violence which took four lives during a wild weekend on the White Bear reserve in southeastern Saskatchewan.

Constable Rhodeniser was shot and killed when a police dog he was following trailed Sammy into a thicket on the reserve.

The police posse had spent a day and night seeking Sammy after his wife, Mrs. Ruth Sammy, and his parents-in-law, Old Lady and Old Man Shewack, were shot and killed on the reserve. The shootings followed a series of family troubles.

Sent to Prison

Sammy was first convicted of manslaughter in the deaths of his wife and her parents and sentenced to 20 years in Prince Albert penitentiary, but later, at the following court sitting at Arcola, he was tried for the murder of Constable Rhodeniser, found guilty and sentenced to be hanged.

The execution will be the second at Regina jail within a month. A short while ago Stanley Illerbrun, youthful farm worker, was hanged for the murder of Herbert Shill, his cousin and employer, at Shill's farm at Lebret.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

Saskatoon Star-Phoenix 5/7/60

19113-3

1 File
Dr McNeill
2. McNeill

Edmonton Bulletin 5/7/60

NELSON SAMMY IS HANGED FOR POLICE DEATH

REGINA, July 5.—Nelson Sammy's brief but spectacular career of crime came to an end on the gallows at Regina jail early today when the 35-year-old White Bear reserve Indian was hanged for the murder of Constable W. E. Rhodeniser, Royal Canadian Mounted Police, near Carlyle in August, 1939. He was pronounced dead at 12:25 a.m., M.S.T.

Sammy's aged mother spent a few hours with her son at the jail Thursday afternoon, after spending the morning waiting at the department of Indian affairs to obtain permission to visit him.

Sammy was first convicted of manslaughter in the deaths of his wife and her parents and sentenced to 20 years in Prince Albert penitentiary, but later, at the following court sitting at Arcola, he was tried for the murder of Constable Rhodeniser, found guilty and sentenced to be hanged.

Indian Dies For Murder

N. Sammy Hanged at Regina Jail This Morning; Killed Four Persons in 1939

Canadian Press

REGINA, July 5. — Nelson Sammy's brief but spectacular career of crime came to an end on the gallows at Regina Jail at 12.25 this morning when the 35-year-old White Bear Reserve Indian was hanged for the murder of Constable W. E. Rhodeniser, Royal Canadian Mounted Police, near Carlyle in August, 1939.

Sammy's aged mother spent a few hours with her son at the jail Thursday afternoon, after spending the morning waiting at the Department of Indian Affairs to obtain permission to visit him.

Sammy was first convicted of manslaughter in the deaths of his wife and her parents and sentenced to 20 years in Prince Albert Penitentiary, but later, at the following court sitting at Arcola, he was tried for the murder of Constable Rhodeniser, found guilty and sentenced to be hanged.

The execution was the last chapter in a story of violence which took four lives during a wild weekend on the White Bear Reserve in southeastern Saskatchewan.

Constable Rhodeniser was shot and killed when a police dog he was following trailed Sammy into a thicket on the reserve.

The police posse had spent a day and night seeking Sammy after his wife, Mrs. Ruth Sammy, and his parents-in-law, Old Lady and Old Man Shewack, were shot and killed on the reserve. The shootings followed a series of family troubles.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Return to Mr Young

Ottawa, July 6, 1940.

Dear Sir:

I have to refer to your letter of April 25 authorizing the employment of Mr. R.A. Robertson, Barrister of Carlyle, Saskatchewan, in connection with an appeal to the Court of Appeal with respect to Nelson Sammy, Indian of the White Bear Reserve, convicted of the murder of Constable Rodensier.

An account amounting to $980.40 has now been received from Mr. Robertson, which is enclosed herewith for taxation.

Yours very truly,

The Deputy Minister,
Department of Justice,
Ottawa.

Director.

T.L.Y

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

DC.

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Department of Mines & Resources
Indian Affairs Branch
JUL 17 1940
REGISTERED

OTTAWA July 16th, 1940.

Representative of the Treasury
JUL 18 1940
INDIAN AFFAIRS

A. 3 - M. & R.
Sask.

Dear Sir:

Referring to your letter of the 6th instant, I return herewith account of R.A. Robertson, Esq., Barrister, Carlyle, Saskatchewan, in connection with an appeal to the Court of Appeal with respect to Nelson Sammy, Indian of the White Bear Reserve, convicted of the murder of Constable Rodensier, which account I have taxed and certified for payment in the sum of $737.66.

AUDITED
FOR PAYMENT
JUL 18 1940
Treasury Office
I. A. BRANCH

Yours truly,

Enc.

for Deputy Minister.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

PLEASE ADDRESS ALL LETTERS TO
SUPERINTENDENT OF PENITENTIARIES
OTTAWA, ONT.
JAM/MH

DEPARTMENT OF JUSTICE CANADA

IN YOUR REPLY PLEASE QUOTE FILE No.
P.B. 3770

OFFICE OF
SUPERINTENDENT OF PENITENTIARIES

OTTAWA, July 15, 1940

The Commissioner
Royal Canadian Mounted Police
Ottawa.

Dear Sir:- Re: 3770, Nelson SAMMY
Saskatchewan Penitentiary

Please be informed that the above-named was executed on July 5, 1940, in the Regina Gaol, and the convict's name removed from the Penitentiary register as of that date.

Yours truly,

Geo. E. Shaw

Inspector
for Acting Superintendent

COPY

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

99640

ROYAL CANADIAN MOUNTED POLICE

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 39 B 636-13-G-9. OTTAWA, July 18, 1940.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

EX'D. G

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Department of Mines & Resources
Indian Affairs Branch
JUL 19 1940
REGISTERED

JSC/DL

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19113-3

OFFICE OF THE INDIAN AGENT

Ken Agent

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

Department of Mines & Resources Indian Affairs Branch OCT 9 1940 REGISTERED

PLEASE QUOTE E 5

Crooked Lake Agency,
Broadview, Sask.,
Oct. 1st, 1940.

EXD.

Dear Sir:

Re Nelson Sammy Estate

Replying to your letter of Sept. 13th No.40108. We have returned to the Department on Receiver General's Sheet No. 12 of Sept. 30th. the balance in the above account amounting to $57.12. This money was held until it was established that there were no outstanding debts.

There are two boys and four girls in this family. One boy is in Dynevor Hospital and one girl is staying with Mrs. Gerrard at Muskeg Lake the other children are at the Indian Residential School, Brandon, Man. Mrs. Gerrard is willing to adopt Doreen.

These children have no place to stay on White Bear Reserve and I recommend that their money be funded until they leave school.

Your obedient servant,

Credit ENTERED SAVINGS LEDGER.
A/c No 5706 = $57.12

W J D Kerley
Indian Agent.

Chief Treasury Officer,
Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Superintendent of the Treasury RECEIVED OCT 4 1940 INDIAN AFFAIRS

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

1937

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

File No. 19113-3

Credit Advice

ME

October 4th, 1940.

The following remittance has been received from

Indian Agent W.J.D. Kerley at Crooked Lake Agency

and recorded in the Official Cash Book Folio 161

Amount $ 57.12

Agency Receipt No. Part 30242 dated September 24th, 1940,

Payer on account of savings funded Nelson Sammy estate - Acct. 201.

Department of Mines & Resources
Indian Affairs Branch
OCT 11 1940
REGISTERED

J.H. Lee

For Treasury Branch.

C. T. 231
5M—23-1-40

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

File 94-108 (T.3)
Copy 19113-3

OTTAWA, March 4th, 1948.

W. J. D. Kerley, Esq.,
Indian Agent,
Broadview, Saskatchewan.

Reference is made to Application for Withdrawal of Savings dated February 10th, 1948 and you are advised that under separate cover a cheque for $40.00 in favour of Rosalie Alexson from Savings Account No. 108-40 should reach your office in the course of a few days.

The balance in this Savings Account is $206.16 and if the whole amount were forwarded it would be necessary to make the cheque payable to your Agency Trust Account in order that you might supervise the spending of the money. It would, however, be considered as an advance and Treasury officers would request that the full amount be accounted for before March 31st, next.

In order that the above named may have money to purchase groceries, etc. until April, a cheque for $40.00 only is being issued in her favour, and after March 31st you ~~may~~ might make application for the balance to be forward to your Agency Trust Account.

Reference is also made to the Application for Withdrawal of Savings for Richard Sammy and you are advised that under separate cover a cheque for $27.22 in favour of Richard and chargeable to Savings Account No. 108-27 should reach your office in the course of a few days.

According to our records the above named shares in Account No. 108-21 (Nelson Sammy Estate) the balance in which is $78.59.

According to our records the most recent correspondence on this Estate appears to be the agent's letter of October 1st, 1940.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

file E 5. At that time there were 2 boys and 4 girls in this family who apparently shared equally in the account. Please let us have the names of the children now living in order that we may determine Richard's share.

A. G. Leslie,
For Chief Clerk,
Trusts & Annuities.

JS/PT.

Indian Affairs. (RG 10, Volume 7469, File 19113-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

C.T. 17A
100,000—5-46

REQUISITION FOR CHEQUE

TO BE USED FOR ADVANCES OR AUTHORIZED PAYMENTS FOR WHICH THERE ARE NO ACCOUNTS

DEPT. NO.
FILE NO. 94-108
Copy 19113-3
TREAS. NO.

DEPARTMENT: Mines and Resources

BRANCH: Indian Affairs DATE: March 4th, 1948.

APPLICATION IS HEREBY MADE FOR THE ISSUE OF THE FOLLOWING CHEQUE OR CHEQUES:—

CHEQUE No	IN FAVOUR OF	AMOUNT
	Roselie Alexson	$ 40. 00
	Richard Sarsy	27. 22
		$ 67. 22

EX'D. M

c/o W. J. D. Kerley, Esq.,
Indian Agent,
Broadview, Saskatchewan.

STATE BELOW, WITH DETAILS IN EVERY CASE, WHETHER (a) STANDING ADVANCE, (b) ADVANCE FOR SPECIFIC JOURNEY—ESTIMATING NUMBER OF DAYS, (c) OTHER ACCOUNTABLE ADVANCE, OR (d) AUTHORIZED PAYMENT.

Roselie Alexson
$ 40.00 from Savings Account No. 108-40 / for personal expenditure.

$ 27.22 Richard Sarsy's share in Savings Account No. 108-27 for personal expenditure.

CHARGE TO
VOTE Trust Account No. 201. ENC. No.
ALLOTMENT
SUB-ALLOTMENT

I CERTIFY THAT THIS APPLICATION IS MADE UNDER THE REQUISITE AUTHORITY, AND THAT THE EXPENDITURE IS NECESSARY IN THE INTERESTS OF THE PUBLIC SERVICE.

A. G. LESLIE
HEAD OF BRANCH

M. McCRIMMON
DEPUTY HEAD

TREASURY OFFICE APPROVAL

Indian Affairs, (RG 10, Volume 7469, File 19113-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DORMANT

FILE NO. 19114-2 DORMANT

DORMANT

DORMANT FILE NO. 19114-2 DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

QU APPELLE
MURDER
INDIAN GIRL BY STONECHILD

CROSS REFERENCE

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EXD M	
12/5/18	Pa	9.5.57	[illegible]	Secy	Reg.	[illegible]	9.5.57

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19114-2

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

QU'APPELLE

MURDER

INDIAN GIRL BY STONECHILD

E. 701

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa Evening Journal
August 10/43.

INDIAN GIRL FOUND DEAD.

REGINA, Aug. 9. — Evelyn Severight, 16-year-old Indian girl, was found dead in bed in a suburban home here Sunday. Police, announcing the arrest of a man pending investigation, said that the girl apparently had been "beaten up".

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, August 11, 1943.

M. Christianson, Esq., General Superintendent of Indian Agencies, Regina, Saskatchewan.

I have noted a clipping in the Ottawa Evening Journal of August 10 reporting the death of Evelyn Severight, 16 year-old Indian girl, who was found dead in bed in a suburban home in Regina on August 8.

The report further states that a man has been arrested pending investigation, and that the girl apparently had been beaten up.

We do not appear to have any police report on the case, and I should be obliged if you would advise me with regard thereto in due course.

P.O.

Acting Director.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

"B.F." SLIP

"B.F."

FOR

Date August 23

Initials P.E.Y.

EX'D. A

R 741

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY ▲ FILM

(C.I.B.)
"F" Division

45R 637-8-289

REGINA, August 10, 1943.

The Deputy Attorney General,
Regina, Sask.

Sir:

Re: Evelyn SEVEIGHT - (T.I.) -
Sudden Death - North Regina, Sask.

1. I have the honour to confirm telephonic communication with Mr. Freleaven of your department yesterday, wherein advice was given that the captionally noted, a young Indian woman, had died suddenly at North Regina in the early A.M. of the 8th inst. and that investigation had disclosed that shortly before her death she had been assaulted by one Edward Stonechild, a Treaty Indian, who is serving as a private in the Army at the 12th District Depot, Regina.

2. Stonechild was taken in custody by a member of this Force in the P.M. of the 8th inst. This death was reported to Dr. Laurent Roy, Coroner, at the request of whom a post mortem was conducted by Surgeon Powers of this Force, which, it is understood, disclosed that the girl had died from injuries of the head.

3. In view of the nature of this case it was requested and kindly granted that the services of H. E. Sampson Esq., be authorised to act for the Crown at the inquest and to advise respecting what criminal proceedings should be taken in this regard. It is also requested that the services of a stenographer be authorised to take down the evidence at the inquest and to transcribe same if so directed by your agent, also to take down the evidence at any subsequent criminal proceedings and transcribe same if so required.

I have the honour to be,
Sir,
Your obedient servant,

Supt.
In Charge C.I.B.
(A. T. Belcher)

The O.C., R.C.M.P., REGINA Sub-Div.

Forwarded 10-8-43 in duplicate for your information. This will also confirm my telephonic communication yesterday morning wherein instructions were given that the facts of this case be placed before H.E. Sampson K.C., at the earliest opportunity and his advice followed respecting what Information and Complaint should be laid against Stonechild.

Supt.
In Charge C.I.B.
(A. T. Belcher)

The General Supt. of Indian Agencies,
Regina, Sask.

Forwarded 10-8-43 for your information.

Supt.
In Charge C.I.B.
(A. T. Belcher)

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(Letter to the Deputy Attorney General - August 10, 1943)

Re: Evelyn SEVREIGHT - Sudden Death -
North Regina, Saskatchewan.

The Commissioner, R.C.M.Police, OTTAWA, Ont.

Forwarded 10-8-43 in triplicate for your information. The Military Authorities have been advised regarding Stonechild's apprehension but copies of this letter have not been sent to the local authorities.

2. Confirmation copy of telegram is appended hereto.

Supt.
In Charge C.I.B.
(A.M. Belcher)

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

1-114

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE NO. 43 B 637-2-G-11 OTTAWA. August 13, 1943.

YOUR FILE No. _____

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
AUG 14 1943
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

GWM/MB

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr. Ford

Ottawa, August 16,1943.

The Deputy Minister, Department of Justice, Ottawa.

A telegram has been received from the General Superintendent of Indian Agencies at Regina, reporting that an Indian girl was recently murdered at Regina, and that Edward Stonechild, an Indian of the Muscowpetung Band, at present in the Armed Forces, is charged with murder.

I should be obliged if you would authorize the employment of counsel to defend Edward Stonechild. The preliminary hearing is to take place on August 19.

Deputy Minister.

Sent by hand August 14/43

TRLM
PEY

TRLM

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FORM 6122

CLASS OF SERVICE	SYMBOL
Full-Rate Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

CANADIAN NATIONAL TELEGRAM

D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

STANDARD TIME

Department of Mines and Resources
AUG 16 1943
REGISTERED

9Y DF 50/48 COLLECT NL NL

REGINA SASK AUG 15 1943-

1383

DEPT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH OTTAWA ONT

HAVE JUST RETURNED FROM TEN DAY TRIP SUPPOSE YOU HAVE SEEN PRESS REPORT THAT INDIAN GIRL WAS MURDERED HERE INDIAN STONECHILD MUSCOWPETUNG HAS BEEN CHARGED WITH THE MURDER INQUEST TAKES PLACE TOMORROW EVENING PRELIMINARY HEARING ON 19TH INST INDIAN SHOULD HAVE COUNSEL PLEASE INSTRUCT IMMEDIATELY BY WIRE

M CHRISTIANSON . 652PM.

This is a collect message and will be charged to your account unless we are notified at once to the contrary.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

To be returned to Indian Affairs when signed.

Ottawa, August 16,1943.

The Deputy Minister, Department of Justice, Ottawa.

A telegram has been received from the General Superintendent of Indian Agencies at Regina, reporting that an Indian girl was recently murdered at Regina, and that Edward Stonechild, an Indian of the Muscowpetung Band, at present in the Armed Forces, is charged with murder.

I should be obliged if you would authorize the employment of counsel to defend Edward Stonechild. The preliminary hearing is to take place on August 19.

Deputy Minister.

TRLM
PEY

T.R.L.M

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Toronto Globe and Mail 11/8/43

19114-2

Toronto Globe and Mail 11 August 1943

Murder Charged To Indian Soldier

Regina, Aug. 10 (CP).—Pte. Edward W. Stonechild, 25, today was charged with the murder of Evelyn Severight, 16, who was found dead in a suburban home Sunday. He was remanded to Aug. 17 without plea. Stonechild, a Treaty Indian from the Pasqua Reserve, was arrested shortly after the body of the girl was found in a bed at the home of Mrs. Angus McKay. Police said she had apparently been beaten late Saturday night while at another home in the neighborhood.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Lethbridge Herald 9/8/43

19114-2

Lethbridge Herald 9 August 1943

Indian Held For Death Of Sask. Girl, 16

REGINA Aug. 9—(CP)—A treaty Indian with the army in Regina, Pte. Edward William Stonechild, 25, was arrested by Royal Canadian Mounted Police Sunday in connection with the death of Evelyn Severight, 16, treaty Indian of the Kamsack district.

The girl, who had been in Regina for the past three weeks, was found dead in a bed at the home of Mrs. Angus McKay, North Annex suburb, at about 7 a.m. Sunday.

Police said that she had been at another home in the neighborhood late Saturday night and had apparently been beaten up. She had appeared at the McKay home at 1 a.m. Sunday and said she was not feeling good. She was put to bed.

Dr. L. Roy, coroner, was called and later in the day Dr. Maurice Powers, of the R.C.M.P., performed an autopsy

As a result of an investigation by the R.C.M.P. Pte. Stonechild was arrested. He is from the Pasqua reserve.

An inquest into the girl's death will be held at 7 pm. Aug. 16.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Regina Leader Post 10/8/43

19114-2

Regina Leader Post
10 August 1943

Indian Held For Murder

Pte. Edward William Stonechild, 25, of the Canadian Army in Regina, appeared before Magistrate E. S. Williams, K.C., in R.C.M.P. court and was charged with the murder of Evelyn Severight, 16, who died in North Annex, a Regina suburb, Sunday morning.

An original charge of assault occasioning actual bodily harm was withdrawn and replaced by the murder charge.

Stonechild was remanded without plea and will appear in R.C.M.P. court at 10 a.m. Aug. 17.

Inquest into the death of the girl will be held in the R.C.M.P. courtroom at 7 p.m., Aug. 16.

Funeral in Regina

Funeral service for Miss Severight, a treaty Indian of the Kamsack district, will be held at St. Mary's Roman Catholic church in Regina at 11 a.m. Wednesday.

The girl was found dead in a bed at the home of Mrs. Angus McKay, 400 block McIntyre street, at about 7 a.m. Sunday. Police said that she had apparently been beaten late Saturday night while at another home in the neighborhood.

As a result of an investigation by R.C.M.P., Pte. Stonechild was arrested Sunday. He is a treaty Indian from the Pasqua reserve.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Regina Leader Post 19/8/43

19114-2

Commit Indian

—For Murder

Pte. Eddie Stonechild, an Indian in the Canadian army, was committed by Magistrate E. S. Williams in R.C.M.P. court on Thursday to stand trial on a charge of murder.

Stonechild, charged with the murder of Evelyn Severight, 16, an Indian maiden, will be tried at next jury sitting of the King's bench court in Regina this fall.

Evidence at Stonechild's preliminary followed the same pattern as that given earlier in the week at the inquest, with Dr. Maurice Powers, chief of the R.C.M.P. crime detection laboratories, testifying that the girl had died of a fractured skull.

No Counsel

Stonechild was not represented by counsel. H. E. Sampson, K.C., appeared for the crown. Second Lieut. Eddie Stock was present for the army.

Other witnesses, chiefly all Indians, told of events at the home of Mrs. Grace Carrier, 482 Albert street, where Mrs. Carrier, Thomas John, Miss Severight and Stonechild were together on the evening of Aug. 7.

Evidence indicated that Stonechild—whom witnesses said had drunk wine, rubbing alcohol and shaving lotion during the evening—and Miss Severight had tussled in one of the rooms and the girl had struck her head on a wall, had been pursued to another room where, the witnesses said, Stonechild had struck her about the head with his fists.

The girl then fled the home, sought refuge at the home of Mrs. Margaret McKay, 470 McIntyre street, where she died early Sunday morning.

Regina Leader Post August 19-1943

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Regina Leader Post 17/8/45

19114-2

Died from Fracture

Story of how a 16-year-old Indian girl, Evelyn Severight, of Kamsack, Sask., died of a fractured skull after an evening at a home in a Regina suburb where one man poured drinks of rubbing alcohol and shaving lotion—separately and sweetened with water—was related at an inquest on Monday night.

The coroner's jury, gathered at the R.C.M.P. courtroom under Dr. L. Roy, returned a verdict that the girl died of a fractured skull but made no mention of how the injuries were suffered.

Dr. Roy asked the foreman if, in view of the evidence, the jury had not considered enlarging its verdict. The foreman said the jury did not consider that to be its responsibility.

Present at the inquest was Pte. E. Stonechild, also Indian, wearing a Canadian army uniform, who is held on a charge of murder and who will appear in R.C.M.P. court later in the week for preliminary hearing.

Examination of witnesses was conducted by H. E. Sampson, K.C., crown prosecutor. A watching brief for the army was held by 2nd Lieut. Eddie Stock. Jurymen were A. R. Riddell, foreman; John Shaw, George Sonoff, J. Cowhig, Arthur McInnis and Victor Olson. Stonechild was not represented.

Chief story of what happened the night of Aug. 7 when the girl was injured was told by Mrs. Grace Carrier, 482 Albert street, with whom Miss Severight had lived for three weeks, and Thomas John, both of them Indian.

They testified that they had returned to Mrs. Carrier's home about 11:30 p.m., from downtown and they had found Pte. Stonechild asleep in a bed.

Soon after, they testified, Miss Severight returned to the home from a visit downtown. Stonechild was awakened and he produced a bottle of rubbing alcohol and poured some drinks in tin cups. Stonechild, the witnesses said, drank two cups of the liquid while the others "just tasted it." He poured rubbing alcohol and then some shaving lotion.

Stonechild, they continued, tussled with Evelyn in one of the rooms of the shack and the girl fled to the other room where John and Mrs. Carrier were. Stonechild followed, the witnesses said, and, as Mrs. Carrier testified, he "hit Evelyn on the head with his fists."

Miss Severight and Mrs. Carrier ran outside and Mrs. Carrier told the girl to run to a neighbor's home.

Mrs. Margaret McKay, 470 McIntyre street, also Indian, testified that Miss Severight, whom she did not know personally, came to her home at 12:20 a.m., Aug. 8, and asked if she could stay the night.

The girl went to bed, she said, and soon after began to vomit. About 7 a.m., the witness said, she was awakened by the girl's heavy breathing and she was unable to awaken her so she went to a neighboring home and telephoned for a doctor and an ambulance.

Const. George Ferguson, R.C.M.P., said a call was received at the town station at 7:20 a.m., and he reached the McKay home at 7:25 and found the girl dead. An ambulance crew had arrived before him.

Pictures of the Albert street house and diagram of the area was presented by Const. T. Fahlman.

Report of the post-mortem examination was given by Dr. Maurice Powers, R.C.M.P., who said death was due to a depressed fracture of the skull. He said his examination revealed that there was no alcohol in the girl's system.

Other witnesses were two Indian girls, Violet Skinner and Flora Dubois, who told of meeting Pte. Stonechild on the market square on the evening of Aug. 7. They said he appeared to have been drinking and he had asked Miss Skinner to buy some rubbing alcohol. They left him outside a drugstore, Miss Skinner said, after Miss Skinner had refused to buy the rubbing alcohol.

Regina Leader Post - 17 August 1945

132

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

/CD

August 18th, 43.

B. 28. M. & R. - Sask.

Dear Sirs:

I have to state that the Minister of Justice has nominated you as counsel to defend Edward Stonechild, an Indian of the Muscowpetung Band, at present in the Armed Forces, charged with murder. You may expect word in the matter from the Indian Affairs Branch of the Department of Mines and Resources.

It is understood that this assignment if undertaken will be upon the same basis as work is accepted by agents of the Minister of Justice set out in the attached copy of "Instructions to Agents".

Yours truly,

Encl.

Asst. Deputy Minister.

Messrs. Hodges & Noonan,
Barristers,
Leader-Post Bldg.,
REGINA, Sask.

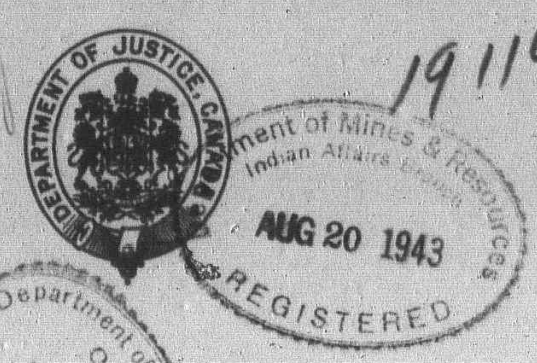
Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

/CD

19114



PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA August 18th, 19 43.

B. 28. M. & R. Sask.

Referring to your letter of the 16th instant, I have to state that the Minister of Justice has nominated Messrs. Hodges & Noonan, Barristers, Regina, Saskatchewan, as counsel who may be employed in the defence of Edward Stonechild, an Indian of the Muscowpetung Band, at present in the Armed Forces, who has been charged with murder. It is anticipated that Messrs. Hodges & Noonan will receive word of their nomination from your Department. I attach copy of letter to-day being addressed to them.

Encl.

Asst. Deputy Minister.

The Deputy Minister,
Dept. of Mines and Resources,
O T T A W A , Ont.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Copy of this letter sent to Mr. Christianson and Mr. Booth for their information.

Air Mail

Ottawa, August 21, 1943.

Messrs. Hodges and Noonan,
Barristers, etc.,
Leader-Post Building,
Regina, Saskatchewan.

Dear Sirs:

I have been advised by the Department of Justice that you have been nominated counsel to defend Edward Stonechild, an Indian of the Muscowpetung Band, at present in the Armed Forces, charged with the murder of a 16-year old Indian girl, and it is understood that you have received instructions from that department in the matter under date of August 18.

Please communicate with Mr. M. Christianson, General Superintendent of Indian Agencies, Dominion Public Building, Regina, and also with Mr. F. Booth, Indian Agent for the Qu'Appelle Indian Agency at Muscow, at your earliest convenience.

Please forward your account, in triplicate, to the department in due course.

Acting Director.

T.R.L.M

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FORM 264.

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

Division "F" Div. Fyle No. ..... Detachment REGINA SUB/DIVISION Regina Sub/Div. G.R.D.

Defendant Edward William SAUNDERS Residence District Depot Pk. R.C.A., Regina, Sask.

Alias ..... Occupation Soldier

Nationality and Colour Treaty Indian (Bad)

Status in Country Born in Canada

Offence and Section of Act Murder, sec. 263 CCC

Date and Place of Offence Highland Park district, Sask. August 8th.1943

Authority for Search ---

Arrest or Summons. Date ARRESTED 9-8-43

Date and Place of Hearing 9-8-43 at RCMPolice Court, Regina, Sask.

Heard by Magistrate E.C.Williams K.C. of Regina, Sask.

Prosecutor or Pros'g Counsel D/Sgt. Harmanson Defence Counsel ---

Witnesses .....

Finger Prints and Photo forwarded to Headquarters Taken by Cpl. Livingstone, Regina Town Station and forwarded on ~~August~~ 11-8-43.

Result of Hearing Remanded in custody to appear at RCMPolice Court, Regina, Sask. on August 17th.1943 at 10 a.m.

Bail — Information laid by:- D/Sgt.E.H.Harmanson

Bondsmen .....

Remarks 9-8-43

1 The charge against the above named reads as follows:- "For that he on or about the 8th day of August A.D.1943 at Highland Park, North Annex, Regina District, did murder Evelyn SAVERIGHT, contrary to the provisions of the Criminal code of Canada."

2 At about 7.15 a.m. on the above date, a telephone message was received at Regina Town Station to the effect that one Evelyn SAVERIGHT had died at 470 McIntyre St., Highland Park, Regina District, Sask. and Det.Ferguson of Regina Town Station, accompanied by Dr. Roy, Coroner of Regina proceeded to the scene. Cpl. Johnston i/c Regina Town Station on being advised that this girl had apparently died from violence visited the scene later, and advised the O.C. Regina Sub/Division.

Submitted by PEO

Fwd'd O.C. ..... Sub-Dist. Fwd'd O.C. ..... Division Fwd'd to Commissioner

In Charge Detachment In Charge Sub-District Commanding Division

Date ..... Date ..... Date .....

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

DIVISION FILE No. RE Edward William STONECHILD - Murder (PAGE) 2 F. 25 CONTINUATION
Highland Park District, Sask. (REGINA TOWN STATION CASE)

2. Pursuant to instructions received, Cst.T.J. Fahlman and the writer proceeded to Highland Park district at about 10 a.m., where we met Cpl. Johnston, Cst. Ferguson, and Cst. Goldrich. It was ascertained that Dr.Maurice Powers had visited the scene, and instructed that as soon as photographs were taken to take possession of certain exhibits and take them to the Crime Detection Laboratory.

3 Photographs of the body, the room where the body was found and the house where the girl is alleged to have been assaulted, were taken by Cst.Fahlman, and will be forwarded in due course.

4 Investigations were made, it was ascertained that one Pte Edward William STONECHILD of 12 District Depot, Regina, a treaty Indian, had got drunk on the 7th instant, and went to the home of one, Grace (Mrs Wilfred) Carrier at 408 Albert St. Highland Park district, in the late p.m., where he went to sleep on the bed awaiting the return of Mrs Carrier and other members of the house. Mrs Carrier is also a treaty Indian, her husband Reg.No.164808 Pte Wilfred Carrier, R.C.A.M. is overseas, and she has recently been working at the Grey Nuns Hospital, Regina and staying at 408 Albert St.

5 It was learned that Mrs Carrier and one Thomas JOHN, Treaty Indian, who has been keeping company with Mrs Carrier, returned home about 11 p.m. on the 7th instant, and found Pte Stonechild asleep on the bed. Shortly afterwards, Evelyn SAVERIGHT, age 16 yrs, Treaty Indian of the Pelly Reserve near Kamsack, Sask., who has been staying with Mrs Carrier at 408 Albert St., since the Regina Exhibition, in the middle of July 1943, came in. She stated that she got a ride home with some one. Pte Stonehouse was awakened, and he was found to be very drunk. He had some rubbing alcohol in a 4 oz bottle and consumed some, offering drinks to The ee John and Evelyn Saveright but it is not known if Evelyn Saveright had a drink. Shortly afterwards Evelyn Saveright laid down on a mattress on the floor in the corner of the bedroom, where she had previously been in the habit of sleeping. Pte Stonechild blew out the light and laid down on the mattress with her, and apparently either attempted or did have sexual intercourse with Evelyn Saveright, and badly abused her. She got up and ran to Mrs Carrier and told her that Stonechild had raped her. Pte Stonechild got up, only wearing short underwear and lit the lamp, and then started to strike Evelyn Saveright with his fists several times while she sitting or half lying on the bed with her shoulders and head against the wall. Mrs Carrier intervened and Pte Stonechild struck her too, but both of them managed to run out of the house with Pte Stonechild following Evelyn Saveright. Evelyn Saveright went to the home of Mrs Angus Bailey, 470 Lalonde St., a distance of about 850 yards away, where she was put to bed around 1.30 a.m. on the 8th instant and died shortly before 7 a.m. Mrs Carrier remained outside till about 5 a.m. until she was sure that Pte Stonechild had gone to sleep.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

6 It was learned that Pte Stonechild had left about 7 a.m. but had forgot to take his haver sack which was found under the bed, same indicated that his Army Reg.No. is 11097. I took possession of his haver sack and same was handed over to Cpl.Fahlman and Cpl. Ferguson who took possession of other exhibits at the house. Thomas John had also left but he was later located down town.

7 Inquiries were made at District Depot No.12, and it was ascertained that Pte Stonechild had returned to Barracks and was working in the Kitchen. On receipt of this information I got in touch with the C.C. Regina Sub/Division, and subsequently received instructions to lay a charge of Causing Bodily Harm against the above named, pending findings of Post Mortem Examination being performed by Dr.E.Powers. Information and Complaint was laid before Magistrate Williams under section 295 of the CCC and Warrant to Apprehend was issued.

8 Cpl.W.A.Johnston and the writer proceeded to District Depot Number 12, and with the co-operation of the Adjutant, Pte E.W.Stonechild was arrested in the presence of Sgt. Cobblestick of District Depot No.12 and a member of the Provost Company, and duly warned. After taking possession of his Uniform etc he was escorted to Regina Town Station, and on arrival there, was re-minded of the warning and questioned. The following voluntary statement was obtained from him:-

STATEMENT OF PTE EDWARD WILLIAM STONECHILD

9 Pte Edward William Stonechild Reg.No. 11097 of 12 District Depot, Regina, having been duly warned by M/Sgt.Hermanson that I am likely to be charged with murder of Evelyn Newright, and that I do not have to say anything and anything I do say may be used as evidence at my trial, do hereby make the following voluntary statement. Yesterday, Saturday, Aug 7th 1943 I came down Town at 2.30 p.m. or 3 p.m. I had a pass until 6 a.m. on Sunday June 8th 1943. I went to the King's hotel beer parlour and had some beer. I sat there about 2 hours, I was alone. I spent about $2.00 on beer for myself. I had about $3.00 when I came down Town but borrowed money from several different Soldiers I met during the evening. I dont know them by name but know them by sight in the Barrack room. From the King's Hotel I went to the Palmer Hotel Beer Parlour, where I had about 5 or 6 glasses of beer. I left there and went to the Liquor store on Scarth St. Regina and purchased a 15 oz bottle of gin and a 26 oz bottle of Wine. I walked down to the Station and City Hall and had a few drinks at each place by myself. I met Jack Klyne on the street and we went to the Station where we both had several drinks. Klyne had some liquor but I dont know what it was. We walked around the streets, had drinks in back allays and Station, until all the liquor was consumed. Earlier in the evening I saw Violet Skinner and Viora Sebanik, also Thomas John, Mrs Gartier and Evelyn. I was talking to them but dont

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement continued

9 to them but dont remember what was said. After Klyne and I finished the liquor we had we went to look for a bootlegger. We went on a street car but did not find one. I lost Jack Klyne on 8th Ave. After that I wandered around and cant remember what I did. I did not remember anything until I woke up at 7 o'clock this morning. I found myself sleeping on the floor in the corner of Mrs Carrier's place at 488 Albert St. North Annex. Mrs Carrier was in bed with Thomas John when I woke up. Mrs Carrier told me the other girl was sick and cold. I did not pay any attention as I was in a hurry to get back to Barracks as I was late. I have heard this statement read and it is correct, I give it of my own free will and accord. I have not been promised anything or threatened in any manner.

Sgd. E.W.Stonechild.

Witnesses W.A.Johnston A/Cpl.
K.H.Hermanson 6-3-45

10 Thomas John was questioned and stated that he threw away the four oz bottle which had contained rubbing alchohol and took us to 488 Albert St. where the bottle was located about 25 yards from the house. Same was taken possession and carefully handled in order that it can be checked for finger prints. We also took samples of water as Thomas John claimed that he emptied most of the rubbing alchohol he got into the wash basin as he could not drink it. The following is a statement taken from Thomas John:-

STATEMENT OF THOMAS JOHN

11 Thomas John, Treaty Indian, of the Pasqua Reserve, state as follows:- I have been staying at Mrs Carrier's place at 488 Albert St. North Annex, Sask for about 11 days. Evelyn Severight was also staying at Mrs Carrier's place. Last night I got to Mrs Carrier's place about 10 to 11 p.m. I got there about the same time as Mrs Carrier. She was just ahead of me. When I got there I saw Eddie Stonechild sleeping on the bed. He was fully dressed in walking out Uniform. A short time later Mrs Carrier awakened Stonechild. He was pretty silly and appeared intoxicated. I I did not have anything to drink all evening. I had seen Eddie Stonechild down town at about 5 p.m. He appeared drunk then. He gave me a drink near Market Square. I dont know if it was beer or wine. It was in a quart bottle. I believe he was with Violet Skinner and Flora Debault.. Evelyn Severight arrived at Mrs Carrier's place at 11 p.m. As soon as Evelyn got there he started to touch her. After awhile he produced a bottle from his sock, it was a small rubbing alchohol bottle, wrapped in paper. He asked for some cups and asked me if I wanted a drink. I asked him what it was and he saidit was pretty hot stuff. He fixed up one cup for me, using not quite half the bottle. He fixed up three cups using the whole bottle. I only took a couple of sips as I knew it was poison. I threw about half of it out of the window

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

DIVISION FILE No. RE Edward William STONECHILD - Murder (x2) Highland Park District, Sask. (REGINA TOWN STATION CASE) PAGE 3 CONTINUATION

Statement continued

11 of the window.

He drank every bit of the cup he had. I dont think Mrs Carrier drank any. Evelyn Sewright may have drank some all she got a tea-spoon of sugar for her cup and I saw her holding it but dont know if she drank any. I poured some of my drink in the wash basin. Stonechild sang for awhile and I helped him out. After awhile he asked me if I had a lotion to drink and he saw a bottle of Palmolive shaving lotion on the dresser, got it and poured it all in one cup. He took a drink and wanted me to have a drink but I poured it in either the wash basin or the pail. After that he asked me to roll a cigarette. I then said I was going to bed and he said he was going to bed too. I laid down on the bed, Mrs Carrier was writing a letter to her parents. Evelyn was lying on the mattress on the floor. Eddy blew the light out and I heard him fool around on the mattress where Evelyn was lying. Evelyn had her dress on but not her shoes and stockings. Mrs Carrier lit the lamp again and scolded Eddy. Eddy walked around for awhile and blew the light out again. Mrs Carrier was lying on the bed beside me. Eddy got on the mattress with Evelyn again. Evelyn said "I am not going to sleep with you" and got up. Eddy pulled her back and the next thing I saw was both of them on the mattress. I heard Evelyn say "Dont Eddy, leave me alone, you are hurting my hand on the wall" she also said "Dont bite me". She was pleading with Eddy to stop. They were in this position for 10 or 15 minutes. I heard them hitting against the wall and her pleading with him and crying. I believe that Eddy was trying to have sexual intercourse with Evelyn but I did not actually see what was going on. After that Evelyn jumped up from the mattress and Eddy got up and lit the lamp. It was one a.m. Eddy only had his short underwear on. He had taken his shirt and pants off. He went after Evelyn, and she tried to dodge him and throw herself on the bed. I had already got off the bed and was in the kitchen. Eddy started to strike her with his closed fist. He hit her hard about three times when she was on the bed with her shoulders against the wall. Mrs Carrier got up and tried to stop Eddie and he struck at her too. Evelyn got up and went to the kitchen, and later went out and I did not see her after. Eddy also went outside and came back in two or three minutes and went to bed. Mrs Carrier also went outside and stayed out until 2 to 3 o'clock. Mrs Kenny came over to the house about 7 or 8 o'clock and told Mrs Carrier that Evelyn was pretty sick. Mrs Carrier went back with her. Eddy got up, dressed and went back to Barracks. Mrs Carrier came back and told me that Evelyn was pretty sick and was dying and told me to leave or I would get in this trouble. Before I left I took the rubbing alcohol bottle and threw it behind the pump and then came to Town. I have heard this statement read and it is correct. ~~[illegible]~~ The rubber preventive on the floor belongs to me. I was blowing it up 3 days ago. I got it from Willie Stonechild.

Sgd. Thomas John

Witness R.H.Hermanson S/Sgt.

PTO

FILE NUMBERS, HEADING AND MARGINAL REFERENCE ARE TO BE PROPERLY FILLED IN.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

STATEMENT OF GRACE (NEE WILFRED) GARRIER.

Iz. Evelyn SEVERIGHT, 16 years, has been staying with me for about three weeks. Her home is at Kamsack. She was a Treaty Indian. Thomas JOHN has been staying with me for not quite two weeks. On Saturday, August 7th, 1943, Thomas John, Evelyn SEVERIGHT, and I went down town about two p.m. We went to the Metropolitan Store, Lloyd Cafe, and walked around town until 8 or 9 p.m. We had supper after Evelyn SEVERIGHT left us to go with Flora DUBOIS. We saw Eddy STONEHILD about 5 or 6 p.m. at the Market Square. We were with Evelyn SEVERIGHT, and Evelyn SEVERIGHT and Flora DUBOIS came with Eddy LONEHILD. Eddy had a bottle and offered us all a drink. Thomas JOHN had a drink with Eddy. Eddy wanted Violet to come with them, and she said, "No.", so he cursed her and hit her in the face with his fist. Violet went with him after he hit her. I saw Violet later on, and she told me she was sure that Eddy had been picked up by the Military Police as she had reported him to them. Evelyn did not have any intoxicating liquor of any kind to drink when I was in her company. I had never seen her take a drink until the other night. Thomas JOHN and I went home about 11 p.m. About 2 hours after we left Evelyn SEVERIGHT with Flora DUBOIS we went home on the street car. I entered the house first, and found the lamp lit, but dim. I saw Eddy STONEHILD lying on the bed asleep. About 5 or 10 minutes later Evelyn SEVERIGHT came in and sat down beside me and told me that she got a ride with a white man, an old fellow in a car. Evelyn did not appear to have been drinking, nor did she appear sick. When Evelyn came in the house, she brought in a matress, which she used for sleeping on the floor. The matress was always kept in the porch in the daytime. We sat smoking and talking for about 5 or 10 minutes, and I then awakened Eddy STONEHILD so I could go to bed. Eddy STONEHILD was very drunk, and started to tease Evelyn and said she looked like hell. Evelyn answered him in her own language. They talked this way about three minutes. Eddy asked Thomas JOHN if he wanted a drink, and he said "Yes". Eddy pulled a bottle out of his sock and said he had some hot stuff. The bottle was wrapped in brown paper. He told Evelyn to get some cups. She got two cups and some water. Eddy filled the two cups, and when he poured the stuff from the bottle in the water in the cup, it turned white. He gave one cup to Thomas, and told Evelyn to drink the other, and she said"I will sweeten it", and got some sugar. I noticed Evelyn raised the cup to her lips, but don't know if she drank any or not. I did not drink any. Eddy drank some of this liquid. About 12 midnight I took a writing pad, and started to write a letter. Evelyn was standing beside me. When I was writing the letter, Eddy came from behind me, and grabbed my breasts, and hit me on top of my head, and I said, "Don't, you're hitting me", and he blew the lamp out. I lit it again, and Thomas called me and said, "You might as well come to bed". He said "It is one o'clock, and we might as well all go to bed". Evelyn followed me into the bedroom, and sat on the bed with me. Eddy wanted to sing, and started to sing. Thomas sang with him. While they were singing, they walked into the kitchen. While they were there, Evelyn took her shoes and stockings off, and went to the mattress on the floor to go to bed. Eddy threw himself down on the floor, and the

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Statement continued:

12. floor, and the next thing I heard was Evelyn saying "Ouch, don't, you are hurting my head", and I heard her pleading with him to quit. She said, "Don't, you are biting me", and she was crying. She got up and came to my bed. Eddy got up and lit the lamp. He was in his shorts. I asked Evelyn if he got her, and she said "Yes, he was biting and hurting me". In a whisper I told her to run out, and just then Eddy charged at Evelyn, and she jumped further onto the bed, and got behind me. She was close to the wall. Eddy started to hit Evelyn with his fists and slapped her. He hit her several times, at least a dozen times. She was almost screaming, and was crying, when he was hitting her. I tried to stop him, then he hit me twice with his fists. I got up and went ot the kitchen, and Evelyn also got up and came to the kitchen. I told her to get out, and she said "my shoes", and I told her not to mind her shoes, and she went out. Eddy ran after her. I told Fanny I was not staying if Eddy was going to be there, and also went out, and met Eddy coming in. I stayed out till about 5.30 a.m. When I came in Eddy was asleep on the floor, and Thomas JUNE was asleep on the bed. Mrs. McKAY came and knocked at the door at about 6 or 7 a.m. and asked me what was wrong with my girl, that she could not wake her up. I went back with her and found Evelyn breathing heavily, and she appeared to be dying. I went back to my place and told Thomas JUNE, that she was dying and that he [Eddy] had killed her. This woke up Eddy STONEHILD and he cursed me and said, "Why in hell didn't you wake me up earlier?", and I said "Shut up, I got the police after you", and he said "F--- the damn police". He dressed and left. He left his small bag behind. After that I went back to Mrs. McKAY's and found that the girl had died. Thomas JUNE did not get intoxicated nor did he take any part in the fight. I forgot to mention that on another occasion during the evening Eddy STONEHILD came behind me and hit me on my shoulder, and pulled my arms back. I have heard this statement read, and it is correct.

(sgd) Mrs. Grace CARRIER.

STATEMENT OF MRS. MARGARET (ANDERS) McKAY, 470 McIntyre St. Regina

13. "About 1.30 this morning, this girl, I didn't know her name, though I knew she was staying with Mrs. Carrier, came to my door, got me out of bed and asked if she could sleep in my house for the night, as she had been hit by someone, and had run away. I made a bed for her to sleep on; after we were in bed she started throwing up. I went to sleep and woke up about 6.30 a.m. I heard a noise and looking at the girl, I saw foam coming out of her nose and mouth. I tried to wake her up, but couldn't. Then I got dressed went to Highland Park Service Station and tried to get someone on the phone, but couldn't, because they were not up yet. On my way back, I called in to Mrs. CARRIER's, and asked her what was wrong with her girl. I came back from Mrs. CARRIER's and then went over to Mrs. ALLANT's and phoned the doctor. Regina, I think. He told me to phone for an ambulance, which I did. The ambulance arrived soon afterward, as did the doctor and the police. I have had

(P.T.O.).

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Statement continued.

13. I have had..... this statement read over to me and it is true to the best of my knowledge. (sgd) Mrs. Margaret MCKAY.

STATEMENT OF FLORA DUBOIS. 1049 St. John St. Regina, Sask.

14. "I was with Evelyn SEVRIGHT from about 7 p.m. to about 9.30 to 10 p.m. Saturday night, August 7th, 1943. She did not have anything to drink while in my company. She did not get hurt while she was with me. I last saw her at the Lloyd Cafe at about 10 p.m. She told me she was going home. I left her because I left with my boy friend Norman FORTHAS. Evelyn was alone when I last saw her. Evelyn was not with any man that night. I have heard this statement read, and it is correct.
(sgd) Flora Dubois.

STATEMENT OF VIOLET SKINNER. 1049 St. John Street, Regina.

15. "I have known Edward STONEHILD by sight for quite a while. In May 1943, I became better acquainted with him. I met him at the Lloyd Cafe, Regina. He asked me where I was staying, and I told him I was staying at the Regina Hotel, with my aunt Eliza KASHAFACE. He told me that he also had a room there with his brother Joe STONEHILD. About 3 o'clock in the aft afternoon, on Friday May 28th, 1943, Edward and Joe STONEHILD came to our room. They asked us to go to their room, number 48. We both went in there and had a few drinks of wine and whiskey. My aunt and I both got a little drunk. Eddy was pretty drunk, but Joe was not bad. Joe left the room about 7 p.m. Eliza left shortly after. Eddy would not let me leave the room. He locked the door and beat me up. He hit me with his fists, and took my clothes off and told me to go to bed. He hit me and had sexual intercourse with me. I stayed with him all night. About 11 p.m. we left the room and went to our room. Eliza was there. I wanted to stay with Eliza, and Eliza tried to keep me back, but he hit her and bruised her face. I have slept with Eddy STONEHILD twice at the Regina Hotel. It was on May 28th and 29th. He also beat me on May 29th, 1943. He also had intercourse with me that night. I have never been out with him since then. I met him on Saturday night, August 7th, 1943, near the Market Square, at about 7 p.m. He was pretty drunk then and had a bottle of liquor in his pack sack. He offered me a drink but the only one that took a drink was Thomas JOHN. He tried to take me away from Flora DUBOIS, Mrs. CARRIER, Thomas JOHN, and Evelyn SEVRIGHT. He hit me in my face with his fist. He hit me real hard, and it dazed me a little. I went with him, and he took me to a drug store on Eleventh Avenue, and asked me to go in and buy him a bottle of rubbing alcohol, and gave me twenty five cents. I went in the store, but did not ask for any. I came out and told him they would not give me any, so he went in the store himself, and I left. I did not see him again that night. I saw Flora and Evelyn again at 9 p.m. on South Railway Street. Flora was with Evelyn until 10 p.m. Evelyn was in good health and appeared happy. She did not appear to have been drinking. I have heard this statement read, and it is correct.
(sgd) Violet Skinner.

(P.T.O.).

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

16 Edward Stonechilds married and has two children, and information has been received that he was in the habit of beating his wife so she is endeavouring to obtain a separation.

17 Sgt. G.Ferguson summoned a Jury at the request of the Coroner, and the body was viewed at the Co-op Undertakers Parlours, Regina at 7 p.m. The body was identified by Thomas JOHN. Mrs Carrier and Mrs Kelly were also present. After the view of the body the Inquest was adjourned until 7 p.m. on Monday, August 16th.1943, to R.C.M.P. Court Room, Regina.

2-8-43.

18 Information has been received that Evelyn SEVENIGHT had a fracture of the skull, accompanied by a haemorrhage, which caused her death. In view of that,on instructions received,this case was taken up with Mr.H.E.Sampson K.C., Agent of the Attorney General, Regina, Sask.regarding the laying of any other charge against the above named, and instructions were received to lay a charge of Murder.

19 Accused appeared before Magistrate E.S.Williams at Regina at 11 a.m., and the charge of Assault Occasioning Bodily harm under section 295 was withdrawn, and a charge of murder under section 263 of C30 was laid. He was arraigned on this charge, and remanded in custody to appear again at 10 a.m. on the 17th instant.

20. When the accused was arrested, two liquor permits were found in his possession, one issued by the British Columbia Liquor Control Board on March 12th, 1943, No.[illegible], and the other by the Saskatchewan Liquor Board on May 25th, 1943, by James Gale, clerk at Hearth St. Liquor Board Store, Regina, No. 95424. It is observed from this liquor permit four purchases of hard liquor were made on May 25th, May 27th, June 1st, and Aug. 7th, 1943, and eleven wine purchases on May 25th, 27th, 28th, 29th, 30th, June 1st and 12th, July 31st, 31st, and 31st, and Aug. 7th, 1943. Check of records at the Hearth St. Liquor Store indicated that E. W. STONECHILD did purchase one thirteen ounce bottle of Gilbey's Gin and one twenty six ounce bottle of Sherry wine on August 7th, 1943, from F. TASHER, cashier and acting manager. Information was received that the Head Office of the Liquor Board had sent out a circular under date of July 31st, 1943, with names of persons who had purchased more than one Liquor Permit, with instructions not to sell these persons any more permits, without getting in touch with the Head Office. The name of Pte. E. W. STONECHILD, Reg.No.[illegible]1097, was on this list. In view of this I got in touch with Mr. KENNING of the Saskatchewan Liquor Board, and on checking their records it was found that STONECHILD purchased two liquor permits on May 25th, 1943. The Liquor Board had communicated with STONECHILD in British Columbia where he was stationed and he had replied stating that he had purchased two because he lost one. However, this statement is not considered true because both permits had been purchased the same day. They had written Stonechild demanding that he return both permits but he had failed to do so, and as they thought he was still in British Columbia had not taken any further action on account of not being able

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY FILM

23. (cont'd) ....BUT BEING ABLE.....to proceed against him while in British Columbia.

24. Enquiries have been made with a view to locating the person who is supposed to have driven Evelyn SEVERIGHT to 482 Albert Street, but without success. It appears that Flora DUBOIS was the last person to see Evelyn Town town, and she was then alone, and stated she was going home. That was around ten o'clock p.m. and as it is believed that she returned home around eleven p.m. it does not appear that she spent any time with anyone else. It is possible that the person who drove her home, may not have been acquainted with her, but gave her a ride, on account of going in the same direction.

25. Enquiries are being continued with a view to locating Jack KLYNK, mentioned in statement of STONECHILD, and interrogating him. Norman POTTRAS will also be interviewed to determine what time he last saw Evelyn SEVERIGHT at the Lloyd Cafe.

26. From investigation made, it would appear that Evelyn SEVERIGHT was sober, and in good health, when she returned to 482 Albert Street, Regina District, at about 11 p.m. on August 7th, 1945. It is also believed that she was not very well acquainted with the accused, and became an innocent victim of his violence. The room in which Evelyn SEVERIGHT was assaulted is nine feet by eight feet six inches, and contained a fifty-three inch bed in the north west corner, and a small cupboard in the north east corner, and the mattress on the floor in the south east corner. Diagram of the house and photographs are being prepared by Cpl. Fahlman.

27. Mrs. CARRIER, Mrs. McKAY, and Thomas JOHN have been served with summonses for the Inquest by Cpl. Ferguson, to make sure they will not leave town. Before any more summonses are served, this case will be taken up with Mr. SAUNDERS, K.C.

28. Mr. POWERS has advised that he will be able to be present at the Inquest on the 16th. instant, but will not be here on the 17th. inst., and it is therefore intended to again adjourn the preliminary hearing, possibly to the 19th instant.

29. Report is also being submitted by Cpl. Ferguson of Regina Town Station, covering inquest, taking possession of exhibits, and etc.

30. Form 246 attached covering the Liquor Permits and the Purchase Slip.

31. Extra copies of report attached for information of Regina Town Station and Mr. SAUNDERS, K.C., Agent of the Attorney General.

PROSECUTION WITNESS. S/Sgt.
CARRIER FERGUSON. Reg.No.10452, R.C.M.Police.
D.R. 31-8-45. I/C. Regina Sub/Div. C.I.B.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

RM 8-32-4 RE: Albert William SPENCHILD - Murder
Highland Park District, Sask.
(REGINA TOWN STATION GAM)

The N.C.O. in charge,
R.C.M.P., Town Station,
REGINA, Sask.

1. Forwarded for your information. Kindly instruct that a report be submitted with Form 246, with as little delay as possible, including information as to whether this death has been registered in accordance with the Vital Statistics Act.

12-6-43 R.F.A.Lindsay, S/Insp.
URGENT Commanding Regina Sub-Division.

The O.C., R.C.M.P.,
"F" Division,
REGINA, Sask.

1. Forwarded, with Form 246 No.172-43 attached. The investigation in this regard has disclosed that one Evelyn SEVERIGHT, Treaty Indian, of the Pelly Reserve near Kamsack, Sask., aged 16 years, was seen in the city of Regina at 10 P.M. on Saturday, August 7, 1943 in normal health. At 11 P.M. she returned alone to the shack located at 482 Albert Street, Highland Park District (North Annex) Regina, which was occupied by Grace (Mrs.Wilfred) GARNER with whom she had been living.

2. Mrs. Garner and one Thomas JOHN, Treaty Indian, had arrived at the shack a short time earlier and found L.1097 Private Edward William SPENCHILD, Treaty Indian of Ka.12 District Depot asleep on the bed. Private Spenchild was awakened and found to be very drunk. He then consumed part of a bottle of rubbing alcohol and a quantity of Palmolive Shaving Lotion. Shortly afterwards, having noticed that Evelyn Severight had gone to bed on a mattress on the floor of the bedroom, he went into the room, blew the lamp out and from sounds heard it appeared that the girl was being assaulted. She got up and went to Mrs. Garner, who was on the bed, saying that she had been raped. The accused followed and commenced striking her on the head, which was then against the wall, with his fists. Mrs. Garner intervened but was also struck. Both women then ran out of the shack, Evelyn Severight going to the home of Margaret (Mrs.Angus) McKAY, 490 McIntyre Street, about 200 yards away, where she was put to bed at 1.30 A.M. At 6.30 A.M. 8-8-43, Mrs. McKay heard her breathing heavily, noticed foam coming from her nose and mouth and tried but was unable to awaken her. She then called Dr. E.O.Hoehne, M.D., and an ambulance. The Coroner, Dr. L. Hay, Surgeon H. Powers and members of Regina Town Station Detachment arrived a short time later.

3. Upon being advised of the facts, same were communicated by me

Cont'd Page 12

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

RE 43-8-78

RE: Edward William SNOWSHOES - Murder (265)
Highland Park District, Sask.
(REGINA BOOK ARAMICH CASE)

to the Officer in Charge, C.I.B., and S/Sgt. Hermanson was detailed to take charge of the investigation with Cst. Fahlman to assist. The facts having been verified later on Sunday, August 8th, I instructed that an Information be laid charging the accused with Assault, Occasioning Grievous Bodily Harm (295) C.C.C., a Warrant obtained and executed, and that the accused be properly warned and advised that a charge of murder would probably ensue and his statement accepted if volunteered. This procedure was followed and a statement obtained.

4. It is understood that an Autopsy was performed by Surgeon Severs during the afternoon of the 8th instant and it was ascertained that death resulted from a fracture of the skull accompanied by a hemorrhage. The Coroner's Jury, which was summoned, viewed the body at the Co-Op Undertaking Parlours at 7 P.M. 8-8-45, when same was identified and the Inquest was adjourned until 7 P.M. on Monday, August 16th, 1945.

5. With reference to the telephonic instructions of the Officer in Charge, C.I.B., of the 9th instant, S/Sgt. Hermanson was instructed to have Mr. Sampson apprised of the full facts in this regard and his advice followed. In conformity with his instructions, the accused appeared before Police Magistrate R.E.Williams at 11 A.M. on Monday, August 9th, charged with murder (265) C.C.C., and the information previously laid was withdrawn. The Court remanded the accused in custody until 10 A.M. on Monday, August 17, 1945.

6. Officials of the Department of Indian Affairs were advised of this death and the necessary arrangements for the burial of the deceased made by them.

7. In the event that Grace (Mrs. Wilfred) GARDINER is drawing dependent's allowance and assignat pay on behalf of her husband Lance Private Wilfred GARDINER, R.C.A. (overseas), the contents of Paras. 4, 11 and 12 above will no doubt prove of interest to the Chairman, Dependent's Allowance Board, Ottawa.

8. Additional reports, photographs of the scene of the offence and Form 266 covering exhibits and property of the deceased, will be forwarded with as little delay as possible. A copy of this report has been forwarded to Mr. R.E.Sampson, K.C., for his information.

K.F.A.Lindsay, S/Insp.
Commanding Regina Sub-Division.

12-8-45
KFALINS

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R. C. M. POLICE,
OTTAWA

19114-2

COPY
Placed on file
File 452-6

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

FILE No. 43 B 636-13-G-3

OTTAWA, August 19, 1943.
CANADA

Re: L1097 Pte. Edward William STONECHILD,
District Depot No. 12, RCA, Regina, Sask.

Attached, for your information, is copy of a report from our Regina office, dated 14-8-43, in which it will be noted that the above named Indian has been charged with Murder in connection with the death of Evelyn Severight, another Treaty Indian, from injuries allegedly inflicted by the accused at Highland Park, North Annex, Regina, Sask., on the 8-8-43.

2. Further reports in this regard will be made available to you as they are received at this Headquarters.

H. Darling, Supt.,
Assistant Director,
Criminal Investigation.

TO: The Director,
Indian Affairs Branch,
Department of Mines & Resources,
OTTAWA, Ontario.

Encl.

Copied

Department of Mines & Resources
Indian Affairs Branch
AUG 21 1943
REGISTERED

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114

2/

OFFICE OF THE
GENERAL SUPERINTENDENT
OF AGENCIES

CANADA
DEPARTMENT
MINES AND RESOURCES

INDIAN AFFAIRS
BRANCH

Department of Mines & Resources
Indian Affairs Branch
AUG 24 1943
REGISTERED

File #311-8
310-8

Regina, August 21, 1943.

Indian Affairs Branch, Department of Mines & Resources, OTTAWA.

I wish to bring to your attention that I wired you a Night Letter last Sunday, August 15th, asking that counsel be furnished for Edward Stonechild, an Indian from the Muscowpetung Reserve, Qu'Appelle Agency, who is in the Canadian Army, and charged with the murder of Evelyn Severight, Treaty Indian girl from the Pelly Agency, Kamsack, Saskatchewan.

I did this knowing that our Department furnishes counsel in the case of murder, and the R.C.M. Police Sergeant to whom I was speaking was very anxious that the counsel that was going to be furnished for Stonechild be present at the Inquest. However, the Inquest has now taken place, also the Preliminary Hearing, and Edward Stonechild was committed for trial at the Court of the King's Bench in about two weeks' time.

I have had so many calls from the Army, the R.C.M. Police, and other people asking if counsel is going to be furnished for this Indian and all I have been able to tell them is that I wired you but as yet have received no reply. May I be advised what steps are going to be taken.

M. Christianson

M. Christianson,
General Superintendent of Indian Agencies.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mr Young

AIRMAIL AIR MAIL

Ottawa, August 24,1943.

M.Christianson,Esq., General Superintendent of Indian Agencies,
Regina,Sask.,

I have to refer to your letter of August 21 and previous correspondence with regard to the death of Evelyn Severight, and the arrest of Edward Stonechild on a charge of murder.

Following your telegram I immediately communicated with the Department of Justice requesting them to authorize the employment of counsel to defend Stonechild. This was not received until after the Preliminary Hearing on the 19th, but I wrote to you on August 21 by airmail, and also to the Indian Agent; and to Messrs. Hodges and Noonan, the defending counsel appointed by Justice. Presumably this letter crossed with yours and will have been received by this time.

As you are doubtless aware this department does not engage counsel and authority has to be obtained from the Department of Justice to defend Indians in cases of this nature.

BL

T.E.L.M

Acting Director.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

OFFICE OF THE
GENERAL SUPERINTENDENT
OF AGENCIES

INDIAN AFFAIRS
BRANCH

19114

Department of Mines & Resources
Indian Affairs Branch
DEPARTMENT OF MINES AND RESOURCES
AUG 23 1943
REGISTERED

File #310-8

Regina, August 18, 1943.

Indian Affairs Branch, Department of Mines & Resources, OTTAWA.

I wish to acknowledge receipt of your letter of the 11th instant, no file number, regarding the death of Evelyn Severight.

At the time this happened I was absent from the city. However, when the tragedy occurred Evelyn Severight was staying with Mrs. Wilfred Carriere, a woman from the Piapot Reserve whose husband is Overseas. Mrs.Carriere is working at the Grey Nun's Hospital here in the city.

Evelyn Severight and Mrs. Carriere were down town on Saturday evening, August 7th last, and they met Edward Stonechild, an Indian from the Muscowpetung Reserve, Qu'Appelle Agency, who is stationed in the Army here in Regina. When they met Edward he was under the influence of liquor but to cut a long story short they all arrived home at Mrs. Wilfred Carriere's place sometime about 11.30 P.M. Mrs. Carriere evidently had a bed in the shack where she is living but a mattress was being used on the floor for Evelyn to sleep on. Also present was another young fellow from Pasqua Reserve by the name of Thomas John Agecoutay. It came out at the Inquest that Thomas John was lying down on the bed with Mrs. Carriere and Stonechild was lying down on the mattress with Evelyn Severight. However, evidently Evelyn did not want to give in to Stonechild. They then jumped up off the mattress and he struck her on the head several times. The two women then ran out of the shack and Evelyn went across the road to a Mrs. McKay's house. At the Inquest Mrs. McKay stated Evelyn had gotten up to vomit shortly after she went to bed, and in the morning when Mrs. McKay got up she found Evelyn dead. She immediately called the Police and the R.C.M. Policeman stated at the Inquest that Evelyn was dead when he arrived there. The Police Doctor stated Evelyn had come to her death from a haemhorrage caused by a blow on the head. Edward Stonechild was arrested and charged with murder. He is married to a half-breed girl from Lebret and they have two children. When he was arrested it was found that he was carrying a liquor permit from British Columbia and also a liquor permit issued to him in this city.

M. Christianson

M. Christianson,
General Superintendent of Indian Agencies.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

PHONE 7878
DAY - NIGHT

J. D. JACKSON,
MANAGER

VICTORIA AVE. AT HAMILTON ST.

Regina, Sask., August 16 1943

M Department of Indian Affairs,

Federal Bldg., Regina

IN ACCOUNT WITH **Funeral Co-operative Association Limited**

FINE FUNERAL SERVICE

TERMS—CASH

August	8	Services for Evelyn Severight,		
		To casket, use of mortuary for autopsy,		
		and professional services	45	00
		To cemetery	5	00
			50	00

SASKATCHEWAN INSPECTORATE
AUG 17 1943
REGINA, SASK.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

PAY TO Funeral Co-Operative Association Limited,

ADDRESS Victoria Avenue at Hamilton Street,

REGINA,

Saskatchewan.

THIS SPACE FOR TREASURY ONLY

CHEQUE NO.

DATE

VOTE		AGENCY	
ALLOT.	E. R.	AMOUNT	
TOTAL			

EXAMINED AND FOUND CORRECT

DATE

DATE 1945		SERVICE	AMOUNT
August	8	RE: Services for Evelyn Severight, Cote Reserve, Pelly Agency, as per attached invoice.	50.00
		Vote 75; Allot. 11-945; Voucher No. 134; Forwarded to Ottawa August 17, 1945.	
		TOTAL	50.00

ACC. No. 142

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just, also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

GENERAL SUPERINTENDENT OF INDIAN AGENCIES.

FORM No. I.A. 506
R. 594

VOUCHER No. 134

DATE August 17, 1945.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114

OFFICE OF THE
GENERAL SUPERINTENDENT
OF AGENCIES

CANADA
DEPARTMENT
OF
MINES AND RESOURCES

INDIAN AFFAIRS
BRANCH

Department of Mines & Resources
Indian Affairs Branch
AUG 23 1943
REGISTERED

File #310-12B

Regina, August 18, 1943.

Indian Affairs Branch, Department of Mines & Resources, OTTAWA.

I am herewith attaching our voucher No. 134 for $50.00 in favour of the Funeral Co-Operative Association Limited and I think this is very reasonable.

The deceased was a member of the Cote Band in the Pelly Agency and I have forwarded Agent Bryant a copy of the voucher.

The girl in question was working here in the city and came to her death last Sunday morning from a fractured skull as a result of blows delivered by Edward Stonechild, a soldier and member of the Muscowpetung Band, Qu'Appelle Agency. This girl was staying with Mrs. Wilfred Carriere, whose husband is Overseas. Mrs. Carriere is from the ~~James Smith~~ Piapot Reserve and is working at the Grey Nuns' Hospital. I believe Evelyn Severight was working there also.

At the Inquest Mrs. Carriere stated she and Evelyn Severight had met Edward Stonechild down town and he went home with them. She admitted Stonechild was partly drunk, and he and the Severight girl went to bed on a mattress on the floor. Later Mrs. Carriere heard the girl say "Don't do that Edward", and she started to cry. They then got up off the mattress and Edward Stonechild hit the Severight girl on the head several times. This, the Doctor claimed, was the cause of her death because one of the blows started the fracture which was the cause of her death. Edward Stonechild is now being charged with murder.

I would recommend the voucher for payment.

M. Christianson

M. Christianson,
General Superintendent of Indian Agencies.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114

HODGES & NOONAN

BARRISTERS, SOLICITORS & NOTARIES PUBLIC

PERCY G. HODGES, K. C.
EDWARD D. NOONAN, K. C.

LEADER-POST BUILDING.
REGINA, SASK.

Receipt Noted

August 23rd, 1943.

Department of Mines and Resources,
Indian Affairs Branch,
Ottawa, Ontario.

Department of Mines & Resources
Indian Affairs Branch
AUG 26 1943
REGISTERED

Dear Sirs:

Re: Rex vs Stonechild.

We thank you for your letter of the 21st instant and we have also received notification from the Department of Justice of our appointment as counsel to defend the above named accused. We have obtained a copy of the evidence at the preliminary hearing and have also had a full consultation with Mr. Christianson and will appear at the trial and do everything possible on behalf of the accused.

Yours truly,

HODGES & NOONAN,

Per:

EDN/MT

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs

(C.I.B.)
"F" Division,

REGINA, Saskatchewan,
August 24th, 1943

43 R 636-4-3.

C 12 S - 43. C B 345 A

The Deputy Attorney-general,
REGINA, Sask.

Sir:-

Re: Edward William STONECHILD (T.I.) -
Murder (263) C.C.C., Coronation Park,
Regina District, Saskatchewan

1. I have the honour to attach hereto a copy of Regina Sub-Division C.I.B. report dated August 20th, 1943, also copies of Regina Town Station reports dated August 15th and 17th. The report of August 17th covers the results of the Inquest, and the findings of the Coroner's Jury are included in para.(8).

2. The Regina C.I.B. report dated August 20th gives the results of the Preliminary Hearing, which was proceeded with before Police Magistrate Williams at Regina on the 19th instant, Mr. H.E. Sampson appearing for the prosecution. The Accused was not represented by Counsel.

3. At the conclusion of the evidence the Magistrate committed the Accused to the next Court of Competent Jurisdiction, Regina, for Trial.

I have the honour to be,
Sir,
Your obedient servant,

Supt.
In Charge, C.I.B.
(A.T.Belcher)

The Commissioner,
R.C.M.Police, OTTAWA, Ont.

Forwarded - 24-8-43- in triplicate for your information, with triplicate copies of the three above mentioned reports attached.

Supt.
In Charge, C.I.B.
(A.T.Belcher)

REGINA

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOU
Crime Detection Lab

C Q.31-354 Regina, Sask.

AUTOPSY REPORT

On Sunday, August 8th, 1943, at the request of Coroner, Dr. Laurent A. Roy, I proceeded to the Mortuary of the Funeral Co-Operative Association Ltd., and there performed an autopsy on the body of one Evelyn SEVERIGHT. The body was identified to me by Mr. Bert Jackson, manager of the funeral home, in the presence of Corpl. J. F. Stewart of the Royal Canadian Mounted Police.

Re: Evelyn SEVERIGHT

The following clothing is removed from the body: One cotton dress, predominently blue with a red flowered pattern and white buttons; one worn white silk slip and one pair of pink rayon silk underpants.

The body is that of a young female adult. It has the facial features of an American Indian. It is well nourished and well developed. Height 5' 4". Estimated weight 128 pounds. Stated age 18 years. Rigor mortis has not yet set in, and the body is still warm. There is beginning purplish-blue post mortem lividity present posteriorly. There is bobbed, dark-brown hair on the head--the hair is combed straight. The eyebrows are dark-brown in colour and have been partly plucked. The irides are brown and the pupils are equal in size. The lips are slightly tinted with a pinkish-red coloured lipstick. From the mouth escapes some whitish, frothy fluid. The teeth are in good condition. The wisdom teeth are not yet present, but with the exception of the right first molar in the lower jaw the remainder are all present. The breasts are well developed. There are numerous pinpoint, light coloured scarred areas overlying the abdominal wall. The finger-nails are quite long and they are tinted a similar pinkish-red shade as noted on the lips. There is a small amount of hair on the pubic region. The toe-nails are tinted a reddish-pink colour--the quantity present is greater and the red is more intense than on either the finger-nails or the lips. Several smears of mud are noted on both lower legs, and mud is also noted on the soles of both feet, with a mud clod and some vegetable material being present in the arch of the right foot.

The following marks and scars are noted on external examination of the body: In the right upper cheek there is a zone of contusion which measures roughly 2" by 1 1/2", within this area are noted two zones wherein the discolouration of the contusion is somewhat accentuated. A similar area of contusion and swelling is noted lying anteriorly to the left ear. Overlying the left shoulder anteriorly is noted a third area of contusion. A dark reddish-brown stain is noted on the corneal surfaces of the left eye--this stain is placed transversley and fits into the palpebral fissure. A similar stain is noted on the right eye, though it is less prominent. The stains noted on the eyes is a post mortem phenomenon.

EXAMINATION OF SKULL AND BRAIN:

The scalp is incised by means of the usual incision extending from behind the right ear, across the vault and terminating behind the left ear. On everting the scalp a large haemorrhagic area is noted in the muscular tissues overlying the left parietal and temporal regions. The calvarium is removed by means of the usual horizontal-hexagonal shaped cuts. It is noted to be normal in thickness for the age of the deceased, being from 3/16" to 1/4". The dura is adherent to the calvarium except in

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

EXAMINATION OF SKULL AND BRAIN: (Contd)

the left parietal region, where is located a large globular saucer-shaped epidural haemorrhage measuring 4" by 4 1/4". This haemorrhage is removed and found to be slightly more than four ounces of clotted blood. The brain is carefully removed, it is noted to be markedly compressed in the area adjacent to the haemorrhage. On section it is noted to be markedly congested. The meninges are intact, the dura is completely removed to permit careful examination of the interior of the skull. A roughly circular depressed fracture is noted on the floor of the lateral and anterior surface of the left temporal bone. This depressed fracture measures roughly 7/8" by 1 1/4". The haemorrhage described above resulted from a tear of the anterior branch of the left middle meningeal artery, and was caused by the fracture.

The brain is saved for toxicological examination.

EXAMINATION OF TRUNK: HEART AND LUNGS:

The chest and abdominal organs are exposed by means of the usual upper semi-lunar and lower median incisions. There is approximately one-inch of adipose tissue overlying the chest and abdominal walls. The recti muscles are well developed. There is no free fluid in the abdominal cavity. The left lung lies free in the pleural cavity. The right lung is bound to the thoracic cage by means of some slight stringy adhesions. There is no free fluid in the pleural cavities. Both lungs are carefully removed. On section they are noted to be markedly congested and there is marked pulmonary oedema. The main air passages, i.e., the trachea and bronchi, are carefully investigated and noted to be free of obstruction. The pericardial sac is intact and contains a few cc's of amber coloured fluid. The heart is removed and noted to contain a normal amount of dark-coloured, fluid and clotted blood. The heart cavities are explored in the routine procedure. The valves appear natural. The cavities are natural. The coronaries are patent throughout. The myocardium appears natural.

SPLEEN: LIVER: GALL-BLADDER:

The spleen is natural in size, firm in consistency and on section is noted to be congested. The liver is natural in size reddish-brown in colour, has rounded edges and on section is noted to be congested. The gall-bladder contains a small amount of olive-green bile. The bile ducts are patent throughout.

ADRENALS: KIDNEYS: BLADDER AND REPRODUCTIVE ORGANS:

The adrenals are natural, on section the cortex and medulla are fairly well differentiated. The kidneys are natural in size, the capsules strip readily and the cortex and medulla are easily differentiated. Both kidneys are noted to be congested. four ounces of clear, amber coloured urine are recovered from the bladder. Examination of the external genitalia reveals two small areas of contusion located on the right vaginal wall, at the base of the labium minorum. Some whitish, somewhat watery, secretion is noted escaping from the vagina at the time of the examination. Smears of the secretion are made for further study--other smears are made from secretions taken from the walls deep in the vaginal cavity, these also are saved for microscopical study in the Laboratory. The uterus appears natural. A few small cysts are noted on both ovaries--other than this the ovaries and other related appendages are congested but appear natural.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

GASTRO-INTESTINAL TRACT:

The oesophagus is natural. The stomach was opened and carefully examined, it is found to contain approximately two ounces of well digested and fluid material, some of which is identified as raisins, onions and well digested vegetable material. The stomach walls are natural. The duodenum is explored and found to be natural. The small intestines contain a small amount of yellowish stained chyme. The lower large intestine is distended with brownish fecal material. The appendix is present and natural.

EXAMINATION OF NECK ORGANS:

The neck organs are examined in situ and no obstruction is noted.

BONY STRUCTURE:

Inj ries noted to the skull have already been described. No injuries are noted to the spine, ribs or bones of the extremities.

LABORATORY EXAMINATION:

(1) Toxicological examination of the brain tissues, specially conducted to determine the possible presence of alcohol, yielded negative results.

(2) Micro-chemical and microscopical examination of the smears from the vagina yielded negative results for human male/seminal secretion.

ANATOMICAL DIAGNOSIS:

1. Contusions to head.
2. Contusions to left shoulder.
3. Contusions to the vaginal wall.
4. Generalized visceral congestion.
5. Obliterative pleural adhesions (right thoracic cavity).
6. Pulmonary oedema.
7. Epidural haemorrhage (left middle fossa).
8. Fractured skull.

CAUSE OF DEATH:

Fracture of Skull, producing a tear of the left middle meningeal artery with resultant epidural haemorrhage.

Surgeon.
(Maurice Powers, M.D.C.M.)

The Officer I/C., C.I.B.,
"F" Division, Regina.
Six copies for your information. The original and two copies have been furnished to the Coroner, Dr. L. A. Roy.

Surgeon.
(Maurice Powers, M.D.C.M.)
Director, Crime Detection Laboratories.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19114-2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 43B 636-13-G 3

OTTAWA, August 31, 1943.

YOUR FILE No. Indian Affairs

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
Indian Affairs Branch
SEP 1 1943
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC:LS

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

(C.I.B.)
"F" Division

43R 636-4-3 REGINA, August 31, 1943.

Sub-Div. file RS43-34-4

MEMORANDUM:

The O.C., R.C.M.P., REGINA Sub-Div.
#L.1097, Pts.

Re: Edward William STONECHILD - Murder (263)
Coronation Park, Regina Dist., Sask.

1. Embodied hereunder for your information is the contents of a letter dated August 26, 1943, received from the Acting Deputy Attorney General:

"I have the honour to inform you that I am now in receipt of the Departmental copy of the depositions herein taken at the preliminary hearing. I have today authorized Mr. H. E. Sampson K.C., to prefer a charge in this case."

Supt.
In Charge C.I.B.
(A. T. Belcher)

The Commissioner, R.C.M.P., OTTAWA, Ont.

Forwarded 31-8-43 in triplicate for your information.

Supt.
In Charge C.I.B.
(A. T. Belcher)

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

OUR FILE No. 43 B 636-13-G-3 OTTAWA. September 4, 1943.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

Department of Mines & Resources
SEP 9 1943
REGISTERED

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

JSC:LC

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

EXTRACT
ORIGINAL ON
59-114

File

ROYAL CANADIAN MOUNTED POLICE

x x x

Re: Edward William STONECHILD - Murder (263)
Coronation Park, Regina District, Sask.
(REGINA TOWN STATION CASE)

1 With further reference to the above, in the a.m. of the 20th instant, I interviewed Jack KLYNE at Regina Gaol and obtained the following statement from him:-

STATEMENT OF JOHN KLYNE, A.B. Rooms or Ottawa Apart. Regina, Sask.

2 On Saturday, Aug. 7th, 1943 I met Eddie STONECHILD on 11th Ave. at about 7 or 8 p.m. I did not have any liquor with me. I had had a few drinks of beer before, Eddie had a 26 oz. bottle of wine in his haver-sack. It was Liquor Store stuff. I had a drink out of it. Between 8 to 9.30 p.m. we took a street car at Albert and 11th Ave and went to Priddel's Drug Store to get rubbing alcohol. Before that Eddie got into a fight with a Soldier. I don't know the Soldier or the reason of the fight. I got a 4 oz. bottle of rubbing alcohol at Priddel's Eddy was in the store with me. I don't know if he got one or not. I was pretty drunk at that time. We came back on the street car to 11th Ave, Eddy got off the street car and I lost him and did not see him again until yesterday. I still had my bottle of alcohol the next morning. I had not opened it. Sgd. John Klyne.

x x x

D/Sgt.
E.H. Hermanson, Reg. No. 10439

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

HODGES & NOONAN
BARRISTERS, SOLICITORS & NOTARIES PUBLIC

PERCY G. HODGES, K. C.
EDWARD D. NOONAN, K. C.

LEADER-POST BUILDING,
REGINA, SASK.

Director

September 9th, 1943.

Department of Mines & Resources
Indian Affairs Branch
SEP 13 1943
REGISTERED

Department of Mines and Resources,
Indian Affairs Branch,
Ottawa, Ontario.

Dear Sirs:

Re: Rex vs Stonechild.

We wish to report that the trial of the above named on the charge of murder was completed yesterday. At the conclusion of the trial the Jury reduced the charge to manslaughter and found him guilty on this charge with a strong recommendation for leniency. The Judge thereupon remanded him until Tuesday, the 14th instant for sentence.

We may say that the above verdict is what we anticipated as after going fully into the matter we did not think the evidence was strong enough to justify a conviction for murder and on the other hand we did not expect that he would be altogether acquitted.

We will advise you further as soon as sentence has been pronounced.

Yours truly,

HODGES & NOONAN,

PGH/MT

Per: P.G. Hodges

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Mix Yawing 19114

EXTRACT ORIGINAL ON 7J-117

REPORT ON PELLY INDIAN AGENCY FOR AUGUST, 1943.

x x x

Health;

Generally the Indians have enjoyed good health during the month. There were six births and two deaths. Mary E. Severight of Cote reserve died in Regina as a result of an injury inflicted by a drunken Indian soldier

x x x

J.L. Bryant,
Indian Agent.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C O P Y

File #311-8

Regina, September 15, 1943.

Dear Sir:

I suppose you have seen by the newspapers that Edward Stonechild, one of our Indians from the Muscowpetung Reserve in the Qu'Appelle Agency, was in a drunken brawl in a shack on Albert Street North which resulted in the death of a young Indian girl from Kamsack by the name of Evelyn Severight. This happened over a month ago and Stonechild has since been convicted.

Upon his arrest Stonechild was found to have in his possession a Saskatchewan Liquor Permit, Serial Number 95424, issued from the liquor store on Scarth Street here in Regina. This whole matter was investigated by the R.C.M. Police and I understand you have a Police Report on it. What I wish to point out is that there are times when Indians obtain liquor permits by claiming to be half-breeds and in many cases it would be difficult for the issuer to determine whether the applicant was really a half-breed or an Indian, but in this case there was absolutely no excuse for the man in the liquor store to issue a permit to Edward Stonechild. This Indian has a very dark complexion with jet black hair and nobody could ever take him for a half-breed.

When the Treaties were made with the Indians the Canadian Government promised them that liquor would be kept away from them and I believe our Branch are doing their best to carry this out. However, knowing that you would not tolerate matters of this kind I appeal to you to take steps to see that the men who sell the liquor permits are instructed not to sell permits to Indians even if they are in uniform.

Yours very truly,

(signed) M. Christianson,
General Superintendent of Indian Agencies.

N.B. Williams, Esq.,
Chairman,
Saskatchewan Liquor Board,
Dewdney and Cornwall Street,
REGINA, Saskatchewan.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY for Indian Affairs Branch, OTTAWA.

OFFICE OF THE
GENERAL SUPERINTENDENT
OF AGENCIES

CANADA
DEPARTMENT
OF
MINES AND RESOURCES

INDIAN AFFAIRS
BRANCH

File #311-8

Regina, September 15, 1943.

Dear Sir:

I suppose you have seen by the newspapers that Edward Stonechild, one of our Indians from the Muscowpetung Reserve in the Qu'Appelle Agency, was in a drunken brawl in a shack on Albert Street North which resulted in the death of a young Indian girl from Kamsack by the name of Evelyn Severight. This happened over a month ago and Stonechild has since been convicted.

Upon his arrest Stonechild was found to have in his possession a Saskatchewan Liquor Permit, Serial Number 95424, issued from the liquor store on Scarth Street here in Regina. This whole matter was investigated by the R.C.M. Police and I understand you have a Police Report on it. What I wish to point out is that there are times when Indians obtain liquor permits by claiming to be half-breeds and in many cases it would be difficult for the issuer to determine whether the applicant was really a half-breed or an Indian, but in this case there was absolutely no excuse for the man in the liquor store to issue a permit to Edward Stonechild. This Indian has a very dark complexion with jet black hair and nobody could ever take him for a half-breed.

When the Treaties were made with the Indians the Canadian Government promised them that liquor would be kept away from them and I believe our Branch are doing their best to carry this out. However, knowing that you would not tolerate matters of this kind I appeal to you to take steps to see that the men who sell the liquor permits are instructed not to sell permits to Indians even if they are in uniform.

Yours very truly,

M. Christianson,
General Superintendent of Indian Agencies.

N.B. Williams, Esq.,
Chairman,
Saskatchewan Liquor Board,
Dewdney and Cornwall Street,
REGINA, Saskatchewan.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C O P Y

File #311-8

Regina, September 15, 1943.

Indian Affairs Branch, Department of Mines & Resources, OTTAWA.

The case of Edward Stonechild who was charged with murder, has just closed and the Jury brought in a verdict of manslaughter and recommendation for leniency. He was sentenced to three years with hard labour in the Prince Albert Penitentiary by His Lordship the Judge.

I would just like to bring to your attention that when Stonechild was arrested he was carrying a Saskatchewan liquor permit and also a British Columbia liquor permit issued in Vancouver. I have written a letter to the Chairman of the Liquor Board here in Regina, Mr. N. B. Williams, and I am attaching copy of my letter for your information. Would you please be good enough to take up this matter with the British Columbia authorities. The permit there was issued on March 12th of this year from the Hornby Liquor store in Vancouver under Serial No. 264092.

(signed) M. Christianson,
General Superintendent of Indian Agencies.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

OFFICE OF THE
GENERAL SUPERINTENDENT
OF AGENCIES

Dustalow
Sec'y

CANADA
DEPARTMENT
OF
MINES AND RESOURCES File #311-8

INDIAN AFFAIRS
BRANCH
Department of Mines
SEP 20 1943
REGISTERED

Regina, September 15, 1943.

Indian Affairs Branch, Department of Mines & Resources, OTTAWA.

The case of Edward Stonechild who was charged with murder, has just closed and the Jury brought in a verdict of manslaughter and recommendation for leniency. He was sentenced to three years with hard labour in the Prince Albert Penitentiary by His Lordship the Judge.

I would just like to bring to your attention that when Stonechild was arrested he was carrying a Saskatchewan liquor permit and also a British Columbia liquor permit issued in Vancouver. I have written a letter to the Chairman of the Liquor Board here in Regina, Mr. N.B. Williams, and I am attaching copy of my letter for your information. Would you please be good enough to take up this matter with the British Columbia authorities. The permit there was issued on March 12th of this year from the Hornby Liquor store in Vancouver under Serial No. 264092.

M. Christianson

M. Christianson,
General Superintendent of Indian Agencies.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

Regina Leader Post 9/14/43

Regina Leader Post
14 September 1943

3 Years For Indian

Convicted of manslaughter when he appeared before a King's Bench jury in Regina last week, Pte. Eddie Stonechild, 25-year-old Indian with the Canadian Army, was sentenced Tuesday morning to three years with hard labor in Saskatchewan penitentiary, Prince Albert.

Stonechild was originally charged with the murder in Regina on or about Aug. 8 of Evelyn Severwright, 16, an Indian of the Kamsack district. Her death followed by a few hours a beating administered by Stonechild on the night of Aug. 7. The jury reduced the charge to one of manslaughter and urged that leniency be shown when sentence was imposed.

"In view of the recommendation for leniency, I am only sentencing you to three years," said Mr. Justice Donald Maclean when imposing sentence Tuesday morning. "As you know, you are guilty of a very serious charge and could be sentenced to life imprisonment. You were well spoken of as a decent fellow when away from liquor. If it were not for the jury's recommendation I would send you to the penitentiary for a long time."

Evidence at the trial was that Stonechild, who was attached to the 12th district depot in Regina, had done considerable drinking on Aug. 27 and while at a home on the northern outskirts of the city met the Severwright girl. He became more intoxicated while at the home and in a fit of rage beat the girl about the head with his fists, it was said. She died the next morning at a nearby home. Death was attributed to a fracture on the left side of the head and an ensuing hemorrhage which pressed on the brain.

P. G. Hodges, K.C., and E. D. Noonan, K.C., appeared for Stonechild. H. E. Sampson, K.C., represented the Crown.

52

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Ottawa, September 23, 1943.

M. Christianson, Esq., General Superintendent of Indian Agencies, Regina, Saskatchewan.

I have to refer to your letter of September 15 and previous correspondence with regard to the case of Edward Stonechild who was charged with murder.

I am writing to the Indian Commissioner at Vancouver with respect to the question of the British Columbia Liquor Permit, and I shall communicate with you again in due course.

Howard

Director.

T.A.L.M

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

Ottawa, September 22, 1943.

Major D. M. MacKay, Indian Commissioner for British Columbia,
Vancouver, British Columbia.

I am enclosing herewith correspondence that has been received from the General Superintendent of Indian Agencies at Regina with regard to the case of Edward Stonechild, an Indian soldier who was recently charged with murder.

I should be obliged if you would take up the question of the British Columbia Liquor Permit with the appropriate Provincial Authorities and advise me with regard thereto in due course.

Kindly let me have your report in duplicate.

H. Jones
Director.

B.O.I.
T.R.L.M

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

COPY

HODGES & NOONAN
Barristers
REGINA SASK.

September 14th, 1943.

Deputy Minister of Justice,
Ottawa, Ontario.

Dear Sir:

Re: Rex v Stonechild
B. 28 - M. & R. Sask.

We wish to report further in this matter that the accused was sentenced this morning by the Honourable Mr. Justice MacLean, The sentence being three years at hard labor in the Prince Albert Penitentiary. We may say that in view of the nature of the offence we consider this sentence a fairly lenient one. There would appear to be nothing further for us to do in the matter and we will forward statement of our fees and disbursements within a day or two.

Yours truly,

HODGES & NOONAN,

"P. G. Hodges"

PGH/MT

Per:

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

C
O
P
Y

HODGES & NOONAN
Barristers
REGINA SASK.

September 9th, 1943.

The Deputy Minister of Justice,
Ottawa, Ontario.

Dear Sir:

Re: B. 28 M. & R. - Sask.
Rex vs Stonechild.

We wish to report that the trial of the above named on the charge of murder was completed yesterday. At the conclusion of the trial the Jury reduced the charge to manslaughter and found him guilty on this charge with a strong recommendation for leniency. The Judge thereupon remanded him until Tuesday, the 14th instant for sentence.

We may say that the above verdict is what we anticipated as after going fully into the matter we did not think the evidence was strong enough to justify a conviction for murder and on the other hand we did not expect that he would be altogether acquitted.

We will advise you further as soon as sentence has been pronounced.

Yours truly,

HODGES & NOON,

Per: "P. G. HODGES"

PGH/MT

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

EAD:KS

Dr. Jones

Secretary

DEPARTMENT OF JUSTICE, CANADA

Department of Mines & Resources
Indian Affairs Branch
SEP 27 1943
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA September 24, 1943

TO: The Deputy Minister, Department of Mines and Resources, Ottawa.

B.28 M. & R. - Sask.
Re: Rex vs Stonechild

Referring to my letter of August 18th informing you that the Minister of Justice nominated Messrs. Hodges & Noonan, Barristers, Regina, Saskatchewan, as counsel to be employed in the defence of Edward Stonechild, an Indian charged with murder, I enclose herewith copies of letters from Mr. P. G. Hodges dated September 9th and September 14th which were evidently intended for your Department.

Robert Forsyth
for Asst. Deputy Minister.

Encs.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

September 20th, 1943.

Deputy Minister of Justice,
Ottawa, Ontario.

IN ACCOUNT WITH
HODGES & NOONAN
Barristers
REGINA SASK.

Re: Rex vs Stonechild - B. 28 M. & R.
Sask.

1943.				
August	23	Instructions to defend accused on charge of murder.		
		Letter to you.	1.00	
		Letter to Deputy Minister of Justice.	1.00	
		Attg. Court Reporter to requisition copy of evidence at preliminary hearing.	1.00	
		Paid for evidence at preliminary hearing.		6.15
		Letter enclosing.	1.00	
		Attg. telephone Mr. Christainson.		
		Long consultation with Mr. Christainson - (engaged 1 hour).	10.00	
	24	Having received copy of evidence at preliminary hearing, perusing and considering same (123 folios) engaged 2 hours.	20.00	
	25	Letter to accused.	1.00	
		Attg. requisition copy of evidence at inquest.	1.00	
September	1	Attg. at Regina Gaol and long conference with accused (engaged 2½ hours).	25.00	
	2	Paid Court Reporter for inquest evidence.		20.25
		Having received copy of inquest evidence perusing and considering and noting same - 139 folios (engaged 2½ hours).	25.00	
	3.	Attg. office of Crown Prosecutor and consultation re medical evidence.	3.00	
	4	Attg. Crown Prosecutor.	1.00	
	7	Long consultation with Lieut. Dowden of Military District No. 12 (engaged 1 hr.)	10.00	
		Several attendances on Lieut. Stock of M.D. No. 12.	2.00	
		Long consultation with Dr. H. L. Jackes and discussing medical aspects of case fully (engaged 2 hours.)	20.00	
	1-7	Preparing case for trial, noting cross-examination, address to jury, looking into legal questions, etc. (engaged approximately 10 hours).		
		CARRIED FORWARD	$122.00	$26.40

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

	BROUGHT FORWARD	$122.00	$26.40
September 1-7	Typing brief for trial (58 folios).		
8	Attg. Court on trial of accused for murder and Counsel fee, including preparation for trial and preparation of brief.	300.00	
9	Letter to you.	1.00	
	Letter to Department of Mines & Resources.	1.00	
	Paid Dr. H. L. Jackes fee for perusing medical evidence, consultation and advising re medical aspects of case.		20.00
		$424.00	$46.40

Fees	$424.00
Disbursements	46.40
TOTAL	$470.40

We hereby certify that we rendered the services indicated above and that this account truly shows the fees claimed, moneys disbursed and all moneys received from any source whatever by us in connection with the subject matter of the account.

Representative of the Treasury
RECEIVED
OCT 13 1943
INDIAN AFFAIRS.

HODGES & MOONAN,
Per: Percy Gitwaces
Agents for the Minister of Justice.

VOTE.....
AGENCY.....
ALLOT.....
Goods received or services performed. Prices fair and just.
Approved for payment
Place $ 470.40
T. R. L. MacInnes
.....

AUDITED FOR PAYMENT
OCT 13 1943
Treasury Office
I. A. BRANCH

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

DATED SEPTEMBER 20th A.D.1943.

REX

VS

STONECHILD

BILL OF COSTS

HODGES & NOONAN
Barristers,
REGINA SASK.

Poor Copy

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

EAD:KS

19114-2

Indian Affairs

Secretary

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Department of Mines & Resources
SEP 28 1943
REGISTERED

OTTAWA September 24, 1943

TO: The Deputy Minister, Department of Mines and Resources, Ottawa.

Department of Mines & Resources
OTTAWA.
SEP 27 1943
Deputy Minister

B.28 M. & R. Sask.
Re: Rex vs Stonechild

I enclose herewith an account of P. G. Hodges, K.C., Regina, Saskatchewan, in connection with the trial of one Edward Stonechild, an Indian charged with murder.

This material was evidently intended for your Department and forwarded to this Department by mistake.

Robert Forsyth
for Asst. Deputy Minister.

Encs.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

To be returned to Indian Affairs when signed.

Ottawa, September 29, 1945.

The Deputy Minister, Department of Justice, Ottawa.

I have to refer to your letter of August 18 authorizing the employment of Messrs. Hodges & Hoeman, Barristers, of Regina, Saskatchewan, in connection with the defence of Edward Stonechild, an Indian of the Muscowpetung Band, at present in the Armed Forces, who has been charged with murder.

I am now in receipt of your further communication dated September 24, enclosing account and vouchers amounting to $470.40. The account is returned herewith and I should be obliged if you would be good enough to tax it and return to the department for payment.

Deputy Minister.

D.O.J. received

Sept. 30/45

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114 -

Regina Leader Post
9 Sept. 1943

Stonechild Guilty Of Manslaughter

A King's Bench jury Wednesday afternoon reduced a charge of murder against Pte. Eddie Stonechild, an Indian attached to Regina's 12th district depot, and found him guilty of manslaughter.

A strong recommendation for leniency was made by the jurymen.

Mr. Justice Donald Maclean assured the jury that he would not overlook its recommendation and said that he would give the case considerable thought before making judgment. Sentence will be pronounced at 10 o'clock on the morning of Tuesday, Sept. 14.

Stonechild, a 25-year-old full-blooded Indian who enlisted in the army voluntarily and has seen overseas service was charged with murder following the death on Aug. 8 of Evelyn Severwright, an Indian of the Kamsack district. Miss Severwright died early that morning at the home of Mrs. Margaret McKay, 470 McIntyre street, and her death was attributed to a beating allegedly administered by the accused a few hours earlier. The girl and Stonechild, together with two other Indians, Thomas John and Mrs. Grace Carrier, had been at the Carrier home, 482 Albert street, late on the night of Aug. 7.

A fracture on the left side of the head and an ensuing hemorrhage which pressed on the brain caused the death of the 16-year-old girl, according to testimony of Dr. Maurice Powers, of the R.C.M.P., who performed the post-mortem. The fracture had been caused by a very violent blow, possibly a fist, said Dr. Powers. He reported that two contusions had been found on the face, one on the right upper cheek and one in front of the left ear.

No evidence of the girl having been criminally assaulted had been found.

"Rather Drunk"

Witnesses Wednesday afternoon testified that Stonechild had been "rather drunk" on the afternoon of Aug. 7 and one Indian girl said that he had struck her on the jaw with his fist.

The defence called no witnesses.

Mr. Justice Maclean, in his address to the jury, suggested that the jurymen "would be going too far" if they found Stonechild guilty of murder. "The evidence before you doesn't prove he was intending to kill," he said. He was of the belief that the evidence justified a verdict of manslaughter.

The jury considered the case for one hour.

While the jury was out, the court was told by E. D. Noonan, K.C., that Stonechild had enlisted with the Saskatoon Light Infantry on Sept. 9, 1939, and had been returned to Canada after eight months' overseas service because of ill health. Discharged, he re-enlisted at Vancouver a few months later and served as an instructor with the rank of lance-corporal on the west coast. More recently he had been a cook with the 12th district depot in Regina where he was looked upon as a good soldier. He is married and the father of two children.

P. G. Hodges, K.C., and E. D. Noonan, K.C., appeared for Stonechild. H. E. Sampson, K.C., represented the Crown.

Jurymen were J. Clifford Ryan, Vincent J. Quinn, Robert Rogers, Sam Promislow, James Shepherd and Donald Reeves.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

To be returned to Indian Affairs when urgent

19114 - 2

Ottawa, September 29, 1945.

The Deputy Minister, Department of Justice, Ottawa.

I have to refer to your letter of August 18 authorizing the employment of Messrs. Hodges & Noonan, Barristers, of Regina, Saskatchewan, in connection with the defence of Edward Stonechild, an Indian of the Muscowpetung Band, at present in the Armed Forces, who has been charged with murder.

I am now in receipt of your further communication dated September 24, enclosing account and vouchers amounting to $470.40. The account is returned herewith and I should be obliged if you would be good enough to tax it and return to the department for payment.

Charles Camsell

Deputy Minister.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

/CD

19114

DEPARTMENT OF JUSTICE, CANADA

Department of Mines & Resources
OCT 12 1943
REGISTERED

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA October 7th, 1943.

Department of Mines & Resources
OTTAWA.
OCT 9 1943

A. 3. M. & R. - Sask.

Referring to your letter of the 29th ultimo, I am returning herewith account of Messrs. Hodges & Noonan, Barristers, Regina, Saskatchewan, forwarded therewith covering services with regard to the case of Edward Stonechild, an Indian of the Muscowpetung Band at present in the Armed Forces, charged with murder, rendered at $470.40 and taxed and allowed by me at the same sum.

Encl.

Asst. Deputy Minister.

The Deputy Minister,
Department of Mines and Resources,
O T T A W A , Ont.

AUDITED
FOR PAYMENT
OCT 18 1943
Treasury Office
I. A. BRANCH

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Miss Millar.

The Director may wish to note the result of this murder trial.

J. Meouney.

EX'D.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY

LIQUOR CONTROL BOARD
Victoria.
British Columbia.

October 21st, 1943

The Indian Commissioner for B.C.,
P.O.Box 70,
VANCOUVER, B.C.

Dear Sir: Re: Individual Liquor Permit #264092- Private E. W. Stonechild

With reference to the issuance of Individual Liquor Permit #264092 in the name of Private E. W. Stonechild.

For your information I quote hereunder an excerpt from a letter received from the Vendor in charge of the Government Liquor Store, 822 Hornby Street, Vancouver, B.C.

"With reference to your memo re above, as F.E.Gigot is not now in the employ of the Board it is impossible to find out on what authority the permit was issued but I will say that F.E.Gigot was very thorough with his work and as he had had a lot of dealings with Indians before he came to the Board I am convinced that he must have been satisfied that the credentials presented by the man allowed him to purchase liquor."

You will observe that F. E. Gigot, the issuer of the permit in question, was employed as casual labor and is no longer employed.

Yours truly,

(Sgd.) A.H.Wyllie,
Secretary.

AHW/DG

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

COPY

LIQUOR CONTROL BOARD
Victoria.
British Columbia.

October 21st, 1943

The Indian Commissioner for B.C.,
P.O.Box 70,
VANCOUVER, B.C.

Dear Sir: Re: Individual Liquor Permit #264092- Private E. W. Stonechild

With reference to the issuance of Individual Liquor Permit #264092 in the name of Private E. W. Stonechild.

For your information I quote hereunder an excerpt from a letter received from the Vendor in charge of the Government Liquor Store, 822 Hornby Street, Vancouver, B.C.

"With reference to your memo re above, as F.E.Gigot is not now in the employ of the Board it is impossible to find out on what authority the permit was issued but I will say that F.E.Gigot was very thorough with his work and as he had had a lot of dealings with Indians before he came to the Board I am convinced that he must have been satisfied that the credentials presented by the man allowed him to purchase liquor."

You will observe that F. E. Gigot, the issuer of the permit in question, was employed as casual labor and is no longer employed.

Yours truly,

(Sgd.) A.H.Wyllie,
Secretary.

AHW/DG

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY

October 15,1943.

214-7365.

Dear Mr. Wyllie:

Re: Private E. W. Stonechild
Issue of Liquor Permit # 264092.

Replying to your letter of October 14th, regarding the issue of a Liquor Permit to the above noted, I wish to advise that this man is an Indian of the Muscowpetung Reserve in the QU'Applle Agency, Saskatchewan. Stonechild is reported by Mr. Christianson to be very Indian like in appearance, having a very dark complexion and jet black hair.

I shall await receipt of your further report in this case before replying to my Department.

Yours faithfully,

/M

D. M. MacKay,
Indian Commissioner for B.C.

A. H. Wyllie, Esq.,
Secretary,
Liquor Control Board,
P.O.Drawer 640,
Victoria, B.C.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

COPY

October 15,1943.

214-7365.

Dear Mr. Wyllie:

Re: Private E. W. Stonechild
Issue of Liquor Permit # 264092.

Replying to your letter of October 14th, regarding the issue of a Liquor Permit to the above noted, I wish to advise that this man is an Indian of the Muscowpetung Reserve in the QU'Applle Agency, Saskatchewan. Stonechild is reported by Mr. Christianson to be very Indian like in appearance, having a very dark complexion and jet black hair.

I shall await receipt of your further report in this case before replying to my Department.

Yours faithfully,

/M

D. M. MacKay,
Indian Commissioner for B.C.

A. H. Wyllie, Esq.,
Secretary,
Liquor Control Board,
P.O. Drawer 640,
Victoria, B.C.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY.

LIQUOR CONTROL BOARD
Victoria.

October 14th, 1943

The Indian Commissioner for B.C.,
P. O. Box 70,
VANCOUVER, B.C.

Dear Sir: Re: Individual Liquor Permit # 264092-
Private E.W. Stonechild.

I beg to acknowledge the receipt of your letter of the 30th ultimo in which you quote an excerpt from a letter received from the General Superintendent of Indian Agencies of Canada in regard to Edward Stonechild.

Mr. Christianson's letter does not indicate that Stonechild is an Indian although it is assumed that he is. However, I will be glad if you will advise me if this man is a British Columbia Indian or an Indian from Eastern Canada.

During the past 2 years there have been very few cases of permits being issued to Indians and those that have occurred have been investigated and it is found that in nearly every instance the Vendor was of the opinion that the permit was purchased by a white man for the Indian. If Stonechild is an Indian, then it is quite possible that a fellow soldier purchased the permit on his behalf, however, in receipt of advice from you in regard to this matter I will take the matter up with the Vendor in charge of the Government Liquor Store where the permit was issued.

During the early part of the year, the Board experienced considerable difficulty in restraining members of the Armed Forces from purchasing more than one Individual Liquor Permit. However, on the 2nd July last, restrictions were brought into effect whereby no Individual Liquor Permit held by a man in the Army or Air Force was valid until such time as same had been stamped with the Orderly Room Stamp and signed by an appropriate officer. In this way, soldiers and airmen were unable to obtain more than one Individual Liquor Permit and those who had permits and who were under age or who were Indians were eliminated as the Units had details of the record of the man.

It is observed that Individual Liquor Permit #264092, which was issued in the name of Private E. W. Stonechild, No. 11 Area Signal Corps, was stamped with the Orderly Room Stamp of No.11 District Depot, C.A.S.F., on the 30th June, 1943, and was signed by the Captain and Adjutant, thus there is some doubt as to whether this man is an Indian. If such is the case, it is difficult to understand why the permit was endorsed with the Orderly Room Stamp as it is a well known fact that throughout Canada Indians are not permitted to obtain liquor.

Yours truly,
(Sgd.) A.H. Wyllie,
Secretary.

AHW/DG

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY.

LIQUOR CONTROL BOARD
Victoria.

October 14th,1943

The Indian Commissioner for B.C.,
P. O. Box 70,
VANCOUVER, B.C.

Dear Sir: Re:Individual Liquor Permit # 264092-
Private E.W.Stonechild.

I beg to acknowledge the receipt of your letter of the 30th ultimo in which you quote an excerpt from a letter received from the General Superintendent of Indian Agencies of Canada in regard to Edward Stonechild.

Mr. Christianson's letter does not indicate that Stonechild is an Indian although it is assumed that he is. However, I will be glad if you will advise me if this man is a British Columbia Indian or an Indian from Eastern Canada.

During the past 2 years there have been very few cases of permits being issued to Indians and those that have occurred have been investigated and it is found that in nearly every instance the Vendor was of the opinion that the permit was purchased by a white man for the Indian. If Stonechild is an Indian, then it is quite possible that a fellow soldier purchased the permit on his behalf, however, in receipt of advice from you in regard to this matter I will take the matter up with the Vendor in charge of the Government Liquor Store where the permit was issued.

During the early part of the year, the Board experienced considerable difficulty in restraining members of the Armed Forces from purchasing more than one Individual Liquor Permit. However, on the 2nd July last, restrictions were brought into effect whereby no Individual Liquor Permit held by a man in the Army or Air Force was valid until such time as same had been stamped with the Orderly Room Stamp and signed by an appropriate officer. In this way, soldiers and airmen were unable to obtain more than one Individual Liquor Permit and those who had permits and who were under age or who were Indians were eliminated as the Units had details of the record of the man.

It is observed that Individual Liquor Permit #264092, which was issued in the name of Private E. W. Stonechild, No. 11 Area Signal Corps, was stamped with the Orderly Room Stamp of No.11 District Depot, C.A.S.F., on the 30th June,1943,and was signed by the Captain and Adjutant, thus there is some doubt as to whether this man is an Indian. If such is the case, it is difficult to understand why the permit was endorsed with the Orderly Room Stamp as it is a well known fact that throughout Canada Indians are not permitted to obtain liquor.

Yours truly,
(Sgd.) A.H.Wyllie,
Secretary.

AHW/DG

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY

214-7034. September 30,1943.

Dear Mr. Kennedy:

My Department has referred to me a letter received from Mr. M. Christianson, General Superintendent of Indian Agencies, Canada, which reads in part as follows:

" The case of Edward Stonechild who was charged with " murder has just closed and the Jury brought in a verdict of manslaughter and recommendation for leniency. He was sentenced to three years with hard labour in the Prince Albert Penitentiary by His Lordship the Judge.

I would just like to bring to your attention that when Stonechild was arrested he was carrying a British Columbia Liquor permit issued in Vancouver. Would you please be good enough to take this up with the British Columbia authorities. The permit was issued on March 12th of this year from the Hornby Liquor in Vancouver under Serial No.264092"."

It would be appreciated if you would take this up with the party involved and ascertain, if possible, the circumstances under which the permit was issued. I would have thought that the existing rationing system would provide an opportunity for more careful examination of such applications than previously. The matter is all the more disturbing because another case of the issue of a permit - but in this instance to an Indian woman of the Lytton Agency - by the Carrall Street Vendor, was brought to our attention yesterday, more detailed information in respect to which will be forwarded to you in due course. In the meantime, I would appreciate your investigation of the issue of the permit to Stonechild, and any information you may be in a position to supply as a result, for the benefit of my Department who have asked me for a report.

Yours faithfully,

/M

D. M. MacKay,
Indian Commissioner for B.C.

W. F. Kennedy, Esq.,
Chairman Liquor Control Board,
P. O. Drawer 640,
Victoria, B.C.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

COPY

214-7034. September 30,1943.

Dear Mr. Kennedy:

My Department has referred to me a letter received from Mr. M. Christiansen, General Superintendent of Indian Agencies, Canada, which reads in part as follows:

" The case of Edward Stonechild who was charged with " murder has just closed and the Jury brought in a verdict of manslaughter and recommendation for leniency. He was sentenced to three years with hard labour in the Prince Albert Penitentiary by His Lordship the Judge.

I would just like to bring to your attention that when Stonechild was arrested he was carrying a British Columbia Liquor permit issued in Vancouver. Would you please be good enough to take this up with the British Columbia authorities. The permit was issued on March 12th of this year from the Hornby Liquor in Vancouver under Serial No.264092"."

It would be appreciated if you would take this up with the party involved and ascertain, if possible, the circumstances under which the permit was issued. I would have thought that the existing rationing system would provide an opportunity for more careful examination of such applications than previously. The matter is all the more disturbing because another case of the issue of a permit - but in this instance to an Indian woman of the Lytton Agency - by the Carrall Street Vendor, was brought to our attention yesterday, more detailed information in respect to which will be forwarded to you in due course. In the meantime, I would appreciate your investigation of the issue of the permit to Stonechild, and any information you may be in a position to supply as a result, for the benefit of my Department who have asked me for a report.

Yours faithfully,

/M

D. M. MacKay,
Indian Commissioner for B.C.

W. F. Kennedy,Esq.,
Chairman Liquor Control Board,
P. O.Drawer 640,
Victoria, B.C.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

214-7662

Oct. 28, 1943.

Indian Affairs Branch, Department of Mines and Resources,
Ottawa, Ontario.

I beg to acknowledge receipt of your letter of the 22nd ultimo, file 19114-2, with regard to the case of Edward Stonechild, an Indian soldier, who was recently charged with murder.

The matter of his securing a British Columbia liquor permit was taken up with the Chairman of the Liquor Control Board and I enclose herewith, in duplicate, copies of his letters of the 14th and 21st instant and my letters of the 30th ultimo and 15th instant from which it will be noted that the Board relied upon the permit being marked by the Orderly Room Stamp of No. 11 District Depot, C.A.S.F. on the 30th of June, 1943, and signed by the Captain and Adjutant.

As you are aware, there are a number of persons in Vancouver in the Army of Indian descent but not regarded as Indians within the meaning of the Act. No doubt, the liquor vendor thought that Stonechild was one of these individuals in view of the Army's certification. I might say that the Chairman of the Liquor Control Board does not hesitate to discipline his staff where it is found that they have been lax in issuing a permit to a person not entitled to same.

D.M. MacKay,
Indian Commissioner for B.C.

:KT

Enc.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114 2

INDIAN COMMISSIONER
BRITISH COLUMBIA

IN YOUR REPLY REFER TO
NO 214-7662
ALSO TO DATE OF THIS LETTER

CANADA
DEPARTMENT
OF
MINES AND RESOURCES

INDIAN AFFAIRS
BRANCH

Dept of Mines & Resources
NOV 2 1943
REGISTERED

P.O. BOX 70
VANCOUVER, B.C. Oct. 28, 1943.

EX'D.
A

Indian Affairs Branch, Department of Mines and Resources,
Ottawa, Ontario.

I beg to acknowledge receipt of your letter of the 22nd ultimo, file 19114-2, with regard to the case of Edward Stonechild, an Indian soldier, who was recently charged with murder.

The matter of his securing a British Columbia liquor permit was taken up with the Chairman of the Liquor Control Board and I enclose herewith, in duplicate, copies of his letters of the 14th and 21st instant and my letters of the 30th ultimo and 15th instant from which it will be noted that the Board relied upon the permit being marked by the Orderly Room Stamp of No. 11 District Depot, C.A.S.F. on the 30th of June, 1943, and signed by the Captain and Adjutant.

As you are aware, there are a number of persons in Vancouver in the Army of Indian descent but not regarded as Indians within the meaning of the Act. No doubt, the liquor vendor thought that Stonechild was one of these individuals in view of the Army's certification. I might say that the Chairman of the Liquor Control Board does not hesitate to discipline his staff where it is found that they have been lax in issuing a permit to a person not entitled to same.

D.M. MacKay,
Indian Commissioner for B.C.

:KT

Enc.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114 - 2

R-98451.
REFER TO OUR No.

Department of Mines & Resources
Indian Affairs Branch
FEB 27 1944
REGISTERED

DEPARTMENT OF JUSTICE
REMISSION SERVICE
OTTAWA
February 23, 1945.

The Secretary,
Indian Affairs Branch,
Department of Mines & Resources, Ottawa.

Re: Edward William STONECHILD, #4186,
Saskatchewan Penitentiary.

I enclose herewith our file in connection with the above named, who is said to be a member of the File Hills Reserve, Saskatchewan.

It would be appreciated if you would kindly let us have your observations, together with any other information you may consider helpful to the Minister in dealing with the application for clemency now pending, with the return of our file.

enc.

M. F. Gallagher,
Director of Remission Service.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19114-2

Ottawa, March 1, 1945.

AIR MAIL

J. L. Bryant, Esq., Indian Agent, Kamsack, Sask.

I have received an application for clemency from the Remission Service of the Department of Justice on behalf of Edward William Stonechild, an Indian of your agency who is at present serving a term for manslaughter.

I should be obliged if you would let me have a report with your recommendations, in duplicate, by air mail.

Acting Director.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Dickson

19114 2

539-L2

File Hills,
Balcarres, Sask.
Mar. 9. 1945.

Frank Booth Esq.,
Indian Agent, Muscow, Sask.

The attached Department letter No. 19114-2 of March 1st., pertaining to Edward William Stonechild of Muscowpetung Band, your Agency, was sent to me by Mrs Bryant.

I have advised Ottawa, and Mr. Bryant that the letter has been forwarded to you for reply direct by Air Mail.

S.H.Simpson,
Indian Agent.

Note;-

Copy mailed to Ottawa for information of Mr.Hoey, Acting Director, also copy mailed to Mr. Bryant, Indian Agent, Kamsack, Sask.

S H Simpson

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

131

According to Mr. Christianson Ed Stonechild is a member of the Muscowpetung Band, Qu'Appelle Agency and Evelyn Sewright, his victim, was a member of Cote Band, Pelly Agency

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

Ottawa, March 1, 1945.

M. F. Gallagher, Esq., Director of Remission Service,
Department of Justice, OTTAWA.

I have to refer to your letter of February 23, 1945, with regard to application for clemency on behalf of Edward William Stonechild, who is at present serving a term for manslaughter.

The Indian Agent at File Hills has been asked to submit a report on the matter and I shall communicate with you again in due course.

Acting Director.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

OFFICE OF THE
INDIAN AGENT

CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

Pelly Agency.

Kamsack, Saskatchewan,
March 6,1945.

R.A.Hoey Esq., Acting Director, Indian Affairs Branch, OTTAWA.

I wish to acknowledge your letter of March 1, File 191114-2 referring to E.W.Stonechild.

This indian belongs to File Hills Agency, and in order to save time I am forwarding your letter on to Mr Simpson at Balcarres.

I trust this action will meet with your approval.

Department of Mines & Resources
Indian Affairs Branch
MAR 9 1945
REGISTERED

J.L.Bryant,
Indian Agent.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19114-2

Ottawa, March 20,1945.

M.F.Gallagher,Esq., Director of Remission Service,
Department of Justice, Ottawa.

I have to refer to your letter of February 23 and my reply of March 1, with regard to application for clemency on behalf of Edward William Stonechild, who is at present serving a term for manslaughter.

The Indian Agent for the Qu'Appelle Indian Agency, Saskatchewan, has now submitted a report on the case, copy of which is attached hereto for your information. After having reviewed the file in connection with this matter and in view of all the circumstances as outlined therein, I concur in the Agent's recommendation as I do not feel that it would be in the best interests of the Indians if clemency were to be granted.

Your file is returned herewith.

Acting Director.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114 2

OFFICE OF THE INDIAN AGENT

CANADA
DEPARTMENT OF MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE 80-5L

AIR-MAIL.

Letter follows

Department of Mines & Resources
Indian Affairs Branch
MAR 19 1945
REGISTERED

Muscow. Sask.
March 15th. 1945.

The Secretary, Department of Mines and Resources,
Indian Affairs Branch. Ottawa.

With reference to your letter #19114-2 of March 1st. 1945, I wish to submit the following report.

Edward Stonechild, Treaty # 139 of Muscowpetung Band Qu'Appelle Agency, was sentanced to the Prince Albert Pententiary on a charge of manslaughter for a period of three years.

Edward has been under my jurisdiction for over 11 years and since he left the school he has been a nuisance to himself and everybody else he came into contact with, his first offence was an unprovoked assault on one of our Farming-Instructors, after this he joined the Army, his life in the Army was very hectic and on one occassion he assaulted another soldier while drunk and broke his arm, when visiting his home town of Edenwold, while under the influence of liquor, he assaulted the Manager of the local lumber yard, after he was transferred to Vancouver, Edward and his wife rented rooms and I have letters on file from his landlady asking for pay for the damage to her property by him during drunken brawls, after he was moved back to Regina he again got into a drunken brawl which resulted in the death of a 16 year old Indian girl, for this last offence he was given a sentance of three years and I consider that Edward was dealt with very leniently and after giving his record careful study I cannot recommend any clemency for this man.

Frank Booth

Frank Booth.
Indian Agent.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

CORRESPONDENTS ARE REQUIRED TO WRITE THEIR FULL NAME AND ADDRESS ON ALL LETTERS TO CONVICTS.

SASKATCHEWAN PENITENTIARY,

PRINCE ALBERT, SASK., DATE 31-7-45

Mr. Astrander;

I wish to acknowledge your letter of July 6th in reply to my earlier request for your assistance in the purchase of certain books to continue my studies.

There seemed to be some error in regard to the number of subjects I had taken. However I have received the results of the exams for both Grades and have received my certificate of Promotion for Grade Ix, and have passed in five of the eight subjects for Grade XI. This means that I will have to take three subjects to obtain my Grade XI standing.

Since I wrote to you, I had written to the Principal of the Correspondence School and have been advised that they will assist me in my studies by correspondence in the coming term.

As to order and how I hope to continue my studies after my release from here, I am determined that I shall acquire my Grade XI standing so I will let nothing stop me in acquiring this standing.

The books I shall require are as follows:

"BUSINESS — ECONOMIC PROBLEMS" BY SHIELDS AND WILSON
"AN INTRODUCTION TO ECONOMICS" BY MACGIBBON
"MANUAL OF CANADIAN BUSINESS LAW" BY FALCONBRIDGE AND SMITH.
"HIGH SCHOOL GERMAN GRAMMAR" — — — — —
"DOMINION HIGH SCHOOL CHEMISTRY" BY BIGELOW AND MOREHOUSE.
"TWO LOOSE LEAF BINDERS WITH 3 STEEL RINGS" SIZE — 11½" X 9½"
EXTRA REFILLS FOR ABOVE.

The studies I am taking this year are, German, Chemistry and Business-Economic Problems, and Physics. You will note that I am taking four subjects, but I am taking one extra to be certain of my standing. I have gone over some of the work once in the last year so I feel it is not a difficult program.

I trust this will meet with your approval and receive your kind consideration.

My apologies for troubling you.

I remain yours,
Respectfully,
E. W. Stoneckiel.

SASKATCHEWAN INSPECTORATE
AUG 2 1945
REGINA, SASK.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

CANADA

INSPECTOR OF INDIAN AGENCIES

DEPARTMENT
OF
MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

File #311-8

Reply

Department of Mines & Resources
Indian Affairs Branch
AUG 7 1945
REGISTERED

Regina, August 3rd, 1945.

Indian Affairs Branch, Department of Mines & Resources, OTTAWA.

I am enclosing herewith a letter received from an Indian, Edward Stonechild, who is serving a sentence of three years in the Prince Albert Penitentiary on a Manslaughter charge. With an allowance for good behavior this young Indian will probably be discharged from the Penitentiary some time during the coming winter.

He wrote me on the 29th of June asking for the Department to buy a number of books for him for the continuation of his studies. I wrote to him on the 6th of July asking him for a list of the books which he needed. His letter enclosed is the result.

This young man's desire for knowledge is to be commended even if his conduct in the past is not. However, I do not know that I would recommend the expenditure necessary to purchase the books. When he is discharged from the Penitentiary there will be no one to direct him in the continuation of his studies and I am very doubtful that he will have the stability and fortitude necessary to keep him to his studies without direction. He will not be in the Penitentiary long enough to enable him to complete Grade 12 and if he does not complete Grade 12 I do not see that he would be any better off by completing Grade 11.

If he should complete Grade 12 what further use could be made of his education? Having killed a young Indian woman in a drunken brawl I would not suggest that he would be a success as a school teacher. This seems to be the ambition of most young Indians when they finish Grade 12, probably because they think it is easy work. I believe we have too many young Indians with good records desiring further education and unable to get it to spend very much time and money in furthering the education of a young man of this type. However, I am passing the matter on to the Department for consideration.

J.P.B. Ostrander,
Inspector of Indian Agencies.

JPBO/ed

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19114-2

EX'D.
A

Ottawa, August 8,1945.

J.P.B.Ostrander,Esq., Inspector of Indian Agencies, Regina, Saskatchewan.

I have to refer to your letter of August 3 wherewith you enclosed communication received from Edward Stonechild, with regard to books required by him to enable him to continue his studies while in the penitentiary.

This Branch concurs in your report and is not disposed to take any action as requested.

Director.

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

49417

RA → e.c. 19114-2
e.c. 8114-4

114/17-12(FA)
114/3-9
452-718
(Dormant)

1955 MAR 28 PM 10 52

INDIAN AFFAIRS

, March 25, 1955.

AIR MAIL

R. S. Jones, Esq.,
Regional Supervisor of Indian Agencies,
304 P. O. Building,
Regina, Sask.

Dear Mr. Jones:

Re: Edward William Stonechild,
No. 139 Muscowpetung Band,
File Hills Qu'Appelle Agency

Confirming my telegram of even date it has been necessary for the Branch to provide Edward William Stonechild with transportation from Ottawa to Regina. He was injured in a car accident on June 3, 1954, on Route 20 between Belvidere and Rockford, Illinois. He arrived in Ottawa on March 22nd. As he is crippled and destitute it was considered advisable to provide him with transportation to Regina. He has been informed that any consideration given to him by you or the Superintendent of the File Hills Qu'Appelle Agency will depend on his own good behavior.

I should appreciate periodic reports on this man if he remains on the Muscowpetung Reserve or in the vicinity of Regina or the File Hills Qu'Appelle Agency.

Yours sincerely,

J. P. B. OSTRANDER

J.P.B. Ostrander,
Superintendent of Welfare.

CR/FG

Indian Affairs. (RG 10, Volume 7469, File 19114-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19115-2 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

JUSTICE DEPT TRAIL OF MONIQUE NEST FOR MURDER

DORMANT FILE NO. 19115-2 DORMANT

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EX'D M	

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19115-2

19115-

Department of Indian Affairs.

191

Justice Dep^t

Trial of Monique Nesh for murder.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

PHONE 4723

P. O. DRAWER 760

LANDRY & LANDRY

BARRISTERS, SOLICITORS & NOTARIES

EDMONTON, November 13, 1918. 191

STATEMENT OF ACCOUNT OF

Department of Justice, Ottawa, Ont.

Re-Monique Beste, Murder Case.		
Attending prisoner and interviewing, attending trial when prisoner pleaded guilty, attending Attorney General's Dept. and attending at Court when sentenced.	100.00	
		$100.00

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

PHONE 4723

P. O. DRAWER 760

LANDRY & LANDRY

BARRISTERS, SOLICITORS & NOTARIES

EDMONTON, November 13, 1918. 191

STATEMENT OF ACCOUNT OF:

Department of Justice, Ottawa, Ont.

Re-Monique Neste, Murder Case.		
Attending prisoner and interviewing, attending trial when prisoner pleaded guilty, attending Attorney General's Dept. and attending at Court when sentenced.	100.00	
		$100.00

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

LANDRY & LANDRY,
BARRISTERS, ADVOCATES,
NOTARIES, ETC.

HECTOR L. LANDRY J. C. LANDRY

P. O. BOX 760

EDMONTON, ALBERTA.

DEPT. OF INDIAN AFFAIRS
NOV 19 1918

DEPARTMENT OF JUSTICE
NOV 18 1918
CANADA

LA.

November 13, 1918.

Deputy Minister,
Department of Justice,
Ottawa, Ont.

516727

Dear Sir:

Re-Monique Neste, Treaty Indian.

MoniqueNeste, a Treaty Indian, was charged with murder before Mr. Justice Simmons on the 15th of October, 1918. After hearing her story in which she acknwoledged her guilt we saw the Attorney General's Department here and they consented to reduce the charge from murder to manslaughter. She pleaded guilty on our advise and was sentenced to 23 months in jail.

Enclosed find our bill in triplicate.

Yours truly,

LANDRY & LANDRY.
per. J.C.L.

Nov. 18/18.

Transferred to Dept. of Indian Affairs.

Asst. D. M. J.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

515557

23rd November, 1918.

Gentlemen,

I beg to acknowledge the receipt of your letter of the 13th instant, addressed to the Deputy Minister of Justice, enclosing your bill for $100 for defending Monique Neste, a treaty Indian, on a charge of murder.

In reply I beg to say that it does not appear that instructions were given to act for anyone by this name. Could you say whether Monique Neste is known by any other name?

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

Messrs. Landry & Landry,
Barristers, etc.,
Edmonton, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

516727

W.S.E.

DEPT. OF INDIAN AFFAIRS
DEC 18 1918
RECORDS

517535

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA.

Ottawa, December 12th, 1918.

A. 1536.

The King v. Bright Eyes.
The King v. Monique Nest.

Sir,-

I enclose, for your information, copy of a letter dated the 3rd instant from Messrs. Landry & Landry, our agents at Edmonton, Alta. So far as I am aware no instructions were sent from this Department to defend Monique Nest, and I think the communication to which he refers as having been received from this Department must have been sent to him by your Department.

Encl.

If you decide to assume the expenditure in connection with the defence of Monique Nest, I will tax Mr. Landry's bill in due course.

I have the honour to be,
Sir,
Your obedient servant,

W. Stuart Edwards

Asst. D. M. J.

The Deputy Superintendent General
of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

KODAK SAFETY ▲ FILM

COPY

Edmonton, Alta. December 3,1918

Deputy Minister of Justice,

Ottawa, Ont.

Dear Sirs:

Re-Monique Nest.

Your favor of recent date has been mislaid by me, re Monique Nest, and I am, therefore, unable to give you your file number.

I might state that in connection with this matter that I received instructions by wire to defend a case called Bright Eyes for murder and that immediately after receipt of these instructions I received word from the Attorney General's Department that Monique Nest, a Treaty Indian, was to be tried for murder next day, and that counsel should look after her case. I had no time to get in communication with you to inform you that a Treaty Indian was being tried for murder and I, having the other case, took it upon myself to interview the prisoner and prepare for trial.

My former letter to you explains to you just what happened in the case. The Bright Eyes case, of which I received instructions, was put over until the January Court by the Crown here.

Yours truly,

LANDRY & LANDRY,

per "H. L. Landry."

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

516727

Ottawa, 24th December, 1918.

Gentlemen, The King v. Monique Neste.

I beg to acknowledge the receipt of your letter of the 3rd instant, in the above matter, addressed to the Deputy Minister of Justice which has been forwarded to this Department for reply.

In reply I beg to say that the Department is of course under no obligation to pay this bill. It has been the practice, however, for the Department to employ counsel to defend an Indian who is charged with an offence for which the death penalty may be imposed and even then only in case such Indian has no means of his own for the employment of counsel. Before considering the bill which you have forwarded in this matter it will be necessary to show that this man had no means of providing for his own defence.

Your obedient servant,

J.D. McLean

Asst. Deputy and Secretary.

Messrs. Landry & Landry,
Barristers, etc.,
Edmonton,
Alta.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

LANDRY & LANDRY.
BARRISTERS, ADVOCATES,
NOTARIES, ETC.

HECTOR LANDRY J. C. LANDRY

P. O. BOX 760

EDMONTON, ALBERTA.

DEPARTMENT OF INDIAN AFFAIRS
JAN 18 1919
RECORDS

1. Mr Scott
await reply to letter from opt to letter 24th inst. acw.
2. Law Clerk

La.

January 14, 1919.

518489

Secretary,
Department of Indian Affairs,
Ottawa, ONt.

Dear Sir:

Re-Your file 516727-Monique Neste.

We are in receipt of your favor of the 24th of December last and beg to state that Monique Neste is an Indian girl about 15 years of age, a Treaty Indian, and that she was without means and is without means of any kind having been brought down from the North on a charge of murder, by the police. Without counsel she was placed in a very awkward psoition and the case when the writer saw her, was coming on for trial the day after. In view of the circumstances as already written you we were able to have the charge reduced to manslaughter and have the Court accept a plea of guilty. In view of her age and circumstances the Court took a lenient view of the matter although there was no doubt according to her testimony given to me, that it was a deliberate murder, and they gave her 23 months in Fort Saskatchewan with hard labor.

Had it not been that we have received from the Department of Justice a wire to defend a case known as Bright Eyes we would not have taken up the defence of the case of Monique Neste but whilst interviewing the prisoner in the other case the Attorney General's Department here informed us of the plight of Monique Neste and stated that as her case was that of a Treaty Indian we had better see her and see what could be done for her. There was no time to wire and get instructions and we felt as we had handled a great many of the capital charges cases for yo ur Department that it was better to do something for this girl then to allow her to go to trial without counsel on so serious a charge as murder.

Trusting this explanation will be satisfactory,

We remain,
Yours truly
LANDRY & LANDRY.
per.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

516727

D.A.D.

Ottawa, 24th January, 1919.

Sir,

I beg to enclose herein an extract from a letter from Messrs Landry & Landry, dated the 14th instant, with respect to Monique Neste, which explains the matter. What the Department desires to be sure of is that Monique Nest is actually a member of some Indian band before undertaking to pay for her defence. Would you be good enough to ascertain either from this girl herself, or from the police who brought her down to Edmonton, or from any other source that you can whether she is or is not a member of an Indian band and if so what band?

a.s.w.

enc.

Your obedient servant,

F. D. McLean

Asst. Deputy and Secretary.

Geo. Race, Esq.,
Indian Agent,
Edmonton, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

516727

INDIAN AGENT'S OFFICE

DEPT. OF INDIAN AFFAIRS
FEB 6 1919
RECORDS

Mr Scott

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE ON THIS LETTER

1.
2. Franchette

191

Ref. Letter No.516727 of 24th.January 1919

519095

Sir,—

In reference to above letter re girl Monique Neste sentenced to 23 months imprisonment for manslaughter, I beg to say that I have made enquiry as to this case and find her parents reside at Fort Chipewyan and she is paid treaty with her parents at that point. The girl was staying at Cold Lake reserve when arrested on the charge of murder by the police.

Your obedient servant,

Indian Agent.

The Secretary
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

516727

Feb 6, 1919.

Sir,-

Will you be kind enough to advise me if Monique Neste, a young girl who, I understand, was arrested while staying at the Cold Lake reserve in September or October last, charged with murder, is an Indian, and if so, to which band and Agency she belongs. I have been unable to identify her on the pay sheets of the Chipewyan bands at Lake Athabasca, though it is possible that she would appear on the lists under another name. I shall be glad to have any information you can give me with regard to this girl.

Your obedient servant,

J D McLean

Asst. Deputy and Secretary.

W. Sibbald, Esq.,
Indian Agent,
Onion Lake, Sask.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

1 Secy
2 Housekeeping
please noted note
J

516727

LHL/S.

EXD.

Feb. 5, 1919.

Sir,-

I have your letter of the 31st. ultimo, with regard to Monique Neste. I have been unable to find her name on the pay lists of the Cree or Chipewyan bands at Fort Chipewyan, though it is possible that she would appear under some other name. Will you be kind enough to make further inquiries, and let me know if you can secure any further information as to the Agency to which she belongs, and the name of her parents.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

G. H. Rae, Esq.,
Indian Agent,
Edmonton, Alta.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

516717

INDIAN AGENT'S OFFICE

IN YOUR REPLY REFER TO
No. .....
TO DATE OF THIS LETTER

Law Clerk
Vet

RECEIVED FEB 2 1919 ALTA

MAR 4 1919 BR. ACCOUNTANTS

.....191

Ref. Letter No. 516717 of 8th. Feb. 1919

520113

Sir,—

In reply to above letter re the treaty Number of the girl Monique Neste, I beg to say that I went to Fort Saskatchewan to see this girl and make direct enquiry from her as to her relations and the Band under which they are paid treaty. I found that her parents live at Cold Lake and not at Fort Chipwayan as stated to me before. Their name is Ganver. The father Jean Baptiste there are four sons beside this girl in the family. The girl Monique was at one time in the Onion Lake Boarding School where she was 2 years as a child. She is married to Issiar Neste and has drawn treaty with her husband at Cold Lake for 2 years. Her father and mother are both alive and live at Cold Lake. She has been living away from home for about 2 years.

This girl speaks fairly good English, a little Cree but Chipwayan is the language she understands best In consequence of this and the fact that I could find no one to interpret Chipwayan and also that the girl is not very brilliant, it was difficult to get any information from her at all.

Your obedient servant

Indian Agent

The Secretary
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Fyle - 516727

DEPARTMENT OF INDIAN AFFAIRS CANADA

Letter Pt see below

March 6, 1919.

Memorandum.

Mr. Scott.

I have searched the Pay Sheets and School Records for Monique Neste but have not been able to identify her and notice has been sent today to the Indian Agent at Onion Lake asking him for reply to the Department's letter hereunder. In the absence of further information it might be advisable to let the matter stand for the present.

D.C. Scott

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

516727

INDIAN AGENT'S OFFICE

DEPT. OF INDIAN AFFAIRS
MAR 6 1919
RECORDS

Onion Lake, Sask.

IN YOUR REPLY REFER TO
No. 165
ALSO
TO DATE OF THIS LETTER

February 24th. 1919

520188

Sir,—

I have the honour to acknowledge the receipt of your letter of the 8th. instant, No.916727, respecting Monique Neste; and to inform the Department that this young girl is a member of Chipewyan band, No.149, of this agency.

In connection with her crime and imprisonment the facts are, briefly, as follows :-

On Oct. 3rd. last I received a telegram from Farmer Martineau at Cold Lake, informing me that a Chipewyan woman had murdered her infant child, and asking for instructions. I at once reported tha matter to the Provincial Police at Edmonton, and advised Mr. Martineau of my action; and also instructed him to have proper supervision kept over the girl until the arrival of the police. P. C. Duncan, of Lloydminster, and Dr. Smith, of Vermilion (Coroner) arrived at Cold Lake on October 6th, and held an inquest the following day. Being unwell myself at the time, Mr. Turner, Agency Clerk, attended in my place. At both the inquest and preliminary inquiry the girl admitted her guilt and was committed to stand her trial at Edmonton. I afterwards learned from the newspapers that she had been found "Guilty" but was recommended for mercy, and had been sentenced to a term of 23 months imprisonment.

The girl is the daughter of John Baptiste, No. 7, of Chipewyan band No.149, and was last paid on her father's ticket. Shortly before the commission of the crime she married a son of Joseph Nest, No.52 of the same band and

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

and who was also paid on his father's ticket at last payments. The girl was enceinte at the time of her marriage but kept the knowledge of her condition from her husband. When the child was born the husband was away hunting, and the girl took advantage of the opportunity afforded her to hide the fact that she had given birth to a child, by destroying it. However, she was suspected by some of the elder women, and the crime discovered. I may state here that Monique is quite young, being at the time of the trial between 15 and 16 years of age. The girl would not divulge the name of the father of the murdered child, and it did not transpire in the evidence of any of the witnesses.

I was under the impression that this matter had been reported to the Department, but find on looking up the files that it was reported to the Indian Commissioner only, both by telegram and letter of October 8th. last,

I have the honour to be

Sir,

Your obedient servant,

W. Lobbald

Indian Agent

The Secretary

Department of Indian Affairs

Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

IN YOUR REPLY REFER TO

No. 516727

ALSO TO THE DATE OF THIS LETTER.

PLEASE WRITE ON ONLY ONE SUBJECT IN EACH LETTER.

PLEASE REPLY TO THE SECRETARY, DEPT. OF INDIAN AFFAIRS, OTTAWA.

DEPARTMENT OF INDIAN AFFAIRS

CANADA

DEPARTMENT OF JUSTICE MAR 18 1919 CANADA

Ottawa, 13th March, 1919.

Sir,

I beg to enclose herein file No.516727 containing for taxation the account of Messrs Landry & Landry incurred in the defence of an Indian girl by the name of Monique Neste charged with murder. No authority was given Messrs. Landry & Landry by the Department, but they were requested by the court to undertake this defence. Their explanation of the matter is set forth in their letter of January 14th last. The Department is disposed to pay the account subject to your taxation.

enc.

Your obedient servant,

Asst. Deputy and Secretary.

The Deputy Minister of Justice,

Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

516727

Ottawa, 13th March, 1919.

Sir,

I beg to enclose herein file No.516727 containing for taxation the account of Messrs Landry & Landry incurred in the defence of an Indian girl by the name of Monique Neste charged with murder. No authority was given Messrs. Landry & Landry by the Department ,but they were requested by the court to undertake this defence. Their explanation of the matter is set forth in their letter of January 14th last. The Department is disposed to pay the account subject to your taxation.

enc.

ASW.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

The Deputy Minister of Justice,

Ottawa.

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

File 51/27
Secretary Dept of Justice

Indian Affairs. (RG 10, Volume 7469, File 19115-2, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

516727

C.P.P.

DEPT. OF INDIAN AFFAIRS
MAR 31 1919
SCHOOLS

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

Ottawa, March 21. 1919.

ACCOUNTANTS
MAR 31 1919
BRANCH

A-3 -- Taxed Accounts -- Alta.

521155

Sir,

Referring to your letter of the 13th instant, I have the honour to return herewith your departmental file #516727 relating to the account of Messrs. Landry & Landry, of Edmonton, for professional services rendered in connection with the defence of an Indian girl named Monique Neste on a charge of murder, together with the account in question, taxed and certified for payment at the sum of $50.00.

Encls.

I have the honour to be,
Sir,
Your obedient servant,

W. Duncan Edwards

Secretary.

J. D. McLean, Esq.,
Assistant Deputy & Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs, (RG 10, Volume 7469, File 19115-2, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Indian Affairs
Central Registry Files, 1868-1970

(RG 10, Volume 7469)

File			
19108-4	1	CROOKED LAKE AGENCY - ATTEMPTED MURDER - OLIVER PEEPEECH	1946
19108-5	1	CROOKED LAKE AGENCY - RE DEATH OF INFANT JACK NAHBEXIE - CHARLES NAHBEXIE, FATHER	1948
19110-2	1	EDMONTON AGENCY - DEATH OF MRS. JOHN BULL - MANSLAUGHTER CHARGE AGAINST JOHN BULL	1913-1914
19110-3	1	EDMONTON AGENCY - TWO INDIANS OF ALEXANDER'S BAND CHARGED WITH THE MURDER OF A HALFBREED	1911
19110-4	1	EDMONTON AGENCY - MURDER OF ALEXIS RAIN OF PAUL'S BAND	1905
19110-5	1	EDMONTON AGENCY - MURDER OF J.B. CARDINAL BY HIS WIFE	1939-1941
19110-6	1	EDMONTON AGENCY - MURDER OF CHARLOTTE HUNTER BY PTE. EDGAR WHITFORD	1944-1947
19113-2	1	MOOSE MOUNTAIN AGENCY - MURDER OF DONALD LONECHILD BY HAROLD DEWEAN (NEWSPAPER CLIPPING)	1936
19113-3	1	MOOSE MOUNTAIN AGENCY - MURDER OF MRS. NELSON SAMMY, HER MOTHER, HER FATHER AND CONSTABLE RHODENISER BY NELSON SAMMY (NEWSPAPER CLIPPINGS)	1943-1955
19114-2	1	QU'APPELLE AGENCY - MURDER OF MISS EVELYN SEVERWRIGHT BY EDWARD WILLIAM STONECHILD	1943-1955
19115-2	1	ONION LAKE AGENCY - MURDER CHARGE AGAINST MONIQUE NEST	1918-1919
19115-3	1	ONION LAKE AGENCY - DEATH OF MRS. ALPHONSE THOMAS - MANSLAUGHTER CHARGE AGAINST JACK MARTIN	1938

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

FILE NO. 19115-3 DORMANT DORMANT

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CROSS REFERENCE

ONION LAKE
MANSLAUGHTER
JACK MARTIN

Central Registry	P.A. or B.F.	Date	Initials	Referred to	For Remarks	Initials	Date
		(If purpose for which referred cannot be expressed on one line, add minute to file, and enter here "With Minute")				EXD M	

DORMANT FILE NO. 19115-3 DORMANT

R. 3755

DO NOT WRITE BELOW THIS LINE

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

No. 19115-3

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

ONION LAKE

MANSLAUGHTER

JACK MARTIN.

R. 8649

Poor Copy

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

F. 237

Division File No. .....

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	EDMONTON	BONNYVILLE

Province	Date
ALBERTA	24-8-38

File References

Headquarters

Sub-Division

58-110-82

Detachment

P. C. R.

First

Re: Mrs. Alphonse THOMAS - Le Goff, Alta.
Death of. (Treaty Indian)

1. At approx 9.45 P.M. on August 22th 1938, a phone message was received from Mr. House, Local Agent for the C.N.R. to effect that he had been informed over the company's phone, from their station at the end of the steel, Beaver River Siding, that a motor accident had occurred resulting in a fatality, they were unable to contact Dr. Macfarland of Cold Lake, Alta.

2. The writer arranged with the phone operator at St Paul to keep trying to get Dr. Macfarland, and accompanied by Const. J.R. Hutton patrolled to Beaver River Siding, on arrival Dr. Macfarland was examining the body at the stopping place of Lackey's, he promounced the woman dead, Dr. Macfarland also being a Coroner, asked that investigation be made. The body was identified as being a Mrs. Alphonse THOMAS, age 66, a Treaty Indian, she had been brought to the Lackey's place by Jack MARTIN in a truck, who had been making all effort to obtain medical aid and had asked that the Police be notified.

3. The body had a deep cut on the left side of the face to the bone, wide open. No great amount of blood was visible, the Coroner informed the writer that the left collar bone was fractured, but had not determine as yet the full extend of injury received.

4. Jack Martin, who was there, was interviewed, he said that he was driving a truck toward's Beaver River Siding, had as passenger in front one Jack REID & Olaf AASEN, on passing some bush he had got a glance of something out of the corner of his eyes on the left, at near the same time he had felt a slight impact he immediately brought the truck to a stop and ran back to the bush and saw a woman lying in the bush on the side of the road, another woman was in the ditch in a sittin position, with help from those in the truck they brought her to the Lackey's stopping place.

5. The truck was examined, on the left side, driver's side, on the support of the box, a piece of wood 1½" x 2½" fragment of skin and a piece of bone inbedded was seen, a large reflector facing the front was also cracked, only very little blood was seem. Jack MARTIN said that the reflector was not broken on him leaving on this trip. He voluntary accompanied the writer and Cst Hutton to the scene, at which place he pointed out the place he had found this woman, with him present, measurements was taken, same being as follows. From right shoulder of road the East side to the edge of bush it was 17' 4" carrying on to shoulder of road on the West side 18' 10" to end of culvert 21' 9". On the East side the culvert extended another 2' from the shoulder of the road. In the ditch on the West side was 3 large lards pail and one birch bark basket containing blue berries, the birhh bark basket was partly empty its content spilled on the edge of road, some small patches of blood was seem on the south end of culvert, no great patches.

File numbers must be quoted

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re; Mrs. Alphonse THOMAS- Le Goff, Alta.
Death of. (Treaty Indian)

Para 5; Cont; no great patches.
of blood could be seem. It was explained by Jack MARTIN that he was going North, but was travelling on the West side of the road, it was seen at that place that the bushes were overhanging on road for more than a foot at that point.

6. We returned to Beaver River Siding at which place statements were taken, Statement as given by Jack MARTIN follows

Le Goff. P. Office, Alta.
August 23rd 1938

" At approx 9.20 or 9.30. P.M. 22th of August 1938. I was driving a Ford V 8 2 Ton Truck with large box on, driving to my destination to the end of the steel with a load from Grand Center, I was driving North pass Genest's place toward the river, on passing I noticed something ~~from~~ out of the corner of my eyes, at the same time I felt a slight impact. I applied the brakes and stopped as soon as possible. I ran back approx 30 feet or thereabouts and found a woman lying on side of road, another woman was further in the ditch in a sitting position, with the hepl of the person's with me I carried her into the back of the truck, and two woman's in the back, Bertha MARTIN and Mrs. E. Martin held her while I drove on to Mr. Lackey's place at Le Goff, I helped her into the bed downstair and went to tried to phone the doctor at Cold Lake Dr. Macfarland. I also notified the police at Bonnyville, this was done over the railway's phone at Le Goff. I was driving at approx 15 miles an hour just before I felt the impact. I did not see anyome before this on the road. I am driving a Public Service Vehicle for Edward Leach and Charlie Demeurier of Cold Lake, we have not yet installed boundary lights it was going to be done shortly, we have just found out it was necessary. I was following the left main track on the road and the brush was hitting on the side of the box, the driver's side, this brush was on the left side of the road. This other lady refused to ride with us, we asked her twice.

Witness;
J. C. I. Guimond. Cst. (Sgd) J. P. Martin.

Statement of Olaf AASEN follows, he was a passenger in the cab of the truck. This boy 18 yrs of age.

Le Goff, P. O. Alta.
Aug 23rd 1938.

" I was sitting in the cab of truck driven by Jack Martin near the right front door. From Grand center to the "YW (End of Steel) I never noticed anything or anyome walking. I never heard anything out of the ordinary, Jack MARTIN stopped the truck and got out, I heard him call my name , so I got out and went back there, Jack (MARTIN) had a woman in his arms, the other woman was downbelow(Ditch) Jack said we got to get her to the Y as soon as possible. I thing she was alive then, we came to the Y at the boarding house and Jack went to use the phone. Our speed was near 15 miles per hour, Q. Are you employed on this truck. Ans; No.

Witness; (Sgd) Olaf Aasen
J. C. I. Guimond. Cst.

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re; Mrs. Alphonse THOMAS - Le Goff, Alta.
Death of. (Treaty Indian)

Para 6; Sont;
Statement of Jack REID of Cold Lake, a boy of 16 yrs of age also a cab passenger follows;

Le Goff. P.O. Alta.
Aug 23rd 1938

" I was a passenger in truck driven by Jack MARTIN, on nearing Le Goff we were talking of double clutchings . I was looking down to see how it was worked, all of a sudden Jack (Martin) stopped the truck and ran back and hollered, then I went around the back, and Jack had a woman in his arms, then he put her in the truck and we all got in, the other woman did not want to get in the truck, she went on the raod walking. At the Y we stopped at the boarding house, and I found Mr. Hopewell the station agent so that Jack could use the phone. On loading the woman in the truck I noticed a kind of fog coming from her, I could not say whether it was breathing or from her face. (Wound).
Witness; (Sgd) Jack Reid.
J. C. L. Guimond. Cst.

Statement of Mrs. Eugene H. Martin follows, she was a passenger in the box of the truck and is a sister in law to Jack Martin.

Le Goff, P.O. Alta.
Aug 23rd 1938

" I was a passenger in truck, sitting in the back, truck driven by Jack Martin I was not facing the road, inside the box I could not see the road. I thought I noticed the truck slow down a bit and then it stopped, I did not know why, after it stopped someone ran in the bush saying someone was hurt, we all got out and helped to put this injured woman in the truck, Mis Martin and myself looked after this woman on the truck, starting on its way to Le Goff I tried the pulse of this woman in the truck, but could not feel it, I dont thing she was breathing, she never spoke.
Witness; (Sgd) Mrs. E. H. Martin.
J. C. L. Guimond. Cst.

Statement of Miss. Herberta Bernice MARTIN 16 Yrs of age, a sister of Jack Martin follows.

Le Goff. P.O. Alta.
August 23rd. 1938.

I was riding in the truck driven by Jack Martin in the back of the cab. I noticed that Jack was going slowly, I thought it was bad roads. I just heard a Thud and thought the butter box were falling down. Jack stopped I saw him go back, first I thought it was an animal had been hurt, so when we saw it was something serious we got out we helped Jack to lift her into the truck her head was on my knees, I thought she was unconscious, I never saw a sick person before, I asked Mary (Mrs Martin) to see if her heart was beating, and when she could not find it I thought she was alarmed. I did not thing she was dead.
Witness; (Sgd) Herberta Bernice Martin
J. C. L. Guimond. Cst.

Statement of Mr. Lowell Lackey at who's place this woman was taken follows.

Le Goff. P.O. Alta.
August 23rd 1938

" A truck pulled up at the house at about 9.30. P.M. of Aug;22th, Jack (Martin) came to the door and asked if I had any place that I could put a Lady that had been struck by

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re; Mrs. Alphonse THOMAS - Le Goff, Alta.
Death of. (Treaty Indian)

Statement of Mr. Lowell Lackey follows on;
had been struck by;
the truck. I said certainly bring her right in, he carried her in and laid her down in the bedroom downstairs and Jack went away to the station to phone to the doctor, my wife when to see if we could do anything for this woman, she tried to see if they was any pulse or any life, could not find no sign of pulse or respiration whatso ever. I was quite sure she was dead. I could see they was nothing we could do, we waited till the Doctor came to examine her.
Witness; (Sgd) Lowell Lackey.
J.C.L.Guimond. Cst.

Statement from Mrs. Emily Janvier Berland, interpreted by her husband was taken by Const. Hutton, same follows.

Le Goff, Alta.
Aug 24rd. 1938.

" Marie Willie (Mrs Thomas) and I were walking along the road South towards the Reserve. We saw a truck coming north on the road and Mrs. Willie (Mrs. Thomas) was walking ahead of me. I stepped off the road to my right side the truck scrapped me on the left sh ulder trowing me into the ditch injuring my back, Mrs. Willie (Mrs. Thomas) stepped off the road to the right side but was too late as the truck struck her before she could get completely off, knocking her towards the edge of road. We had passed two trucks going North and saw the truck which struck Mrs. Willie and I from quite a distance. We knew it was a truck because of the rumbling noise it was making.

Her
Cstl X J.R. Hutton.
Mark

Her story at the inquest, was that she fell in the ditch hurting her back on some wood or something. It is the opinion of this detachment that Mrs. Thomas on being struck knocked her into the ditch.

7. The truck was again examined and measurement taken, The box of this truck measured for width right at the back of the cab 7'7" same at the rear, overhanging clear of the mud guards on the driver side to outher edge 10", with help of Jack Martin the outer stay showing a piece of bone inbedded was taken off, also also the piece holding the reflector was taken off, same are held at this detachment, same are initialled by the members of this detachment as well as per Jack Martin. The result of this investigation was made known to the Coroner, who decided that an inquest would be held at 10 A.M. of the 23rd August 1938, at Lackey's stopping place. The body was removed to an outer building and locked in for the remainer of the night. Patrolled returned to Bonnyville arriving at the latter place at 4.A.M.

23-8-38

8. Member's of this detachment patrolled to Lackey's place at Le Goff P.O. accompanied by Dr. W. J. Houghtling of Bonnyville who's attendance had been requested by the Coroner. A juty was summonsed from Le Goff and Beaver Crossing by Const. J.R. Hutton Inquest starting at approx 10.30.A.M. The following Jurymen were sworn;

George V. York.	Foreman.	General Merchant;	Beaver Crossing, Alta
Jake Jorvenger.		" "	" "
Duncan Shaw		Store Clerk	" "
P. J. Richard		General Merchant;	Cold Lake. Alta.
Marcel Reault		Elevator Agent ;	Le Goff, Alta.
Frank Glimps.		Farmer.	Beaver Crossing, Alta

by Coroner M.T. Macfarland. of Cold Lake.

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Re; Mrs. Alphonse THOMAS - Le Goff, Alta.
Death of. (Treaty Indian)

9. The body was identified by Mr. Alphonse THOMAS, husband of the woman, this being done through and interpreter.

10. Evidence was given in the Following order, Cst Guimond, Cst Hutton. Emily Janvier Berland. Lowell Lackey. Mrs. Lowell Lackey. Mr. Jack Martin. Olaf Aasen. Jack Reid. Mrs. Eugene H. Martin. Miss. Herberta Martin. Dr. W. J. Houghtling.

11. Cst Guimond evodence being of measurement taken at the scene and of peices of wood taken from truck, also to measurement from piece of wood were bone was inbedded to ground, this being 5'3" and from reflector to ground 4' 4", also as to roads condition, as to testing brakes, and steering, finding these in fair condition. Const. Hutton evidence in very similar lines.

12. Mrs. Emily Janvier Berland, throught an interpreted; She and Mrs. Alphonse Thomas had been picking blue berries West of Le Goff, Post Office had finished at dusk and were returning home, were walking on right side of road one behind the other Mrs Thomas in front, she, Mrs. Berland was about 6 feet behind they saw this truck coming by the head lights, had stepped to the edge of road, the lights had passed when Mrs. Thomas was hit and trowned down, she stepped to the right fell down on the edge of the culvert and hurted her back, she thought the truck was travelling fast, it was the same truck that stopped and picked up Mrs. Thomas, that had hit her. She did not want to go with then went they came back, she did not know the driver, Mrs Thomas had not moved from the time she had fallen down, and the time she was picked up, had hollered on being hit, this being the last said by Mrs. Thomas to her knowledge.

13. Mr. Lackey's being very similar to his statement, Mrs. Lowell Lackey was also called and give evidence about trying to see if any life was left in Mrs. Thomas.

14. Jack MARTIN, was given the protection of the Canada Evidence Act by the Coroner. Told of having driven to Bonnyville earlier in day, had approx driven 100 mile that day, returning to Cold Lake at about 6.30.P.M. had supper and with Olaf AASEN & Jack REID and his sister and sister in law Mrs. Martin, had left for Grand Center at approx 7.30.P.M. had picked up at Grand Center some boxes containing butter, had stopped at Beaver Crossing for about 20 nimutes, on passing or after past Genest's place a little further on, he was driving on the main travelled track on the road on the left hand side going North he heard the bush hitting on side of truck box, also saw something out of corner of eye on left side, also felt a slight impact prattically at the same time, he stopped the truck, and ran back, saw woman lying in bush, called to Olaf (Aasen) for help, picked Mrs. Thomas and with assistance carried her in the truck and came on to Mr. Lackey's place, he noticed another woman sitting in the ditch, he offered to take her in to Le Goff she refused to ride, Mrs. Thomas was in the truck looked after by Mrs, Martin and Miss Martin rest of journey to Lackey's place had tried to get medical help and had seem to notifying the police had not seem anything on road ahead, only traffic that he had past was on the Beaver Crossing hill approx 4 miles back. has had 14 yrs experience driving, 4 yrs as a truck driver, has not had any previous accident, was in good health and eyesight was good, his chauffeurs License No being for 1938 No 4847, was employed by Leach and Demeurier of Cold Lake driving a 1938 V 8 2 ton truck aggregate mileage of the truck being 14.700 miles.

15. Olaf AASEN told very nearly the same as contained in

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

Re; Mrs. Alphonse THOMAS - Le Goff, Alta.
Death of. (Treaty Indian)

Para 15 Cont;
as contained;
in statement already mentioned. Jack REID also told very similar as contained in his statement, he was sitting in the middle between Jack MARTIN and Olaf AASEN.

16. Mrs. Eugene H. MARTIN, told of being a passenger in the rear box, she was sitting with her back to about in line towards Olaf AASEN, rest about the same as contained in statement she never saw or heard anything until after the truck was stopped.

17. Miss. Herberta Bernice MARTIN, of being a passenger in the rear box sitting with her back in about the back of the Driver Jack Martin, she hearing a thud, she beleived it was boxes Balling down on account of rough roads, on truck stopping she saw that ~~a~~ woman had been hurt, helped all she could, her story being nearly the same as statement.

18. Dr. W. J. Houghtling of Bonnyville, Alta. who had conducted an autopsy on the body of Mrs. Thomas, gave the following as his finding. The body was that of a well developed, well mourished elderly female, about 65 yrs of age, rigor mortis was present. On the left side of the head was a wound about 5" long extending from the hair line on the left side of the farehead about to the level of the upper lip, the mid portion of the Zygoma, that is the projection of the cheek bone backward was completely broken off and crushed into the side of the face, the skull itself was not fracture.

They was contusion of the left arm just above the elbow and also a contusion over the left anterior superior spine of the Ileum, that is the upper front part of the hip bone. The left collar bone was fractured just medial to its attachment to the coronoid process of the scapula. The upper ten ribs were fractured at the mid clavicular line, the 5,6,7 ribs were communuted (broken into small pieces) the broken end of these 3 ribs had pierced the parietal pleura, that is, the membrances covering the chest cavity and had pierced the lung and pericurdium (Sac covering the heart). They was a ragged hole in the very apex of the heart which admitted one finger and led into the left ventricle. The left pleural cavity and pericurdium (sac covering the heart) was filled with blood. Both lungs were ~~filled with~~ adherent to the chest wall by old dense adhesions. Death was due to (1) Puncture wound of the heart and (2) puncture of the left lung and (3) hemorrhage from these organs, Death would be practically instantoneous. This woman weight approx 135 Lbs and was 5' 7".

(Sgd) W. J. Houghtling. M.D.

19. The jury viewed the scene of the accident, on returning and no further person to give evidence, they were address by the Coroner, they them retired to consider, in about half and hour they returned with the following verdict;

" After due deliberation the Jury arrived at a unaninous verdict as follow; Mrs. Alphonse THOMAS met her death through being struck by a truck driven by Jack Martin, one mile south of Le Goff. Post Office on the night of August the 22th 1938. The Jury exonerates Jack Martin from all blames, as we consider this was an accident. The jury wish to add the following rider If this road had been kept cleared and maintained the width of the grade this accident would ~~been~~ not have happened, the width of the grade is also not adequate for the volume of traffic and safety of the Public. " END.
This was signed by all of the Jurymen.

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

AFETY ▲ FILM ●●

Re- Mrs. Alphonse THOMAS - Le Goff, Alta.
Death of. (Treaty Indian)

Para 19; cont;
The inquest ended at 5.30. P.M.

20. Photos of the scene were taken by the writer on the 23rd of August, 1938, same are not yet available.

21. Jack Martin is considered an honest hard working young man of the Cold Lake Dist, he resides with his brother in law, Mr. Demeurier, is single, but his parents are at Cold Lake at this time on a visit. No charge of Manslaughter as yet has been laid against him, this will be done by the writer before Magistrate LeBel of St Paul at the first opportunity, this will necessitate a patrol to St Paul, Magistrate Le Bel not being due here in Bonnyville until the 29th of August 1938. If this is not the wishes of the Department, could I be advised soon.

22. I would respectfully request that I be advised, if charges under the P.S.V. Act for carrying passenger, also on the regulations for boundary lights, and the V & H. T. Act, should be laid, if the charge of Manslaughter is proceeded with.
22-8-38
Hired Car; 65 Miles.
23-8-38
Hired Car; 70 Miles.
Police transport undergoing repairs; No other available.
CONCLUDED

J. C. L. Guimond Const.
J. C. L. Guimond Reg No 7761
I/C Bonnyville Detachment.

O. C. "K" Division.

1. Forwarded. In view of the circumstances set out above may I be instructed, please, whether or not any charges will be contemplated.

2. There does not appear to be any suggestion of criminal negligence or recklessness on the part of the driver.

Insp.
Edm.27-8-38 (R. E. Mercer)
RAGB/EP Commanding Edmonton Sub-Div.

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy

19115-3

L.H. 4A.

82361

ALL CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R.C.M. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
CRIMINAL INVESTIGATION BRANCH

IN REPLY PLEASE QUOTE
FILE NO. 38 B 637-1 H 1.

OTTAWA, CANADA

Sept. 10, 1938.

Department of Mines & Resources
Indian Affairs Branch
SEP 12 1938
RECORDS

File

Sir:

Re: Mrs. Alphonse THOMAS,
Le Goff, Alberta.

Attached for your information, is copy of report dated the 24th ultimo, as received from the Officer Commanding at Edmonton, in connection with the above named person.

2. Further reports will follow in due course.

Yours truly,

R. Armitage, Inspr.,
Asst. Director, Criminal Investigation.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa, Ont.

Enc.
CY/GB.

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Division Fyle No. 38K- X - 50 F. 237

38K 636-12.

ROYAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
"K"	EDMONTON	BONNYVILLE
Province		Date
ALBERTA		10-10-38

Fyle References

Re: Jack MARTIN - Cold Lake, Alta.
Manslaughter. Sec 262 C.C.C.

Headquarters

Sub-Division

38-110-82

Detachment

171-38

P. C. R.

24-8-38

Att-Gen Letter
8-9-38

1. In connection with the above, further investigation in this matter has failed to bring out further evidence.

2. A charge of manslaughter was laid by the writer before Magistrate A.U. LeBel of St Paul, in Bonnyville against Jack MARTIN, date of hearing was set by Magistrate LeBel to 2.P.M. Saturday October 15th 1938 at Cold Lake, Alta., summons to defendant and to some witnesses was served on the 8-10-38.

3. Witness, Olaf AASEN and Miss Herbertha MARTIN have left Cold Lake and are now resident of Edmonton. Olaf AASEN lives in the New Alberta Rooms this being situated on top of The Edmonton Furniture Exchange St unknown. Miss Martin at 14604, Stony Plain Road, living with her parents, both are attending school. Altho this evidence would be require should this charge be send to higher court, it is not absolutely essential for this preliminary hearing. Miss Martin's evidence is of hearing a "THUD" she was sitting in the box of the truck with her back to the driver's cab on the driver's side, being enclosed in the box, her evidence is not of which side of the road that the truck was travelling at the time of the accident. Should it be thought necessary to call these witnesses attached hereto are summons for each with one original.

4. The two member of this detachment will be given evidence at this Preliminary hearing, and also in view of paragraph three of the Assistant Deputy Attorney General letter I would respectfully request that Solicitor from the Attorney General's Dept be appointed to conduct this preliminary hearing and from which first hand knowledge to the department of this case standing would be available.

P. Car Code 2238; 114 miles
STILL UNDER INVESTIGATION

J. C. L. Guimond Const.
J.C.L. Guimond Reg No 7761
I/C Bonnyville Detachment

O. C. "K" Division

1. Forwarded with copy of my memo to Bonnyville Detachment and Telegram, in which you will note Cst. Guimond is instructed to proceed to the Preliminary Hearing himself.

Insp.

Edm.12-10-38
RAGB/EP

(R. E. Mercer)
Commanding Edmonton Sub-Div.

COPY TO THE DEPUTY ATTORNEY GENERAL.
The Commissioner,
R. C. M. P. OTTAWA, Ont.
Sir:
Forwarded for your information.
Edmonton, Oct. 15, 1938. W MORTIMER
4 W.

W. MORTIMER - Insp.
IN CHARGE C. I. B.

Fyle numbers must be quoted.

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

ROYAL CANADIAN MOUNTED POLICE

95761

CRIMINAL INVESTIGATION BRANCH

OUR FILE No. 38 B 636-12 H 5.

OTTAWA, Oct. 22nd, 1938.

YOUR FILE No.

Referred by direction of The Commissioner, Royal Canadian Mounted Police, Ottawa.

TO:

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
OTTAWA, Ontario.

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

38K 636-12

FORM 264

ROYAL CANADIAN MOUNTED POLICE
REPORT ON PRELIMINARY HEARING

Division "K" Div. Fyle No. 38K x 50 Detachment Bonnyville

Defendant Jack Martin Residence Cold Lake, Alta.

Alias None known Occupation Truck Driver

Nationality and Colour Canadian born; white

Status in Country British subject

Offence and Section of Act Manslaughter; Sec. 262 C.C.C.

Date and Place of Offence August 22nd, 1938; near Le Coff, Alta.

Authority for Search -

Arrest or Summons. Date Summons; October 8th, 1938.

Date and Place of Hearing October 15th, 1938; Cold Lake, Alta.

Heard by Magistrate LeBel of St. Paul, Alta.

Prosecutor or ~~Prosecutor~~ Cst. Guimond Defence Counsel None

Witnesses Mr. Alphonse Thomas; Csts. Guimond & Hutton; Mrs. Emily Janvier Berland; Jack Reid; Olaf Aasen; Mrs. Mary (Eugene) Martin; Lowell Lackey; Dr. W.J. Houghtling

Finger Prints and Photo forwarded to Headquarters Not in custody

Result of Hearing Remanded for trial to next Court of Competent Jurisdiction in Edmonton.

Bail R $500.00

Bondsmen W.O. Clark, Merchant, Cold Lake, Alta.
W. McMillan, Merchant, Cold Lake, Alta.

Remarks Olaf Aasen is the only witness that gave evidence at this preliminary that lives in Edmonton. Miss Herbertha Martin also lives in Edmonton she gave evidence at the inquest. Should this case be proceeded with in the next court of competent jurisdiction if her evidence should be required she could be served there. All of the other witnesses live in this district 2. The evidence was of the same nature as at the inquest. The defence was reserved.

Copy to D.A.G.

Submitted by Cst. Guimond

Fwd'd O.C. Edmn. Sub-Dist. Fwd'd O.C. "K" Division Fwd'd to Commissioner

? Cst. R.E. Mercer, Inspr. W.F.W. Hancock,

In Charge Detachment In Charge Sub-District Commanding Division

A/Commr.
Commanding "K" Div.

Date 20-10-38 Date 24-10-38 Date 26-10-38.

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

19115-3

L.H. 4A.

CORRESPONDENCE TO BE ADDRESSED:—
THE COMMISSIONER,
R.C.M.P.

ROYAL CANADIAN MOUNTED POLICE
CRIMINAL INVESTIGATION BRANCH

R 100066

IN REPLY PLEASE QUOTE
FILE No. 38B 636-12-H-5

OTTAWA, November 3, 1938.
CANADA

Department of Mines & Resources
Indian Affairs Branch.
NOV 10 1938
RECORDS

NOV 4 1938
RECORDS

Sir:

Re - Jack MARTIN, Manslaughter,
Cold Lake, Alta.

Further to reports in the above connection forwarded to you on the 22nd ultimo, attached is copy of Form 264 received from the Officer Commanding at Edmonton, from which it will be noted that Martin has been committed for trial on a charge of manslaughter.

2. This charge was preferred following the death of Mrs. Alphonse Thomas (Indian) who was struck by a truck driven by the above named man.

3. A further report will be forwarded when this case comes up for trial.

Yours truly,

R. Armitage, Insp.,
for D.C.I.

The Director,
Indian Affairs Branch,
Department of Mines and Resources,
Ottawa.

Encl.
JFS:MG

Indian Affairs. (RG 10, Volume 7469, File 19115-3, Pt. 1).
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

Public Archives Canada | Archives publiques Canada

Central Microfilm Operations | Services centraux du microfilm

79 ave. Bentley Ave.
OTTAWA, Ontario
K1A 0N3

190 ch. Carrier Rd.
REXDALE, Ontario
M9V 2C1

CERTIFICATE OF AUTHENTICITY | CERTIFICAT D'AUTHENTICITÉ

Roll. # 6

This is to certify that the microphotographs appearing on this Film-File starting with

La présente certifie que les microphotographies faisant partie de ce fichier et allant de

Indian Affairs -
R.G 10, VOL. 7467 FILE 19040 PT. 1.

and ending with

à

R.G-10, VOL. 7469 FILE 19115-3. PT. 1.

are accurate and complete reproductions of documents in the custody of the Public Archives of Canada as delivered in the regular course of business or photographing.

sont des reproductions exactes et intégrales des documents confiés à la garde des Archives publiques du Canada et livrés pour être photographiés.

Date Produced/Date d'exécution		
Day/Jour	Month/Mois	Year/Année
15	10	79

Camera Location/Emplacement de la caméra

395 Wellington St

Camera Operator/Opérateur de la caméra

5-2

ARC-740(6/78)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy

END OF REEL

FIN DE LA BOBINE

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy